

EXCAVATORS' GUIDE

INCLUDING DAMAGE TO UNDERGROUND UTILITY FACILITIES ACT AS AMENDED THROUGH 2011.

PUBLISHED SEPTEMBER 2012

**Know what's below.
Call 811 before you dig.**



BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.

TABLE OF CONTENTS

PAGE

I. WHAT'S BURIED BELOW THE SURFACE OF THE GROUND	2
II. EDUCATIONAL OPPORTUNITIES	3
III. DETERMINING WHO AND WHEN TO CALL.....	3
IV. HOURS OF OPERATION	4
V. BLUE STAKES TELEPHONE NUMBERS	5
VI. ALTERNATE CONTACT METHODS.....	5
A. Remote Ticket Entry (RTE).....	6
B. Quick Ticket Entry (QTE).....	6
C. Internet Ticket Entry (ITE)	6
D. Online Ticket Revision (OTR)	7
VII. TYPES OF CALLS HANDLED BY BLUE STAKES.....	7
A. Regular Notice	7
B. Update Notice	8
C. Second Notice.....	8
D. Emergency Notice	9
E. Re-Mark Notice.....	10
F. Meet Request Notice.....	10
G. Planning & Design Notice	12
VIII. GUIDELINES FOR CALLING BLUE STAKES.....	12

	PAGE
IX. WHAT HAPPENS AFTER THE CALL IS MADE	23
X. RESPONSIBILITIES OF THE FACILITY OWNER.....	24
Guidelines for Marking of Underground Facilities.....	24
XI. RESPONSIBILITIES OF THE EXCAVATOR AFTER CALLING BLUE STAKES	40
A. Availability	40
B. Safety Zone.....	40
C. Exposed / Damaged Utility.....	40
D. Facility Markings.....	41
XII. REPORTING PROBLEMS.....	42
A. Failure to Locate Facilities Prior to Start Date	42
B. Correcting Errors.....	42
C. Researching Location Requests.....	43
XIII. GUIDELINES FOR SAFE DIGGING	44
XIV. UTAH STATE LAW – Damage to Underground Utility Facilities Act.....	45

PREFACE

This excavation guide is an educational document for anyone who plans to excavate, dig, construct or undertake any project that requires disturbing the earth's surface. Please use it as a reference tool when planning your excavation and when interacting with the one-call notification center at Blue Stakes of Utah Utility Notification Center, Inc. (Blue Stakes). This guide reflects the policy of the Board of Directors at Blue Stakes. It does not have the force and effect of law. The governing law is Utah Code Title 54, Chapter 8a, Damage to Underground Utility Facilities.

Every effort has been made to accurately reproduce the applicable sections of Utah State Law contained in this guide. However, Blue Stakes, its officers, directors, employees and agents make no representations or warranties as to the accuracy of this reproduction. This guide is not intended to alter the requirements of Utah Code Title 54, Chapter 8a, Damage to Underground Utility Facilities or any local ordinance, and it should not be used as a legal reference document. Persons seeking interpretations of the law should contact their own attorneys.

The information in the first section of this guide is designed to help excavators who want to contact Blue Stakes; it is also intended to help facility operators who must respond to information provided to them

by Blue Stakes. The reproduction of the Utah State Law describes the rights of the excavators and facility operators. While familiarity with this guide is recommended for all excavators and facility operators, their responsibilities are as provided by law.

This guide does not have a copyright. Additional copies of this guide may be obtained by calling Blue Stakes or by reproducing them. The contents of this guide are subject to change without notice.

I. WHAT'S BURIED BELOW THE SURFACE OF THE GROUND

When you dig anything from a posthole to a major excavation, you run the risk of damaging underground utility lines. Various types of utility lines including electric, gas, telephone, fiber optics, cable television, oil/petroleum, water, and sewer are buried everywhere. These facilities can be located in streets, down alleys, under vacant ground, in farmland, along property boundaries, within railroad rights-of-way, and over mountains, etc. Even the presence of overhead utility lines does not rule out the existence of buried power, cable television, or telephone facilities.

Excavators are liable for damage to underground utilities when they do not call for utility locations before excavating or when excavators are unfamiliar with the proper procedures for safely excavating around buried

facilities. Damages can also occur from improper backfilling around exposed utilities.

II. EDUCATIONAL OPPORTUNITIES

One of the services Blue Stakes offers free of charge is underground facility damage prevention education classes throughout the state of Utah. If you would like Blue Stakes to provide a damage prevention educational class for your organization, contact Blue Stakes to schedule a safety class or training tailored to fit your needs.

III. DETERMINING WHO AND WHEN TO CALL

The Utah Damage to Underground Utility Facilities Act requires anyone engaging in any activity which displaces earth, rock or other material on or below the ground to notify Blue Stakes at least two (2) business days but not more than fourteen (14) calendar days prior to excavation.

If more than one excavator will be digging at the same excavation site, each excavator as defined by Utah State Code is required to notify Blue Stakes of proposed excavation.

Blue Stakes was created to provide one central number for excavators and the general public to call to notify member utilities of intended excavation. Although the Utah State Law requires all utilities with underground facilities to participate, there are some utilities that do not receive notice of excavation because they are not members of Blue

Stakes. Please ask the Blue Stakes Customer Service Representative for a list of member utilities notified for your proposed excavation site. Blue Stakes also encourages contractors to notify nonmember facility owners directly.

Blue Stakes should NOT be contacted for any of the following reasons:

- To report any type of service outage.
- To resolve any type of utility billing problem.
- To report any excavation outside the state of Utah.
- To request initiations of any type of utility service.
- To request any type of facility removal or relocation.

IV. HOURS OF OPERATION

Blue Stakes is open daily from 7:00 a.m. to 5:00 p.m. excluding Saturdays, Sundays, and Holidays.

Emergency notification between 5:00 p.m. and 7:00 a.m. and weekends should be reported directly to the utilities. Please contact Blue Stakes or access the Utility Contacts Link on Blue Stakes web page at www.bluestakes.org for a list of after-hour emergency numbers for member utilities.

Holidays Include:

- New Year's Day
- Presidents' Day
- Memorial Day
- Independence Day

- Pioneer Day (24th of July)
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve Day
- Christmas Day

V. BLUE STAKES TELEPHONE NUMBERS

Blue Stakes can be reached at the following numbers during normal hours of operation:

- 811



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

- (800) 662-4111 (Toll-Free)
- (801) 208-2100 (Salt Lake City)

VI. ALTERNATE CONTACT METHODS

Blue Stakes allows participating excavators to submit standard, non-emergency locate requests via the Internet 24 hours a day, 7 days a week. By using the Internet, excavators can save the time of calling the request in to Blue Stakes. Visit our website at www.bluestakes.org for more information on processing requests through the Internet using the following remote applications:

A. REMOTE TICKET ENTRY (RTE) requests will be processed immediately and sent directly to the member utilities in the specified excavation area without intervention from Blue Stakes. All requests submitted after normal business hours will be time stamped for 7:00 a.m. on the next business day. RTE users can view their requests on-line.

B. QUICK TICKET ENTRY (QTE) requests will be queued into the Blue Stakes system for processing. Requests received during hours of operation will be processed within two (2) business hours and sent out to the corresponding member utilities. Requests received after hours will be processed the next business day. Once it is processed by Blue Stakes, QTE users will receive a copy of their request by email.

C. INTERNET TICKET ENTRY (ITE) requests (also known as Online Locate Requests) will be queued into the Blue Stakes system for processing. Requests received during hours of operation will be processed within two (2) business hours and sent out to the corresponding member utilities. Requests received after hours will be processed the next business day. Once it is processed by Blue Stakes, ITE users will receive a copy of their request by email.

D. ONLINE TICKET REVISION (OTR) requests will be processed immediately and sent directly to the member utilities in the specified excavation area without intervention from Blue Stakes. All requests submitted after normal business hours will be time stamped for 7:00 a.m. on the next business day. OTR users can view their requests on-line.

It is the user's responsibility to ensure all information is entered as requested through these alternate methods and to report any problems or errors immediately to Blue Stakes.

VII. TYPES OF CALLS HANDLED BY BLUE STAKES

Blue Stakes handles several types of excavation calls. Each request type is used to handle unique situations or problems. The following is a brief explanation of each:

A. REGULAR NOTICE – Utah State Law requires at least two (2) business days notice, but not more than fourteen (14) calendar days before the commencement of excavation. The excavator may begin excavating after all member utilities have responded or two (2) business days have lapsed. However, if any member utility(s) has failed to respond to the original request, it is advised that a second notice be filed with Blue Stakes requesting immediate location of the facilities.

