









**APWA Uniform Color Code
FOR MARKING
UNDERGROUND UTILITY LINES**

| | |
|---|--|
|  | Proposed Excavation |
|  | Temporary Survey Markings |
|  | Electric Power Lines, Cables, Conduit and Lighting Cables |
|  | Gas, Oil, Steam, Petroleum or Gaseous Materials |
|  | Communication, Alarm or Signal Lines, Cables or Conduit |
|  | Potable Water |
|  | Reclaimed Water, Irrigation and Slurry Lines |
|  | Sewers and Drain Lines |

Maryland & Washington, D.C. Excavator's Guide



Call before you dig!



1-800-257-7777
missutility.net

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INTRODUCTION

Excavation damage can cause injury, loss of life, and environmental damage. It also causes interruptions to vital services and can involve tremendous repair costs. So please, dig safely:

- Call before you dig
(Call 1-800-257-7777 on the Western Shore of Maryland and 1-202-265-7177 in Washington, D.C.);
- Wait the required time and for a positive response from each of the facility operators/owners that received your request that the lines are marked or are outside the work area;
- Respect and maintain the marks; and
- Dig with care (hand dig in tolerance zones, test hole, and protect facilities).

PREFACE

This publication has been prepared as a guide for Miss Utility of Maryland's and District One Call of Washington, D.C.'s excavators as a reference tool for using the one-call and notification center operated by Miss Utility. Being familiar with its contents is essential to successful communication between the excavator and the facility operator/owner. We suggest that you keep this publication on hand for future reference when questions or problems arise.

We also suggest that you give a copy of this publication to all employees who regularly contact Miss Utility and D.C. One Call. There is no copyright on the material in this booklet, so you can copy it for employees and include it as part of their safety training.

Miss Utility has tried its best to ensure the information provided is accurate as of the date of publication. Only those practices receiving a consensus of Miss Utility members were included. Miss Utility shall not be held responsible for typographical errors or other errors, changes that occur after the date of this publication, or any subsequent federal, state or local regulations which may apply. If there are any conflicts between the content of this publication and any federal, state or local regulations, then follow the federal, state or local regulations.

(NOTE: The contents of this publication are subject to change without notice.)

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www.missutility.net

WHAT IS MISS UTILITY?

Miss Utility is:

1. The “approved one-call notification center” for the State of Maryland (as per Maryland code); D.C. One Call is the notification center for the District of Columbia (as per Washington, D.C. Code);
2. A corporation whose purpose is to prevent damage to underground infrastructure by:
 - a) Performing the “approved notification center” and the “one-call system” functions
 - b) Fostering a sense of shared responsibility for the protection of underground facilities
 - c) Developing and conducting excavator and public awareness and education programs.

Miss Utility does not locate lines itself; it ensures that its member utilities with underground facilities at your job site know to identify their lines. The Notification Center offices are located at 7223 Parkway Dr., Hanover, MD 21076. Members include owners and operators of underground facilities. Interested parties, such as excavators, contractors, and others are invited to damage prevention meetings held the fourth Tuesday of every month. The meetings are a great forum for voicing your concerns with the process and getting an opportunity to meet face-to-face with other interested parties. For a complete list of member utilities, please visit www.missutility.net.

WHY IS MISS UTILITY BENEFICIAL FOR EXCAVATORS AND CONTRACTORS?

IT'S THE LAW

Maryland and D.C. statutes require prior notification to all owners and operators of underground facilities in your work area of your intent to excavate (please see the definition of Excavation on pg. 26). Most underground facility owners are required to be members to receive notifications of your excavation. Our members must respond to your notification of a planned excavation.

- Maryland Code: Title 12 “Underground Facilities;” Subtitle 1 and 2: “Excavation or Demolition Near Underground Facilities” (Appendix A)
- Washington, D.C. Code: Title 34 Public Utilities, Chapter 7 “Underground Utility Damage Prevention and Safety” (Appendix B)
- Occupational Safety and Health Administration (OSHA) Subpart P - Excavation Standard 29 CFR 1926.651. (Appendix C) or <http://osha.gov>

IT'S EASY

To contact Miss Utility and D.C. One Call: Call 1-800-257-7777 on the Western Shore of Maryland Call 1-202-265-7177 in Washington, D.C. Go to www.missutility.net for other options such as Internet Ticket Entry or Fax Ticket Entry.

SAVES TIME AND MONEY

Time is money. Work stoppages due to underground facility damage cost you money, and the repair of damaged facilities is costly.

Just one toll-free call, Internet or fax entry on your part and you can rely on the Notification Center to transmit your locate requests quickly and efficiently to facility owners/operators who are members. Miss Utility and D.C. One Call are set up to work for you, but only if you make the contact.

By notifying Miss Utility and D.C. One Call first, you should substantially reduce the number of telephone calls you have to make. With just one toll-free call, Internet or fax entry to the Notification Center, members are notified of your location request. Please understand that there are owners of underground facilities who are not members and thus do not receive notifications from the Notification Center.

Because existing underground facilities in your excavation area are marked pursuant to your request for a locate, your risk of hitting a line is reduced, and that means less chance of having a work stoppage. Plus, if you haven't called the Notification Center and you hit an underground facility, you may face civil penalties and could be held liable for the repair of any damage incurred. Fines and repairs can be costly.

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Why waste time and money when one call can save you both?

REDUCES COMPLICATED RECORD KEEPING

Due to the ever-increasing number of cable television, telecommunications and fiber optics companies, all with underground facilities, it is virtually impossible for you to identify and keep track of all those companies on your own. When you use Miss Utility and D.C. One Call, there's no need to keep complicated and time-consuming records. Our system does most of the work for you. We know which of our member utilities have lines in your excavation area and will let you know who they are.

PROVIDES SAFER WORKING CONDITIONS

By notifying member facility owners and operators through the Notification Center, you enhance your safety, that of your work crew, and the public.

PROVIDES SUPPORT

If you ever need verification or backup in the case of legal proceedings, the Notification Center can be invaluable. All incoming calls to the Notification Center are recorded and kept on file for six years. Verification of your call is available to resolve conflicts that may arise with facility owners/operators. There may be a fee for obtaining a copy of the ticket and the associated conversation.

DETERMINING WHO AND WHEN TO CALL

In any of the following situations, the excavator/contractor should contact the facility owner(s) directly.

- To report damage to any type of facility.
- To report any type of service outage.
- To resolve any type of billing problem.
- To request any type of facility removal or relocation. (Including mandatory meter or service removals prior to demolition of a building.) However, you still need to call Miss Utility or D.C. One Call for the excavation notice.
- To request any type of utility service.

If an excavation occurs outside the state of Maryland or Washington, D.C., that state's one-call center should be contacted directly, instead of Miss Utility or D.C. One Call.

Workdays are considered 7 a.m. to 5 p.m. Monday through Friday, excluding holidays. Emergency locate requests are accepted 24 hours a day, 7 days a week, 365 days a year. Please note that facility owners may have different working hours or holiday schedules.

MISS UTILITY METHODS OF COMMUNICATION

Use a phone

Call 1-800-257-7777 on the Western Shore of Maryland
Call 1-202-265-7177 in Washington, D.C.

Use the Internet (for professional excavators)
www.MissUtility.net

The Notification Center created ITIC, an Internet application that allows professional excavators to input their locate requests LIVE on the Internet. You can find more information on ITIC by visiting <http://www.missutility.net/itics/>.

Since this can be done virtually any time of day, at the excavator's leisure, most excavators find this method to be a great time savings compared to calling in locate requests.

Fax-a-locate request (for professional excavators)
Fax ticket entry to 410-712-0062 in MD,
301-621-1311 in D.C.

Miss Utility and D.C. One Call allow excavators to fax their standard, non-emergency locate requests as opposed to calling them in.

To use the fax-a-locate program, you must first become a fax-a-locate member. The Notification Center will send the excavator a fax package, which contains an application to be a fax-a-locate member, the procedures to follow, district codes for current Miss Utility and D.C. One Call members, a list of abbreviations to use on the fax form, and a pad of fax location request forms (this is the specific form for entering the information). To enroll in the fax-a-locate program, please contact Miss Utility at 1-800-257-7777 for the application.

