



The Underground Utility Line Protection Law
73 P.S. § 176 et. seq., as amended*

The “One Call Law”

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Objectives of The One Call Law

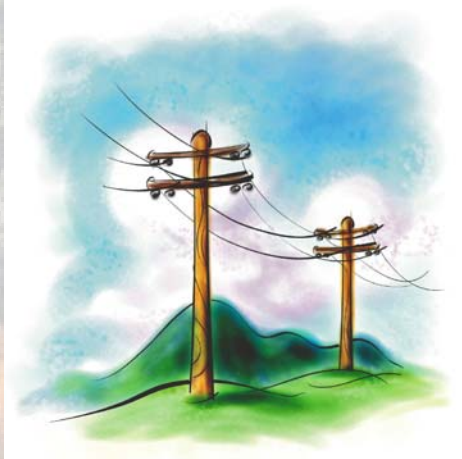
- Reduce contact with underground facilities
- Reduce injuries
- Minimize service interruptions
- Promote public safety
- Protect the environment



Recent Amendments

- SB 1104 of 2006 (Act 181 of 2006)
 - Signed November 29, 2006 by Governor Rendell
- Changes will be addressed throughout.
- Took effect 120 days from date Governor signed - March 29, 2007

Definitions



- **Line or facility**

- an underground conductor or pipe used in providing *electric* or *communication* service, or
- an underground pipe used in carrying or providing *gas*, *oil* or *petroleum product*, *sewage*, *water* or *other service* to one or more consumers or customers

Definitions

- Line or facility

- Recent Amendments:

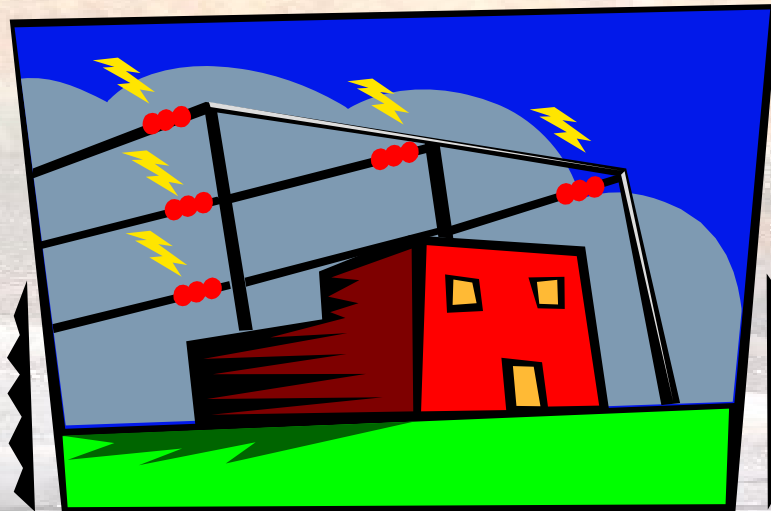
- Clarifies types of fossil fuels carried, *gathered or transported* in lines/facilities
 - Natural or artificial gas, petroleum, propane added
 - Product of fossil fuels now included.
- Clarifies that only *unexposed* storm drainage or traffic loops included.
- Excludes oil/gas lines regulated by USDOT.



Definitions

- **Facility Owner**

- *Public utility* or *agency*, *political subdivision*, *municipality*, *authority*, *rural electric cooperative* or *other person* or entity who or which owns or operates a line.



Definitions

- **Facility Owner**

- Recent Amendments

- “Facility Owner” now replaces “Owner” throughout The One Call Law.

- No substantive changes as a result of this substitution.

- Now *excludes*:

- Person’s serving *own property* through their *own lines* if no other customers (i.e., individual private facility), or
- Person’s using *someone else’s line*, but only if it only serves them (e.g., rental property).

Pennsylvania One Call System, Inc.

- Toll-free communication system for excavators, designers and others to notify facility owners of intent to perform excavation, demolition or similar work.
- Facility owners use system to notify contractors and designers that lines have been marked.



Pennsylvania One Call System, Inc.

1-800-242-1776

www.paonecall.org

Know What's Below.

Call Before You Dig.



