



**Know what's below.  
Call before you dig.**

## • TicketCheck

**Call 1-866-821-4226  
to check the status  
of your ticket.**

## **Maryland & Washington, D.C. Damage Prevention Guide**



**Call before you dig!**











**Two full business days prior to work  
call 1-800-252-7777 or 811.**

**1-800-257-7777 or 811**  
missutility.net

**1-800-257-7777 or 811**  
missutility.net

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

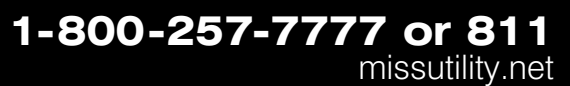
|   |  |
|---|--|
|    | Proposed Excavation  |
|    | Temporary Survey Markings                                    |
|    | Electric Power Lines, Cables,<br>Conduit and Lighting Cables |
|    | Gas, Oil, Steam, Petroleum or<br>Gaseous Materials           |
|    | Communication, Alarm or<br>Signal Lines,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

**A shortcut list of frequently  
visited links at missutility.net:**

1. <http://www.missutility.net/callcenterinformation>  
Provides general information about the Miss Utility center.
2. <http://www.missutility.net/searchstatus>  
Allows the user to search the status of a ticket by ticket number, excavator or location.
3. <http://www.missutility.net/itic>  
Offers an online ticketing system to expedite requests.
4. <http://www.missutility.net/excavators>  
Offers an online database of safety and training resources, as well as directions for requesting videos or safety presentations by a Miss Utility damage prevention expert.
5. [http://www.missutility.net/missutilityawards/maryland\\_awards.asp](http://www.missutility.net/missutilityawards/maryland_awards.asp)  
Houses information about the Dig Smart Awards and Locator Achievement Awards coordinated by the Miss Utility of Maryland and Washington, D.C., Damage Prevention Committee.



# Maryland & Washington, D.C. Damage Prevention Guide



**1-800-257-7777 or 811**  
missutility.net

## **INTRODUCTION**

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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 or go to [www.missutility.net](http://www.missutility.net). (Call 1-800-257-7777 on the Western Shore of Maryland and 1-202-265-7177 in Washington, D.C.) Calling 811 also works in all areas;
- Wait the required time for a positive response from each of the facility owner-members 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 within 18" of an underground facility mark).

## **PREFACE**

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This publication has been prepared as a reference tool for everyone using the one-call system operated by the Miss Utility of Maryland and District One Call Notification Center. Being familiar with its contents is essential to successful communication between a person and the facility owner-member. 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 District One Call. There is no copyright infringement on the material in this booklet, so you can copy it for employees and include it as part of their safety training. A copy can also be printed from the website at [www.missutility.net](http://www.missutility.net).

Miss Utility/District One Call has tried its best to ensure the information provided is accurate as of the date of publication. We 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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**How to use Miss Utility and District One Call**  
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## WHAT IS MISS UTILITY?

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### Miss Utility is:

1. The “approved one-call notification center” for the State of Maryland (as per Maryland code); District 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 public awareness and education programs.

**Miss Utility does not locate lines itself;** it ensures that its owner-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 members 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 owner-member utilities, please visit [www.missutility.net](http://www.missutility.net).

## WHY IS MISS UTILITY BENEFICIAL FOR EVERYONE?

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### IT'S THE LAW

Maryland and D.C. statutes require prior notification to all owner-members of underground facilities in your work area of your intent to perform an excavation or demolition (please see the definition of Excavation on pg. 26). Most underground facility owners are required to become owner-members and receive notifications of your planned excavation or demolition when you contact the Notification Center. Owner-members are also required by Law to respond and/or mark your notice of a planned excavation or demolition.

- Maryland Code: Title 12 “Underground Facilities;” Maryland Code Title 12 “Underground Facilities — Damage Prevention” “Excavation or Demolition Near

Underground Facilities” (Appendix A)

- Washington, D.C. Code: Title 34 Public Utilities, Chapter 27 “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 District One Call: Call 1-800-257-7777 or 811 on the Western Shore of Maryland. Call 1-202-265-7177 or 811 in Washington, D.C. Calling 811 also works in all areas. Go to [www.missutility.net](http://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 underground facility owner-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 District 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, owner-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 be assessed penalties and could be held liable for the repair of any damage incurred. Fines and repairs can be costly.

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

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#### How to use Miss Utility and District One Call

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## 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 District 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 owner-members have underground facilities in your requested excavation or demolition area, and we will let you know who they are.

## PROVIDES SAFER WORKING CONDITIONS

By notifying owner-members 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 owner-members. There may be a fee for obtaining a copy of the ticket and the associated conversation.

## DETERMINING WHO AND WHEN TO CALL

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In any of the following situations, a person 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 District One Call for the excavation notice.
- To request any type of utility service.

If an excavation or demolition 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 District 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, seven days a week, 365 days a year. Please note that facility owner-members may have different working hours or holiday schedules.

## MISS UTILITY METHODS OF COMMUNICATION

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### Use a phone

Call 1-800-257-7777 on the Western Shore of Maryland.  
Call 1-202-265-7177 in Washington, D.C.  
Calling 811 also works in all areas.