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OWNER-CONTRACTOR INFORMATION EXCHANGE SYSTEM (MARYLAND)

Call Ticket Check®

Phone: 1-866-821-4226 or

http://www.missutility.net/search_status/

As an excavator in Maryland, you can contact the Owner/Contractor Information Exchange System (a.k.a. Ticket Check) by calling a special toll-free number, 1-866-821-4226. A voice will prompt you through the steps to retrieve the status of your tickets. You will be asked to enter an ID code—the contact callback telephone number you provided when you called the Notification Center. Ticket Check will identify the telephone number on each individual ticket; if this information changes, make sure you use the telephone number that was used at the time of each call. For further information on how to utilize this system, contact a Customer Service Center supervisor at 1-800-257-7777. You can also view and print your tickets online at www.missutility.net on the Search & Status page.

Maryland Locator's Status Codes:

Maryland Facility Owner/Operator Locators will use the following "Status Codes" to communicate each ticket's locate status:

| | |
|----------------|---|
| Code 1: | Clear/No conflict. If code 1 is selected, it will be locked out as the final selection. The owner/operator cannot change or delete a code 1 response. |
| Code 2: | Marked. If code 2 is selected, the only code it can be changed to is code 1. |
| Code 3: | 24-hour delay. When code 3 expires (after 24 business hours respectively), the utility owner will be sent a "no response" every 24 hours until it is assigned code 1, 2 or 5 status, or until the 9th business day following the originating date of the ticket. |
| Code 4: | 48-hour delay. When code 4 expires (48 business hours respectively), the utility owner will be sent a "no response" every 24 hours until it is assigned code 1, 2 or 5 status, or until the 9th business day following the originating date of the ticket. |

| | |
|-----------------|---|
| Code 5: | Not complete/In progress. The locator has spoken with the excavator and they have agreed to this message. |
| Code 8: | Utility locator has not yet responded. If the ticket has not been assigned a status by the second full business day, the utility company will only be able to issue a code 1, 2 or 5. If the ticket has not been assigned a status by the second full business day, the utility company will automatically be sent a "no response" ticket. This notice is to inform the locator that they have not assigned a status to the ticket in the required time frame. A "no response" will be sent every day up until the 9th business day following the originating date of the ticket OR until they status the ticket with a marked or clear. |
| Code 9: | Marked up to privately owned utility. |
| Code 10: | Incorrect address information. Please call Miss Utility to reschedule. |

Maryland Excavator Status Codes:

The excavator can utilize this system to communicate with the locator. You have access to two "Status Codes" listed below.

| | |
|---------------|---|
| Code 6 | Locate discrepancy. The excavator can utilize code 6 if, when you are listening to the status of a ticket, a utility has selected code 1 or code 2. The system will prompt you with a question asking if you would like to send a discrepancy ticket. The selection of code 6 will generate what is called a "discrepancy" ticket. When the locator receives this ticket, it is their responsibility to contact you to determine why you have a discrepancy with the marked or clear status of the locate request. |
| Code 7 | Not complete/In progress dispute. The excavator can utilize code 7, of when you are listening to the status of a ticket, a utility has selected code 5. The selection of code 7 will be documented on a daily report stating that the locator did not contact you. A dispute will be logged one time per utility per ticket. |

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Maryland Positive Response Fax-backs:

If you provide a fax number when you call the Notification Center, an automated fax-back detailing the status activity on each ticket will be sent to you after 5 p.m., two full business days following the original call date on the ticket. For example: a ticket called in at 7 a.m. on Monday morning will be faxed after 5 p.m. on Wednesday. It is your responsibility to call Ticket Check to follow up on any statuses that have not yet been posted at the time of the fax. This can be done by calling 1-866-821-4226 or by logging onto www.missutility.net/search_status/index.asp.

TYPES OF "INTENT TO EXCAVATE" NOTIFICATIONS HANDLED BY MISS UTILITY

The Notification Center can process several types of "INTENT TO EXCAVATE" notices; they include:

- NORMAL: excavation or demolition with work description
- EMERGENCY
- INSUFFICIENT NOTICE or SHORT NOTICE

'NORMAL' Maryland Excavation Notices

Excavators in Maryland are to give at least 48 hours, but not more than 10 working days, notice prior to the day (excluding weekends and holidays) they plan to start work. Miss Utility will issue a normal work-to-begin date and time 48 hours (excluding weekends and holidays) after notice. Owner/operator members who receive the notice in Maryland are to contact Ticket Check within 48 hours. The excavator must check Ticket Check by phone at 1.866.821.4226 or through the Internet at http://www.missutility.net/search_status to see how those that received the notice responded. Excavators who provided a fax number will also receive a fax indicating the responses.

Maryland example: A call made at 10 a.m. on the Friday before a normal two-day weekend will have a work-to-begin date of the next Tuesday at 11 a.m. Maryland owner/operator members should notify Ticket Check by 11 a.m. on Tuesday. If an excavator provides a fax number, a fax from Ticket Check will be sent to the excavator after 5 p.m. on Tuesday.

'NORMAL' Washington, D.C. Excavation Notices

Excavators in D.C. are to give at least 48 hours, but not more than 15 calendar days, notice prior to the day (excluding weekends and holidays) they plan to start work. The Notification Center will issue a normal work-to-begin date and time 48 hours (excluding weekends and holidays) after notice. Owner/operator members who received the notice are to respond back to the excavator 48 hours after the excavator called.

Washington, D.C. example: A call made at 10 a.m. on the Friday before a normal two-day weekend will have a work-to-begin date of the next Wednesday at 11 a.m.

'EMERGENCY' EXCAVATION NOTICE

An emergency is defined in the respective state laws. In general, an emergency exists only when one or more of the following conditions exist:

- The unforeseen excavation, which, if not performed, could present a danger to life, health or property.
- The excavation is required to repair a service outage.
- An unstable condition exists which may result in any of the conditions listed above (for example, a leak in any service or main, or a fault in a primary or secondary wire and/or cable).

When calling in an emergency excavation, inform the operator that an emergency situation exists and be prepared to explain which of the above conditions is in effect. The Notification Center will prepare the ticket for immediate transmission and issue a work-to-begin date equal to the time the excavation is scheduled to commence.

'INSUFFICIENT' AND 'SHORT NOTICE' EXCAVATION NOTICE

If it is absolutely necessary to start non-emergency excavation prior to the standard 48-hour notice, the Notification Center will issue the request. However, if approval is not received from all the members involved, the excavation should not begin. If you begin excavation, you are in violation of the law and may be held liable for any direct or indirect damages that occur.

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PREPARING FOR NON-EMERGENCY AND OTHER TYPES OF NOTIFICATIONS TO MISS UTILITY

SEPARATE LOCATE REQUESTS

Every excavator on the job must have a separate one-call reference number (ticket number) before excavating. Often, there are several excavators on a job site performing work. The construction schedule may dictate different types of work requiring excavation from different specialty contractors simultaneously. In these situations, it is imperative for each excavator to obtain a ticket number before excavation to ensure that the specific areas have been appropriately marked by any affected underground facility owner/operator.

NOTIFICATION PROCESS

The Notification Center needs to obtain specific information concerning locate requests. There is a specific reason for every question asked. This section will provide a brief explanation of the reason for each. Locate request processing is easier if the excavator/contractor has an understanding of the questions and is prepared to answer them. Preparation is the key. The Notification Center call-taking procedures state that a separate ticket will be filed for each job site. Major projects within one municipality or unincorporated area can be covered by one ticket, provided the work involves a stretch of single road. For example, gas main construction which runs on Main St. from 1st Ave. to 10th Ave., and then on 10th Ave. to Elm St. would need to be filed on two separate tickets and described as follows:

Ticket No. 1: On Main St. from 1st Ave. to 10th Ave.

Ticket No. 2: On 10th Ave. from Main St. to Elm St.

Following is a brief explanation of each question asked by the Notification Center representatives or in ITIC:

Type of Call Being Placed

Notification Center Customer Service Representatives (CSR) will not specifically ask what type of call is being placed. Whether this is a normal, emergency, insufficient notice, or short-notice call generally becomes clear from the excavator/contractor's opening remarks.

