

# Pennsylvania One Call: The Law, How It Is Administered, and Best Practices.

Renardo (Rick) Hicks | April 23, 2024

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# One Call Law = UNDERGROUND UTILITY LINE PROTECTION ACT

- Protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communications, gas, oil delivery, oil product delivery, sewage, water or other service;
- Imposes duties upon the facility owners, service providers, contractors, designers and others preparing drawings or performing excavation or demolition work; and,
- Provides definitions, for a One Call System, for enforcement at the PUC and for fines and penalties for violations of this law.

# 73 P. S. § 176 et. seq.

Section 1. Definitions

Section 2. Duty of Facility Owners

Section 3. Responsibilities of The One Call System

Section 4. **Responsibilities of a Designer**

Section 5. Responsibilities of an Excavator

Section 6. Legislative Intent

Section 6.1 Responsibilities of the Project Owner

Section 7. Performance Criteria

Section 7.8 Enforcement – PUC

Section 8. One Call System Dispute Resolution

Section 9. Except as otherwise provided for by this act, persons shall use their best efforts to comply with the **Common Ground Alliance best practices.**

# Definitions

**"Designer"** means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work.

**"Contractor"** means any person who or which performs excavation or demolition work for himself or for another entity.

**"Property Owner & Project Owner"** means any person who or which engages a contractor for construction or any other project which requires excavation or demolition work.

# What is the “One Call System”?

- A communication system established within this Commonwealth to provide a single toll-free telephone number (811) for contractors or designers or any other person covered by this act to call facility owners and notify them of their intent to perform excavation, demolition or similar work.
- A One Call System shall be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations). “Pennsylvania 811”

# ENFORCEMENT AND REPORTING ALLEGED VIOLATIONS

- The One Call Law assigns enforcement authority to the Pennsylvania Public Utility Commission (PUC) which established a Damage Prevention Committee (DPC).
- The DPC reviews reports of alleged violations, issues warning letters, issues informal determinations that impose administrative penalties, and requires persons to attend a damage prevention educational program.
- Affected parties do have rights regarding these informal determinations, including the right to be heard, and the right to appeal administrative penalties; however, most cases are resolved at this level.
- The DPC consists of members of various stakeholder groups, and staff of the PUC, the Department of Transportation, and Pennsylvania 811, with the PUC representative serving as the chairman. (See Section 7.8 of the UULPL.)

# Alleged Violation Reports

- Excavators, designers, project owners, and facility owners must submit an alleged violation report (AVR) to the commission through the One Call System for instances when a person by action or inaction fails to fulfill the obligation of the Act.
- All Alleged Violation Reports are to be submitted via the One Call System website under the Enforcement section.
- An Alleged Violation Report is submitted from the One Call System website under the Enforcement section.
- <https://www.pa1call.org/pocs/5a5f2f02-a219-40e8-adee-2b3f0b9cd17d/enforcement>

# Section 4 -Responsibilities of a Designer (Nine of them)

**(2)** To request the line and facility information prescribed by section 2(4) from the One Call System not less than ten nor more than ninety business days before final design is to be completed.

This clause is not intended to prohibit designers from obtaining such information more than ninety days before final design is to be completed; however, they must state in their requirements that such work is preliminary.

The Designer is required to send plans to the involved Facility Owners to mark up. PA One Call can assist thru its “Drawing Exchange” electronically.



# Section 4 - Responsibilities of a Designer cont.

(2.1) To forward a copy of the project plans to each facility owner who requests a copy. If a designer is unable to provide a copy because of security of the project or proprietary concerns regarding the design or the project, the designer shall negotiate in a timely manner with the facility owner the means of obtaining the necessary information.

(3) To show on the drawing the position and type of each facility owner's line, derived pursuant to the request made as required by clause (2), and the name of the facility owner as shown on the list referred to in section 3.

# Section 4 - Responsibilities of a Designer cont.

- (4) To make a reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner's facilities in the construction area by maintaining the clearance as provided for in the applicable easement condition or an eighteen-inch clearance of the facility owner's facilities if no easement restriction exists.
- (5) A designer shall be deemed to have met the obligations of clause (2) if he calls the One Call System and shows, as proof, the serial number of one call notice on drawings. The designer shall also show the toll-free number of the One Call System on the drawing near his serial number.

# Section 4 - Responsibilities of a Designer cont.

- (6) If, after receiving information from the facility owners, the designer decides to change the work site of a proposed excavation, the obligations imposed by this section shall apply to the new work site.
- (7) The designer who has complied with the terms of this act and who was not otherwise negligent shall not be subject to liability or incur any obligation to facility owners, operators, owners or other persons who sustain injury to person or property as a result of the excavation or demolition planning work of the designer.