### Use the Internet

[www.missutility.net](http://www.missutility.net)

The Notification Center created ITIC, an Internet application that allows you to input your locate requests LIVE on the Internet.

ITIC is a free service and is available to everyone 24 hours a day/seven days a week. Most find ITIC to be a great time saver as opposed to calling in locate requests.

You can find more information on ITIC by visiting <http://www.missutility.net/itic>.

### 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 District 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 members 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 District One Call owner-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 or 811 for the application.

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# UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM (TICKET CHECK)

## Call Ticket Check®

Phone: 1-866-821-4226 or

<http://www.missutility.net/searchstatus>

In Maryland, you can contact the underground facilities information exchange system (aka 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. For further information on how to utilize this system, contact a Customer Service Center supervisor at 1-800-257-7777 or 811. You can also view and print your tickets online at [www.missutility.net/searchstatus](http://www.missutility.net/searchstatus).

## Maryland Locator's Status Codes:

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

|                |  |
|----------------|--|
| <b>Code 1:</b> | <b>Clear/No conflict.</b> If code 1 is selected, it will be locked out as the final selection. The owner-member cannot change or delete a code 1 response.   |
| <b>Code 2:</b> | <b>Marked.</b> If code 2 is selected, the only code it can be changed to is code 1.  |
| <b>Code 3:</b> | <b>24-hour delay.</b> When code 3 expires, the owner-member will be sent a "no response" every 24 hours until it is assigned code 1, 2 or 5 status, or until the 11th business day following the originating date of the ticket. |
| <b>Code 4:</b> | <b>48-hour delay.</b> When code 4 expires, the owner-member will be sent a "no response" every 24 hours until it is assigned code 1, 2 or 5 status, or until the 11th business day following the originating date of the ticket. |
| <b>Code 5:</b> | <b>Not complete/In progress.</b> The owner-member has spoken with the person who intends to excavate to develop a mutual, agreeable schedule, and they have agreed to this message (statute).                                    |

|                 |  |
|-----------------|--|
| <b>Code 8:</b>  | <b>Utility locator has not yet responded.</b> If the ticket has not been assigned a status by the due date, 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 11th business day following the originating date of the ticket OR until they status the ticket with a marked or clear. |
| <b>Code 9:</b>  | <b>Marked up to privately owned utility.</b>   |
| <b>Code 10:</b> | <b>Incorrect address information.</b> Please call Miss Utility to reschedule.  |

## Maryland Status Codes:

A person can utilize this system to communicate with the locator. You have access to two of the "Status Codes" listed below.

|               |   |
|---------------|---|
| <b>Code 6</b> | <b>Locate discrepancy.</b> The person can utilize a code six only when an owner-member 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 six will then generate the discrepancy only 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. |
| <b>Code 7</b> | <b>Not complete/In progress dispute.</b> A person can utilize a code 7 only when an owner-member has selected a code 5. A code 7 will be transmitted one time per owner-member per ticket.  |

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### **Maryland Positive Response Confirmations:**

If you provide your email or a fax number when you contact the Notification Center, an automated confirmation detailing the status activity on each ticket will be sent to you no later than 11:59 p.m. the second full business day following the original release date on the ticket. For example: A ticket called in at 7 a.m. on Monday morning will receive an automated confirmation no later than 11:59 p.m. 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 confirmation. This can be done by calling 1-866-821-4226 or by logging onto [www.missutility.net/searchstatus](http://www.missutility.net/searchstatus).

## **TYPES OF “INTENT TO EXCAVATE” NOTIFICATIONS HANDLED BY MISS UTILITY/DISTRICT ONE CALL**

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**

A person in Maryland must to give at least 2 full business days (excluding weekends and legal holidays) notice prior to the day they plan to start work. Miss Utility will issue a normal Response-Due-By date and time (excluding weekends and holidays). Owner-members who receive the notice in Maryland are to contact Ticket Check by 11:59 p.m. the second full business day. A person must check Ticket Check by phone at 1.866.821.4226 or through the Internet at <http://www.missutility.net/searchstatus> to see how those that received the notice responded. Please refer to MD law § 12-127 (A).

**Maryland example:** A call made at 10 a.m. on the Friday before a normal two-day weekend will have a Response-Due-By date of the next Tuesday at 11:59 p.m. Maryland owner-members should notify Ticket Check by 11:59 p.m. on Tuesday. If a person provides an email address or fax number, a fax or email from Ticket Check will be sent to the person after 11:59 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 days (excluding weekends and legal holidays), notice prior to the day they plan to start work. The Notification Center will issue a normal Response-Due-By date and time 48 hours (excluding weekends and holidays) after notice. Owner-members who received the notice are to respond back to the person 48 hours after the ticket is processed.

**Washington, D.C. example:** A call made at 10 a.m. on the Friday before a normal two-day weekend will have a Response-Due-By date of the next Tuesday at 10 a.m.

### **EMERGENCY EXCAVATION NOTICE**

An emergency is defined in the respective state laws. (Maryland Law § 12-121, D.C. Law §34-2709). 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.
- 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 Notification Center 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.