1. Company/Person ID

All excavators/contractors are assigned a unique ID number which is used to expedite future calls. This information is also helpful in the event it is necessary to contact you for further information and may be needed to verify your identity (this must be obtained by contacting the Notification Center prior to using ITIC).

Excavator's/Contractor's Name, Company Name, and Mailing Address

The excavator's/contractor's name and company name are taken in order to maintain records of all locate requests. The mailing address of the excavator/contractor or the excavator's/contractor's company is recorded in order to enable the computer to store this information in a mailing list database. This mailing list is used to notify excavators of information pertaining to Miss Utility and D.C. One Call on a periodic basis.

Telephone Number

The telephone number (with area code) of the excavator/contractor is taken for callbacks in case additional information is required at a later time and for use by those members who call to confirm appointments or respond to an emergency excavation request.

Fax Number

To receive Positive Response information from Ticket Check and from many facility operators/locators, a fax number is needed.

Alternate Contact (i.e. Field Representative and Cell Phone Number)

If the person in charge of the work is different than the excavator/contractor, a field contact is needed. Locate requests can often be expedited when the person supervising the work can be reached directly.

2. County and State

The Notification Center accepts calls for all counties on the Western Shore of Maryland, and Washington, D.C.

The county and place of the work site are needed to identify the job site location. The accuracy of this information may affect which members are notified.

3. Map Page and Grid

The Notification Center uses Alexandria Drafting Company (ADC) map books. If you do not have a map book, the Notification Center will attempt to determine the page and grid for the notice.

The accuracy of this information may affect which members are notified.

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4. Work-to-Begin Date and Time

The Notification Center will ask when the work is scheduled to begin, or default to the earliest start based on the respective State code. The notice ticket only shows the requested work-to-begin date. The legal work-to-begin date is based solely on the respective state codes which do not permit the excavation to begin until the facility operators/owners have all provided the appropriate positive response except for legitimate emergencies.

5. Place Name

The Notification Center recognizes legal municipalities (cities, civil towns, and villages) and unincorporated communities including subdivisions which appear on official Department of Transportation maps. It is very important to identify the exact place name in which the work will be performed.

6. Street Address of Work Site

The Notification Center also uses the street name to identify which members are to be notified. It should be noted that the members of Miss Utility and D.C. One Call use different types of mapping records. To ensure that the information received is recognizable by all members, the Notification Center has requirements for identifying the location of the job site. The best information is a street address. If a street address is not available, the Notification Center will ask for the following information:

- the name of the street;
- what side (N, S, E, or W) of that street;
- name of intersecting road; and
- how far, and in what direction, is the site from the intersection.

7. Nearest Intersecting Street

This information ensures that the Notification Center is accurately identifying the work site on the computer map, which further ensures that the proper facility owners are receiving the locate request information. Other information, such as route and box numbers, are also helpful and will be taken, but are insignificant by themselves. In rural areas, the Notification Center will also ask for the name of the occupant and phone number where the excavation will occur.

8. Type of Work

Facility owner/operator locating staffs need to know the extent of the job. Excavators, therefore, need to identify the specific reason for the work and to the work

method. For example, "boring sanitary sewer lateral" is more helpful than "digging for a sewer line." Due to the number of damages that occur with boring, facility owners/operators need to be aware if boring will take place at the work site.

9. Extent of Work

After identifying the location of the job site, the Notification Center needs to identify what portion of the job site is to be marked out. It is assumed that the excavator will work with facility owners, informing them where and when work will occur, so that marking can be accomplished in a timely manner. In all cases, the Notification Center is looking for a detailed description of the area to be marked out so that facility owner/operators can determine if an underground facility is within 5 feet of the horizontal plane of the planned excavation.

White Line or Stake Planned Excavation

Whenever possible, identify the proposed work area with white paint, flags, or stakes. This will provide locators with an accurate understanding of the proposed excavation area. When the location of proposed excavation is identified in this manner, the boundaries of the proposed site should be indicated in white to avoid conflict with the colors used to identify existing underground facilities. Facility owners may identify proposed excavations for new facilities by using white paint; or flags or marking tape striped with the appropriate facility color code. Such markings should identify the owner of the facility.

Detailed Description of Excavation.

The following are guidelines to be used when identifying proposed excavations: cable, conduit, pipe, etc. In identifying this area, the following guidelines should be considered:

- Right and left should not be used as directions as they are relative points of view. Use north, south, east and west instead.
- If the excavation is in a roadway, marking instructions could include:
 - Mark from curb to curb.
 - Mark from lot line to lot line in the roadway.
 - Mark from the center line of road to N, S, E, W lot line or curb.
- Try to refrain from using "mark the entire lot." Rural lots are very large and are, therefore, difficult to mark. List the specific area to be marked out. The following are a few examples:

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- Mark the west 20 feet of the lot.
- Mark the front of the house to the curb.
- Mark a 10 ft. radius of the NW corner of the lot.
- Mark the area from the house north approximately 100 ft. to the barn.
- Mark a 20-ft. radius around the perimeter of the home.

10. Explosives

The Miss Utility and D.C. One Call laws require excavators to inform all facility owners/operators if they are using explosives as part of their excavation methods. Gas safety regulations require gas facility owners to perform leakage surveys in the vicinity of any excavation or demolition after blasting has been performed.

11. For Whom The Work Is Being Done

The identification of who the work is being performed for is another resource for obtaining additional information about the project. The customer's name or the general excavator's name is sufficient.

12. Additional Comments

The Notification Center will also record any additional information deemed appropriate.

After all the information is verified, the Notification Center will issue a ticket number. It is very important to keep this ticket number as future inquiries concerning the ticket will be expedited if the ticket number is available. The Notification Center will provide you with the list of the members that will receive the locate request.

WHAT HAPPENS AFTER THE EXCAVATOR CALL IS MADE?

Intent to excavate notice (ticket) is processed by the Notification Center.

After the Notification Center completes the locate request, the ticket is processed by computer. The computer analyzes the area around the proposed excavation site to identify which members have elected to receive the information. The computer transmits the ticket number to the facility owner/operator member of Miss Utility and D.C. One Call via direct-dial communication links or the

Internet. Members receive the information on either a teletype printer, fax, e-mail or directly into their own computer. The Notification Center does not mark the lines. It is the facility owner/operator member of Miss Utility and/or D.C. One Call who determines if facilities in the proposed excavation area need to be located.

Miss Utility and D.C. One Call owner/operator member's office receives the intent to excavate notice (ticket) and determines appropriate response.

The information is received at the facility owner/operator members' mapping or screening departments, or in some cases by a contractor responsible for responding to the excavation notice (ticket). Trained personnel review the locate request in comparison with their maps and records. It is their job to decide whether or not the location of the work site is within 5 feet of the horizontal plane of the underground facility to existing underground facilities. Facility owners and operators may notify the excavator that they are unable to locate at the requested work-to-begin, date and time, and inform the excavator when the facilities will be marked. If the owner/operator cannot mark the location within 48 hours, the operator will notify the excavator of the date and time when the location will be marked. Such extraordinary situations may include, but are not limited to, governmental or owner/operator declared emergencies, hazardous inclement weather, or during major owner/operator outage restoration efforts.

Miss Utility and D.C. One Call owner/operator member's field locator performs the appropriate response.

Once it is determined that markings are required, the ticket is dispatched to a facility owner/operator field locator, who will locate and mark the excavation site with paint, stakes, and/or flags. Facility owner/operator members of Miss Utility and D.C. One Call will mark facilities within 5 feet of the planned excavation according to specific guidelines and color-codes and provide the required positive response to Ticket Check (in Maryland). (D.C. facility owner/operator members will fax back a confirmation of the locate request indicating that the described work site is either clear of that member's facilities or that a potential conflict exists and the member will mark or has marked facilities as requested).

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WHAT SHOULD THE EXCAVATOR DO AFTER NOTIFYING MISS UTILITY OF THE PLANNED EXCAVATION?