POCS

- Assigns serial number(s) to locate request – the Ticket
- POCS transmits request to facility owners via computer network, printer, fax or e-mail.
- Facility owner respond to the locate request through POCS
- POCS provides responses to *excavator* or designer
 - “excavator” now replaces “contractor” throughout One Call Law.

Facility Owner Duties

- Be a member of and give notice/ mailing address* to Pa. One Call
- Respond to designer's request for location and type of lines at a proposed work site within 10 business* days.
 - But not later than 1 business day before excavation*
- Mark the type and location of underground lines not more than 2 working days from receipt of an excavator's timely request through the One Call System.
- Recent One Call Law Amendments –
 - Now must mark plans provided by designer.
 - Std'd locating techniques now defined.
 - No longer use American Public Works Association (APAW)/Utility Locating and Coordination Council Temporary Marking Standards (ULCCTMS).
 - Now must use Common Ground Alliance Best Practices for Temporary Marking as set forth in ANSI std'd Z535.1.

Uniform Color Codes



WHITE - Proposed Excavation



PINK - Temporary Survey Markings



RED - Electric Power Lines, Cables, Conduit and Lighting Cables



YELLOW - Gas, Oil, Steam, Petroleum or Gaseous Materials



ORANGE - Communication, Alarm or Signal Lines, Cables or Conduits



BLUE - Potable Water



PURPLE - Reclaimed Water, Irrigation and Slurry Lines



GREEN - Sewers and Drain Lines

Facility Owner Duties

- After marking – advise Pa. One Call
- Responses include:
 - Clear – no facilities
 - Conflict. Lines nearby. Direct Contact to follow from facility owner.
 - Marked.
 - Insufficient Information. Do Not Dig.
- Must participate now in pre-construction meetings for “complex projects”*
 - Excavation projects that involves more work than can properly be described in a single locate request, or
 - Projects so designated by excavator because of complexity or potential to cause significant disruption to lines, facilities, or the public.

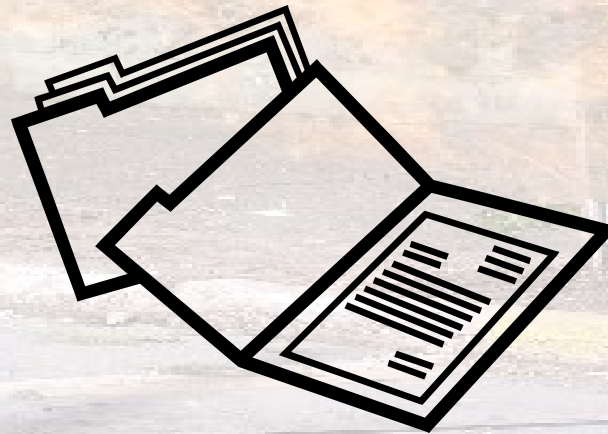
Facility Owner Duties

- Respond to emergency notifications as soon as practical following receipt of notification.
- Emergencies are occurrences involving a clear and immediate danger to life, property *or the environment.**