### **‘INSUFFICIENT’ AND ‘SHORT NOTICE’ EXCAVATION NOTICE**

If it is absolutely necessary to start non-emergency excavation or demolition prior to the standard 48-hour notice, in the District of Columbia the Notification Center will issue the request. However, if approval is not received from all the owner-members involved, the excavation or demolition should not begin. If you begin excavation or demolition, 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

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## SEPARATE LOCATE REQUESTS

Every company on the job must have a separate one-call ticket number before an excavation or demolition. Often, there are several companies on a job site performing work. The construction schedule may dictate different types of work requiring different specialty contractors simultaneously. In these situations, it is imperative for each company to obtain a ticket number before an excavation or demolition to ensure that the specific areas have been appropriately marked by any affected underground facility.

## 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 person 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. By listening to the prompts, you will be directed to either the emergency-only line or the normal locate request line.

### 1. Company/Person ID

All persons, excluding homeowners, are assigned a unique ID number which is used to expedite future

locate requests. 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).

### Name, Company Name and Mailing Address

The person's name and company name are taken in order to maintain records of all locate requests.

### Telephone Number

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

### Email Address

To receive Positive Response information from Ticket Check and from many owner-members, an address is requested.

### Fax Number

To receive Positive Response information from Ticket Check and from many facility owner-members, a fax number is requested.

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

Locate requests can often be expedited when a field contact or the person supervising the work can be reached directly.

## 2. County and State

The Notification Center accepts locate requests for all counties on the Western Shore of Maryland, and Washington, D.C. The county and place of the work site is needed to identify the job site location. The accuracy of this information may affect which owner-members are notified.

## 3. Map Number 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 map number and grid for the notice. The accuracy of this information will affect which owner-members are notified. Inaccurate information received will result in the owner-members not responding and/or the ticket being canceled.

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#### 4. Response-Due-By 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 Response-Due-By. The legal Response-Due-By date is based solely on the respective state codes (Refer to Maryland § 12-126 (C) D.C. § 34-2704) which do not permit the excavation or demolition to begin until the facility owner-members 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 that appear on official Department of Transportation maps. It is very important to identify the exact place name where the work will be performed.

#### 6. Street Address of Work Site

The Notification Center also uses the street name to identify which owner-members are to be notified. It should be noted that the owner-members of Miss Utility and District One Call use different types of mapping records. To ensure that the information received is recognizable by all owner-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.

In rural areas, it is very important to provide detailed information as to the locate request.

#### 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 owner-members 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.

#### 8. Type of Work

Underground utility locators need to know the extent

of the job. You must identify the specific reason for the work. 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 owner-members need to be aware if boring will take place at the work site. If the type of work changes, a Correction Ticket is recommended.

#### 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. It is assumed that the person will work with facility owner-members, 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 so that facility owner-members can determine if an underground facility is within five feet of the horizontal plane of the planned excavation or demolition.

##### White Line or Stake Planned Excavation

If at all possible, it is strongly suggested to identify the proposed work area with white paint, flags or stakes. This will provide locators with an accurate understanding of the proposed excavation or demolition area. When the location of proposed excavation or demolition is identified in this manner, the boundaries of the proposed site needs to be indicated in white to avoid conflict with the colors used to identify existing underground facilities (see APWA standards front cover). Facility owner-members 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.

**NOTE:** In the interest of public safety, flags should only be requested in heavy construction and industrial areas, and not be requested in residential areas for public safety concerns.)

##### Detailed Description of Excavation.

All locate instructions should have a specific, detailed beginning and ending point based on the proposed area of excavation or demolition. In identifying the 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 or demolition is in a roadway, marking instructions could include:

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- 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. Travel direction can be used, but needs to be clearly indicated. (Example: Mark south bound side of Washington Blvd. from Rt. 100 to Dorsey Road center line to 10 feet beyond curb line.)

- Try to refrain from using “mark the entire lot.” Property lines cannot be easily identified and are therefore virtually impossible to correctly mark the entire area that has been requested. List the specific area to be marked out. The following are a few examples:

- Mark 20 feet west 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 District One Call laws require everyone to inform all facility owner-members if they are using explosives as part of their excavation or demolition 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.

## 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 owner-members that will receive the locate request.

## WHAT HAPPENS AFTER THE TICKET IS PROCESSED BY THE NOTIFICATION CENTER?

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### 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 or demolition site to identify which owner-members have elected to receive the information. The computer transmits the ticket number to the facility owner-members of Miss Utility and District One Call via direct-dial communication links or the Internet. Owner-members receive the information on either a teletype printer, fax, email or directly into their own computers. **The Notification Center does not mark the lines.** It is the facility owner-member who determines if facilities in the proposed excavation or demolition area need to be marked and will mark as necessary.

### Miss Utility and District One Call owner-member's office receives the intent to excavate notice (ticket) and determines appropriate response.

After the information is received by the owner-member, 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 owner-members may notify the person that they are unable to locate at the requested Response-Due-By date and time, and inform the excavator when the facilities will be marked. If the owner-member cannot mark the location within two full business days, the owner-member will notify the person 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 District One Call owner-member's field locator performs the appropriate response.

Once it is determined that markings are required, the locate request is dispatched to a facility owner-member's field locator, who will locate and mark the excavation site with paint, stakes and/or flags. Facility owner-members of Miss Utility and District One Call will mark facilities within five feet of the planned excavation or demolition

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according to specific guidelines and color-codes, and provide the required positive response to Ticket Check (in Maryland). (D.C. facility owner-members will provide 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 owner-member will mark or has marked facilities as requested.)