# Section 4 - Responsibilities of a Designer cont.

(8) To submit a report of alleged violation to the commission through the One Call System not more than thirty business days from the time the designer becomes aware that a violation of this act may have been committed in association with excavation or demolition work. The report of alleged violation shall be in a form and manner as required by the commission.

(9) To request line and facility information required under section 2(4) from the One Call System and to pay the applicable fee for the request.

**2(4)** - Information as to the position and type of the facility owner's lines at such work site based on the information currently in the facility owner's possession

# The PA Damage Prevention Committee

- The PUC's Bureau of Investigation and Enforcement has created a section called "PA1Call Enforcement." They are the civil prosecutors of the DPC.
- The PUC also has the right, in appropriate cases, to file criminal and civil complaints against violators. Such action is more likely to occur where there is death, personal injury, or significant property damage, or in the case of repeat offenders.

# Alleged Violation Reports After Damage

- A **Facility Owner** must submit a report of alleged violation **not more than thirty business days** after receipt of notice that the facility owner's lines have been damaged by excavation or demolition work or if the facility owner believes a violation of this act has been committed in association with excavation or demolition work. No report may be required where the cost to repair the damage to the facility owner's lines is less than two thousand five hundred dollars (\$2,500), unless the same person damaged the facility owner's lines two or more times within a six-month period.
- A **Designer** must submit a report of alleged violation **not more than thirty business days** from the time the designer becomes aware that a violation of this act may have been committed in association with excavation or demolition work.

# Alleged Violation Reports After Damage

- An **Excavator** must submit a report of an alleged violation **not more than ten business days** after striking or damaging a facility owner's line during excavation or demolition or if the excavator believes a violation of this act has been committed in association with excavation or demolition work.
- • A **Project Owner** must submit a report of alleged violation **not more than ten business days** after striking or damaging a facility owner's line during excavation or demolition work activities, after a project owner's contracted excavator strikes or damages a facility owner's line during excavation or demolition activities or if the project owner believes a violation of this act has been committed in association with excavation or demolition.

# BEST PRACTICES

- Pa 811 Underground Damage Prevention Program Task Force
  - Chaired by Stephen Schafer from First Energy, resulted in a 121 page report called “**Elements of a Pennsylvania Damage Prevention Program** (Published in April, 2018)
  - <https://www.pa1call.org/getmedia/4e0ef3c8-97f7-4f5a-9f4e-d5f3dda41b7d/Elements-of-a-Damage-Prevention-Program-4-4-18.pdf>



# Elements of a Pennsylvania Damage Prevention Program (2018)

- The Board of Directors of Pennsylvania 811 formed an Underground Damage Prevention Programs Task Force to develop a guide to assist Underground Facility Owners in the implementation of a Damage Prevention Program/Plan.
- Purpose: To describe Elements of a Pennsylvania Damage Prevention Program
- Audience: Regulated Utility Companies
- Ideas, Processes and Practices Developed and Implemented by Regulated Utilities and related groups in PA

# Participants

- American Public Works Association (APWA)
- Common Ground Alliance (CGA)
- Columbia Gas of PA
- First Energy
- Interstate Energy
- PPL Electric
- Pennsylvania 811
- UGI Utilities
- The Damage Prevention Plans of the participating companies were used as a model with examples of processes, practices and procedures.

<https://www.pa1call.org/getmedia/4e0ef3c8-97f7-4f5a-9f4e-d5f3dda41b7d/Elements-of-a-Damage-Prevention-Program-4-4-18.pdf>

# BEST PRACTICES

- **Best Practices 20.0 : The Definitive Guide For Underground Safety and Damage Prevention** – Published by Common Ground Alliance, (Published in April, 2024) Updated every year – Referenced in Section 9 of the law
- The CGA Best Practices manual includes more than 160 practices that cover all phases of the 811 process, **agreed to by 16 stakeholder groups**.
  - Build consensus support for all decisions required in their bylaws
- <https://commongroundalliance.com/Portals/0/Best%20Practices%20Guide%20Version%202020%20PDF%20Download.pdf?ver=2024-04-10-130450-790>

# WHAT IS CGA?

- CGA is a member-driven association of more than 3,200 damage prevention professionals in every facet of the underground utility industry. Membership in the CGA is open to all stakeholders with a genuine interest in reducing damages to the underground infrastructure. CGA's top-tier members represent some of the largest companies and organizations in North America.

# BEST PRACTICES 20.0

- The Best Practices Guide is the preeminent and trusted resource for underground damage prevention with more than 162 practices that cover all phases of the safe digging process.
- The practices included within this guide, agreed to by consensus of 16 industry stakeholder groups, and are designed to improve worker safety, protect vital underground infrastructure, and ensure public safety during excavation activities conducted in the vicinity of existing underground facilities.

