

515-9-6-.01 Requirement to Use Reasonable Care and Commission Recognized Best Practices.

- (1) For purposes of this Rule, Best Practices means the Common Ground Alliance Best Practices for protecting vital underground facilities (“Common Ground Alliance Best Practices”), sponsored by the United States Department of Transportation as described in 49 USC § 6105(a) as may be amended from time to time.
- (2) Reasonable care must be used by all excavators in an area in which underground facilities may be located. For purposes of excavating in an area in which underground facilities may be located, reasonable care under O.C.G.A. § 25-9-8(b) includes, but is not limited to, compliance with the Common Ground Alliance Best Practices.
- (3) Utility Owner/Operators and Locators shall each also exercise reasonable care. Reasonable care requires, at a minimum, the use of the best available information to designate the facilities and notification to the UPC of such attempted location. (O.C.G.A. § 25-9-7(k)(1)). Reasonable care shall also include but not be limited to compliance with the Common Ground Alliance Best Practices as well as the accurate location and marking of facilities in accordance with O.C.G.A. § 25-9-9(a) and the American Public Works Association (“APWA”) color code in place at the time the location of the utility facility is designated. (O.C.G.A. § 25-9-7(a)(2)).
- (4) Common Ground Alliance Best Practices shall be read in conjunction with Georgia law. In any instance in which the Common Ground Alliance Best Practices conflict with state law, state law shall serve as the controlling authority.
- (5) Nothing in these rules shall be interpreted to authorize any entity, utility or municipality certificated or otherwise regulated by the Commission to follow any practice that is less stringent than that which is already required by Georgia State law.
- (6) Evidence of the implementation and utilization of the Common Ground Alliance Best Practices by a facility owner and/or operator or a locator or an excavator at a hearing as prescribed by O.C.G.A. § 25-9-13(h)(7) shall be considered in the Commission’s analysis of reasonable care. Such evidence when presented by a party shall be one criterion for the Commission to consider in its reasonable care analysis but shall not in and of itself constitute conclusive proof of reasonable care.

Authority O.C.G.A. Secs. 25-9-7, 25-9-8, 25-9-9, 25-9-13, 46-2-20, 46-2-21, 46-4-153, 46-4-160, 46-5-163, 46-5-168, 50-13-4. **History.** Original Rule entitled “Commission Recognized Best Practices” adopted. F. June 14, 2004; eff. July 4, 2004. **Repealed:** New Rule entitled “Requirement to Use Reasonable Care and Commission Recognized Best Practices” adopted. F. Oct. 14, 2009; eff. Nov. 3, 2009.