



Utilities Service Protection Center  
of Delmarva, Inc.

# Proposed Changes to Delaware Code, Title 26, Public Utilities, Chapter 8.

## Underground Utility Damage Prevention and Safety



# 6-Step Process

1. Wild Enthusiasm
2. Gradual Disillusionment
3. Chaos and Panic
4. Search for the Guilty
5. Punish the Innocent
6. Reward the Non-Participants



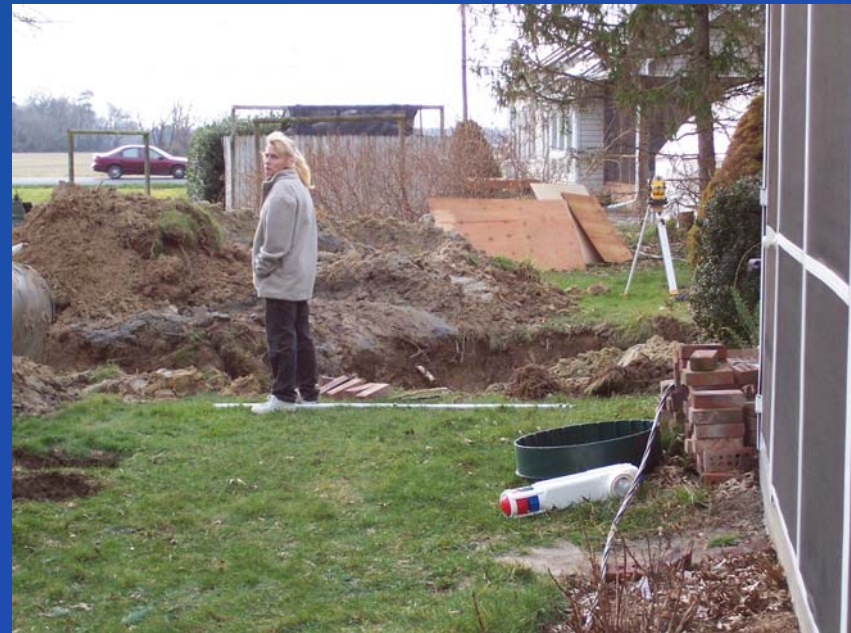
# Proposed Changes

- Clarify existing law
  - <http://delcode.delaware.gov/title216/c008/index.shtml#TopofPage>
- USPCD web site - <http://missutilitydelmarva.com>
- *Before You Dig - Get the Scoop and "Miss the Utility"*
- Incorporate Common Ground Alliance Best Practices
- Ticket Check Positive Response
- Additional Close Codes
- Better Communications



# Proposed Changes

- Used CGA Best Practices wording as a guide
  - Clean up & Clarify Definitions
  - Working Day
    - Not Sat, Sun or Holiday
    - 7AM – 5PM
  - Damage
  - Can't dig on designer ticket





# Changes (cont.)

- Emergency –
  - ...a sudden or unforeseen occurrence involving a clear or imminent danger to life, health or property; the interruption of essential utility services; or the blockage of transportation facilities that requires immediate action.
- Ticket Life
- Ticket Scope
- Horizontal Direction Drilling
- Add email on ticket



# Changes (cont.)

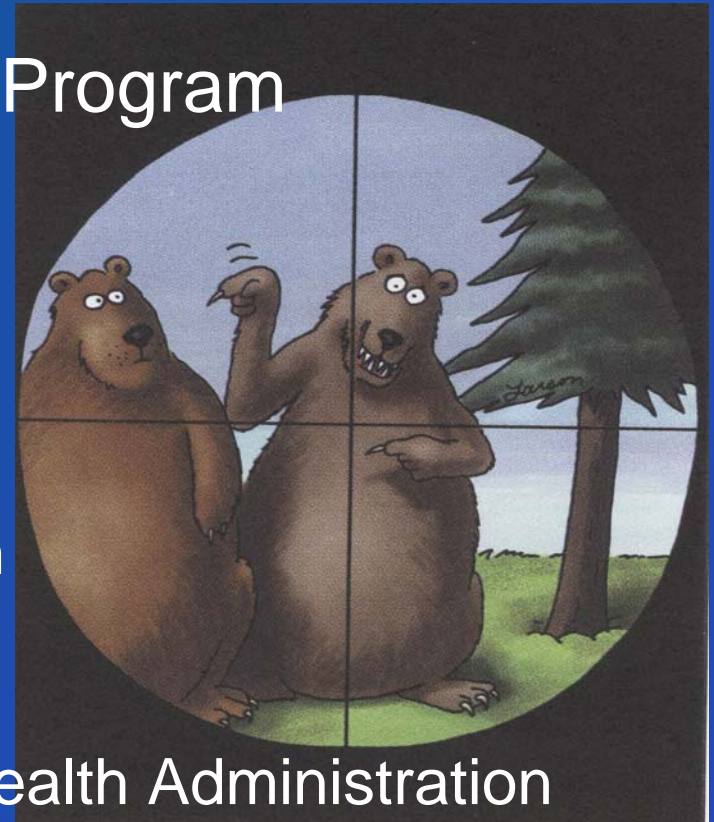
- Evacuate or excavation
- Positive Response
  - “...communication with the excavator PRIOR to excavation to ensure all owner operators have located their underground facilities.....”
  - Ticket Check in line with Maryland
  - [www.missutility.net/delaware/ticketcheck.asp](http://www.missutility.net/delaware/ticketcheck.asp)