B. UPDATE NOTICE – A locate request is valid for 14 calendar days from the date the request is submitted. If excavation activity will continue beyond this 14-day period, an excavator must update the request at least two business days, but no sooner than six calendar days, before the original request's expiration date. The update notice will create a new expiration date that is 14 calendar days after the original request's expiration date. The excavator should continue to give notice in like manner for each 14-day period during which excavation activity continues.

***NOTE:** According to Utah Code 54-8a-4(9), an excavator may be responsible for the costs incurred by an operator to remark its underground facilities following the second or subsequent notice given by an excavator at the same location. An excavator should not submit multiple notices for the same location before excavation activity has started or after excavation activity has been completed.*

C. SECOND NOTICE – To facilitate safety and damage prevention, Blue Stakes encourages all excavators to contact the center if any member utility(s) has failed to notify or locate their facilities. The second notice request will be dispatched as a priority notification and the member utilities will respond as soon as possible. To ensure the proper member utilities are

notified for failure to respond, please provide the Customer Service Representative with the name of only the member utility(s) that has not responded to your request. Before filing a second notice request; please verify all address information to ensure the correct information was sent to the utilities.

D. EMERGENCY NOTICE – An emergency is defined by Utah Code 54-8a-2(3), as “an occurrence or suspected natural gas leak necessitating immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” Excavators calling in locate requests as emergencies that do not meet the definition of an emergency as described above may be charged the cost of locating and marking underground facilities by member utilities.

Member utilities will attempt to respond as soon as possible but preferably within 2 hours to mark their facilities. However, if a utility does not respond within this time period and you cannot wait the “48 hours” allowed by law for utilities to respond, you may be responsible for any damages caused.

Emergency notification on weekends, holidays, or between 5:00 p.m. and 7:00 a.m. on normal work-days should be reported directly to utility companies. Contact Blue Stakes for a list of after hour emergency numbers for member utilities or access the Utility Contacts Link on Blue Stakes WEB page at www.bluestakes.org.

E. RE-MARK NOTICE – If the markings locating the underground lines no longer identify the location of the facilities due to fading caused by time, weather, construction or other reasons, the person performing the excavation or demolition is required to notify Blue Stakes before further excavation of the site. Member utilities are required to re-mark the area within two (2) business days of re-notification.

F. MEET REQUEST NOTICE – Most location requests can be described over the phone. In situations where excavation projects are large, complicated or within a restricted area, a meet can make the filing of the location request much easier. If a meet is requested, the Blue Stakes Customer Service Representative will take a general description of the excavation site. Enough information will be needed for member utilities to furnish necessary maps to their field locator.

A meet should only be set up when it is impossible to explain the project over the phone. Many times, what may seem to be a complicated project can be described easily if it is broken into several pieces and the excavation site is pre-marked using white paint, stakes or flags. For example, instead of trying to describe a major project involving work on several different roads, a separate locate request can be created for each road, with each request describing the area specific to that particular road.

A meet should not be requested for multiple isolated locations, such as ground rod installation or tree planting in an existing neighborhood. Instead, separate locate requests should be created to break up the area street-to-street or by individual address.

If it is absolutely necessary to set up a meet, a Blue Stakes Customer Service Representative can set up an appointment between 9:00 a.m. and 2:00 p.m. at least two (2) business days from the time of the call. The utilities have two (2) business days after the time of the meet to mark their facilities. If any member utility is unable to attend the meet request, it is the member utility's responsibility to contact the contractor to make other arrangements. The following procedures must be followed when requesting a meet:

- You must be present at the exact time and location given on the request. Member utilities will only wait at the specified location for 15 minutes. If you do not show up at the requested time and place, your request will be void. All meeting sites must be outside.
- You will be required to provide member utilities with either a written description or a map of your excavation area with the exact excavation areas described or marked.

- Meets cannot cover several non-adjointing sites. In situations where there are several sites, a request must be made for each site.

G. PLANNING & DESIGN NOTICE – Blue Stakes does not process non-excavation locate requests for planning and design purposes. Blue Stakes will, however, provide planning and design contact information for member utilities in one of the following ways:

- Blue Stakes will provide callers with a list of plan & design contacts for member utilities at the location in question upon request, or
- If you would like to obtain plan & design contact information for member utilities on-line, access Blue Stakes' WEB site Utility Contacts link.

VIII. GUIDELINES FOR CALLING BLUE STAKES

Blue Stakes Customer Service Representatives are professionally trained to obtain specific information concerning locate requests. Because information is entered via computer, the order of the questions you will be asked is preset. Each question is important and provides member utilities with information to locate their facilities in a timely manner. Locate request processing is easy if the caller is prepared to answer all questions. Preparation is

the key. The best way to prepare for a call is to ensure all necessary information is available before calling Blue Stakes. Following is a brief explanation of the information required in the order it will be asked:

NOTE: BLUE STAKES WILL NOT PROCESS THIRD PARTY LOCATE REQUESTS. Locate requests will be placed in the name of the caller or caller's company only. If someone other than the caller or caller's company, i.e. subcontractor, is going to be performing the excavation, they also need to contact Blue Stakes and request a ticket be generated in their name.

A. EXCAVATOR PHONE NUMBER – To enable Blue Stakes to easily access contractor information in its database using a phone number, please use the same phone number for you or your organization each time you call. It is important that the number provided is a valid number where you can be reached by member utilities in case additional information is required to process the locate request.

B. COMPANY INFORMATION – Company name and mailing address of the excavator is recorded and stored in a database. This database may be used periodically by Blue Stakes and member utilities to notify excavators.

C. CALLER NAME AND PHONE NUMBER – The telephone number of the caller is taken in case member utilities require additional information

to process an excavation request. Member utilities may also call the excavator to set up appointments for “mark and standby” locations to protect highly sensitive underground facilities.

D. E-MAIL ADDRESS – When available, Blue Stakes provides fax and e-mail information to member utilities as an alternate means of contacting the excavating company to clear the dig request. The e-mail address can also be used to send a copy of the request to the excavator.

E. FIELD CONTACT – When possible, please provide a name and phone number of a contact person at the excavation site. This will assist member utilities in processing your request if further information is required before locating their facilities.

F. WORK TYPE – The law requires that excavators list the type of work being done. Please be specific. For example, “install sewer lateral” is more helpful than “install pipe”.

- **TRENCHLESS** – Information is taken to let member utilities know if trenchless technology (e.g. directional boring) will be used to excavate under roads, driveways, sidewalks, etc.

- **BLASTING** – Information is taken to let member utilities know if explosives will be used for excavation.

G. CITY / COUNTY – Blue Stakes accepts location requests for the entire state of Utah. If the excavation is in an unincorporated county area, please state that it is in the county along with the approximate mileage and direction from the closest city. It is important that the city and county information be correct to ensure that the proper member utilities are notified.

H. EXCAVATION SITE ADDRESS – To ensure that all affected member utilities can find the location of the dig site, Blue Stakes requires specific address information for identifying an excavation site. The given address must be posted.

The following are two examples of proper information when identifying the location of the excavation site:

- 6990 S Redwood Rd
- 621 to 650 S 2050 W

The best information is a street address. However, if a street address does not exist, a Blue Stakes Customer Service Representative will ask for the following information:

- Nearest address or intersection and directions.
- Highway, mile post number, and directions.
- Freeway, exit number, and directions.

The following is an example of proper information when identifying the location of the excavation site without an address in a rural area:

- I-15 exit 100 - From the southbound exit, travel west for 0.1 miles to the west frontage road. Then travel south for 0.75 miles. There is a white lathe with flagging on west side of road 20 ft. into property. Please stake a 10 ft. radius around this lathe.

Other information such as latitude / longitude coordinates and township and range quarter section coordinates are helpful for requests taken in remote areas but cannot be accepted as the only form of address. See Section N below for information about latitude/longitude coordinates.

Because member utilities vary from location to location, a separate locate request should be filed for

each excavation site. Large areas can be covered by one request if the work is a continuous excavation, such as a long open trench. Long linear projects, such as road reconstruction, new pipelines, etc., should be split into separate locate requests at major cross streets, mile markers, or other appropriate intervals.

