



# Damage Prevention Rulemaking Update

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# 2011 Damage Prevention Conference

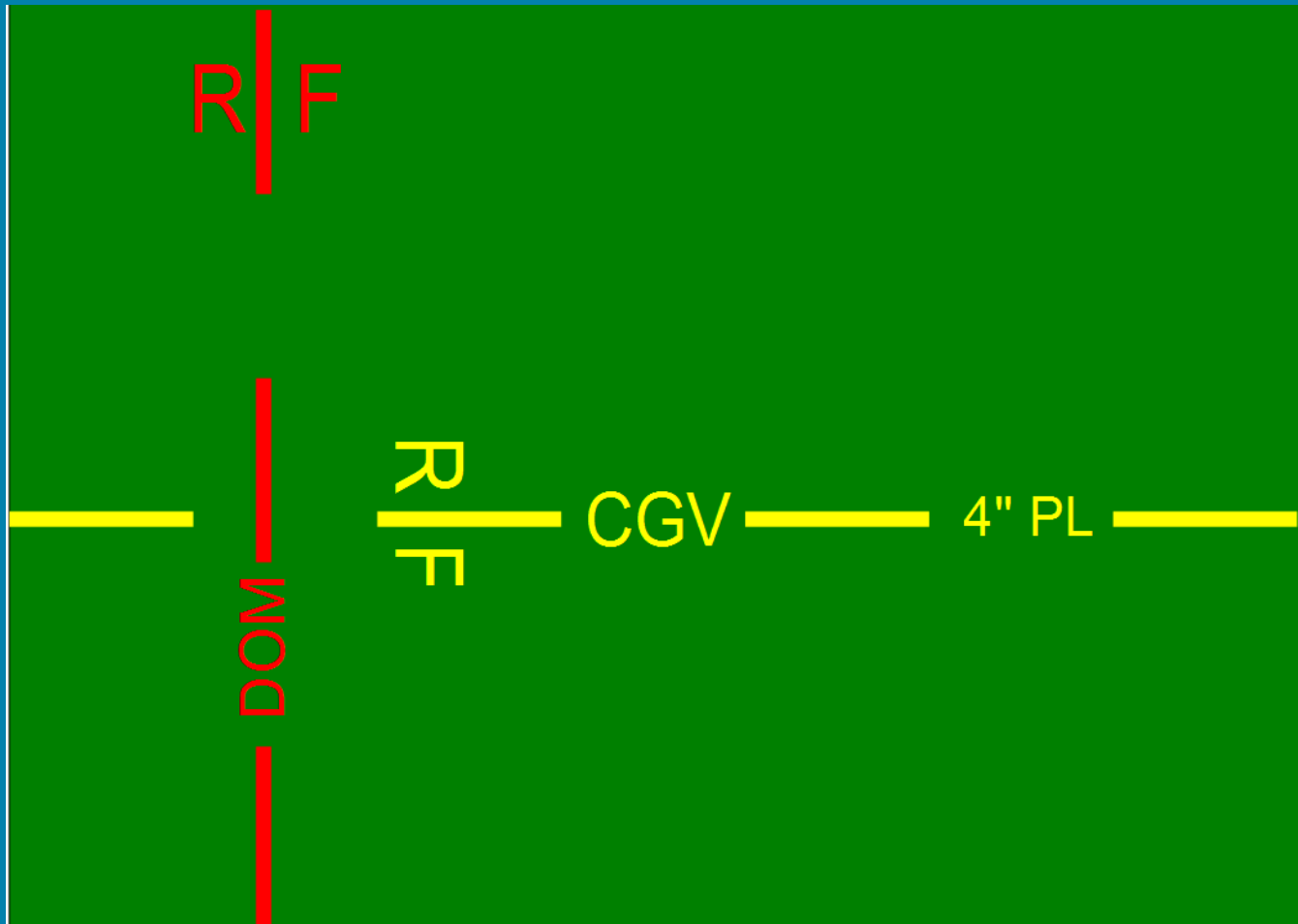
- Several issues were discussed
- Conference attendees recommended that stakeholder groups be formed to address the various topics
- Stakeholders held a series of meetings and came to consensus on solutions
- These were presented to the Damage Prevention Advisory Committee

# Best Practice

# Marking Standard Best Practice for Locating RFID Capable Devices

“When Radio Frequency Identification (“RFID”) technology is being used to mark the location of an underground utility line, locators shall indicate the letters ‘RF’ over the approximate location of the RFID capable marker.”