If an owner-member cannot complete the locate request by the Response-Due-By date and time, the owner-member will provide a response on the Ticket Check system. It is the person's responsibility to verify on Ticket Check that the requested dig area has been either marked or cleared by all owner-members.

## **WHAT SHOULD A PERSON DO AFTER NOTIFYING MISS UTILITY OF THE PLANNED EXCAVATION OR DEMOLITION?**

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

The Notification Center informs everyone of any facilities operated or owned by Miss Utility and District One Call members that will receive a notification ticket. It is suggested that contact be made with the property owner for identification of other privately owned facilities owned or operated by non-members in the planned excavation or demolition. 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 (e.g., 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 OR DEMOLITION**

A person may begin a standard non-emergency excavation or demolition only after the person contacts Ticket Check or receives notification that all applicable owner-members 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 District One Call utility owner-members 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.

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

Follow all local state, and federal excavation regulations. Inform each person at the job site of such work from the information provided by the Notification Center and the owner-members. (Refer to §1926.650 & §1926.651.)

**Locate verification.** Prior to an excavation or demolition, you must verify that you are at the correct location and verify locate markings and check for unmarked facilities (Refer to §12.127 (e)(1)). Upon arrival at the excavation or demolition site, and prior to beginning the excavation or demolition, verify that the dig site matches the one-call ticket. 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, etc. Check for any facilities that are owned by non-members of Miss Utility or District One Call, and contact the owner to get them located. Use of a pre-excavation checklist is recommended by insurers and is practiced by responsible excavating contractors.

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

**Excavators should use a competent person.** (OSHA Standard 29CFR §1926.652) A competent person must be present during the excavation or demolition.

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This person must 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 designated competent person at each job site must 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-members. In the event of the obliteration, destruction or removal of the markings, the person shall notify the Notification Center of the need for remarking of utility lines by the facility owner-members. After the excavation or demolition is finished, please complete the maintenance by removing the flags or other temporary marks that may be a hazard to others or as required for site restoration by the private or public property owner.

**A person should use an excavation observer.**

The person 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.**

In Maryland, as required by law (§12-127 (C) 1-4), and as a best practice in D.C., protection shall include, but may not be limited to, hand digging within the limits of the planned excavation or demolition including any trenching, starting on 18 inches on either side of the extremities of the underground utility line for other than parallel-type excavations. There can be no power excavating equipment, sub-surface boring excavations or heavy equipment supports (i.e. outriggers) within the tolerance zone. When excavation or demolition 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 or demolition to confirm the exact line location and depth prior to using power excavating equipment or sub-surface

boring equipment. Miss Utility and District One Call facility owner-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 person 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 of separation between underground facilities. While the excavation is open, underground installations shall be protected, and supported as necessary to safeguard employees. Please contact the operator-owner for removal/relocation and repair of any facilities. Always assume all lines are active or energized.

**Protect exposed facilities.** Everyone needs 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 ensure that the utility is not damaged, and at the same time, protects 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. You 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 ensure 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.

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## **RESPOND TO ANY DAMAGE IMMEDIATELY**

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If any 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 person or underground facility owner-operator.

Also, report immediately to the facility owner directly 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. (12.127 (D)(2). The person must immediately protect life, contact local emergency 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/searchstatus](http://www.missutility.net/searchstatus). Alert immediately the occupants of any premise as to any emergency that the person 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**

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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 owner-members have responded to your request. Beginning work earlier can result in forfeiture of the person's rights and protection under Maryland and District of Columbia statutes.

**Q: How long is a locate request valid?**

- A:**
1. In Maryland, a ticket is valid for 12 business days after the day on which the ticket is transmitted by Miss Utility
  2. In D.C., a ticket is valid 15 days, excluding weekends and legal holidays, from the time of notification to the one-call center.

**Q: When should I request an update?**

**A:** You may request the Notification Center to issue an update ticket prior to the original locate request reaching the 12th day expiration date in Maryland or the 15th day in D.C. The original ticket number is required in order to obtain an update ticket. It will take the second full business day in Maryland and 48 hours in the District of Columbia for facility owner-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 instal-

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lation. As a result, utilities owners 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?**

**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 and District of Columbia law mandates an 18-inch tolerance zone on each side of the extremities of a marked facility mechanized equipment is not to be used in Maryland (12-127 (C) 1-4) and in D.C. (34-2704 (D)) 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 a 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:** The person is responsible for contacting each private facility owner for identification of other buried facilities owners and contacting 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 (e.g., 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 underground 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! Any time you alter the surface of the ground, it is considered excavation; this includes driving pins, rods and fence posts in the ground.

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## **REPORTING PROBLEMS**

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There are several problems that a person may encounter during the locating process. Miss Utility and District 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 person 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 Response-Due-By date and time will be issued for new tickets and update tickets only. Corrections to a ticket will only be accepted from the person working for the same company that originated the ticket (in other words, a sub-contractor may not change information on a ticket filed by the general excavator).

If the Response-Due-By date and time issued by the Notification Center has expired and an owner-member has failed to respond and/or mark the underground facilities, you must contact the Notification Center or the owner-member directly.