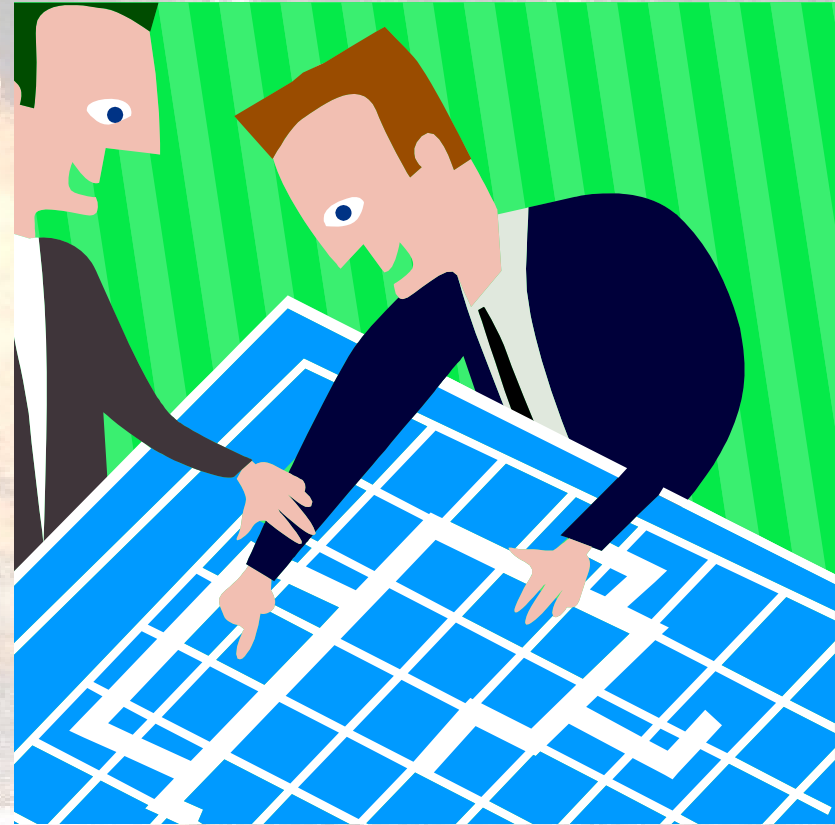
Facility Owner Duties

- Submit an incident report to L&I not more than 10 business days after receipt of notification of damage.
 - Personal injury
 - third party damage
- Facility owners must also comply with requests for information from L&I within 30 days of request.



Designer

- Architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work



Designer's Duties

- Request type and location of facility lines, through POCS within 10-90 business* days before final design is complete.
- Show type, position and facility owner on the drawing.
- Make a reasonable effort to prepare construction drawings to avoid damage to and minimize interference with facilities in the construction area by maintaining an 18-inch clearance *or as provided in the applicable easement condition.**

Designer's Duties

- If location of proposed construction is changed, designer must request location information again.
- *New* – must provide copies upon request to facility owners.
- Designer is deemed to have met obligations if he calls the one call system and shows the ticket serial number on the drawings and the toll free one call number.

Excavators



- No longer called “Contractors” in amended One Call Law.
- Any person who performs excavation or demolition work for himself or for another person.

Excavator's Duties

- Request through POCS the type and location of underground facilities at the proposed work site within 3-10 *business** days before commencing work.
- Request must include specific information to identify the work site.
- If specific information cannot be provided, the excavator must use white paint to identify the location.

Excavator's Duties

- If the excavator plans to work at a large site or at multiple sites, he should collaborate with facility owners including a preconstruction meeting so facility owners may locate lines in advance.
 - Must give notice of the preconstruction meeting.
- Excavators must wait at least 3 business days before scheduled excavation date to commence work.
 - Excavation date must be on or after 3rd business day after notification received by POCS.
 - Must be at least 10 bus. days in advance for complex projects.
- After excavation work commences, the excavator is responsible for protecting and preserving the facility owner's markings.
- If the marks are not preserved the excavator must place a call to POCS for re-marking.

Excavator's Duties



- Exercise due care and take all reasonable steps to avoid injury to or otherwise interfere with lines.
- Within the tolerance zone or if there is not enough information to locate the lines, use prudent techniques.
- **New** – “Horizontal Drilling” – must use best practices published by the HDD Consortium.

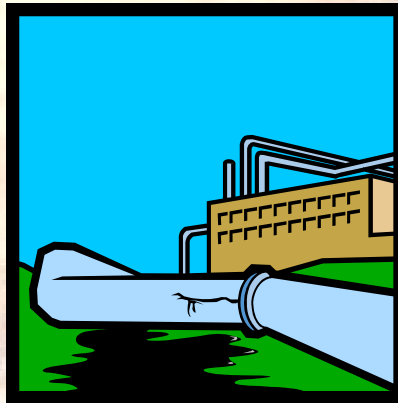
Excavator's Duties

- If the facility owner fails to or is unable to mark its underground facilities, the excavator may proceed with excavation as long as he exercises reasonable care and uses prudent techniques.
- Excavators must inform equipment operators of the information received from facility owners relating to type and location of lines and the responsibility to exercise due care and use prudent techniques.