I. SUBDIVISION / LOT NUMBER – In a new development, reference to subdivision and lot number will help member utilities identify the excavation area and prevent costly delays from shutdowns due to unmarked facilities. Please note, in a new development where addresses are not posted, it is the excavator's responsibility to post the address or lot number in a visible location. Subdivision and/or lot number cannot be given as the only form of address.

J. SIDE OF STREET – Side of street is taken to assist field locators in finding the location of the excavation site quickly. Right and left should not be used as directions since they are relative points of view. Use north, south, east or west in providing information pertaining to what side of the street the actual location of the excavation will take place is on.

K. LOCATION OF EXCAVATION ON PROPERTY – It is important to narrow the area to be located by member utilities to the precise area of excavation.

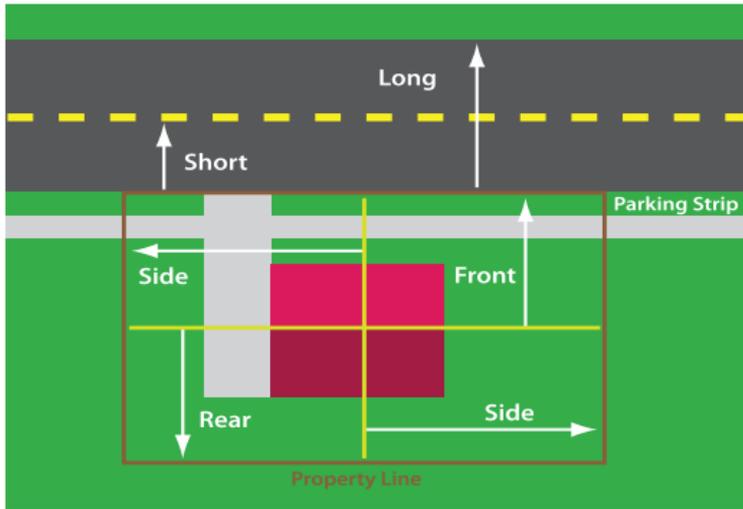
Many times the entire lot will be called in when excavation is only being done on one side of the property. Again, right and left should not be used as directions since they are relative points of view. In some cases you may be able to narrow the area to be located further by premarking the excavation area with white paint, stakes, flags, or other industry-accepted manner. Please pre-mark the area before notifying Blue Stakes.

NOTE: Utah State Law requires excavators to pre-mark the area of proposed excavation with white paint, stakes, or flags if the area of proposed excavation cannot be described.

L. ROAD EXCAVATION – If excavation will take place in a road, marking instructions should include a specified distance or one of the following descriptions:

- **SHORT** – from the curb to the middle of the street.
- **LONG** – from curb to curb (edge of road to edge of road, not including the shoulder).
- **ENTIRE INTERSECTION** – intersecting areas of crossing roads.
- **SHORT / LONG, ENTIRE INTERSECTION WITH PROPERTY DESCRIPTION** – when excavation is proposed in both the street and the property,

include side of road or both sides of the road and how far into the property you will be excavating rather than calling entire front of property.



Visit <http://www.bluestakes.org/html/FAQ.htm#19> for additional example diagrams of areas to be marked.

M. MARKING INSTRUCTIONS – After identifying the location of the excavation site, the Customer Service Representative handling your call will ask you to identify what portion of the excavation site is to be located by member utilities. The caller must be able to provide as accurately as possible the location of the proposed excavation. Footage and compass direction from the intersecting streets, house numbers or landmarks are all essential in helping member utilities find the excavation location. In identifying this area, the following guidelines should be considered:

- Right and left should not be used since they are relative points of view.
- The area must have boundaries that are defined by footage and / or landmark. A request cannot say, "stake the shoulder of the road" or "stake the right-of-way".

Many lots are very large and are, therefore, difficult to mark. Blue Stakes Customer Service Representatives will try to avoid dispatching locate requests that state, "stake the entire lot". If possible, try to list the specific area to be marked. The following are a few examples of the requested information:

- **FRONT** – from the middle of the house/property forward to the curb.
- **REAR** – from the middle of the house/property back to the rear property line.
- **SIDE** – from the middle of the house/property out to the side property line.
- Stake the NW quarter of the property.
- Stake from the north lot line into property 20 feet. Area pre-marked with white paint.

- Stake a 20 foot radius around the perimeter of the house.
- Stake park strip from east property line to west property line.

In all cases, the Customer Service Representatives are looking for a description of the area to be marked. Customer Service Representatives will not accept instructions to mark a particular member utility (e.g., “mark the gas line only”).

The Customer Service Representative can make a note of any additional information which will be of use to member utilities in fulfilling your locate request. For example, a warning about a dog or information about availability by phone can also be noted.

N. LATITUDE / LONGITUDE – Coordinates can be provided from a GPS unit in NAD83 format to identify a rural area or other location that does not have an address. The location must be pre-marked in the field and the excavator must also provide the Township & Range section number and approximate distance from an address, intersection or highway mile marker. The excavator must be available to provide driving directions to a utility owner if requested.

O. LEGAL DATE / TIME – The Customer Service Representative will provide you with the exact time and date your location request is valid. It is very important not to begin work prior to the legal start date and time. Beginning work before the legal start date and time can result in forfeiture of the excavator's rights and protection provided for under the Damage to Underground Utility Facilities Act.

P. EXPIRATION / UPDATE DATES – The Customer Service Representative will also provide you with the expiration date / time of your request and the date / time to update your request should your excavation last longer than 14 calendar days.

Q. LOCATION REQUEST NUMBER – Each locate request will be assigned a reference number, which is called the Location Request Assignment (LRA) or ticket number. This number should be used for future questions or problems associated with a locate request. Additionally, this number must be available at all times on excavation sites to prove compliance with the state law requiring that you "call before you dig". Please note that a fee may be charged if the number is lost and Blue Stakes has to research the request.

R. UTILITIES NOTIFIED – The Customer Service Representative will inform the caller of the member utilities notified if requested.

IX. WHAT HAPPENS AFTER THE CALL IS MADE

The Customer Service Representative will find the dig site location on the Blue Stakes computer mapping system and draw a shape to outline the extent of the dig site as described by the excavator. Each member utility company provides a shape for the mapping system outlining the extent of their underground utility line network, or the coverage area for which they want to be notified about excavation activity. If the dig site shape overlaps a utility company's notification area shape, the Blue Stakes computer system will deliver the ticket to that utility company.

Each utility company that receives the ticket will analyze the address information and staking instructions, as specified by the excavator, to determine whether or not the excavation will conflict with their underground utility lines.

If the excavation will not affect their lines, the utility should notify the excavator that they have no lines in the area. If the excavation will affect their lines, they will dispatch a field locator to locate and mark their lines at the site. Each utility owner is responsible to mark the lines they own and maintain with paint, stakes and/or flags.

NOTE: *In some cases, the underground facilities belong to the owner of the property rather than to the utility. For example, the utility may own the pipe / cable up to a meter at the edge of the property. The pipe / cable from the meter to the house may belong to the homeowner. Member utilities will not mark utilities they do not own.*

X. RESPONSIBILITIES OF THE FACILITY OWNER

Within (2) business days of receiving notice from an excavator of a proposed excavation, member utilities are required by law to physically mark their underground facilities; notify the excavator that the area of excavation is clear of their facilities; or that extenuating circumstances exist that require additional time to mark their underground facilities.

GUIDELINES FOR MARKING OF UNDERGROUND

FACILITIES – Utah law requires facility operators to mark their underground facilities using as a guideline the following Uniform Color Code and Marking Guidelines, published by the Common Ground Alliance:

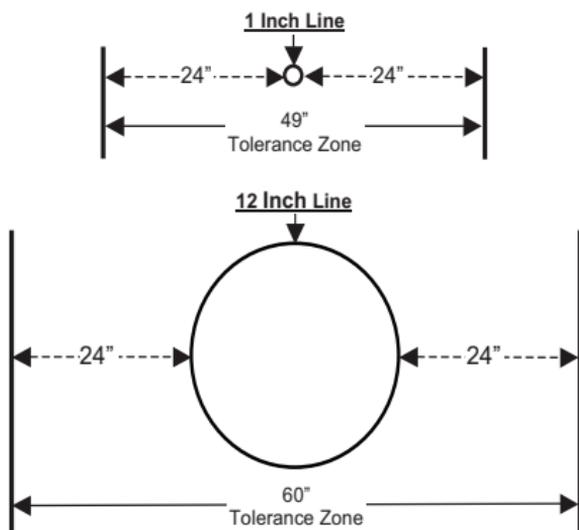
Uniform Color Code

The following APWA uniform color code [ANSI Z535.1] is recommended to be adopted as the uniform color code for marking excavation sites and underground facilities in conflict with an excavation. This recommendation is not intended to preempt any existing state requirement that specifies other colors.