### **2. Missing or incorrect marks**

If an underground facility has been marked incorrectly, you should file a Locate Discrepancy through Ticket Check or contact the Notification Center. (The Notification Center can provide the appropriate phone numbers if needed.) To ensure the safety of the excavation crews and the general public, an excavation or demolition should not begin until the person is confident that all facilities have been marked correctly.

### **Problems or questions?**

Miss Utility and District One Call owner-members are interested in your 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](http://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**  
**[www.missutility.net](http://www.missutility.net)**

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## Appendix A

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

### §12-101.

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

(b) "Authority" means the Maryland Underground Facilities Damage Prevention Authority.

(c) "Business day" means a calendar day other than a Saturday, Sunday, or legal holiday.

(d) "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.

(e) "Designer" means a licensed architect, professional engineer, professional land surveyor, or licensed landscape architect, as those terms are defined in the Business Occupations and Professions Article, who prepares a drawing for a project that may require excavation or demolition.

(f) (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, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing and driving a mass of material.

(g) "Fund" means the Maryland Underground Facilities Damage Prevention Education and Outreach Fund.

(h) "Legal holiday" means:

(1) the day on which a legal holiday, as defined in Article 1, § 27 of the Code, is observed; or

(2) a federal legal holiday.

(i) "One-call system" means a communications system in the State that:

(1) allows a person to notify owner-members of planned excavation or demolition by:  
(i) calling a toll-free number or abbreviated dialing code; or



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(ii) initiating an interactive Internet ticket request; and

(2) maintains an underground facilities information exchange system.

(j) (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;

(ii) a telecommunications corporation;

(iii) a cable television corporation;

(iv) a political subdivision;

(v) a municipal corporation;

(vi) a steam heating company;

(vii) an authority; and

(viii) a unit of the State.

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

(l) (1) "Person" has the meaning stated in § 1-101 of this article.

(2) "Person" includes:

(i) a municipal corporation;

(ii) the State;

(iii) a political subdivision of the State; and

(iv) any governmental unit, department, or agency.

(m) "Ticket" means a numbered document issued by a one-call system to notify owner-members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12-131 of this subtitle.

(n) "Underground facilities information exchange system" means an automated voice response unit or interactive Internet access system that is maintained as part of

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a one-call system.

- (o) (1) "Underground facility" means personal property that is 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.

### §12-102.

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.

This subtitle does not apply to an excavation or demolition performed or to be performed by an owner or lessee of a private residence when the excavation or demolition is performed or to be performed:

- (1) entirely on the land on which the private residence of the owner or lessee is located; and
- (2) without the use of machinery.

### §12-106.

- (a) There is a Maryland Underground Facilities Damage Prevention Authority.
- (b) It is the intent of the General Assembly that the Authority not be funded by appropriations from the State budget.

### §12-107.

- (a) The Authority consists of nine members

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appointed by the Governor.

- (b) The nine members shall be appointed as follows:
- (1) one member from a list submitted to the Governor by the Associated Utility Contractors of Maryland;
  - (2) one member from a list submitted to the Governor by the Public Works Contractors Association of Maryland;
  - (3) two underground facility owners that are members of a one-call system from a list submitted to the Governor by the Maryland members of the Maryland/DC Subscribers Committee;
  - (4) one member from a list submitted to the Governor by the one-call centers operating in the State;
  - (5) one member who represents the State's underground utility locator community from a list submitted to the Governor by the Maryland members of the Maryland/DC Damage Prevention Committee;
  - (6) one member who has experience in the field of underground utilities from a list submitted to the Governor by the Maryland Association of Counties;
  - (7) one member who has experience in the field of underground utilities from a list submitted to the Governor by the Maryland Municipal League; and
  - (8) one member of the general public from a list submitted to the Governor by the other appointed and qualified members of the Authority.
- (c) To the extent practicable, members appointed to the Authority shall reasonably reflect the geographic, racial, and gender diversity of the State.
- (d) (1) The term of a member is 2 years.  
(2) The terms of members are staggered as required by the terms provided for mem-

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bers of the Authority on October 1, 2010.

- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member may not be appointed for more than two consecutive full terms.
- (6) To the extent practicable, the Governor shall fill any vacancy in the membership of the Authority within 60 days after the vacancy.

- (e) On the recommendation of the Authority, the Governor may remove a member for incompetence or misconduct.

**§12-108.**

- (a) From among its members, each year the Authority shall select a chair.
- (b) Subject to subsection (c) of this section, the manner of selection of the chair and the chair's term of office shall be as the Authority determines.
- (c) A member may not serve more than 2 consecutive years as chair of the Authority.

**§12-109.**

- (a) Five members of the Authority are a quorum.
- (b) The Authority shall meet at least once every 3 months at the times and places it determines.
- (c) A member of the Authority:
  - (1) may not receive compensation as a member of the Authority; and
  - (2) is not entitled to reimbursement for expenses.