# RFID Marker Technology



# Proposed Rules

# Abandoned Utility Lines

- The issues:
  - Locating challenges
  - Excavator downtime
  - Operators difficulty in determining the status of the line once discovered
  - Public safety concerns

# Proposed Rule Language

## **20 VAC 5-309-190. Operator's responsibilities for abandoned utility lines.**

Upon receipt of an additional notice to the notification center pursuant to § 56-265.24 C of the Code of Virginia, if the operator determines that an abandoned utility line exists, the operator shall provide the status of the utility line to the excavator within 27 hours, excluding Saturdays, Sundays, and legal holidays, from the time the excavator makes the additional notice to the notification center. The excavator and operator may negotiate a mutually agreeable time period in excess of 27 hours for the operator to provide such information to the excavator if site conditions prohibit the operator from making such a determination or extraordinary circumstances exist, as defined in § 56-265.15 of the Code of Virginia. If the site conditions prohibit the operator from making such a determination or extraordinary circumstances exist, the operator shall notify directly the person who proposes to excavate or demolish and shall, in addition, notify the person of the date and time when the status of the utility line will be determined. The deferral to determine the status of the utility line shall be no longer than ninety six hours from 7:00 AM on the next working day following the excavator's additional notice to the notification center.

The operator shall record and maintain the location information of the abandoned utility line as determined by the operator. Such records need not include abandoned underground electric, telecommunications, cable television, water, and sewer lines connected to a single family dwelling unit.



# Specific Location

- The issues:
  - Notification center unable to extract proper information for notification
  - Operators paying for tickets unnecessarily
  - Locators wasting time and resources

# Proposed Rule Language

## **20 VAC 5-309-200. Delineating Specific Location of a Proposed Excavation or Demolition.**

A. Any person, as defined in §56-265.15 of the Code of Virginia, providing notice of a proposed excavation or demolition shall clearly depict the limits of the proposed excavation or demolition with sufficient detail to enable the operator to ascertain the location. The specific location of the proposed excavation or demolition may include but is not limited to:

1. Global Positioning System (“GPS”) coordinates taken at a single point where work is planned, or GPS coordinates taken to delineate a line, multi-segment line, or polygon. When providing a single point, line or multi-segment line, the person providing notice shall include an area measured in feet from the coordinates which describe the work area. If a polygon is used, the proposed work area shall be inside the polygon. NAD83 or WGS84 and decimal degrees (using a minimum of 6 decimal place digits) shall be the standard GPS nomenclatures for providing coordinates.
2. White Lining performed in accordance with the White Lining Best Practices as shown in the Virginia Underground Utility Marking Standards (March 2004) Published by the division.
3. White Lining performed by electronic means using aerial imagery. White Lining performed by electronic means shall follow the same guidelines as shown in the Virginia Underground Utility Marking Standards (March 2004) Published by the division.
4. A reference to the two nearest intersecting streets, or driving directions if available.

B. In the event that a proposed excavation or demolition is planned at a single address, the area of proposed excavation or demolition may be described by dividing the property into four equal quadrants as facing the property. These four quadrants shall be referred to as Front Left, Front Right, Rear Left, and Rear Right. If the proposed area includes both Front Left and Front Right quadrants, the term Front shall be sufficient. If the proposed area includes both Rear Left and Rear Right quadrants, the term Rear shall be sufficient. If the proposed area includes both Front Left and Rear Left quadrants, the term Left Side shall be sufficient. If the proposed area includes both Front Right and Rear Right quadrants, the term Right Side shall be sufficient. If the proposed area includes three out of the four quadrants, the entire property may be used for the proposed excavation or demolition.

C. If the notice of proposed excavation or demolition does not contain specific location information, the notification center shall suspend the issuance of the notice until specific location is obtained, except in the case of excavations or demolitions performed during an emergency as defined in §56-265.15 of the Code of Virginia.