WhiteProposed Excavation
PinkTemporary Survey Markings
RedElectric Power Lines, Cables, Conduit and Lighting Cables
YellowGas, Oil, Steam, Petroleum or Gaseous Materials
OrangeCommunication, Alarm or Signal Lines, Cables or Conduit
BluePotable Water
PurpleReclaimed Water, Irrigation and Slurry Lines
GreenSewers and Drain Lines

Tolerance Zone

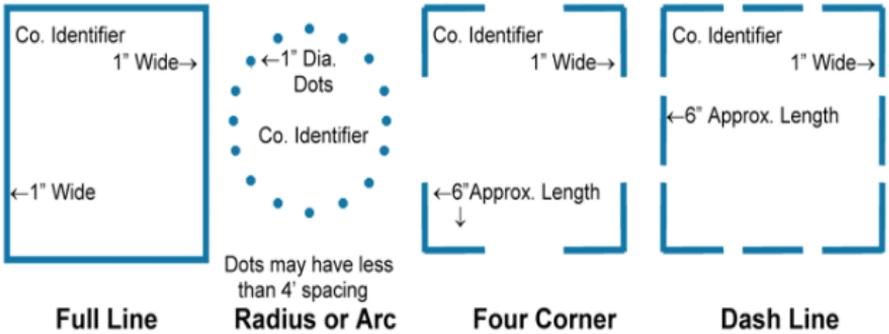
"The excavator observes a tolerance zone which is comprised of the width of the facility plus 24" on either side of the outside edge of the underground facility on a horizontal plane. The following examples are of tolerance zones for a 1 inch and a 12 inch line.



Guidelines for Excavation Delineation

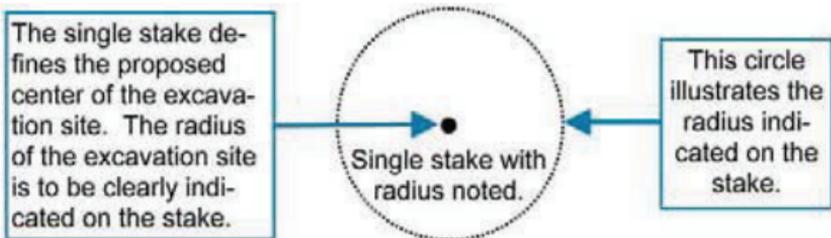
The following marking illustrations are examples of how excavators may choose to mark their area of proposed excavation. The use of white marking products (e.g. paint, flags, stakes, whiskers or a combination of these) may be used to identify the excavation site.

Single Point Excavations Markings

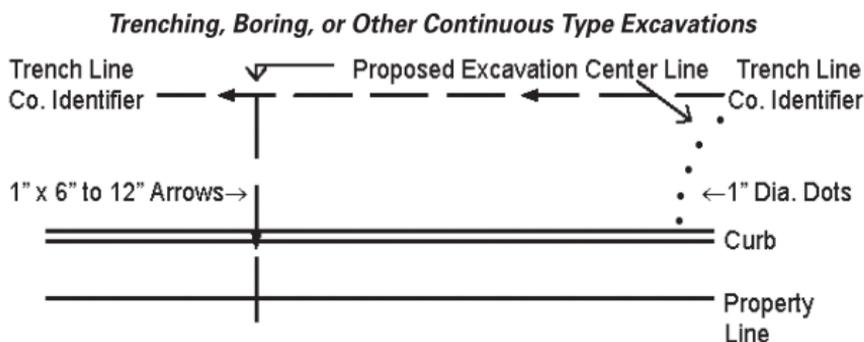


Delineate in white paint the proposed area of excavation through the use of: a continuous line, dots marking the radius or arcs, dashes marking the four corners of the project or dashes outlining the excavation project. Limit the size of each dash to approximately 6" to 12" in length and 1" in width with interval spacing approximately 4' to 50' apart. The maximum separation of excavation marks is to be reduced to a length that can be reasonably seen by the operator's locators when the terrain or excavation site conditions warrant it. Dots of approximately 1" diameter are typically used to define arcs or radii and may be placed at closer intervals in lieu of dashes.

Single Stake Marking Center Point of Excavation Site



When an excavation site is contained within a 50' maximum radius, or less, it can be delineated with a single stake that is positioned at the proposed center of the excavation. If the excavator chooses this type of delineation they must convey that they have delineated the excavation site with a single stake at the center of the excavation and include the radius of the site in the notification to the One Call Center. This single stake is to be white in color with the following information: excavator's company identifier (name, abbreviations, or initials) and the radius of the excavation site in black letters on the stake or with a notice attached to the stake.



Continuous Excavation Marking

Mark in white paint the proposed centerline of planned excavation 6" to 12" x 1" arrows, approximately 4' to 50' apart to show direction of excavation. The maximum separation of excavation marks is to be reduced to a length that can be reasonably seen by the operator's locators when the terrain at an excavation site warrants it. Mark lateral excavations with occasion-

al arrows showing excavation direction from centerline with marks at curb or property line if crossed. Dots may be used for curves and closer interval marking.

Stakes, Flags or Whiskers Excavation Markers

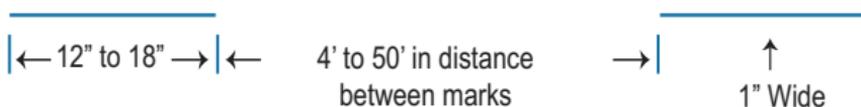


Delineate the proposed area of excavation through the use of: stakes, flags or whiskers to mark radius or arcs, the four corners of the project or outlining the excavation project instead of using spray paint. Limit the interval spacing to approximately 4' to 50'. The maximum separation of excavation marks is to be reduced to a length that can be reasonably seen by the operator's locators when the terrain at an excavation site warrants it. Stakes, flags or whiskers provided to illustrate arcs or radii may be placed at closer intervals in order to define the arc or radius. Stakes, flags or whiskers are white in color with the excavator's company identifier (name, abbreviations, or initials) provided on the stake, flag or whisker.

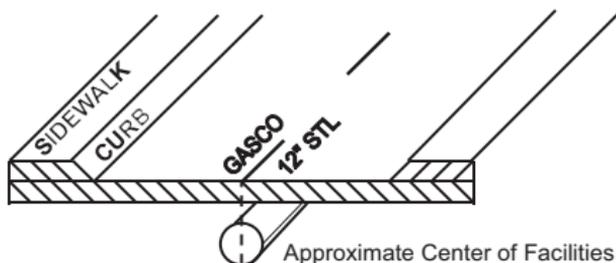
Guidelines for Operator's Facility Field Delineation

Operator markings of facilities include; the appropriate color for their facility type; their company identifier (name, initials, or abbreviation) when other companies are using the same color, the number and width of their facilities and a description of the facility (HP, FO, STL etc). Use paint, flags, stakes, whiskers or a combination to identify the operator's facility(s) at or near an excavation site.

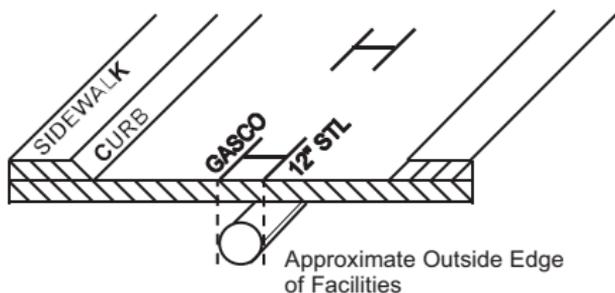
1. Marks in the appropriate color are to be approximately 12" to 18" in length and 1" inch in width and separated by approximately 4' to 50' in distance as an example. When marking facilities the operator is to consider the type of facility being located, the terrain of the land, the type of excavation being done and the method to adequately mark its facilities for the excavator.