**§12-110.**

- (a) The Authority may:
  - (1) adopt bylaws for the conduct of its business;
  - (2) adopt a seal;
  - (3) maintain an office at a place it designates;
  - (4) maintain facilities for the purpose of holding hearings under this subtitle;

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**Appendix A**

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

- (5) employ a staff;
- (6) accept a grant, a loan, or any other assistance in any form from any public or private source, subject to the provisions of this subtitle;
- (7) enter into contracts and execute the instruments necessary or convenient to carry out this subtitle to accomplish its purposes; and
- (8) do all things necessary or convenient to carry out the powers expressly granted by this subtitle.
- (b) The Authority shall adopt a code of conduct for its members.

**§12-111.**

- (a) The Authority may obtain funding for its operational expenses from:
  - (1) a federal or State grant;
  - (2) filing fees and administrative fees for complaints heard by the Authority as authorized under § 12-112(b)(1) of this subtitle; and
  - (3) any other source.
- (b) Except as provided in subsection (a)(2) of this section, the Authority may not impose a charge or assessment against any person, directly or indirectly, to obtain funding for its operational expenses.

**§12-112.**

- (a) To enforce this subtitle, the Authority may:
  - (1) hear complaints for violations of this subtitle;
  - (2) after a hearing, assess a civil penalty under § 12-135 of this subtitle; and
  - (3) reach a settlement instead of assessing a civil penalty.
- (b) (1) The Authority may:
  - (i) establish reasonable complaint filing fees and administrative fees for complaints heard by the Authority; and
  - (ii) use the services of a third party to collect civil penalties.
- (2) If the Authority determines that an individual cannot afford to pay a fee established

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**Appendix A**

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

under paragraph (1)(i) of this subsection, the Authority may exempt the individual wholly or partly from the fee.

- (c) The Authority may not assess a civil penalty against a person unless the person:
  - (1) receives reasonable prior notice of the complaint; and
  - (2) has an opportunity to be heard under § 12-113 of this subtitle.

**§12-113.**

- (a) In a hearing before the Authority for an alleged violation of this subtitle:
  - (1) all testimony shall be given under oath; and
  - (2) the proceedings shall be recorded.
- (b) The chair or a member of the Authority may administer the oath.
- (c) The Authority may compel the attendance of a witness by subpoena.
- (d) (1) The Authority shall issue its decision in writing, stating the reason for its decision.
  - (2) A copy of the decision shall be delivered or mailed to all parties to the complaint proceedings.
- (e) (1) A person aggrieved by a decision of the Authority may, within 30 days after receiving the decision, request judicial review of the decision by the circuit court.
  - (2) In accordance with the judicial review and appeals process under the Administrative Procedure Act, the circuit court shall hear and determine all matters connected with the decision of the Authority for which judicial review is requested.
  - (3) (i) Except as provided in subparagraph (ii) of this paragraph, the costs of the judicial review, including the costs of preparing a record and transcript, shall be paid by the party filing the request for judicial review.

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**Appendix A**

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

(ii) If the party filing the request for judicial review prevails, the circuit court may require that the costs of the judicial review, including the costs of preparing a record and transcript, be paid by the Authority.

- (4) If the request for judicial review is dismissed, the circuit court shall award attorney's fees to the Authority unless the Authority waives the award of attorney's fees.
- (f) (1) The record of a hearing conducted under this section, including any record of testimony or evidence offered at the hearing, is not admissible in any administrative or civil proceeding involving the same subject matter or the same parties.
  - (2) Paragraph (1) of this subsection does not apply to judicial review of the Authority's decision.

**§12-114.**

Beginning January 1, 2012, the Authority shall report each year to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the activities of the Authority and any recommendations of the Authority.

**§12-117.**

- (a) There is a Maryland Underground Facilities Damage Prevention Education and Outreach Fund.
- (b) The purpose of the Fund is to cover the costs of:
  - (1) public education and outreach programs; and
  - (2) the development of safety procedures to prevent damage to underground facilities.
- (c) The Authority shall hold and administer the Fund.
- (d) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.
- (e) The Fund consists of:
  - (1) civil penalties paid into the Fund under § 12-135 of this subtitle;
  - (2) investment earnings of the Fund; and

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**Appendix A**

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

- (3) any other money from any other source accepted for the benefit of the Fund.
- (f) (1) The Fund may be used only for:
  - (i) public education and outreach programs for the prevention of damage to underground facilities; and
  - (ii) the development of safety procedures for excavation and demolition projects conducted in the area of underground facilities.
- (2) The Authority may make grants to local governments or private entities consistent with the purposes of the Fund.

**§12-120.**

- (a) 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) 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 § 12-123 of this subtitle.
- (c) 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 § 12-123 of this subtitle:
  - (1) the person is not liable to the owner for the 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) Subsection (c) of this section may not be construed to interfere with the right of:

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**Appendix A**

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

- (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.

**§12-121.**

- (a) Subject to § 12-120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12-120(a) of this subtitle and §§ 12-122 through 12-135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.
- (b) 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) immediately notify the one-call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner-members of the excavation or demolition area.
- (c) A person that abuses the emergency excavation and demolition procedure set forth in this section is subject to penalties under § 12-135 of this subtitle.

**§12-122.**

- (a) 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.
- (b) 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.

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**Appendix A**

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

- (c) (1) The operator of a one-call system shall install and make available an underground facilities information exchange system in its one-call center in the State.
- (2) The underground facilities information exchange system shall be available to any caller at all times.
- (d) The Commission may grant, amend, or revoke the certification of a person operating a one-call system.