# Changes (cont.)

## Voluntary Dispute Resolution Program

- Letters from USPCD
- Education and Training
- Escalation to:
  - Public Service Commission
  - Delaware Attorney General
  - Occupational Safety and Health Administration







# Incident Reporting

*Utilities Service Protection Center of Delmarva, Inc.*

Reported by: _____	Date: _____	USPCD Incident Report Case No: _____
Name: _____	Contact #: _____	
Company: _____	Fax #: _____	
Address: _____	E-mail: _____	
<b>Complaint Against</b>		Contact Person: _____
Company: _____	Contact #: _____	
Address: _____	Fax #: _____	
City: _____	E-mail: _____	
State: _____		
<b>Type of Problem:</b> Please check appropriate box		
Excavator: <input type="checkbox"/>	Failure to Notify <input type="checkbox"/>	Failure to Wait Required Time <input type="checkbox"/>
	Short Notice/False Emergency <input type="checkbox"/>	Failure to Report Damage <input type="checkbox"/>
Utility Co. <input type="checkbox"/>	No Response <input type="checkbox"/>	Late Response <input type="checkbox"/>
		Bad Locate <input type="checkbox"/>
Call Center <input type="checkbox"/>	Improper Tkt. <input type="checkbox"/>	No Tkt. / Tkt. Not Sent <input type="checkbox"/>
Specify section of Delaware Law in violations: _____		
<b>Details</b> Please check appropriate box or fill in space		
Facility Damaged	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Type of Facility:	Electric <input type="checkbox"/>	Gas/Oil <input type="checkbox"/>
	Telephone <input type="checkbox"/>	Water <input type="checkbox"/>
	Cable TV <input type="checkbox"/>	Other <input type="checkbox"/> please explain: _____
Was the Facility owner notified of Damage?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		When: _____
Date of Incident: _____	Time of Incident: _____	Locate Ticket # _____
Incident Location: 911 Address: _____		
Cross Street: _____		
City or Town: _____	County: _____	
Map page: _____	Grid: _____	
Excavation Equipment: Mechanized <input type="checkbox"/>	Hand Digging <input type="checkbox"/>	Other: _____
Depth of Planned Excavation: _____	Depth of Damaged Facility: _____	
Right of Way: _____	Public <input type="checkbox"/>	Private <input type="checkbox"/>
Were lines Located?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Unknown <input type="checkbox"/>
Date locate ticket cleared: _____		
Signature of Person Filing Complaint:		
Name: _____	Phone: _____	
Title: _____	Email: _____	
Signature: _____	Date: _____	

 U.S.P.C.D., Inc. P.O. Box 600, Greenwood, DE 19950  
www.missutilitydelmarva.com 

Reported by

Complaint against

Type of Problem

Details

Back of form used for sketch, photos & narrative



## Informal Warning

- Possible violation of the law
- Education is the goal
- Safety training offered
- Next Step - PSC, AG, OSHA

### INFORMAL WARNING

DATE: \_\_\_\_\_ USPCD Incident Report Case No.: \_\_\_\_\_

TO: \_\_\_\_\_

RE: *Possible Violation of Underground Utility Damage Prevention and Safety Act (Delaware Code, Public Utilities Code, Title 26, Chapter 8)*