REQUEST LOCATES FROM FACILITIES NOT OPERATED OR OWNED BY MISS UTILITY MEMBERS

The Notification Center informs excavators of any facilities operated or owned by Miss Utility and D.C. One Call members that will receive a notification ticket; it is suggested that excavators contact the property owner for identification of other privately owned facilities owned or operated by non-members in the planned excavation. Contact those facility owners directly to request their lines be marked. There also may be homeowner or property-owner facilities that are on public right-of-ways or private property (i.e. water and sewer lines, electric, lighting, gas fuel lines, irrigation systems, dog fences, etc.).

WAIT FOR POSITIVE RESPONSE FROM THOSE NOTIFIED OF THE PLANNED EXCAVATION

A person may begin a standard non-emergency excavation or demolition only if the person contacts Ticket Check or receives notification that all applicable owners have either marked the approximate location of their underground facilities or reported that they have no underground facilities in the vicinity of the excavation or demolition.

Emergency excavation response. Most Miss Utility and D.C. One Call member utility owners/operators have agreed informally to make the best effort to respond to emergency notices that are a clear and present danger to life, health or property within two hours of receiving the notice or by the requested work-to-begin date and time.

ENSURE THE SAFETY OF GENERAL PUBLIC, EMPLOYEES AND PREVENT DAMAGE TO THE UNDERGROUND FACILITIES

Follow all local, state, and federal excavation regulations. Inform each person employed by the excavator at the site of such work of the information provided by the Notification Center and the operator/owners.

Locate verification. Prior to excavation, excavators verify they are at the correct location and verify locate markings and, to the best of their ability, check for unmarked facilities. Upon arrival at the excavation site and prior to beginning the excavation, verify that the dig site matches

the one-call request. Verify that all facilities have been marked, reviewing color codes if in doubt. Verify all service feeds from buildings and homes. Check for any visible signs of underground facilities, such as pedestals, risers, meters, and new trench lines. Check for any facilities that are owned by non-members of Miss Utility or D.C. One Call and contact the owner to get them located. Use of a pre-excitation checklist is recommended by insurers and practiced by responsible excavating contractors.

Facility relocations. In all cases, the excavator must coordinate work which requires temporary or permanent interruption of a facility owner's/operator's service directly with the affected facility owner/operator. Any temporary or permanent interruption requires the active participation of the facility owner/operator and the excavator to ensure protection of facilities through a joint preplanning meeting or conference calls. The Notification Center can note special contractor requests for a joint meeting on the ticket to the facility owner/operator to initiate the process. There will likely be a significant fee from the facility owner/operator for relocations. This type of relocation must be scheduled and time should be allowed for it on the part of the excavator.

Excavators should use a competent person.

A competent person should be present during the excavation. This person should be capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them. The excavator's designated competent person at each job site should have access to the names and phone numbers of all facility owner/operator contacts and the one-call/notification center. Situations may arise on the job site that require immediate notification of the facility owner/operator, one-call center or local emergency personnel.

Maintain the marks. Protect in a prudent and careful manner all markings provided by facility owner/operators. In the event of the obliteration, destruction or removal of the markings, the excavator shall notify the Notification Center of the need for remarking of utility lines by the facility owners/operators. After the excavation is complete, please complete the maintenance by removing the flags or other temporary marks that may be a hazard to others or

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as required for site restoration by the private or public property owner.

Excavators should use an excavation observer.

The excavator should have an observer to assist the equipment operator when operating excavation equipment around known underground facilities. The observer is a worker who is watching the excavation activity to warn the equipment operator while excavating around a utility to prevent damaging that buried facility.

Protect the marked underground utility lines.

This protection shall include, but may not be limited to, hand digging within the limits of the planned excavation or demolition including any trenching, starting 18 inches in MD and D.C., and 36 inches in Montgomery County, of either side of the extremities of the underground utility line for other than parallel type excavations and at reasonable distances along the line of excavation for parallel type excavations. There should be no power excavating equipment, sub-surface boring excavations, or heavy equipment supports (i.e. outriggers) within the tolerance zone. When excavation operations approach the estimated location of underground installations, the exact location of the installations shall be determined by safe and acceptable means such as test/pot holing all marked line(s) within the planned excavation to confirm the exact line location and depth prior to using power excavating equipment or sub-surface boring equipment. Miss Utility and D.C. One Call owner/operator members do not provide any depth information. During perpendicular crossings, line(s) should be exposed to visually confirm no damage occurs. Any excavation within close proximity to underground facilities may require the excavator to provide bracing or shoring to protect the line(s). A person shall exercise due care to avoid interference with or damage to an underground facility that a facility owner/operator has marked. Most facility owner/operator members require a minimum of 12-18 inches or more final separation between underground facilities. While the excavation is open, underground installations shall be protected, supported as necessary to safeguard employees. Please contact the operator/owner for removal/relocation of any facilities, additional guidance, or if any explosives will be used. Always assume all lines are active or energized.

Protect exposed facilities. Excavators need to support and protect exposed underground facilities from

damage. Protection of exposed underground facilities is as important as preventing damage to the facility when digging around the utility. Protecting exposed underground facilities helps to insure that the utility is not damaged and at the same time protect employees working in the vicinity of the exposed facility. Exposed facilities can shift, separate, or be damaged when they are no longer supported or protected by the soil around them. Excavators should support or brace exposed facilities and protect them from moving or shifting which could result in damage to the facility. This can be accomplished in different ways, for example, by shoring the facility from below or by providing a timber support with hangers across the top of an excavation to insure that the facility does not move or bend. In addition, workers are instructed not to climb on, strike, or attempt to move exposed facilities which could damage protective coatings, bend conduit, separate pipe joints, damage cable insulation, damage fiber optics, or in some way affect the integrity of the facility. The Occupational Safety and Health Administration (OSHA) has also addressed this issue in Subpart P - Excavation Standard 29 CFR 1926.651(b)(4) which states: "While the excavation is open, underground installations shall be protected, supported, or removed as necessary to safeguard employees." For example, an unsupported sewer main could shift, causing the pipe joints to separate which could result in the trench where employees are working to flood, endangering their safety.

RESPOND TO ANY DAMAGE IMMEDIATELY

If a damage creates a situation which endangers life, health or property, the excavator should immediately call 911 or local emergency personnel. This practice minimizes the danger to life, health or property by notifying the proper authorities who are able to evacuate as appropriate and command substantial resources unavailable to the excavator or underground facility owner/operator.

Also, report immediately to the owner/operator any break in, or leak on, its utility lines, any dent, gouge, groove or other damage to such lines or to the coating or cathodic protection made or discovered in the course of the excavation or demolition work. The excavator must immediately protect life, contact local emergency

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response personnel as appropriate, protect property, and notify the facility owner/operator of the damage. To this end, it is highly recommended to have the utility contact information on site with you at all times. This information can be obtained by contacting the Notification Center or logging onto www.missutility.net/search_status/index.asp. Alert immediately the occupants of any premise as to any emergency that the excavator may create or discover at or near such premises. A broken line may cause a hazardous atmosphere that may be explosive, flammable, poisonous, corrosive, oxidizing, irritating, oxygen-deficient, toxic, or that is otherwise harmful, and may cause death, illness, or injury.

For example, natural gas is not poisonous; but, it is extremely flammable and can cause oxygen deficiency. If, despite all precautions, you hit a natural gas pipeline or have reason to suspect a leak, you are urged to take these six steps to protect yourself and others. (Your local natural gas or propane provider may recommend additional precautions.)

1. Extinguish all open flames—such as welding equipment, heaters, cigarettes, etc.—immediately.
2. From a safe distance, call 911 to report the location of the natural gas odor and call the natural gas delivery company or propane provider.
3. Avoid any action that could cause a spark—such as starting equipment or a vehicle, ringing a doorbell, using a phone.
4. Alert everyone in the area of the potential danger.
5. Evacuate the site. Tape, rope or place cones around the area. As a last resort, if no other barricade materials are available, make a human chain a safe distance from the danger to keep others away.
6. Wait for professionals to arrive. Never try to fix a natural gas pipeline yourself or try to extinguish a gas fire. Remember, some of the most serious accidents are caused by well-meaning individuals who try to help when they are not qualified to do so.

OTHER FREQUENTLY ASKED QUESTIONS

Please refer to the respective state laws for the specific requirements. These answers only represent normal practice.