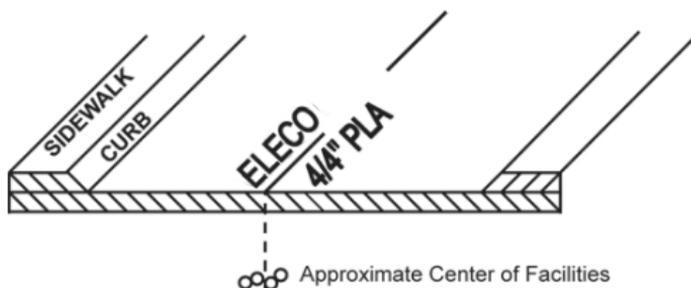
2. The following marking illustrations are examples of how an operator may choose to mark their sub surface installations
 - a. **Single Facility Marking:** Used to mark a single facility. This can be done in one of two ways; either placing the marks over the approximate center of the facility or,



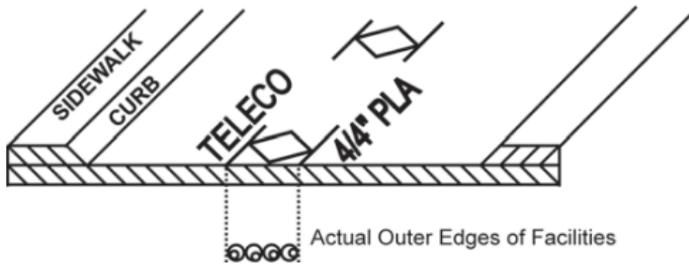
placing the marks over the approximate outside edges of the facility with a line connecting the two horizontal lines (in the form of an H) to indicate there is only one facility. These examples indicate an operator's 12" facility. When a facility can be located or toned separately from other facilities of the same type it is marked as a single facility.



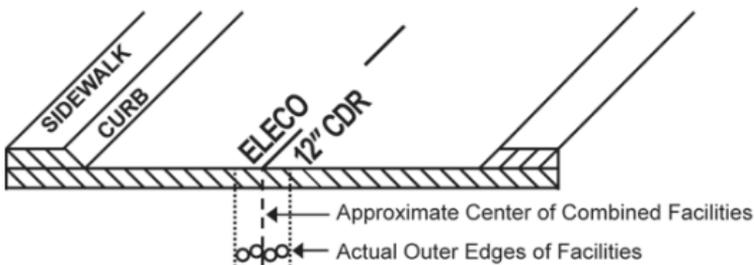
- b. **Multiple Facility Marking:** Used to mark multiple facilities of the same type (e.g. electric), where the separation does not allow for a separate tone for each facility but the number and width of the facilities is known. Marks are placed over the approximate center of the facilities and indicate the number and width of the facilities. This example indicates 4 plastic facilities that are 4" in diameter (4/4" PLA).



- c. **Conduit Marking:** Used for any locatable facility being carried inside conduits or ducts. The marks indicating the outer extremities denote the actual located edges of the facilities being represented. An example would be 4 plastic conduits that are 4" in diameter (4/4" PLA), and the marks are 16" apart indicating the actual left and right edges of the facilities.

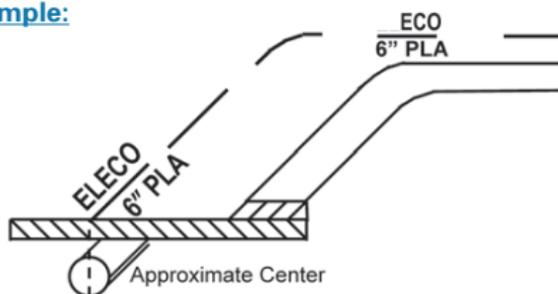


- d. **Corridor Marking:** Used to mark multiple facilities of the same type (e.g. electric), in the same trench where the total number of facilities is not readily known (operator has no record on file for the number facilities) and that are bundled or intertwined. Marks are placed over the approximate center of the facilities and indicate the width of the corridor. The width of the corridor is the distance between the actual located outside edges of the combined facilities. This example indicates a 12" corridor (12" CDR).

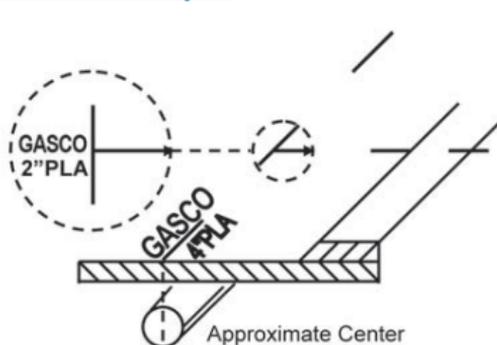


3. Changes in direction and lateral connections are to be clearly indicated at the point where the change in direction or connection occurs with an arrow indicating the path of the facility. A radius is indicated with marks describing the arc. When providing offset markings, (paint or stakes), show the direction of the facility and distance to the facility from the markings.

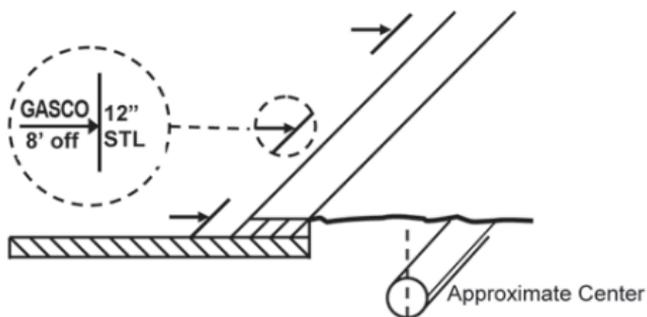
Radius Example:



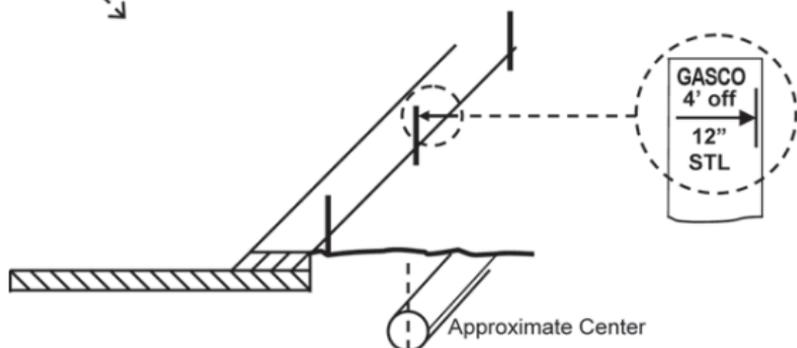
Lateral Connection Example:



Painted Offset (off) Example:



Staked Offset (off) Example:



- An operator's identifier (name, abbreviation or initials) is to be placed at the beginning and at the end of the proposed work. In addition to the previous, subsequent operators using the same color will mark their company identifier at all points where their facility crosses another operator's facility using the same color. The maximum separation of identifiers is to be reduced to a length that can be reasonably seen by the excavator when the terrain at the excavation site warrants it.

CITYCO

ELECO

TELECO

5. Information as to the size and composition of the facility is to be marked at an appropriate frequency. Examples are: the number of ducts in a multi-duct structure, width of a pipeline, and whether it is steel, plastic, cable, etc.

TELECO
9/4" PLA

GASCO
4" PLA

WATERCO
12" STL

6. Facilities installed in a casing should be identified as such. Two examples are: 6" plastic in 12" steel = 6"PLA/12"STL and fiber optic in 4" steel = FO(4"STL).

GASCO
6"PLA/12"STL

TELECO
FO(4"STL)

7. Structures, such as vaults, inlets, lift stations that are physically larger than obvious surface indications, are to be marked so as to define the parameters of the structure.

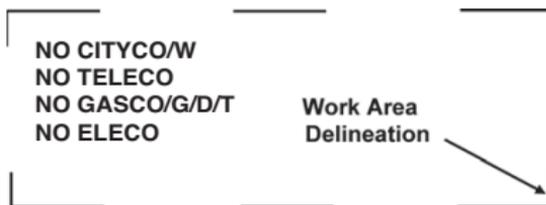


8. Termination points or dead ends are to be indicated as such.



9. When there is “No Conflict” with the excavation complete one or more of the following:
- Operators of a single type of facility (e.g. TELECO) would mark the area “NO” followed by the appropriate company identifier in the matching APWA color code for that facility (e.g. “NO TELECO”)
 - Operators of multiple facilities would mark the area “NO” followed by the appropriate company identifier in the matching APWA color code for that facility with a slash and the abbreviation for the type of facility that there is “No Conflict” (e.g. “NO GASCO/G/D”). The example illustrates that GASCO has no gas distribution facilities at this excavation site. The abbreviation for; gas transmission facilities is “/G/T”, electric distribution is “/E/D” and electric transmission is “E/T” these should be used when appropriate.
 - Place a clear plastic (translucent) flag that states “No Conflict” in lettering matching the APWA color code of the facility that is not in conflict. Include on the flag the operator’s identifier, phone number, a place to write the locate ticket number and date. Operators of multiple facilities would indicate on the flag, which facilities were in “No Conflict” with the excavation as in the previous example.