# Specific Location Continued...

- In addition to the proposed Rule, the Staff is currently working with VUPS to draft language and procedures to be used by DPS's for use of quadrants to ensure consistency for both WTE users and incoming calls

# Proposed Rule Language

## **20 VAC 5-309-125. Notification for clear evidence.**

*No person shall serve a notice on the notification center [regarding clear evidence of the presence of an unmarked utility line] pursuant to §56-265.17 C or §56-265.24 C unless (i) the excavator has previously notified the notification center of the proposed excavation pursuant to §56-265.17 A; (ii) the excavator has complied with the requirements to 20 VAC 5-309-180; and (iii) the excavator has observed clear evidence of the presence of an unmarked utility line in the area of the proposed excavation.*

# Proposed Rule Language

## **20 VAC 5-309-90.4. Emergency excavation or demolition.**

*No person shall serve an emergency notice on the notification center unless the work to be performed is in response to an “emergency”, as the term is defined in §56-265-15.*

# Rulemaking Process

- Proposed Rules will be presented to the Commission for consideration
- Public announcement of rulemaking is issued
- Comments are received
- If no opposition, process is expedited
- If comments received are in opposition, a hearing will be convened and testimony received
- Commission will enter Order adopting Rules upon conclusion of hearing

# Remaining Items...

- Manifests

22. The locator shall completely and accurately document markings of utility lines. Documentation shall include, at a minimum:

- a. Date manifest was prepared
- b. Ticket number
- c. Address where markings were placed
- d. Time locate was completed
- e. A clear sketch of markings with measurements to permanent reference points
- f. Facility type marked
- g. Size of utility line (if known)
- h. Utility line material type (if known)
- i. Marking types (flags, paint, stakes, etc.)
- j. Marking symbols used
- k. Locator's signature



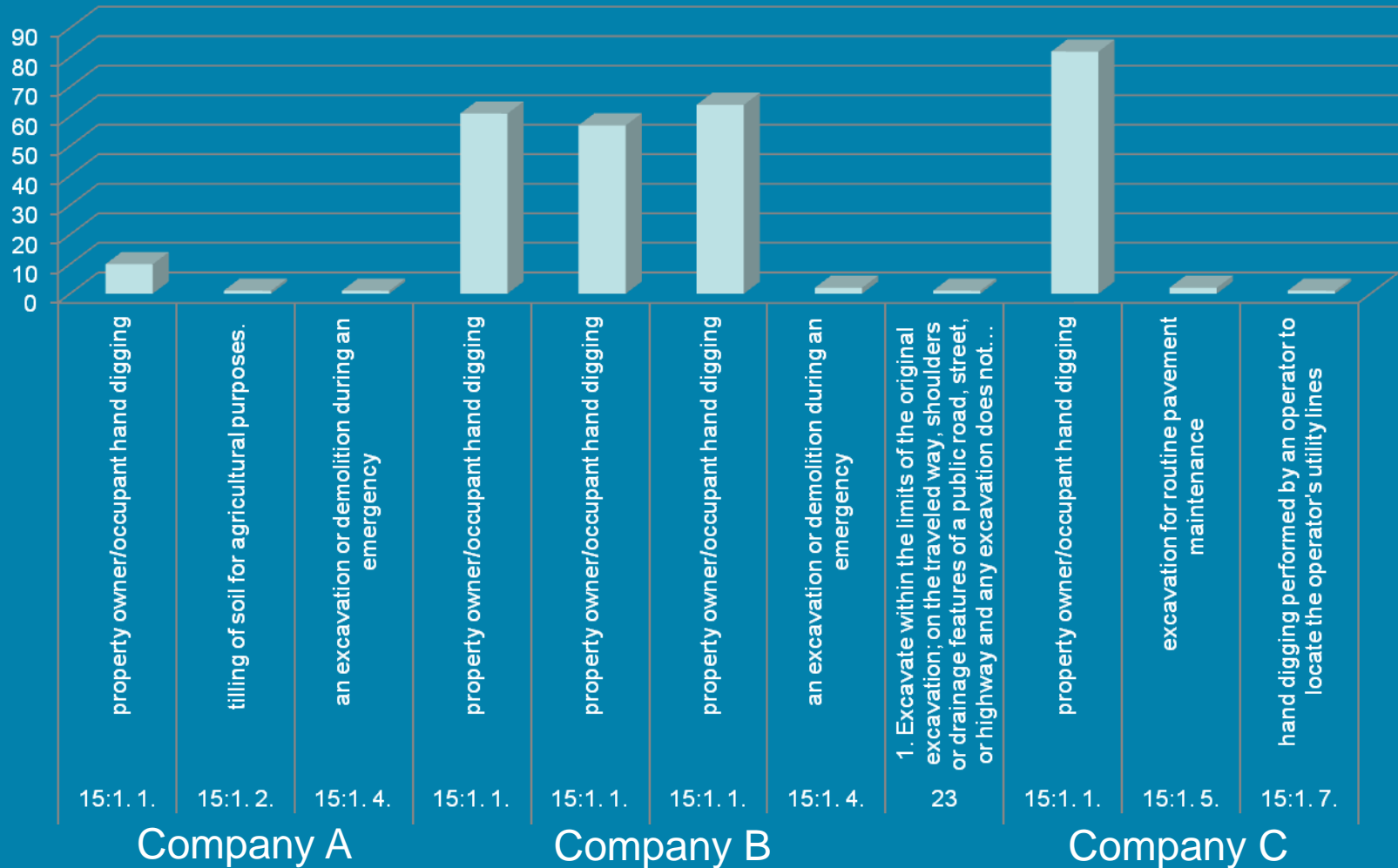
# Remaining Items...