Q: How soon can I dig once the locate request has been placed?

A: It is very important to wait until all facility owners have responded to your request. Beginning work earlier can result in forfeiture of the excavator's rights and protection under Maryland and District of Columbia statutes. Miss Utility and D.C. One Call facility owner members will normally respond by the earliest work-to-begin date possible, usually 48 hours after you contact the Notification Center.

Q: How long is a locate request valid?

A: A ticket remains valid if the described work begins within 10 working days in Maryland and 15 calendar days in D.C. after the scheduled work-to-begin date and time, and the work is continuous and the locate marks are still intact. It is the excavator's responsibility to protect the marks. Large projects require a mutually agreeable locate schedule with each facility owner/operator. A ticket becomes invalid if the work did not begin within 10 working days in Maryland, and 15 calendar days in D.C. of the scheduled work-to-begin date and time, or the work scope changes, or the locate marks are missing or disturbed in such a way as to cause doubt.

Q: When should I request an update (remark)?

A: You may request the Notification Center to issue an update ticket after an original locate request ticket has been placed and one of the following conditions exists:

- Work scope changes
- Missing or disturbed locate markings
- Work did not begin within 10 days (in Maryland; 15 days in D.C.) of the scheduled work-to-begin date.

The original ticket number is required to obtain a remark. It will take 48 hours in Maryland for the remark request to be filled by Miss Utility and D.C. One Call facility owners/members.

Q: What about the depth of underground facilities?

A: Utility owners have no control over depth variation caused by human interference, weather, or other circumstances after the original installation. As a result, utilities will only mark the approximate horizontal location, not the depth of buried facilities.

Q: Why must I hand dig within a tolerance zone of a marked facility?

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A: This is important because locating is not an exact science, and, therefore, the actual location of the facility could vary from the position of the marks. Also, Maryland state and District of Columbia law mandates an 18-inch tolerance zone on each side of the extremities of a marked facility (36 inches in Montgomery County, MD). Mechanized equipment should not be used within this tolerance zone; hand digging or vacuum excavation is recommended.

Q: Why do utility locators say they cannot locate private lines?

A: There are customer or privately owned underground lines for a variety of reasons. Often there was regulatory reason or an economic decision on the part of the utility customer that it was less expensive to have someone else other than the utility install the underground facility. For example, excerpts from a public utility tariff reads "... underground services to serve ... customers shall be installed, owned and maintained by the Customer. Upon the Customer's request, the Company may install the service at the Customer's expense." Thus, it was up to the customer, not the utility, as to who owns and operates the facility. The property owner or builder typically hires a plumbing contractor to install the property owner's water and sewer services. Some utilities have 'codes of conduct' that govern regulated utility activities such as locating company lines and restricts unregulated activities such as locating non-company lines. Electrical or locating contractors are capable of locating customer or privately owned underground lines. The utility does not have the right or authority to maintain or locate underground facilities that are not owned or operated by them. Generally, utilities do not maintain records of facilities that they do not own or operate, and therefore have no basis on which to provide an approximate locate.

Q: How do I get underground facilities marked by underground facility operators or owners who are not members of Miss Utility?

A: It is suggested that the excavator contact each private facility owner for identification of other buried facility owners and contact the facility owners directly to request their lines be marked. There also may be homeowners' or property owners' facilities that are before or beyond the meter (i.e. water and sewer,

electric, lighting, gas fuel line, irrigation systems, dog fences, etc.) for which the owner would need to provide locate information. Homeowners are exempt from some aspects of the state laws. In addition, private facility owners may not know they own under ground lines or do not readily have the means to locate the underground lines they own. OSHA 1926.651 states that when owners do not "... establish the exact location of these installations, the employer may proceed, provided the employer does so with caution, and provided detection equipment or other acceptable means to locate utility installations are used." There are also locating contractors in the yellow pages of some phone books.

Q: What about fiberglass poles or existing marks that warn about underground facilities in the area?

A: Any fiberglass poles warning of underground facilities are not markings. They are only reminders to call to have the area marked. You should always contact the Notification Center to obtain your own marks and not rely on marks already in the field. Those marks will not be valid for your work.

Q: I'm only digging a couple of inches; should I still call Miss Utility?

A: YES, you should! Anytime you alter the surface of the ground, it is considered excavation; this includes driving pins, rods, and fence posts in the ground.

REPORTING PROBLEMS

There are several problems which the excavator may encounter during the locating process. Miss Utility and D.C. One Call will assist in the resolution of these problems:

1. Correcting errors

If, at any time, it is discovered that incorrect information was provided to the Notification Center, the excavators/contractors should notify the Center as soon as possible. The problem will be corrected by filing a new ticket, correction, or update as appropriate. It should be noted that a new work-to-begin date and time will be issued for new tickets and update tickets only. Corrections to a ticket will only be accepted from excavators/contractors working for the same company that originated the ticket (in other words, a subcontractor may not change information on a ticket filed by the general excavator).

2. Missing or incorrect marks

If the work-to-begin date and time issued by the Notification Center has arrived and a member(s) has failed to respond and mark the facilities, or has marked the facilities incorrectly, you must file a locate discrepancy through Ticket Check, contact the Notification Center for a correction ticket or call the facility directly. (The Notification Center can provide the appropriate phone numbers if needed.) To ensure the safety of the excavation crews and the general public, excavation should not begin until the excavator is confident that all facilities have been marked correctly.

3. Reoccurring problems with facility operators/owner(s)

If a member company consistently fails to mark facilities prior to the work-to-begin date, it is best to contact the facility owner, the regulatory body that oversees that facility owner, or seek legal advice from a qualified source. The Maryland Public Service Commission may regulate some public utility facility owners. In the case of municipal facility owners, resolution may be obtained by the Municipal Governmental Authority or Council.

Problems or questions with Miss Utility and D.C. One Call

As with any other problem, Miss Utility and D.C. One Call members are interested in the excavator's concerns and will assist in any way possible. Damage Prevention meetings are held the fourth Tuesday of every month at the Miss Utility Call Center (see address below). Please visit www.missutility.net for meeting dates, times and directions.

Miss Utility

**7223 Parkway Dr., Suite 100
Hanover, MD 21076**

MD - Phone: 410-712-0056 Fax: 410-712-0062

D.C. - Phone: 301-621-1317 Fax: 301-621-1311

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Appendix A

Maryland Code: Title 12 "Underground Facilities"; Subtitle 1:
"Excavation or Demolition Near Underground Facilities" (Appendix A)
http://missutility.net/maryland/maryland_law.asp

§ 12-101. Definitions.

(a) **In general.** In this subtitle the following words have the meanings indicated.

(b) **Contractor.**

- (1) "Contractor" means a person that performs excavations or demolitions.
- (2) "Contractor" includes a person that performs excavations or demolitions under a contract or subcontract.

(c) **Demolition.** "Demolition" means an operation in which a structure or mass of material is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive.

(d) **Excavation.**

- (1) "Excavation" means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by using any tool, equipment, or explosive.
- (2) "Excavation" includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing and driving a mass of material.

(e) **One-call system.** "One-call system" means a communications network in the state that:

- (1) allows a person to telephone a one-number utility protection system;
- (2) provides a toll-free number for persons to call and notify owner-members of planned excavation or demolition; and
- (3) maintains an owner-contractor information exchange system.

(f) **Owner.**

- (1) "Owner" means a person that:
 - (i) owns or operates an underground facility; and
 - (ii) has the right to bury an underground facility.
- (2) "Owner" includes:
 - (i) a public utility;

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- (ii) a telecommunications corporation;
- (iii) a cable television corporation;
- (iv) a political subdivision;
- (v) a municipal corporation;
- (vi) a steam heating company; and
- (vii) an authority.

(g) **Owner-contractor information exchange system.**

"Owner-contractor information exchange system" means an automated voice response unit maintained as a part of a one-call system.

(h) **Owner-member.** "Owner-member" means an owner that participates as a member in a one-call system.

(i) **Person.**

- (1) "Person" has the meaning stated in § 1-101 of this article.
- (2) "Person" includes:
 - (i) a municipal corporation; and
 - (ii) a governmental unit, department, or agency.