- If it can be determined through maps or records that the proposed excavation is obviously not in conflict with their facility (s) the locator or operator of the facility may notify the excavator of "No Conflict" by phone, fax, or email, or through the One Call Center, where electronic positive response is used. Operators of multiple facilities would indicate a "No Conflict" for each facility as in the previous examples.
 - Place "No Conflict" markings or flags in a location that can be observed by the excavator and/or notify the excavator by phone, fax, or email that there is "No Conflict" with your facilities. When the excavation is delineated by the use of white markings, place "No Conflict" markings or flags in or as near as practicable to the delineated area.
- * Caution - Allow adequate space for all facility mark-outs. "No Conflict" indicates; that the operator providing the "No Conflict" has no facilities within the scope of the delineation, or when there is no delineation, there are no facilities within the work area as described on the locate ticket.



Color Code Identifiers

White	Proposed Excavation
Pink	Temporary Survey Markings
Red	Electric Power Lines, Cables, Conduit and Lighting Cables
Yellow	Gas, Oil, Steam, Petroleum or Gaseous Materials
Orange	Communication, Alarm or Signal Lines, Cables or Conduit
Blue	Potable Water
Purple	Reclaimed Water, Irrigation and Slurry Lines
Green	Sewers and Drain Lines

Common Abbreviations:

Facility Identifier

CH	Chemical
E	Electric
FO	Fiber Optic
G	Gas
LPG	Liquefied Petroleum Gas
PP	Petroleum Products
RR	Railroad Signal
S	Sewer
SD	Storm Drain
SS	Storm Sewer
SL	Street Lighting
STM	Steam
SP	Slurry System
TEL	Telephone
TS	Traffic Signal
TV	Television
W	Water
W	Reclaimed Water "Purple"

Underground Construction Descriptions

C	Conduit
CDR	Corridor
D	Distribution Facility
DB	Direct Buried
DE	Dead End
JT	Joint Trench
HP	High Pressure
HH	Hand Hole
MH	Manhole
PB	Pull Box
R	Radius
STR	Structure (vaults, junction boxes, inlets, lift stations)
T	Transmission Facility

Infrastructure Material

ABS	Acrylonitrile - Butadiene - Styrene
ACP	Asbestos Cement Pipe
CI	Cast Iron
CMC	Cement Mortar Coated
CML	Cement Mortar Lined
CPP	Corrugated Plastic Pipe
CMP	Corrugated Metal Pipe
CU	Copper
CWD	Creosote Wood Duct
HDPE	High Density Polyethylene
MTD	Multiple Tile Duct
PLA	Plastic (conduit or pipe)
RCB	Reinforced Concrete Box
RCP	Reinforced Concrete Pipe
RF	Reinforced Fiberglass
SCCP	Steel Cylinder Concrete Pipe
STL	Steel
VCP	Vertrified Clay Pipe

Guide for Abbreviation Use

This is a guide for placing the above abbreviations in the field. The Company Identifier is to be placed at the top or at the left of the abbreviations. Place the abbreviations in the following order, Company Identifier / Facility Identifier / Underground Construction Descriptions / Infrastructure Material (e.g. TELECO/TEL/FO/PLA). This example indicates that TELECO has a Telecommunication Fiber Optic line in a single Plastic conduit. The use of the abbreviation /TEL is not necessary, because the orange marking would indicate that the facility was a communication line, but its use is optional. To leave out one or more of the abbreviation types you would continue to follow the order of the abbreviations above leaving out the slash and abbreviation that does not apply (e.g. /TEL), the result would be the following (e.g. TELECO/FO/PLA).

XI. RESPONSIBILITIES OF THE EXCAVATOR – AFTER CALLING BLUE STAKES

Many people believe that by notifying Blue Stakes of intended excavation they have completed all of their responsibilities with respect to the locating process. This is not the case. Notifying Blue Stakes is only the first step, and there are several other responsibilities, which need to be considered.

A. AVAILABILITY – Excavators need to be available to answer questions from facility owners about the excavation project. Provide correct contact information and return calls and messages promptly, especially on projects that are large or in a remote area.

B. SAFETY ZONE/TOLERANCE ZONE – After the markings have been made, excavators should maintain a minimum clearance of 24 inches between a marked and unexposed underground facility and the cutting edge or point of any power-operated excavating or earth moving equipment. If excavation is required within 24 inches horizontally of any marking, the excavation should be performed with extreme care utilizing hand tools or vacuum excavation techniques.

C. EXPOSED / DAMAGED UTILITY – If, during the course of excavation, a facility has been exposed, it is the excavator's responsibility to inspect and support these facilities prior to backfilling. If

damage of any kind is discovered or any suspicion of damage exists, it is the excavator's responsibility to immediately notify the facility operator directly.

Excavators are also responsible by Utah State Law to immediately call 911 if damage may result in an immediate risk to human life.

D. FACILITY MARKINGS – Many excavators mistakenly believe Blue Stakes is responsible for the actual marking of facilities. This is not the case. Blue Stakes takes information from the excavator and relays it to member utilities. Each member utility is responsible for ensuring that their facilities are properly marked.

When one member utility indicates that they have no facilities in conflict with specific excavation, the excavator must realize that this does not mean that Blue Stakes has cleared the site nor does it mean that other facilities are not at that location. Excavators are encouraged to not begin excavation until all underground facilities have been marked or they have been notified by the facility operator that they are clear. This should also include facilities operated by utility owners not participating with Blue Stakes.

If, after two (2) business days, a member utility has not marked its facilities, Blue Stakes recommends that the excavator call Blue Stakes to have a second notice sent to the utilities which have failed to respond to the original request.

Excavators should plan their work so as to minimize damage to markings.

XII. REPORTING PROBLEMS

There are several problems that the excavator may encounter during the locating process. Blue Stakes may assist in the resolution of these problems. The following are some of the more commonly experienced problems with a brief description of the proper channels to follow:

A. FAILURE TO LOCATE FACILITIES PRIOR TO START DATE – If the start date and time arrives and one or more members has failed to mark their facilities or notify you of no conflict, Blue Stakes recommends that you call in a second notice request before commencing excavation.

B. CORRECTING ERRORS – At the time of your original call, the Customer Service Representative will verify all information given by the caller. Please listen carefully to this verification and make corrections as necessary. Blue Stakes verifies all information back to the caller to ensure all information recorded is correct. If the caller verifies incorrect information, the excavator is liable for any damages to unmarked utilities due to the incorrect information dispatched.

If, at any time, it is discovered that incorrect information was provided to Blue Stakes, callers should notify Blue Stakes as soon as possible. Customer Service Representatives will assist you in making corrections. In most cases, a new request will be

issued and member utilities will have two (2) business days from the time of the request to mark their facilities. Corrections will only be accepted from the caller or caller's company that originated the ticket.

C. RESEARCHING LOCATION REQUESTS – Blue Stakes records all telephone conversations pertaining to location requests and maintains a copy for five (5) years. Blue Stakes can be of assistance in providing copies of these records in the case of a dispute. In some cases, there may be a fee involved for record retrieval.

Blue Stakes has various methods of searching for these records. The quickest method of obtaining a record is through the use of the ticket number assigned to the locate request. Records can also be found by providing other information such as the date, the calling company, and the excavation location. The more information provided, the faster applicable records can be found.

XIII. GUIDELINES FOR SAFE DIGGING

It is recommended that excavators follow the national campaign, *5 Steps To Safer Digging*:

1) Always Call 811 Before Digging

Call 811 two business days before digging

2) Wait the Required Amount of Time

Allow utilities time to mark facilities

3) Locate Accurately

Locate and mark facilities accurately

4) Respect the Marks

Respect and protect markings throughout the excavation

5) Dig Carefully

Carefully dig using hand tools within the tolerance zone, 24 inches on either side of the markings

UTAH STATE LAW

XIV. DAMAGE TO UNDERGROUND UTILITY FACILITIES ACT – AS AMENDED THROUGH 2011

54-8a-2. DEFINITIONS.