**§12-123.**

- (a) (1) An owner shall be a member of a one-call system.
- (2) Except as provided in paragraph (3) of this subsection, an owner becomes a member of a one-call system by registering with the one-call system.
- (3) The Department of Transportation, its administrations, and the Maryland Transportation Authority shall become members of the one-call system through a separate agreement and using the information collected under § 12-124(b)(2) of this subtitle.
- (b) (1) An owner-member of a one-call system shall submit to the one-call system, in writing, the telephone number of the person to which calls concerning proposed excavations or demolitions shall be directed.
- (2) An owner-member shall ensure that all contact information provided to the one-call system remains current.

**§12-124.**

- (a) A person that intends to perform an excavation or demolition in the State shall initiate a ticket request by notifying the one-call system serving the geographic area where the excavation or demolition is to be performed of the person's intent to perform the excavation or demolition.

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**Appendix A**

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

- (b) Notice provided to a one-call system under subsection (a) of this section shall indicate:
  - (1) the location of the proposed excavation or demolition;
  - (2) whether the proposed excavation or demolition is within rights-of-way owned or controlled by the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority and, if so, the entity and the permit number or authorization number obtained from that entity; and
  - (3) the type of work to be performed in connection with the proposed excavation or demolition.
- (c) (1) Except as provided in paragraph (2) of this subsection, on receiving notice, the one-call system shall promptly transmit a copy of the ticket to all owner-members in the geographic area indicated for that ticket.
- (2) Based on information collected under § 12-124(b)(2) of this subtitle, the one-call system shall promptly transmit a copy of the ticket to the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority, as applicable.
- (3) A ticket is valid for 12 business days after the day on which the ticket is transmitted by the one-call system to an owner-member.

**§12-125.**

- (a) A person shall repeat the notification required under § 12-124 of this subtitle if the person:
  - (1) has not completed or will not complete the excavation or demolition within the time period authorized by the ticket; or
  - (2) intends to expand the excavation or demolition beyond the location indicated in the notice under § 12-124(b) of this subtitle.

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### **Appendix A**

Maryland Code: Title 12 “Underground Facilities”; Subtitle 2:  
“Excavation or Demolition Near Underground Facilities” (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

- (b) A person shall repeat the notification regardless of:
- (1) any delays by an owner–member in marking its underground facilities; or
  - (2) an agreement between the person and an owner–member regarding the time for marking underground facilities.

#### **§12–126.**

- (a) An owner–member shall mark its underground facility if the owner–member has determined 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 so near to the underground facility that the underground facility may be damaged or disturbed.
- (b) (1) An owner–member shall mark the location of its underground facility by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.
- (2) (i) When marking the location of an underground facility, an owner–member shall use the current color codes established by the American Public Works Association for marking underground facilities.
- (ii) If two or more owner–members share the same color code, each owner–member shall include information with the marking that indicates the owner–member of the marked underground facility.
- (c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner–member, the owner–member shall:
- (1) mark the location of the owner–member’s underground facility and report to the under

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### **Appendix A**

Maryland Code: Title 12 “Underground Facilities”; Subtitle 2:  
“Excavation or Demolition Near Underground Facilities” (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

- ground facilities information exchange system that the underground facility has been marked;
- or
- (2) report to the underground facilities information exchange system that the owner–member has no underground facilities in the vicinity of the planned excavation or demolition.
- (d) (1) If an owner–member is unable to mark the location of the owner–member’s underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner–member shall:
- (i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and
  - (ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.
- (2) If the owner–member and person that intends to perform the excavation or demolition cannot reach a mutually agreeable schedule for marking under paragraph (1) of this subsection, the owner–member shall mark that portion of the site where excavation or demolition will first occur, and the owner–member shall mark the remainder of the site within a reasonable time.
- (3) If, due to circumstances beyond an owner–member’s control and for reasons other than those specified in paragraph (1) of this subsection, an owner–member is unable to mark the location of the owner–member’s underground facility within the time period prescribed in subsection (c) of this section, the owner–member shall report to the underground facilities information exchange

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### Appendix A

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

system that an extension is required.

- (4) In connection with extensive or contiguous excavation or demolition projects, the person performing the excavation or demolition and the owner-member may establish a working agreement regarding the time periods for marking the underground facility.

#### §12-127.

(a) A person may begin excavation or demolition only after the person receives notification from the underground facilities information exchange system of the one-call system confirming that all applicable owner-members have:

- (1) marked their underground facilities in accordance with § 12-126(c) of this subtitle;
- (2) marked the applicable portion of their underground facilities in accordance with § 12-126(d) of this subtitle; or
- (3) reported that they have no underground facilities in the vicinity of the excavation or demolition.

(b) (1) After an owner-member has marked the location of an underground facility in accordance with § 12-126 of this subtitle, the person performing the excavation or demolition is responsible for the maintenance of the designated marker.

- (2) If the marker is obliterated, destroyed, or removed, the person shall repeat the notification required under § 12-124 of this subtitle.

(c) (1) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility that an owner-member has marked in accordance with § 12-126 of this subtitle.

