



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 425
[2005 Senate Bill 498]

**“Digger’s Hotline” Excavation
Notices**

Wisconsin Act 425 relates to the “digger’s hotline,” the state system for informing excavators of the location of various transmission facilities, including water, sewer, natural gas, electric, and telecommunications facilities. Current law provides that upon notice of a planned excavation, the owner of transmission facilities must mark the location of its facilities in the area of the planned excavation to enable the excavator to locate the facilities without endangering the security of the facilities or the public.

2005 Wisconsin Act 425 requires a local governmental unit that receives a notice of a planned excavation to mark the location of laterals that are in the public right-of-way connected to its water and sewer facilities, as well as the facilities themselves. Laterals are generally owned by the property served, not the local government that owns the water or sewer facilities. *In lieu of marking the laterals*, Wisconsin Act 425 allows a local government to provide the excavator with information regarding the location of the laterals as shown in maps, drawings, diagrams, or other records, that are readily available. If the local governmental unit has no such readily available information regarding such laterals and the local governmental unit provides the excavator with a written notice that they have no such readily available information, the local governmental unit is considered to have satisfied the requirements under the law to mark the locations within the right-of-way of all laterals connected to the sewer or water facilities. The term “local governmental unit” is defined in the law to mean a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or a special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

Wisconsin Act 425 also requires that any person, after December 31, 2006 who installs a nonconductive water or sewer lateral must also install a locating wire or other equally effective means for marking the location of the lateral. This requirement of the law does not apply to minor repairs to or partial replacements of laterals installed before January 1, 2007.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

Effective Date: The provisions of the Act first apply to trenchless excavation notices that are received on August 1, 2006. The Act first applies with respect to all other excavation notices that are received on June 1, 2009.

Prepared by: Russ Whitesel, Senior Staff Attorney

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