As used in this chapter:

- (1) "Association" means two or more operators organized to receive notification of excavation activities in a specified area, as provided by section 54-8a-9.
- (2) "Board" means the Underground Facilities Damage Dispute Board created in Section 54-8a-13.
- (3) "Emergency" means an occurrence or suspected natural gas leak necessitating immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.
- (4) "Excavate" or "excavation" means an operation in which earth, rock, or other material on or below the ground is moved or displaced by tools, equipment, or explosives.
- (5) "Excavator" means any person or entity that excavates or conducts excavation activities.
- (6) "48 hours" means a 48-hour period occurring during business days which includes any day except Saturday, Sunday, or a legal holiday.
- (7) "Hand tool" means an implement:
 - (a) powered by hand; or
 - (b) designed to avoid damaging an underground facility, including a vacuum excavation tool and air knife.

- (8) "Location" means the site of a proposed area of excavation described:
- (a) (i) by street address, if available;
 - (ii) by the area at that street address to be excavated; and
 - (iii) as specified in Subsection 54-8a-4(3) or 54-8a-5(2)(b)(ii); or
- (b) if there is no street address available, by the area of excavation using any available designations, including a nearby street or road, an intersection, GPS coordinates, or other generally accepted methods.
- (9) "Location request assignment" means a number assigned to a proposed excavation by an association or operator upon receiving notice of the proposed excavation from the excavator.
- (10)(a) "Operator" means a person who owns, operates, or maintains an underground facility.
- (b) "Operator" does not include an owner of real property where underground facilities are:
- (i) located within:
 - (A) the owner's property; or
 - (B) a public street adjacent to the owner's property, a right-of-way adjacent to the owner's property, or a public utility easement adjacent to the owner's property; and
 - (ii) used exclusively to furnish services to the owner's property; and
 - (iii) maintained under the operation and control of that owner.

- (11) "Person" includes:
- (a) an individual, government entity, corporation, partnership, association, or company; and
 - (b) the trustee, receiver, assignee, and personal representative of a person listed in Subsection (11)(a).
- (12) "Sewer lateral cleanout" means a point of access where a sewer lateral can be serviced.
- (13) "24 hours" means a 24-hour period, excluding hours occurring during a Saturday, Sunday, or a legal holiday.
- (14) "Underground facility" means personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following:
- (a) water;
 - (b) sewage, including sewer laterals;
 - (c) communications, including electronic, photonic, telephonic, or telegraphic communications;
 - (d) television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
 - (e) electric power;
 - (f) oil, gas, or other fluid and gaseous substances;
 - (g) steam;
 - (h) slurry; or
 - (i) dangerous materials or products.

54-8a-3. INFORMATION FILED WITH COUNTY CLERK.

- (1) An operator shall file with the county clerk of a county in which the operator has an underground facility the following:
 - (a) the name of each municipality, city, or town in which the operator has an underground facility within that county;
 - (b) the operator's name;
 - (c) the title, telephone number, and address of the operator's representative designated to receive calls regarding excavation; and
 - (d) a statement concerning whether the operator is a member of an association and, if the operator is a member of an association, the name of and contact information for the association.
- (2) In a county where an association is established, the association shall file its telephone number and a list of its members who are operators with the county clerk on behalf of any participating operator.

54-8a-3.5. EXCAVATION-RELATED INFORMATION INCLUDED WITH CONSTRUCTION AND BUILDING PERMIT.

An entity issuing a permit for building or construction that may require excavation may, and is encouraged to, include a notice on or with a permit stating, "Attention, Utah law requires any excavator to notify the owner of underground facilities 48 hours before excavating and comply with Utah Code Title 54, Chapter 8a, Damage to Underground Utility Facilities."

54-8a-4. NOTICE OF EXCAVATION.

- (1) (a) Before excavating, an excavator shall notify each operator with an underground facility in the area of the proposed excavation.
 - (b) The requirements of Subsection (1)(a) do not apply:
 - (i) if there is an emergency;
 - (ii) while gardening; or
 - (iii) while tilling private ground.
- (2) The notice required by Subsection (1) shall:
 - (a) be given:
 - (i) by telephone;
 - (ii) in person; or
 - (iii) by other means acceptable to each operator;
 - (b) be given not:
 - (i) less than 48 hours before excavation begins; or
 - (ii) more than 14 days before excavation begins; and
 - (c) include the proposed excavation's anticipated:
 - (i) location, with reasonable specificity;
 - (ii) dimensions;
 - (iii) type; and
 - (iv) duration.
- (3) If the proposed excavation's anticipated location and dimensions cannot be described as required under Subsection (2)(c) or as requested in accordance with Subsection 54-8a-5(2)(b), an excavator shall outline the proposed excavation

site using as a guideline the then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by the Common Ground Alliance, as amended in the current version of the excavators' guide published by the statewide association established in Section 54-8a-9.

- (4) If more than one excavator will operate at the same excavation site, each excavator shall provide the notice required by this section.
- (5) If there is an association in the county, notice to that association constitutes notice to each operator that has facilities within the proposed excavation site.
- (6)
 - (a) Notice given under this section is valid for 14 days from the day on which the notice is given.
 - (b) If an excavation will continue beyond the 14-day period under Subsection (6)(a), the excavator shall provide notice of that fact at least 48 hours, but no sooner than six calendar days, before expiration of the 14-day period.
 - (c) A notice under Subsection (6)(b) is valid for 14 days from the day on which the previous notice expires.
 - (d) An excavator shall give notice as provided in this Subsection (6) for the duration of the excavation.
- (7) If markings made by the operator have been disturbed so that the markings no longer identify the underground facility:

- (a) before excavating the site an excavator shall notify:
 - (i) the association; or
 - (ii) each operator; and
 - (b) the operator shall mark the area again within 48 hours of the renotification.
- (8) An excavator may begin excavation if:
- (a) (i) all underground facilities have been:
 - (A) located; and
 - (B) marked; or
 - (ii) the operators have indicated that there are no underground facilities within the proposed excavation site;
 - (b) (i) 48 hours have elapsed from the time of initial notice; and
 - (ii) the excavator has not:
 - (A) been notified by the operator; or
 - (B) received a request for a meeting under Subsection 54-8a-5(2); or
 - (c) 48 hours have elapsed from the time of renotification under Subsection (6).
- (9) Unless an operator remarks an area pursuant to Subsection (7), the excavator shall be responsible for the costs incurred by an operator to remark its underground facilities following the second or subsequent notice given by an excavator for a proposed excavation.

54-8a-5. MARKING OF UNDERGROUND FACILITIES.

- (1) (a) Within 48 hours of the receipt of the notice required by Section 54-8a-4, the operator shall:
 - (i) mark the location of its underground facilities in the area of the proposed excavation; or
 - (ii) notify the excavator, by telephonic or electronic message or indication at the excavation site, that the operator does not have any underground facility in the area of the proposed excavation.
- (b) The underground facility shall be marked using as a guideline the then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by the Common Ground Alliance, as amended in the current version of the excavators' guide published by the statewide association established in Section 54-8a-9.
- (2) (a) The operator is not required to mark the underground facilities within 48 hours if:
 - (i) the proposed excavation:
 - (A) is not identified in accordance with Subsection 54-8a-4(2) or is not marked as provided in Subsection 54-8a-4(3);
 - (B) is located in a remote area;
 - (C) is an extensive excavation; or
 - (D) presents other constraints that make it unreasonably difficult for the operator to comply with the marking requirements of this section; or

- (ii) the operator is not able to readily locate the underground facilities from the surface with standard underground detection devices.
- (b) If the operator cannot proceed with the marking because of a situation described in Subsection (2)(a), the operator shall contact the excavator within 48 hours after the excavator's notice of excavation or request for a location request assignment made in accordance with Section 54-8a-4 and:
 - (i) request a meeting at the proposed excavation site or some other mutually agreed upon location; or
 - (ii) at the operator's discretion, contact the excavator and request the proposed excavation site be outlined in accordance with Subsection 54-8a-4(3).
- (c) For a situation described under Subsection (2)(a)(i), the meeting or completed outlining of the proposed excavation site constitutes the beginning of a new 48-hour period within which the operator must begin marking the underground facilities.
- (d)
 - (i) For the situation described under Subsection (2)(a)(ii), the excavator and operator shall agree on a plan of excavation designed to prevent damage to the operator's underground facility.
 - (ii) Notwithstanding the agreement, the excavator shall proceed in a manner that

is reasonably calculated to avoid damage to the underground facility.