# BEST PRACTICES 20.0

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# 2-1: Plat Designation of Existing Underground Facility Easements

- Practice Statement: Plats prepared for the development of real property identify and show the alignment of any existing buried facilities and the presence and extent of any existing easements and/or rights of way.
- Practice Description: Where plats are required to be filed, the items required include the identification of the easements of underground facilities traversing the land described on the plat. Identifying easements of underground facilities on the plat increases notice to developers and the public about the existence of the underground facilities. Notifying owners of underground facilities that a plat has been filed alerts underground facility owners/operators of the need to establish communication between the developers and operators that will facilitate a plan and design for the use of the land that complements the underground facility.

## 2-2: Gathering Information for Design Purposes

- Practice Statement: The designer uses all reasonable means of obtaining information about underground facilities in the area of the planned excavation.
- Practice Description: During the planning phase of the project, all available information is gathered from facility owners/operators. This includes maps of existing, abandoned and out-of-service facilities; cathodic protection and grounding systems; as-builts of facilities in the area if the maps are not current; proposed project designs; and schedules of other work in the area. This information is gathered for the purpose of route selection and preliminary neighborhood impacts and as part of the process of impact analysis when evaluating different design possibilities.



## 2-3: Identifying Existing Facilities in Planning and Design

- Practice Statement: Designers indicate existing underground facilities on drawings during planning and design.
- Practice Description: During the planning phase of the project, existing facilities are shown on preliminary design plans. The planning documents include possible routes for the project together with known underground facility information. The various facility owners/operators are then given the opportunity to provide appropriate feedback. During the design phase of the project, underground facility information from the planning phase is shown on the plans. If information was gathered from field-located facilities, potholing, underground facility surveys or subsurface utility engineering, this is noted on the plans. The designer and the contractor both know the quality of the information included on the plans.

## 2-4: Utility Coordination

- Practice Statement: Project owners and facility owners/operators regularly communicate and coordinate with each other concerning future and current projects.
- Practice Description: Utility coordination fosters an open exchange of information among private and public facilities, governmental agencies and construction-related organizations. Utility coordination also promotes cooperation among said groups in the planning, design and construction of projects affecting the overall good of participating parties, their organizations and customers or constituents, and the general public.

## 2-5: Markers for Underground Facilities

- Practice Statement: The presence and type of underground facilities are indicated by permanent aboveground and belowground markers and material.
- Practice Description: A combination of aboveground and belowground markers is used to identify and locate underground facilities. The facility is color-coded in accordance with the American Public Works Association (APWA) guidelines to assist in identifying an aboveground or belowground facility.
- The purpose of aboveground markers is to identify underground facilities, not to locate for excavation or circumvent the one call process. However, designing underground facilities for future location reduces the risk of an incorrectly marked underground facility during an excavation project. Aboveground markers are developed during the design process and include the company name, type of facility, emergency contact and the one call number. The locations and types of markers are specified in the construction plans.

## 2-6: Follow All Applicable Codes, Statutes and Facility Owner/Operator Standards

- Practice Statement: When planning and designing the installation of new or replacement of existing underground facilities, the designer follows all federal, state/provincial, and local guidelines, codes, statutes, and other facility owner/operator standards.
- Practice Description: The designer of a facility project typically considers only national industry codes, regulations and practices applicable to that particular facility and not of adjacent facilities. Regulations, codes, standards and other design documents generally specify depth of cover and horizontal and vertical clearances between adjacent facilities. However, they are not always prescriptive and can be subject to interpretation by the designer. In addition, certain codes allow exceptions to the prescribed minimum clearances, contingent upon approval between the affected facility owners/operators.

## 2-7: Use of Qualified Contractors

- Practice Statement: Qualified contractors are used to excavate on and near underground facilities.
- Practice Description: Contractors that excavate on and near underground facilities possess the qualifications necessary to conduct such activities in a manner that is skillful, safe and reliable. The requisite qualification of the contractor serves to protect the public and the integrity of underground facilities in the vicinity of the excavation. Using qualified contractors ensures that all contractors who bid and work on a project employ safe work habits and are capable of performing the requested work.

## 2-8: Mandatory Prebid Conferences

- Practice Statement: A mandatory prebid conference is held and bids are accepted only from attending contractors.
- Practice Description: Depending on the level of impact of proposed construction upon facilities in the excavation area, the project owner or project designer requires potential contractors and facility owners/operators to attend a mandatory prebid conference. This prebid conference is used to discuss, among other things, the particular facilities in the area and the requirements to properly protect, support and safely maintain the facilities during excavation. Official minutes are taken and disseminated as written to all attendees.

## 2-9: Continuous Interface Between the Designer and Potential Contractors During the Prebid/Bid Phase

- Practice Statement: Once a project design is completed, the designer participates in the prebid/bid process.
- Practice Description: The designer's continuing involvement during the prebid/bid phase with the potential contractor(s) allows for more effective communications between all parties. The designer can assess whether the interested bidders have the expertise needed and the correct understanding of the intended design.

