

COMMONWEALTH OF VIRGINIA

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STATE CORPORATION COMMISSION DIVISION OF UTILITY AND RAILROAD SAFETY

As you know, essential utility services (electricity, communications, natural gas, water, etc.) are provided through thousands of miles of underground utility lines to our homes and businesses. Excavation damage to underground utility lines can cause far-reaching consequences, including serious injury or death, environmental damage, and the loss of vital services that we depend on every day. Preventing damage to these facilities is a responsibility shared by all stakeholders statewide.

In an effort to continue to enhance Virginia's Underground Utility Damage Prevention Program and promote safe digging practices, we reach out to organizations whose members may be involved in any type of excavation, such as the real estate industry. In the first part of 2009, we met with the representatives of utility operators, the Virginia Association of Realtors and the Department of Professional and Occupational Regulation to determine the best way to reach out to real estate agents and their sign installers. Our discussion resulted in several recommendations to help educate the real estate industry in Virginia about safe digging practices when signs are installed in the ground. One of their recommendations was to make available to real estate agents a summary of the requirements of the Virginia Underground Utility Damage Prevention Act as part of the agents' training and continuing education. Therefore, we are providing you with a summary of the requirements of the law for excavations to be incorporated into your education programs. The summary is to be used solely as a convenience for the persons reading it and not as a legal reference. Persons seeking a legal reference are encouraged to utilize the Code of Virginia (Chapter 10.3), referencing the Virginia Underground Utility Damage Prevention Act.

For additional information regarding Virginia's Damage Prevention Program, to receive free literature and promotional items, or to learn more about the Act and the Commission's Rules for Enforcement of the Act, you may contact the State Corporation Commission's Division of Utility and Railroad Safety at 1-800-552-7945 or 804-371-9980, or email vadamageprevention@scc.virginia.gov.

We appreciate your assistance in this matter.



Sincerely,

Massoud Tahamtani

Dig With **CARE**. Keep Virginia Safe!

Damage to underground utility lines can cause far-reaching consequences, from serious injury or death and environmental damage to the loss of vital services that we depend on every day. Preventing damage to these facilities is a responsibility shared by all stakeholders and is accomplished through various damage prevention measures.

In 1979, the Virginia General Assembly passed the Underground Utility Damage Prevention Act (“Act”), defining the stakeholder’s responsibilities so as to prevent excavation/demolition damage to underground utility lines. Since then, the Act has been amended several times to further clarify these responsibilities. In 1994, the Act authorized the State Corporation Commission (“Commission”) to enforce the provisions of the law and assist with programs such as public awareness and training to further underground utility damage prevention in Virginia.

The Act states in Section 56-265.17 A that, “...no person ... shall make or begin any excavation [emphasis added]... without first notifying the notification center [commonly called ‘Miss Utility’]...”

Section 56-265.15 of the Act defines excavation as:

- Excavation, “means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes without limitation, grading, trenching, digging, ditching, dredging, drilling, augering, tunneling, scraping, cable or pipe plowing and driving, wrecking, razing, rendering, moving, or removing any structure or mass of material”.

Many real estate signs are placed on utility easements in the front of properties to increase visibility for potential customers. These easements are used by utility companies to provide gas, power, water or other essential services to homes and businesses.



Damage to an underground utility line can result when a person fails to call Miss Utility prior to excavating. The damage can be a nick to a gas line causing gas to escape underground and follow the path of least resistance into a home. Any source of ignition can then create a potentially deadly explosion inside the house.



(House destroyed by a gas explosion)

The requirements of the Act for excavation can be summed up in Virginia's Damage Prevention Message: ***Dig With C.A.R.E., Keep Virginia Safe!*** The acronym C.A.R.E. stands for

C Call Miss Utility at 811 before you dig.

After notifying Miss Utility, you are given a ticket number. Your Miss Utility ticket's life is fifteen working days beginning at 7:00 a.m. the following working day after Miss Utility is notified. A "working day" means every day, except Saturdays, Sundays, and legal state and national holidays.

A Allow the required time for marking.

Once you have placed the call to Miss Utility, you must wait the time required by law to allow the utilities to mark the underground lines in your project area. The waiting period is *48 hours* and begins at 7:00 a.m. the next working day after you contact Miss Utility. This does not include Saturdays, Sundays, or legal state and national holidays. If you confirm or receive information through Miss Utility that all applicable utility operators have either marked their underground utility lines or reported no lines are present in the vicinity of your excavation, you may begin at any point during the waiting period. You may also begin your project if Miss Utility informs you when you call 811 that no utility operators need to be informed of your proposed excavation.

R Respect and protect the marks.

Marking underground utility lines is the way utility operators show the approximate horizontal location within two feet of either side of their facilities. Once the markings are placed on the ground, it is the responsibility of the excavator to protect and preserve the markings from the time the excavation begins until markings are no longer needed for the proper and safe excavation near the utility lines.

E Excavate carefully.

Prior to your excavation you must conduct a site inspection which includes verifying you are at the correct location, verifying locate markings and to the best of your ability check for clear evidence¹ of unmarked utility lines. Additionally, Virginia law requires you to follow certain steps when excavating within two feet on either side of a staked or marked location of an underground utility line. Such steps include, but may not be limited to,

exposing the utility line to its extremities by hand digging before beginning mechanical excavation and not using mechanized equipment within two feet of the exposed utility line. In addition, for parallel excavation to an existing utility line, such steps include, but may not be limited to, hand digging at reasonable distances along the line of excavation to determine the location of the underground utility line in relation to your excavation.