- Utility Line Depth
  - How deep is too deep?
  - How do we realistically
    - Mark lines installed at depths which exceed current detection technology's capability?
    - Pothole those lines on subsequent excavations?
    - Properly perform utility maintenance ?

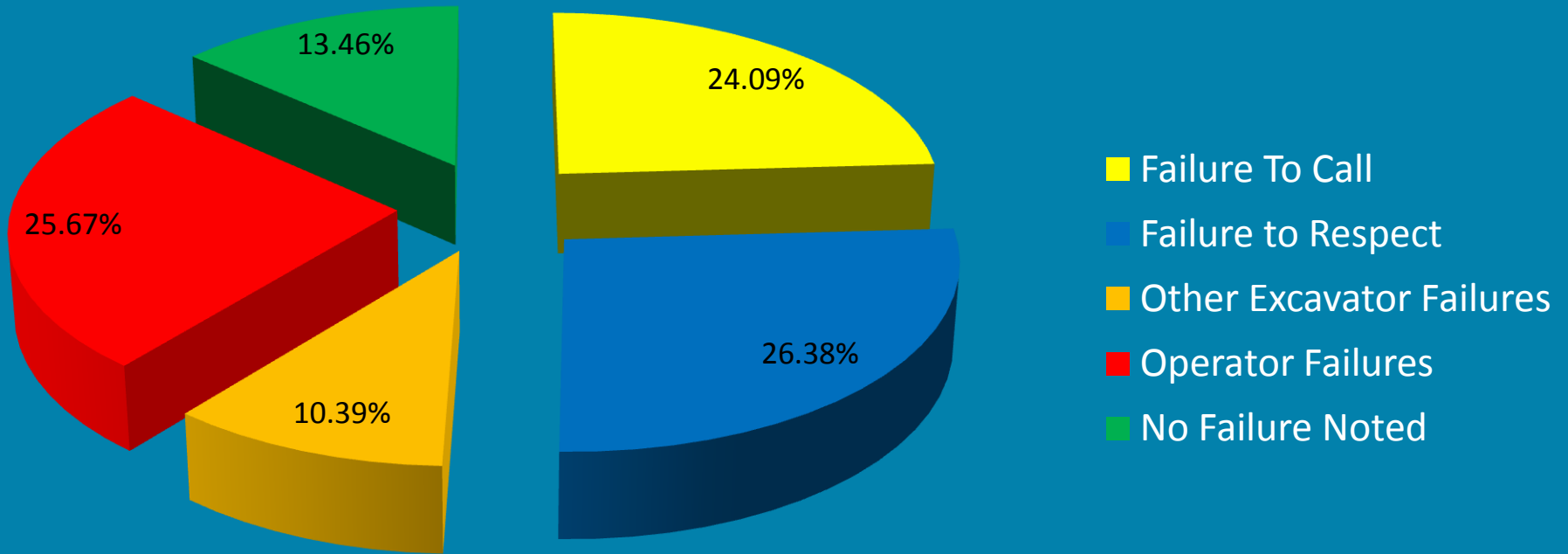


# Remaining Items...

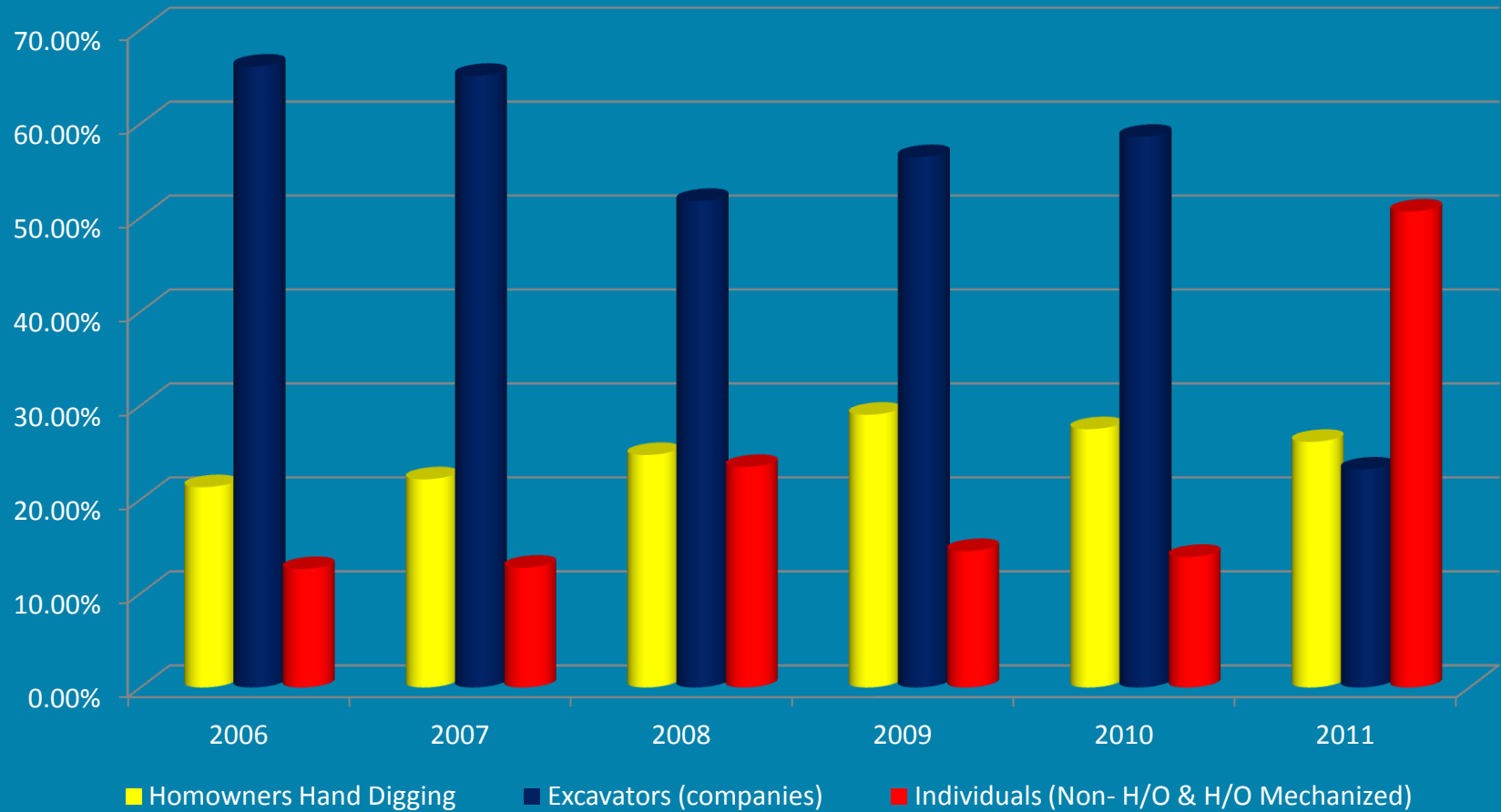
- Exemptions



# 2011 Damages Root Causes



# Failure to Call Breakdown



# Path Forward

- Some have proposed
  - Increased Civil Penalties for No Call Violations
  - Homeowner and Individual Civil Penalty (\$50 and up)
  - Mandatory Manifest (adopt the Best Practice as a Rule)
  - Additional Rules for Utility Line Depth
  - Stakeholders will still need to come to consensus on these items
  - There is still work to be done...