Excavator's Duties

- Report to facility owner:

- Break
- Leak
- Dent
- Gouge
- Groove
- Other damage



Excavator's Duties



- **New** – Immediately notify 911 and facility owner of damage if results in escape of flammable, toxic, or corrosive gas or liquid endangering life, health or property.
- Must take “reasonable measures” to protect themselves, those in immediate danger, the general public, property and the environment.
 - Duty continues until facility owner or 1st responders have arrived.
 - Must remain on site thereafter to assist as needed.

Excavator's Duties

- If excavator changes the location, scope or duration of the excavation, must request type and location information, through the POCS again.
- If excavator removes its equipment and vacates a worksite for more than 2 business days, must re-notify POCS unless other arrangements have been made directly with facility owners.

Excavator's Duties

- Submit incident report to the Department not more than 10 business days after damaging a facility owner's lines:
 - Personal injury
 - Third party property damage
- Comply with all requests for information from the Department relating to its enforcement authority.

Project Owner Duties

- ***New section*** added to One Call Law.
 - Creates new violations.
- Must use sufficient quality levels of subsurface utility engineering or similar techniques whenever practicable to determine existence/positions of underground facilities
 - Applies to “known” complex projects having est. cost of \$400K or more.

Project Owner Duties

- Timely respond to notifications from excavators.
- Participate in design and preconstruction meetings.
- Install color-coded permanent markers indicating type/location of all laterals installed by the project owner.
 - Where practicable in opinion of PO.

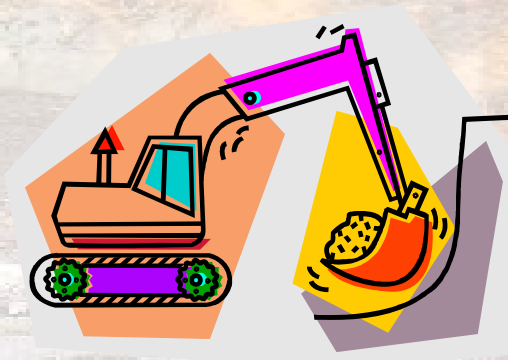
Departmental Enforcement

- Investigate incident reports
 - One call ticket information
 - Work site information
 - Facility owner information
 - Incident information



Violations

- Failure to be a member of THE One Call System.
- Failure of excavator to request type and location of underground facilities at proposed worksite.
- Failure to mark lines after receiving notification through the one call system.
- *New* – Intentionally removing/tampering with markers.
- Failure of a excavator to exercise reasonable care



Violations

- Failure of excavator to use prudent techniques.
- **New** – Failure to immediately alert 911 or facility owner to the existence of an emergency
- **New** – Failure to take immediate steps (until 1st responders/facility owner arrive) to protect people, property and the environment.
 - Based on excavators knowledge, training, resources, experience and understanding of the situation.
- **New** – Failure to remain at emergency site to assist with 1st responders/facility owner unless discharged.

Enforcement

- Criminal
- Civil
- Administrative



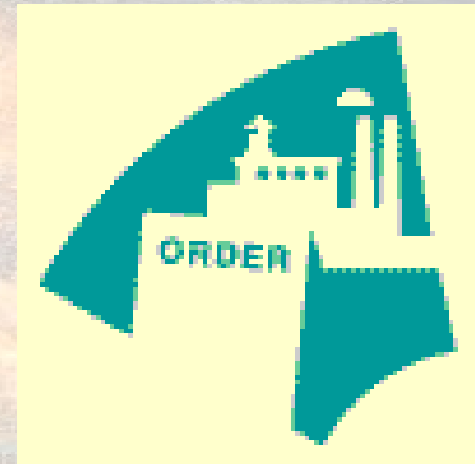
Criminal Enforcement

- May be brought by AG, DA or L&I
- Summary offense – fine not less than \$2500 nor more than **\$50,000 (new)** and/or up to 90 days in jail.
 - Recent amendments increase maximum amounts under schedule of fines.