(j) **Underground facility.**

- (1) "Underground facility" means personal property that is to be buried or submerged for:
 - (i) use in connection with the storage or conveyance of water, sewage, oil, gas, or other substances; or
 - (ii) transmission or conveyance of electronic, telephonic, or telegraphic communications or electricity.
- (2) "Underground facility" includes pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground.
- (3) "Underground facility" does not include a stormwater drain.

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§ 12-102. Legislative intent.

It is the intent of the General Assembly to protect underground facilities of owners from destruction, damage, or dislocation to prevent:

- (1) death or injury to individuals;
- (2) property damage to private and public property; and
- (3) the loss of services provided to the general public.

§ 12-103. Scope of subtitle.

This subtitle does not apply to an excavation or demolition performed or to be performed by an owner of a private residence when the excavation or demolition is performed or to be performed entirely on the land on which the private residence of the owner is located.

§ 12-104. Effect of subtitle.

(a) **In general.** Except as provided in subsections (b) and (c) of this section, a person that obtains the information required under this subtitle is not excused from:

- (1) performing an excavation or demolition in a careful and prudent manner; and
- (2) liability for damages or injury that results from the excavation or demolition.

(b) **Effect of failure to comply.** If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, unless the owner has failed to become an owner-member in accordance with § 12-109(b) of this subtitle.

(c) **Effect of failure to become an owner-member.** If an underground facility is damaged by a person who is in compliance with this subtitle and the owner has failed to become an owner-member in accordance with §12-109(b) of this subtitle:

- (1) the person is not liable to the owner for the

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cost of repair of the underground facility; and
(2) the owner is liable for any repairs or restoration of property damaged by the excavation or demolition.

(d) **Recovery of damages.** Subsection (c) of this section may not be construed to interfere with the right of:

- (1) a third party to recover damages arising out of the excavation or demolition from the person or from the owner; or
- (2) the person to seek contribution from an owner for damages sought by a third party under paragraph (1) of this subsection.

§ 12-105. Emergency excavation or demolition.

(a) **In general.** Subject to § 12-104(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12-104(a) of this subtitle and §§ 12-106 through 12-113 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) **Requirements.** A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall:

- (1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and
- (2) promptly notify each owner of an underground facility in and near the excavation or demolition area.

§ 12-106. One-call system registration and certification requirements.

Owner-contractor information exchange system.

(a) **In general.** Except as provided in subsection (b) of this section, a person that operates a one-call system in the state shall register with and obtain certification to operate from the Commission.

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- (b) Exception.** A person operating a one-call system on or before July 1, 1990 is automatically registered with and certified by the Commission to continue to operate.
- (c) Owner-contractor information exchange system.**
- (1) The operator of a one-call system shall install and make available an owner-contractor information exchange system in its one-call center in the state.
 - (2) The owner-contractor information exchange system shall be available to any caller at all times.
- (d) Authority of Commission.** The Commission may grant, amend, or revoke the certification of a person operating a one-call system.

§ 12-107. Time for beginning excavation or demolition.

A person may not begin an excavation or demolition unless the marking required under this subtitle has been completed or the person has received notice from each owner or the one-call system that marking is unnecessary.

§ 12-108. Requirements of persons performing excavation or demolition.

- (a) Notification.** Excluding Saturdays, Sundays, and legal holidays, at least 48 hours, but not more than 10 working days before starting an excavation or demolition, a person that intends to perform an excavation or demolition in the state shall notify by telephone, either directly or through a one-call system, each owner of the person's intent to perform an excavation or demolition.
- (b) Renotification.** A person shall repeat the notification required under subsection (a) of this section if:
- (1) the excavation or demolition did not begin within 10 working days; or

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- (2) the excavation or demolition is to be expanded beyond its original location.
- (c) Notification from all applicable owners.**
A person may begin excavation or demolition only if the person contacts or receives notification from the owner-contractor information exchange system of the one-call system confirming that all applicable owners have either marked their underground facilities or reported that they have no underground facilities in the vicinity of the excavation or demolition.
- (d) Duty of care.** A person shall exercise due care to avoid interference with or damage to an underground facility that an owner has marked in accordance with § 12-110 of this subtitle.
- (e) Damage to or disturbance of underground facility.**
The person performing an excavation or demolition immediately shall notify the owner of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with any excavation or demolition.

§ 12-109. Requirements of owners - In general.

- (a) Filing of notice for calls.** Each owner shall file notice with and submit to the Commission in writing the telephone number of the person in each county to which calls concerning proposed excavations or demolitions are to be directed.
- (b) Membership in one-call system.** Each owner shall be a member of a one-call system that has filed a telephone number with the Commission on behalf of all owner-members.
- (c) Time for determination.** Excluding Saturdays, Sundays, and legal holidays, within 48 hours after receiving notice from a person under § 12-108 of this subtitle, an owner shall determine if a proposed excavation or demolition:
- (1) is within 5 feet of the horizontal plane of an underground facility; or

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(2) because of planned blasting, is in such proximity to an underground facility that the underground facility may be damaged or disturbed.

(d) Notice of determination. Excluding Saturdays, Sundays, and legal holidays, within 48 hours after receiving the person’s notice under § 12-108 of this subtitle, an owner that determines under subsection (c) of this section that an underground facility may be damaged or disturbed shall notify the person of the determination.

(e) Time for performing excavation or demolition. An owner that elects to perform a proposed excavation or demolition shall perform the excavation or demolition around the underground facility in a timely manner.

§ 12-110. Same - Marking of location of underground facility.

(a) In general. An owner shall mark the location of an underground facility within 18 inches on a horizontal plane on either side of the underground facility if the owner has determined under § 12-109 of this subtitle that a proposed excavation or demolition:

- (1) is within 5 feet of the horizontal plane of the underground facility; or
- (2) because of planned blasting is in such proximity to an underground facility that the underground facility may be damaged or disturbed.

(b) Time of marking. Excluding Saturdays, Sundays, and legal holidays, if an owner cannot complete the marking under subsection (a) of this section within 48 hours after a determination under § 12-109 of this subtitle, the owner shall notify the person of the date and time when the location will be marked.

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Maryland Code: Title 12 “Underground Facilities”; Subtitle 1:
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(c) Color code. When marking the location of an underground facility, an owner shall use the following color code:

| UTILITY TYPE AND PRODUCT | SPECIFIC GROUP | IDENTIFYING COLOR |
|--|-----------------------------|-------------------------------|
| Electric power | Distribution & transmission | Safety red |
| | Municipal electric systems | Safety red |
| Gas | Distribution & transmission | High visibility safety yellow |
| Oil | Distribution & transmission | High visibility safety yellow |
| Dangerous materials, product lines and steam lines | | High visibility safety yellow |
| Telephone and telecommunications | | Safety alert orange |
| Cable television | | Safety alert orange |
| Water systems | | Safety precaution blue |
| Sewer lines | | Safety green |

(d) Exceptions. Excluding Saturdays, Sundays, and legal holidays, within 48 hours after receiving notice from a person under § 12-108 of this subtitle, an owner shall notify the person that marking is unnecessary if the owner determines that:

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- (1) the owner does not have an underground facility at the location stated in the notice;
 - (2) the proposed excavation or demolition is not planned within 5 feet of the horizontal plane of an underground facility; or
 - (3) the proposed excavation or demolition to be performed by blasting is not planned in such proximity to an underground facility that the underground facility may be damaged or disturbed.
- (e) Maintenance of designated marker.** After an owner has marked the location of an underground facility in accordance with this section, the person solely is responsible for the maintenance of the designated marker.
- (f) Re-marking.** If a marker is obliterated, destroyed, or removed, an owner shall re-mark the location of the underground facility not more than 48 hours, excluding Saturdays, Sundays, and legal holidays, after receiving a request to re-mark the location.
- (g) Notification.**
- (1) (i) No later than 48 hours after a person notifies the one-call system of proposed excavation or demolition, the owner or person acting on the owner's behalf, after taking all action required by this section to identify the owner's underground facilities in the vicinity of the proposed excavation or demolition, shall notify the owner-contractor information exchange system of whether the location is marked or clear of the owner's underground facilities.
 - (ii) Notification under this subsection that the location is clear of the owner's underground facilities constitutes notice by the owner required under subsection (d) of this section.