Regarding the USPCD Incident Report Case No.: [REDACTED] referenced above. Representatives of the Utilities Service Protection Center of Delmarva, Inc. (USPCD), also known as Miss Utility of Delmarva, have reviewed the matter. While it appears that there may have been a violation of the One Call law, a decision was made not to forward the matter to the Public Service Commission/Attorney General/Occupational Safety and Health Administration based on the information provided and the circumstances described. Instead we are issuing an informal warning to encourage you to pay closer attention to the provisions of the Underground Utility Damage Prevention and Safety Act and are closing the case. However, future violations will result in notification and possible action being handed down from either Public Service Commission or the Attorney General, which includes a fine of from \$100 to \$1,000 as well as civil liability and the responsibility for any damages.

**RECOMMENDATION:** As required by law, all excavators shall utilize the USPCD Notification System to avoid unnecessary risk to themselves, their employees, innocent bystanders, and the environment. You could also avoid future conflicts, delays, and costly damages. There is no charge to the excavator for use of this notification service. Simply call 1-800-282-8555, 811, or log on to [www.missutilitydelmarva.com](http://www.missutilitydelmarva.com) at least three (3) working days before you intend to dig.

**SAFETY TRAINING:** The USPCD has developed a free training module to assist excavators in becoming more familiar with the Underground Utility Damage Prevention and Safety Act.

Sincerely,

\_\_\_\_\_  
On behalf of: Utility Services  
Protection Center of Delmarva, Inc. (USPCD)

Enclosures: USPCD Incident Report Case No.: \_\_\_\_\_

cc: Complainant



U.S.P.C.D., Inc. P.O. Box 600, Greenwood, DE 19950  
[www.missutilitydelmarva.com](http://www.missutilitydelmarva.com)





# Penalties & Fines

Report  
incident to  
PSC, AG  
and/or  
OSHA





DATE: \_\_\_\_\_ USPCD Incident Report Case No.: \_\_\_\_\_

TO: \_\_\_\_\_

RE: ***Violation of Underground Utility Damage Prevention and Safety Act  
(Delaware Code, Public Utilities Code, Title 26, Chapter 8)***

On **Month Date, 20** you received the attached USPCD Incident Report Case No.: \_\_\_\_\_ alleging a possible violation of the Underground Utility Damage Prevention and Safety Act. This matter was reviewed by the Utilities Service Protection Center of Delmarva, Inc. (USPCD), also known as Miss Utility of Delmarva.

The USPCD has concluded that this report shall be forwarded to the Public Service Commission (PSC), Attorney General and Occupational Safety and Health Administration (OSHA) as required by law. This matter will be handled by one or a combination of the above mentioned agencies. **This includes, but is not limited to, a fine between \$100 and \$1,000, as well as civil liability and the responsibility for any damages.**

The Underground Utility Damage Prevention and Safety Act in Delaware requires anyone digging to call the USPCD Notification System at least three (3) working days and not more than twelve (12) working days before the excavation is planned to begin. You can access the USPCD Notification System by calling the statewide number (800-282-8555 or 811), or log on to [www.missutilitydelmarva.com](http://www.missutilitydelmarva.com). There is no charge to the excavator for use of this notification service. However, failure to utilize the Notification System presents unnecessary risk for the excavator, their employees, innocent bystanders, personal property of others and the environment. The notification center will then notify all member utilities in the area that will either mark on site the approximate location of their underground facilities or notify that there is "no conflict" with your planned excavation.

Sincerely,

\_\_\_\_\_  
On behalf of: Utility Services  
Protection Center of Delmarva, Inc. (USPCD)

Enclosures: USPCD Incident Report Case No.: \_\_\_\_\_

cc: Complainant  
PSC  
Attorney General  
OSHA



# Changes (cont.)

## Close Code Additions

- 11 – Installation records, maps or other documents have been provided
- 12 – Locator could not gain access to property
- 14 – No Locate – Contractor work completed
- 15 – No Locate – Locator requests meeting with excavator
- 16 – No Locate – Locator requests excavator white line specific area of proposed excavation. Ticket not clear or scope too large.
- Area for plain text comments



# Questions?

Brad Ebaugh, Treasurer, USPCD  
Delaware Electric Cooperative, Inc.  
302-349-3148  
[brad@decoop.com](mailto:brad@decoop.com)