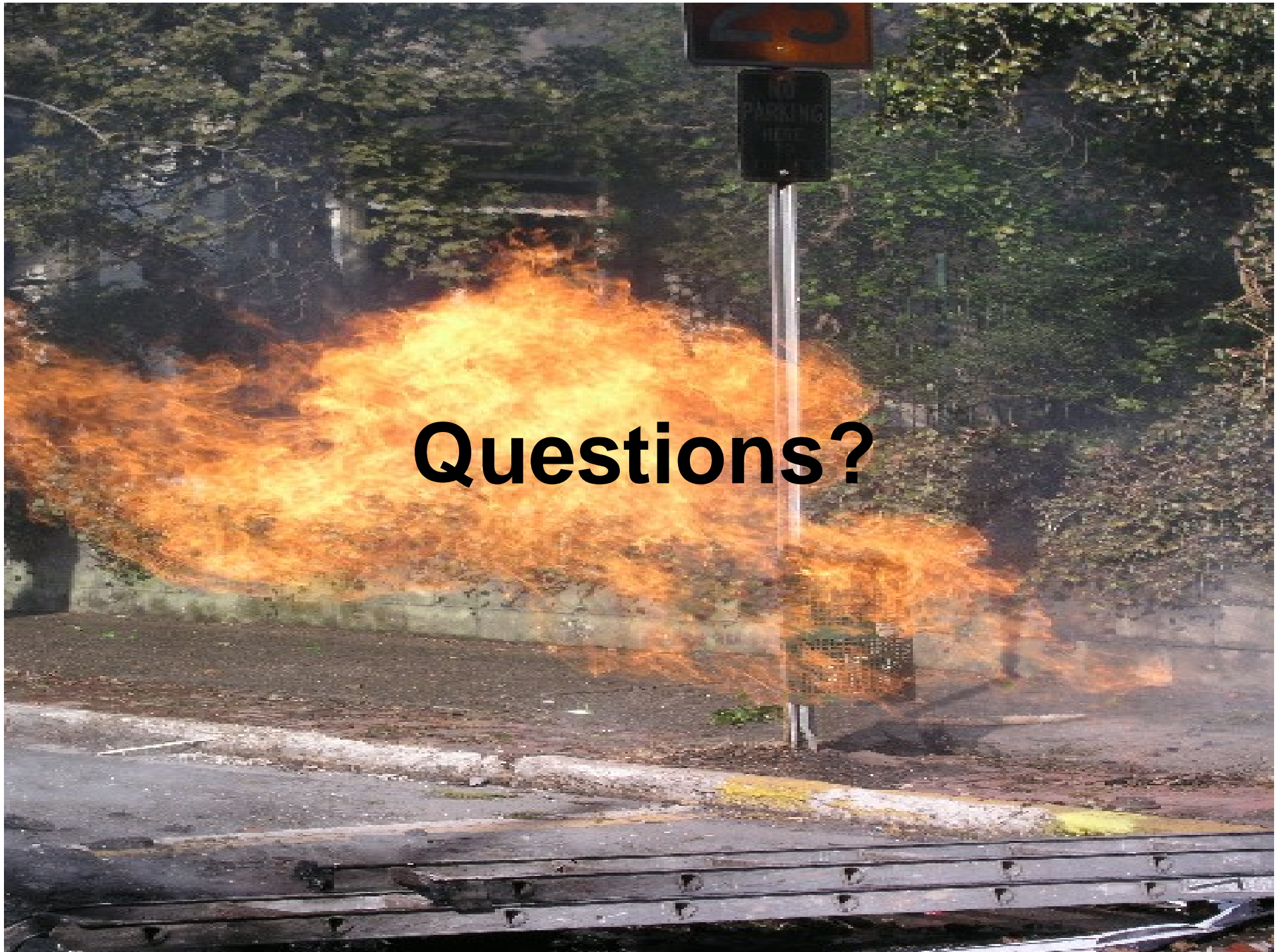
Civil Enforcement

- Injunctive action to stay excavation
- **New** – Local Law Enforcement may order excavation to stop if excavation taking place in violation of One Call Law.



Administrative Enforcement

- Failure to be a member – not more than \$500 per day. Each day is separate violation.
- 3 or more warnings in a *calendar year* – penalty not to exceed \$500.
- Property damage less than \$10,000 – max fine \$1,000.
- Property damage of more than \$10,000 – max fine \$5,000
- Personal injury or death – max fine \$10,000.



Questions?