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- (2) The one-call center shall repeat notification to any owner who has failed to respond to the owner-contractor information exchange system within 48 hours after the original notification under paragraph (1) of this section.

§ 12-111. Reimbursement of political subdivision or municipal corporation.

- (a) Marking fee authorized.** A political subdivision or municipal corporation may charge, assess, or collect from a person a one-time initial marking fee not exceeding \$35 for reimbursement of expenses that the political subdivision or municipal corporation incurs to comply with this subtitle.
- (b) Re-marking fee authorized.** If re-marking is requested, or is required after renotification under § 12-108(b) of this subtitle, a political subdivision or municipal corporation may charge, assess, or collect from a person a re-marking fee not exceeding \$15 for reimbursement of expenses that the political subdivision or municipal corporation incurs to comply with this subtitle.

§ 12-112. Injunctive actions.

- (a) Authorized.** To stop or prevent a negligent or unsafe excavation or demolition, an owner or the Attorney General may file an action for a writ of mandamus or injunction in a court of competent jurisdiction in Baltimore City or the county in which the excavation or demolition is being performed or is to be performed or in which the person resides or has its principal place of business, if the person:
- (1) is performing an excavation or demolition in a negligent or unsafe manner that has resulted in or is likely to result in damage to an underground facility; or

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(2) is intending to use procedures to carry out the excavation or demolition that are likely to result in damage to an underground facility.

(b) Joinder of parties.

- (1) To make its judgment or processes effective, the court may join as parties any persons necessary or proper.
- (2) If appropriate, the court shall issue a final order granting the injunction or writ of mandamus.

§ 12-113. Civil penalties.

- (a) **In general.** A person that performs an excavation or demolition without first providing the notice required under § 12-108 of this subtitle and damages, dislocates, or disturbs an underground facility is deemed negligent and is subject to a civil penalty not exceeding \$1,000 for the first offense and \$1,000 for each subsequent offense or ten times the cost of repairs to the underground facility caused by the damage, dislocation, or disturbance.
- (b) **Action to recover.** An action to recover a civil penalty under this section shall be brought by an owner of a damaged, dislocated, or disturbed underground facility or the Attorney General in a court of competent jurisdiction in Baltimore City or the county in which the damage, dislocation, or disturbance occurred.
- (c) **Disposition of funds.** All civil penalties recovered in an action under this section, including reasonable attorney's fees, shall be paid into the General Fund of the state.

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§ 12-201.

This subtitle applies only in Montgomery County.

§ 12-202.

- (a) On request from a person under subsection (b) of this section, a public service company shall provide to the person information under this subtitle that shows the location of the existing underground utility lines and structures of the public service company.
- (b) A person, including a public agency, is entitled to request information under this subtitle if the person intends to grade, strip, excavate, clear, transport, or fill land in the County or move earth in the County for the purpose of construction, development, or land clearing.
- (c) A person requesting information under subsection (a) of this section shall make the request at least 7 days but not more than 30 days before the scheduled start of work.
- (d) If site drawings or plans are required by the County or a municipal corporation in which the work site is located, a request for information shall include two copies of a site drawing or plan that shows the location of the work site.
- (e) Promptly after receiving a request for information under subsection (a) of this section, a public service company shall certify to the person making the request:
- (1) whether underground utility lines or structures of the public service company are located in the intended work area; and
 - (2) if underground utility lines or structures of the public service company are located in the area where the work is to be performed, that the location and size of the underground utility lines or structures have been marked on the ground or the date and time by which the marking will be performed.

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- (f) At the same time the public service company provides the certification under subsection (e) of this section, the public service company shall:
- (1) return to the person making the request one copy of any site drawing or plan previously submitted; and
 - (2) indicate on the site drawing or plan the horizontal location and size of its underground utility lines and structures.

§ 12-203.

- (a) (1) Excluding Saturdays, Sundays, and holidays, not more than 48 hours before the start of the work described in § 12-202 of this subtitle, a public service company shall mark on the ground by staking, painting, or other suitable means the horizontal location and size of its underground lines and structures indicating the center of the line and its size or the sides of the structure.
- (2) The public service company shall mark, as appropriate, within 3 feet of the center of the underground utility line or the side of the underground utility structure.
- (3) If the underground structure is a cable or cables, the public service company shall include in the marking the number of cables.
- (b) If a public service company cannot mark the work site because of extraordinary circumstances within the time required under subsection (a) of this section, the public service company shall so notify the County and the person that made the request for information under § 12-202 of this subtitle of the date and time the work site will be marked.

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For the purposes of this chapter:

- (1) The terms "demolition" or "demolish" mean any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of any tool, equipment, or explosive.
- (2) The terms "excavate" or "excavation" mean any operation in which earth, rock, or other material in or on the ground is moved, removed or otherwise displaced by means of any tool, equipment, or explosive, and include but are not limited to grading, trenching, digging, ditching, drilling, boring, augering, tunneling, scraping, cable or pipe plowing and driving, wrecking, razing, moving, or removing any structure or mass of material.
- (3) The term "one-call center" means any organization among the purposes of which is to notify two or more public utility operators of planned excavation activities or demolition in a specified area.
- (4) The term "person" means any individual, firm, joint venture, partnership, corporation, association, agency of the District of Columbia government, or other governmental body or authority, except the United States government, and shall include any trustee, receiver, assignee, or personal representative thereof.
- (5) The term "public utility operator" means a person, agency or instrumentality of the District of Columbia government, who supplies or transports any of the following materials or services by means of a utility line or conduit:

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- (a) Gas of any kind, including flammable, toxic, or corrosive gas;
- (b) Liquids, including coal slurry, petroleum, petroleum products, or other hazardous liquids;
- (c) Electric energy;
- (d) Communication services;
- (e) Sewage disposal and drainage;
- (f) Water; or
- (g) Steam.

(6) The term "underground facility" means any item of personal property which is buried or placed below ground, or submerged for use in connection with the storage or conveyance of water, sewage, electronic, telephonic, or teletype communications, electric energy, oil, gas, or other substances, and shall include, but not be limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles located below the ground.

(7) The term "utility line" means any cable, pipeline, or other conduit installed underground by which a public utility operator furnishes materials or services.

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§ 34-2702. Formation and operation of one-call center.

(a) All public utility operators doing business or having underground facilities in the District of Columbia shall form and operate a one-call center for the mutual receipt of notification of proposed excavation or demolition operations within the District of Columbia. The one-call center, to which notification concerning proposed excavation or demolition should be directed, shall file with the District of Columbia Department of Transportation the telephone number and address of such center, and a list of the name and address of each public utility operator participating in the operation of the center.

(b) All agencies or instrumentalities of the District of Columbia, including the Water and Sewer Authority, owning, leasing, maintaining, or otherwise possessing an interest in underground facilities shall join and participate in the one-call center. The name and address of each District agency or instrumentality participating in the operation of the one-call center shall be included in the list transmitted by the one-call center to the District of Columbia Department of Public Works.

(c) The one-call center shall be referred to as District One Call, abbreviated for convenience purposes as "DOC."

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§ 34-2703. Availability of permit drawings.

The District of Columbia Department of Transportation shall make available to each public utility operator a copy of all approved permit drawings, including those which bear the exact nature and location of all excavation to be carried out, as they are issued to persons for excavation or demolition in public space where utility facilities exist. Applicants for permits will provide additional copies of plans as required for this purpose.

§ 34-2704. Notification prior to excavation.

(a) Except as provided in § 34-2709, no person shall excavate in a street, highway, public space, or on private property, or demolish a building without first notifying, by telephonic or teletype, at least 48 hours, but not more than 15 calendar days (excluding Saturdays, Sundays, and legal holidays), prior to the commencement of the proposed excavation or demolition, each public utility operator which may have underground facilities in the area of the proposed excavation. Such telephonic or teletype notification shall be accomplished by notifying the one-call center within the time limit prescribed, which shall in turn notify the appropriate public utility operators.