- (2) Before using mechanized equipment for

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### Appendix A

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

excavation or demolition within 18 inches of an underground facility marking, a person shall expose the underground facility to its outermost surfaces by hand or other nondestructive techniques.

- (3) A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility.

(d) (1) The person performing an excavation or demolition immediately shall notify the owner-member of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with the excavation or demolition.

- (2) If the damage, dislocation, or disturbance results in the escape of a flammable, toxic, or corrosive gas or liquid, the person performing the excavation or demolition immediately shall report the damage to the 9-1-1 emergency system.

(e) (1) If a person knows or has reason to know that an underground facility in the area of a planned or ongoing excavation or demolition is not marked as required by this subtitle, the person may not begin or continue the excavation or demolition unless the person:

- (i) has repeated the notification required under § 12-124 of this subtitle; and

(ii) receives notification from the underground facilities information exchange system of the one-call system confirming that all applicable owner-members that have underground facilities in the vicinity of the excavation or demolition have marked:

1. the underground facilities in

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### Appendix A

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

- accordance with § 12-126(c) of this subtitle; or
- 2. the applicable portion of the underground facilities in accordance with 12-126(d) of this subtitle.

(2) If the underground facility is not marked as required by this subtitle after the person receives notification from the underground facilities information exchange system under paragraph (1) of this subsection, the person may proceed with the excavation or demolition.

#### §12-128.

- (a) A political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority 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, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority incurs to comply with this subtitle.
- (b) If re-marking is requested, or is required after renotification under § 12-108(b) of this subtitle, a political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section may charge, assess, or collect from a person a re-marking fee not exceeding \$15 for reimbursement of expenses that the political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section incurs to comply with this subtitle.

#### §12-131.

- (a) In connection with a project that may require excavation or demolition, a designer may initiate a ticket request by notifying the one-call

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### Appendix A

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

system serving the geographic area covering the planned project.

(b) A designer initiating a ticket request under this section:

- (1) may initiate only one ticket request for a single project; and
- (2) shall, in connection with a ticket request:
  - (i) indicate that the request is for design purposes only and may not be used for the purpose of excavation or demolition;
  - (ii) notify the one-call system of any owner-members from which the designer does not require underground facilities information; and
  - (iii) on the request of an owner-member, provide the owner-member with a preliminary drawing that indicates the scope of the project.

(c) (1) Within 15 business days after receiving notice from a one-call system that a designer has made a request under this section, an owner-member of an underground facility in the area of the project shall notify the designer of the type and approximate location of the underground facility.

- (2) An owner-member may provide notice of the approximate location of an underground facility through the use of:
- (i) field locates;
  - (ii) maps;
  - (iii) surveys;
  - (iv) installation records; or
  - (v) other similar means.

(d) (1) Information provided to a designer under this section is for informational purposes only.

- (2) An owner-member or agent of an owner-member may not be held liable for any inaccurate information provided to a designer under this section.

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**Appendix A**

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

**§12-134.**

(a) 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
- (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) (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.

**§12-135.**

(a) (1) A person that performs an excavation or demolition without first providing the notice required under § 12-124(a) of this subtitle and damages, dislocates, or disturbs an underground facility is deemed negligent and is subject to a civil penalty assessed by the Authority not exceeding:

- (i) \$2,000 for the first offense; and
- (ii) subject to subsection (c) of this section, \$4,000 for each subsequent offense.

(2) Instead of or in addition to a civil penalty assessed under this subsection, the Authority may:

- (i) require that a person:

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**Appendix A**

Maryland Code: Title 12 "Underground Facilities"; Subtitle 2:  
"Excavation or Demolition Near Underground Facilities" (Appendix A)  
<http://www.missutility.net/maryland/mdstatelaw.asp>

1. participate in damage prevention training; or
2. implement procedures to mitigate the likelihood of damage to underground facilities; or

(ii) impose other similar measures.

(3) A person that violates any provision of Part IV of this subtitle is subject to a civil penalty assessed by the Authority not exceeding \$2,000.

(b) (1) This subsection applies if a proceeding has not been initiated before the Authority.

(2) A court of competent jurisdiction may assess a civil penalty of up to 10 times the cost of repairs to the underground facility caused by the damage, dislocation, or disturbance against a person that has committed a subsequent offense under subsection (a)(1) of this section.

(3) An action to recover a civil penalty under this subsection 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.

(4) The party bringing an action under this subsection may recover reasonable attorney's fees.

(c) The Authority may not assess a civil penalty under subsection (a)(1)(ii) of this section if an action to recover a civil penalty has been brought under subsection (b) of this section.

(d) All civil penalties recovered under this section shall be paid into the Fund.

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

**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:
  - (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.

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

- (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.

**§ 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

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

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."

**§ 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

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

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.

(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

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

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.

(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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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

(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 Department, and the District of Columbia Fire

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

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 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

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**Appendix B**

District of Columbia Code: Title 34 "Public Utilities"; Subtitle 7:  
Chapter 27, Underground Facilities Protection  
<http://www.missutility.net/washingtondc/dcstatelaw.asp>

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.

District of Columbia Official Code 2001 Edition  
Division V. Local Business Affairs  
Title 34. Public Utilities  
Subtitle VII. Miscellaneous  
Chapter 27. Underground Facilities Protection

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