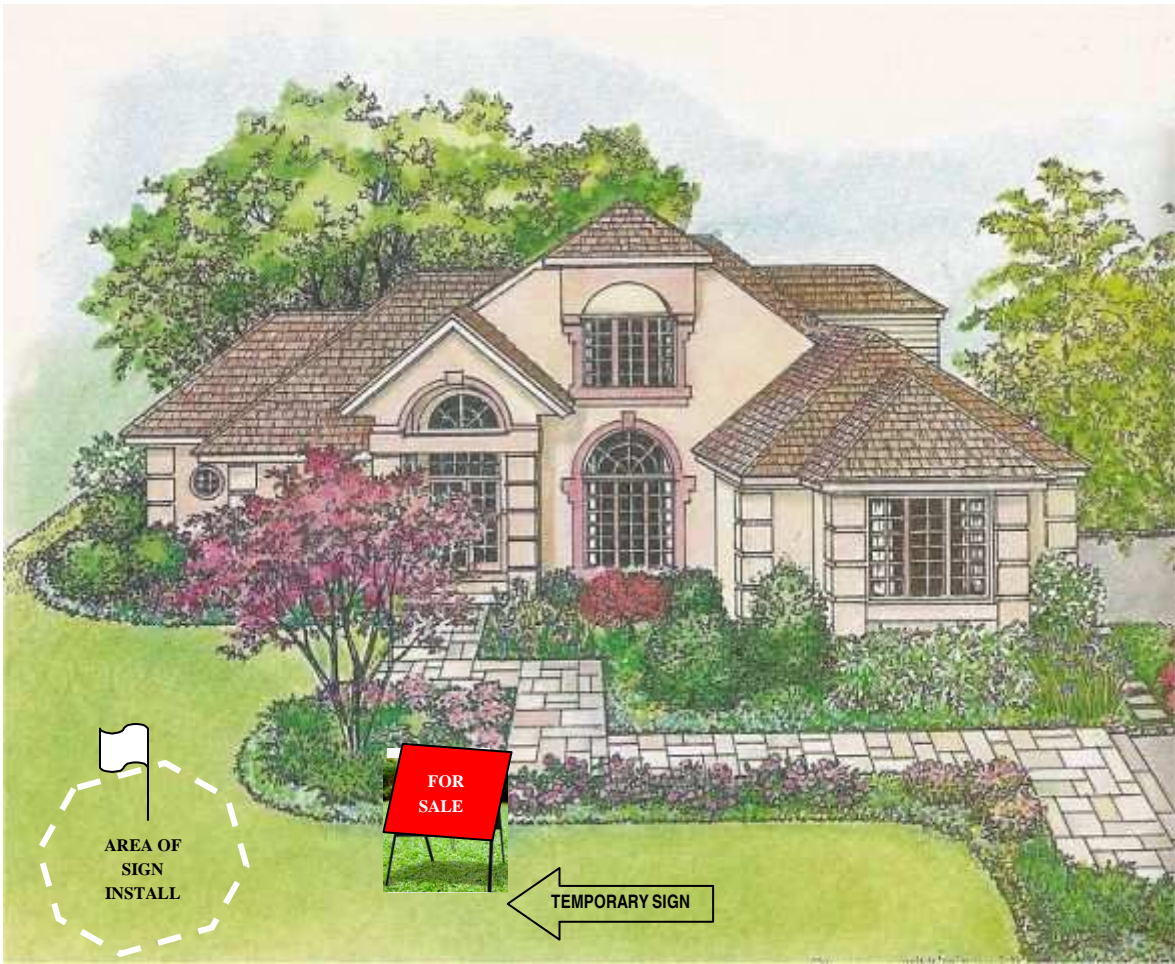
If a damage, dislocation, or disturbance of any underground utility line, including its appurtenances, covering, and coating, occurs as a result of your excavation, immediately notify the operator or owner of the utility line. If a damage, dislocation, or disturbance of an underground utility line creates an emergency, take immediate steps reasonably calculated to safeguard life, health and property. If the emergency results in the escape of any toxic, flammable, corrosive gas or liquid promptly report to the appropriate authorities by dialing 911.

Whether it is you who is the excavator or a contractor installing the real estate sign for you, Miss Utility must be called before excavating to install a sign. Prior to calling Miss Utility, it is a good idea to use white lining to show utility line locators the specific area where the sign will be installed. White lining reduces the need to try to describe the specific area of your planned excavation in words, reduces unnecessary work locating underground utility lines that are not in your project area, and reduces the use of unnecessary paint or flag in areas of the property not involved in excavation.

For a single sign installation, the installer or the agent should mark (using white paint) the area by the use of dots or dashes to show underground utility locators the area of excavation. If necessary, white flags can also be used.

If an agent needs to display a sign on the property as soon as possible and before utilities are marked temporary signage that does not require excavation can be used. (See picture on following page)

¹ Clear evidence shall include, but is not limited to, visual evidence of an unmarked utility line, knowledge of the presence of a utility line, or faded marks from a previous marking of a utility line.



For more information regarding Virginia's damage prevention program and/or to receive free literature and promotional items on Virginia's Damage Prevention message, contact the State Corporation Commission's Division of Utility and Railroad Safety at 1-800-552-7945 or 804-371-9980, or email to vadamageprevention@scc.virginia.gov.