(b) The telephonic or teletype notice required by subsection (a) of this section must contain the name, address, and telephone number of the person responsible for the proposed excavation or demolition, the utility job number, the planned starting date, the anticipated duration, the type of excavation or demolition work to be conducted, the location of the proposed excavation or demolition, with a maximum length per notice of 1,320 feet, and whether or not explosives are to be used.

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(c) If it is determined by a public utility operator that a proposed excavation or demolition is planned in such proximity to an underground facility that the facility may be damaged, dislocated, or disturbed, the public utility operator shall within 48 hours (excluding Saturdays, Sundays, and legal holidays) respond by marking, staking, locating, or otherwise providing the approximate location of the public utility operator's underground facilities.

(d) When the actual excavation or demolition operation enters the immediate vicinity of an underground facility or utility line transporting natural gas, the person responsible for the excavation or demolition shall expose the underground facility or utility line by hand digging; provided, that a test pit hand dug by the District government, which locates the utility line, shall meet the requirements of this subsection. For purposes of this subsection, the immediate vicinity of the underground facility or utility line shall be defined as a space within 18 inches from the nearest point on the underground facility.

(e) If the public utility operator, notified by the one-call center, determines that its underground utility lines or facilities will not be affected by the excavation or demolition, the public utility operator shall advise the person who proposes to excavate or demolish that marking is unnecessary.

(f) No person shall begin excavation prior to the notification of each public utility operator through the one-call center, or prior to the marking required by this section, or prior to the determination by the public utility operator that marking is unnecessary.

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(g) The notification through the one-call center is valid for 15 days excluding Saturdays, Sundays, and legal holidays, from the time of notification to the one-call center. Three days before the end of the 15-day period, or at any time when line-location markings on the ground become illegible, the person excavating shall contact the one-call center and request the re-marking of the lines. The public utility operator shall re-mark the lines as soon as possible. However, the re-marking of the lines shall be completed within 48 hours from the time of the request.

§ 34-2705. Requirements of person responsible for excavation or demolition.

(a) In addition to the requirements of § 34-2704, each person responsible for an excavation or demolition operation shall:

- Plan the excavation or demolition to avoid damage to or minimize interference with underground facilities in and near the construction area;
- Maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point as may be reasonably necessary to avoid damage to such underground facility; and
- Provide such support for underground facilities in and near the construction area, including support during backfilling operations, as may be reasonably necessary for the protection of such facilities.

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(b) If a facility is damaged, under no circumstances shall a contractor backfill an excavation without first receiving permission from the utility operator whose facility was damaged.

(c) Nothing in this chapter shall excuse the failure to obtain a permit to excavate in public space in compliance with § 9-431.01.

(d) Persons and operators excavating for routine maintenance, including patch-type paving, will not be required to comply with the notification and marking procedures of this chapter, if they excavate within the limits of the original excavation, and if the excavation does not exceed 12 inches in depth below the grade existing prior to said excavation.

§ 34-2706. Damage caused by excavation or demolition.

(a) Except as provided in subsection (b) of this section, each person responsible for any excavation or demolition operation which results in damage to an underground facility shall, immediately upon discovery of such damage, notify the operator of such facility of the location and the nature of the damage, and shall allow the operator reasonable time to accomplish necessary repairs before continuing the excavation or demolition in the immediate area of the damaged facility.

(b) Each person responsible for any excavation or demolition operation that results in damage to an underground facility, permitting the escape of any flammable, toxic, or corrosive gas or liquid shall, immediately upon discovery of such damage, notify the public utility operator, the Metropolitan Police

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Department, and the District of Columbia Fire Department, and shall take any other action which may be reasonably necessary to protect persons and property.

§ 34-2707. Liability for damages; civil penalty.

(a) If any underground facility is damaged through the fault of any person, that person shall be liable to the owner of the underground facility for the total cost of the repair or, if necessary, the replacement of the damaged underground facility.

(b) If any underground facility is damaged by any person carrying out excavation or demolition without having complied with the notice provisions of this chapter, that person shall be liable to the owner of the underground facility for treble the cost of the repair or replacement of the damaged underground facility.

(c) Any person who violates any provision of this chapter shall be subject to a civil penalty of \$2,500 for the first violation, \$3,500 for the second violation, and \$5,000 for the third or subsequent violation. Action to recover the civil penalties provided for in this section shall be brought by the Corporation Counsel of the District of Columbia in the Superior Court of the District of Columbia. All penalties recovered from such action, including reasonable attorney's fees, shall be paid into the General Fund of the District of Columbia.

§ 34-2708. Mandamus or injunction.

If any person proposes to engage or is engaging in excavation or demolition in the District of Columbia

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without complying with this chapter, or in a negligent or unsafe manner, or by using a procedure which has resulted in, or is likely to result in, damage to an underground facility, the owner of such underground facility or the Corporation Counsel may commence an action in the Superior Court of the District of Columbia, for the purpose of having such negligent or unsafe excavation or demolition stopped and prevented, by either mandamus or injunction. The Court may join as parties any persons necessary or proper to make its judgment or process effective and, if appropriate, shall issue a final order granting such relief.

§ 34-2709. Emergency excavation or demolition.

Compliance with the notice requirements of § 34-2704 shall not be required for an emergency excavation or demolition involving an imminent danger to life, health, or property; provided that reasonable precautions have been taken to protect underground facilities. The appropriate public utility operators shall, in any event, be notified directly and as soon as possible. An imminent danger to life, health, or property exists whenever there is a substantial likelihood that loss of life, health, or property will result before the procedures under § 34-2704 can be fully complied with.

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§ 1926.650 - Scope, application, and definitions applicable to this subpart.

(a) Scope and application. This subpart applies to all open excavations made in the earth's surface. Excavations are defined to include trenches.

(b) Definitions applicable to this subpart (refer to Web site for definitions).

§ 1926.651 - Specific excavation requirements.

(a) Surface encumbrances. All surface encumbrances that are located so as to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees.

(b) Underground installations.

(b)(1) The estimated location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be determined prior to opening an excavation.

(b)(2) Utility companies or owners shall be contacted within established or customary local response times, advised of the proposed work, and asked to establish the location of the utility underground installations prior to the start of actual excavation. When utility companies or owners cannot respond to a request to locate underground utility installations within 24 hours (unless a longer period is required by state or local law), or cannot establish the exact location of these installations, the employer may proceed, provided the employer does so with caution, and provided detection equipment or other acceptable means to locate utility installations are used.

(b)(3) When excavation operations approach the estimated location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

(b)(4) While the excavation is open, underground installations shall be protected, supported or removed as necessary to safeguard employees.

(c)(2) Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.

(d) Exposure to vehicular traffic. Employees exposed to

public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.

(e) Exposure to falling loads. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials.

Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, in accordance with 1926.601(b)(6), to provide adequate protection for the operator during loading and unloading operations.

(f) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

(h) Protection from hazards associated with water accumulation.

(h)(1) Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

(h)(2) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations shall be monitored by a competent person to ensure proper operation.

(h)(3) If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering the excavation and to provide adequate drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy

rains will require an inspection by a competent person and compliance with paragraphs (h)(1) and (h)(2) of this section.

(i) Stability of adjacent structures.

(i)(1) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning shall be provided to ensure the stability of such structures for the protection of employees.

(i)(2) Excavation below the level of the base or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted except when:

(i)(2)(i) A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or

(i)(2)(ii) The excavation is in stable rock; or

(i)(2)(iii) A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or

(i)(2)(iv) A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.

(i)(3) Sidewalks, pavements and appurtenant structure shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.

(j) Protection of employees from loose rock or soil.

(j)(1) Adequate protection shall be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection shall consist of scaling to remove loose material; installation of protective barricades at intervals as necessary on the face to stop and contain falling material; or other means that provide equivalent protection.

(j)(2) Employees shall be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection shall be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations, or by the use of retaining devices that are sufficient to prevent materials or equipment from falling

or rolling into excavations, or by a combination of both if necessary.

(k) Inspections.

(k)(1) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard-increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.

(k)(2) Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

(l) Walkways shall be provided where employees or equipment are required or permitted to cross over excavations. Guardrails which comply with 1926.502(b) shall be provided where walkways are 6 feet (1.8 m) or more above lower levels.

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