



TIM GRIFFIN  
ATTORNEY GENERAL

July 27, 2023

The Honorable Terry Rice  
The Honorable Jeff Wardlaw  
c/o Marty Garrity  
Arkansas Legislative Council  
1 Capitol Mall  
Little Rock, AR 72201

***RE: Quarterly Report – Arkansas Underground Facilities Damage Prevention Act***

Dear Co-Chairs Rice and Wardlaw:

In accordance with Arkansas Code Annotated § 14-271-104(g), I submit this quarterly report for review by the Arkansas Legislative Council. This report covers the time period from March 24, 2023 through June 30, 2023.

Act 309 of 2023, which amended the Arkansas Underground Facilities Damages Prevention Act (the “AUFDDPA”), was enacted with an emergency clause on March 24, 2023. That legislation requires, *inter alia*, that my office report (1) the number of complaints submitted under the AUFDDPA; (2) the number of the submitted complaints that were settled or prosecuted; and (3) the amount of fines collected during the previous quarter. From the effective date of Act 309 to present, my office has received forty-nine (49) complaints, has settled zero (0) complaints, and has yet to collect any fines. However, my office has filed one lawsuit<sup>1</sup> and is currently reviewing the remainder of the complaints.

I will aggressively and enthusiastically investigate complaints and pursue appropriate legal action as we enforce the AUFDDPA. To that end, my office has issued an enforcement advisory wherein the public has been advised that my office now has authority to civilly enforce any violations of the AUFDDPA. That enforcement advisory is attached hereto as ***Exhibit A***.

Third, and finally, my office is promulgating a uniform complaint form which will streamline operations to ensure efficient government for Arkansans.

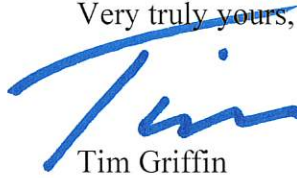
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<sup>1</sup> *State of Arkansas v. Ground Zero Construction, Inc.*, Case No. 04CV-23-1125, filed in the Circuit Court of Benton County, Arkansas on April 27, 2023.

If you have questions or concerns, please do not hesitate to contact me at (501) 837-5190.

With best regards, I am

Very truly yours,



Tim Griffin

TG/acb

CC: Scott Bowman, Chief Executive Officer, Arkansas One Call Center (811)  
Michael Marchand, Executive Director, Arkansas Public Service Commission  
Angela Sartori, Director of Pipeline Safety, Arkansas Public Service Commission



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## **ENFORCEMENT ADVISORY**

### **THE ARKANSAS UNDERGROUND FACILITIES DAMAGE PREVENTION ACT**

July 20, 2023: This advisory is directed to all individuals and contractors that perform excavation or demolition activities and all operators of underground facilities.

The purpose of the Arkansas Underground Facilities Damage Prevention Act (AUFDPDA) is to protect the public from the dangers associated with damaged underground facilities. The Arkansas General Assembly passed, and the Governor signed into law Act 309 of 2023, which amended the AUFDPDA by establishing new penalties and mandatory training for persons who violate the provisions of the Act.

The Attorney General is authorized to enforce the provisions of the AUFDPDA. Since the passage of Act 309, the Office of the Attorney General has received numerous complaints against people who violate the provisions of the Act and has initiated enforcement actions.

The Attorney General urges all people to excavate safely and comply with the AUFDPDA. The Arkansas One Call Center offers a training program in underground facilities damage prevention should any person need help complying with the AUFDPDA. The Attorney General will seek penalties pursuant to Act 309 against any person who repeatedly violates the AUFDPDA.

Complaints of violations of the AUFDPDA may be submitted to the Office of the Attorney General by completing the attached complaint form and submitting it and all supporting documentation to [811complaints@ArkansasAG.gov](mailto:811complaints@ArkansasAG.gov). The complaint form may also be downloaded at this link: <https://arkansasag.gov/wp-content/uploads/811-Reporting-Complaint-Fillable-Form.pdf>.

If you have any questions, contact the Public Protection Division at the Office of the Attorney General at (501) 682-2007 or at [Consumer@ArkansasAG.gov](mailto:Consumer@ArkansasAG.gov).