## 2-10: Continuous Interface between the Designer and the Contractor During the Construction Phase

- Practice Statement: The designer continues to interface with the selected contractor throughout the construction phase.
- Practice Description: This practice allows the designer to be available for preconstruction conferences, unforeseen conditions and design changes, and for postconstruction conferences.



## 2-11: As-built Drawings

- Practice Statement: As-built drawings are prepared and the information is recorded to aid future excavations and locates.
- Practice Description: Installation is made in accordance with the approved construction plans. Any deviation to the plans is documented and such changes are indicated on the as-built drawings. As-built information is recorded, retained and made available for subsequent excavation.

## 2-12: Supply-line Séparation

- Practice Statement: When installing new direct-buried supply facilities in a common trench, a minimum of 12 in. radial separation is maintained between supply facilities, such as steam lines, plastic gas lines, other fuel lines and direct-buried electrical supply lines.
- If 12 in. of separation cannot be feasibly attained at the time of installation, then mitigating measures are taken to protect lines against damage that might result from proximity to other structures. Examples may include the use of insulators, casing, shields or spacers. If there is a conflict among any of the applicable regulations or standards regarding minimum separation, the most stringent are applied.

## 2-13: Trenchless Excavation

- Practice Statement: All stakeholders adhere to all best practices and the following general guidelines prior to, during and after any trenchless excavation (as applicable).
- Practice Description:
  - The project owner and design engineer take prudent measures to make the determination to use trenchless excavation installation.
  - The project owner and design engineer coordinate with facility owners to design projects that maintain minimum radial clearances between the new facility and existing facilities. Minimum clearances are equal to or greater than applicable standards.
  - The project owner and design engineer establish line and grade of the proposed excavation to maintain the established minimum clearances.

# 2-14: Subsurface Utility Engineering (SUE)

- Practice Statement: When applied properly during the design phase, Subsurface Utility Engineering (SUE) provides significant cost and damage-avoidance benefits, and the opportunity to correct inaccuracies in existing facility records.
- Practice Description: In certain cases and environments, it may be difficult or impossible to determine the locations of all utilities and/or impediments with sufficient accuracy to avoid damage or delay during construction. In these cases, SUE is applied during the design phase to locate, identify and characterize all existing utility infrastructure (and other relevant nonutility features) found within a given project/area.

## 2-15: Use of Qualified Designers

- Practice Statement: Project owners employ qualified design and SUE providers.
- Practice Description: When new utility infrastructure is installed, project owners employ qualified designers and SUE providers. Such providers have knowledge and understanding of applicable CGA Best Practices and of the ASCE 38-02 SUE standard. Providers are qualified in application of the associated design practices and SUE processes.

## 2-16: Project Coordination

- Practice Statement: Large and/or complex projects may require the use of specific processes established to enhance safety and to coordinate buried-facility damage-prevention efforts among all potentially affected stakeholders throughout the life of the project. Such processes are intended to complement, and be used in addition to, standard and customary one call notification and locating practices.
- Practice Description: A “large/complex” project is a single project or a series of repetitive, small, related-scope, short-term projects that impact facilities over a long period of time or over a large area. Such projects pose a unique set of safety and damage prevention challenges when using standard one call practices, specifically as they apply to ongoing locating and re-marking requirements.

## 2-17: Electronically Locatable Lines

- Practice Statement: When designing and installing new facilities, a means is provided to allow the facilities to be electronically locatable.
- Practice Description: Many facilities are damaged due to the fact that they cannot be located electronically. Non-conductive materials, such as PVC, cannot be located using traditional locate methods. When designing and installing non-conductive facilities, the use of a tracer wire or other methods (refer to practice 2-5, Markers for Underground Facilities) is part of that design and installation. This will allow these facilities to be identified, located and marked prior to future excavation activities.

# 2-18: Identifying Newly Installed or Under-Construction Facilities

- Practice Statement: Facility owner or designee identifies with the 811 center an underground facility that has been installed or is under construction but is not in service.
- Practice Description: A facility owner provides the 811 center with shape files or other suitable mapping data for the new or under-construction facility that follows an existing or new corridor. A new facility includes facilities installed but not placed into service.



# 2-19: Underground Electronic Utility Markers

- Practice Statement: Underground electronic utility markers are an effective way to enable accurate locating and verification of underground facilities. (See Appendix B: Guidelines for Underground Utility Marker Technology)
- Practice Description: Facility owners/operators can consider several characteristics in the selection and installation of underground electronic utility markers for locating to ensure consistency among stakeholders' future identification. (1) the underground utility markers can emit a signal that is a match to a predefined utility type, and (2) the underground utility marker signal can carry identifying data associated with the underground utility/asset type.

# Pennsylvania One Call

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- The Law
- How It Is Administered and
  - Best Practices