- (e) (i) An operator need not mark or locate an underground facility the operator does not own.
 - (ii) An underground facility under Subsection (2)(e)(i) includes a water or sewer lateral or a facility running from a house to a garage or outbuilding.
 - (f) (i) An operator may mark the location of a known facility connected to the operator's facilities that is not owned or operated by the operator.
 - (ii) Marking a known facility under Subsection (2)(f)(i) imposes no liability on the operator for the accuracy of the marking.
- (3) Each marking is valid for not more than 14 calendar days from the date notice is given.
- (4) If multiple lines exist:
- (a) the markings must indicate the number of lines; or
 - (b) all lines must be marked.

54-8a-5.5. DETERMINING THE PRECISE LOCATION OF MARKED UNDERGROUND FACILITIES.

- (1) An excavator may not use any power-operated or power-driven excavating or boring equipment within 24 inches of the markings made in accordance with Section 54-8a-5 unless:

- (a) the excavator determines the exact location of the underground facility by excavating with hand tools to confirm that the excavation will not damage the underground facilities; or
 - (b) the operator provides an excavator with written or electronic notice waiving the requirement that the excavator determine the exact location of the underground facilities by excavating with hand tools.
- (2) Power-operated or power-driven excavating or boring equipment may be used for the removal of any existing pavement if there is no underground facility contained in the pavement, as marked by the operator.

54-8a-5.8. EXCAVATOR ACCESS.

An excavator may enter or access an owner's property or dwelling to locate a sewer lateral with the owner's permission.

54-8a-6. DUTIES AND LIABILITIES OF AN EXCAVATOR.

- (1) Damage to an underground facility by an excavator who excavates but fails to comply with Section 54-8a-4, is prima facie evidence that the excavator is liable for any damage caused by the negligence of that excavator.
- (2) (a) An excavator is not liable for a civil penalty under this chapter if the excavator has:
- (i) given proper notice of the proposed excavation as required in this chapter;

- (ii) marked the area of the proposed excavation as required in Section 54-8a-4;
 - (iii) complied with Section 54-8a-5.5; and
 - (iv) complied with Section 54-8a-7.
- (b) An excavator is liable for damage incurred by an operator if:
- (i) the operator complies with Section 54-8a-5; and
 - (ii) the damage occurs within 24 inches of the operator's markings or the physical presence of an above ground facility, including a manhole, meter, or junction box.

54-8a-7. NOTICE OF DAMAGE – REPAIRS.

- (1) If an excavator contacts or damages an underground facility, the excavator shall:
- (a) immediately notify the appropriate operator and then proceed in a manner that is reasonably calculated to avoid further damage to the underground facility; and
 - (b) immediately call 911 if the excavation may result in an immediate risk to human life.
- (2) Upon receipt of notice, the operator shall immediately examine the underground facility, and, if necessary, make repairs.

54-8a-7.5. THIRD-PARTY DAMAGES CAUSED BY FAILURE TO LOCATE.

- (1) If an operator fails to locate a facility as required by this chapter and an excavator damages another operator's facility of a similar size and appearance

that fits surface markings as required by Subsection 54-8a-5(1)(b), the operator who failed to locate its facility is liable for the costs of damage to the facility caused by the excavator if:

- (a) the excavator complies with Sections 54-8a-4, 54-8a-5.5, and 54-8a-6; and
 - (b) the excavator demonstrates that the damage is the direct result of the operator's failure to locate its facility.
- (2) An excavator who damages a third-party operator's facility as described in Subsection (1):
- (a) shall pay for the costs of repairing the damaged facility; and
 - (b) may seek recovery of the costs of damage from the operator who failed to mark its facility.
- (3) Resolution of a dispute under this section may be in accordance with Section 54-8a-13.

54-8a-8. CIVIL PENALTY FOR DAMAGE - EXCEPTIONS - OTHER REMEDIES.

- (1) A civil penalty may be imposed for a violation of this chapter as provided in this section.
- (2) A civil penalty under this section may be imposed on:
 - (a) any person who violates this chapter in an amount no greater than \$5,000 for each violation with a maximum civil penalty of \$100,000 per excavation; or
 - (b) an excavator who fails to provide notice of an excavation in accordance with Section 54-8a-4 in an amount no greater than \$500 in addition to the amount under Subsection (2)(a).

- (3) Notwithstanding Subsection (2)(a), a penalty under this chapter may not be imposed on an excavator or operator unless the excavator or operator fails to comply with this chapter and damages an underground facility.
- (4) The amount of a civil penalty under this section shall be made taking into consideration the following:
- (a) the excavator's or operator's history of any prior violation or penalty;
 - (b) the seriousness of the violation;
 - (c) any discharge or pollution resulting from the damage;
 - (d) the hazard to the health or safety of the public;
 - (e) the degree of culpability and willfulness of the violation;
 - (f) any good faith of the excavator or operator; and
 - (g) any other factor considered relevant, including the number of past excavations conducted by the excavator, the number of location requests made by the excavator and the number of location markings made for the excavator or by the operator.
- (5) "Good faith," as used in Subsection (4)(f), includes actions taken before the filing of an action for civil penalty under this section to:
- (a) remedy, in whole or in part, a violation of this chapter; or
 - (b) mitigate the consequences and damages resulting from a violation of this chapter.

- (6) (a) A civil penalty may not be imposed on an excavator if the damage to an underground facility results from an operator's:
 - (i) failure to mark; or
 - (ii) inaccurate marking or locating of the operator's underground facilities.
- (b) In addition to or in lieu of part of or all of a civil penalty, the excavator or operator may be required to undertake actions that are designed to prevent future violations of this chapter, including attending safety and compliance training, improving internal monitoring and compliance processes and procedures, or any other action that may result in compliance with this chapter.
- (7) Subsection (1) does not apply to an excavation made:
 - (a) during an emergency, if reasonable precautions are taken to protect any underground facility;
 - (b) in agricultural operations;
 - (c) for the purpose of finding or extracting natural resources; or
 - (d) with hand tools on property owned or occupied by the excavator.
- (8) (a) A civil penalty under this section is in addition to any damages that an operator or an excavator may seek to recover.
- (b) In an action brought under this section, the prevailing party shall be awarded its costs and attorney fees as determined by the court.

54-8a-9. ASSOCIATION FOR MUTUAL RECEIPT OF NOTICE OF EXCAVATION ACTIVITIES.

- (1) (a) (i) Two or more operators may form and operate a statewide association providing for mutual receipt of notice of excavation activities.
- (ii) If an association is operational, notice to the association shall be given pursuant to Section 54-8a-4.
- (b) (i) If an association is formed, each operator with an underground facility in the area shall become a member of the association and participate in it to:
 - (A) receive a notice of a proposed excavation submitted to the association;
 - (B) receive the services furnished by it; and
 - (C) pay its share of the cost for the service furnished.
- (ii) If an operator does not comply with Subsection (1)(b)(i) and Section 54-8a-5, the operator is liable for damages incurred by an excavator who complies with this chapter's requirements.
- (c) An association whose members or participants have underground facilities within a county shall:
 - (i) file a description of the geographical area served by the association; and
 - (ii) file the name and address of every member

and participating operator with the county clerk.

- (2) An association receiving notice as provided in Subsection 54-8a-4(1) shall:
 - (a) notify members and participants in the relevant geographic area within 24 hours after receiving notice from the person who proposes to excavate; and
 - (b) maintain a record of any notice received for a period of five years to document compliance with the requirements of this chapter.
- (3) An association contacted by a public agency to identify a utility company, in accordance with Section 54-3-29, shall provide the public agency with a list, including contact information to the extent available, of each utility company of which the association is aware that has a utility facility within the area identified by the public agency.

54-8a-9.5. INSPECTION OF RECORDS.

The books and records of an association shall be open to inspection by its members during normal business hours upon 48 hours advance notice.

54-8a-10. INSTALLATION OF NONMETALLIC FACILITIES.

Any operator installing a nonmetallic facility, such as a sewer, water, or fiber optic line, shall install the nonmetallic facility so that it can be located with standard underground facility detection devices or in a concrete conduit system.

54-8a-10.5. INSTALLATION AND LOCATION OF SEWER LATERAL CLEANOUTS – RECORDS.

- (1) (a) An operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 shall install or replace the sewer lateral cleanout in a manner so that the lateral can be located, including:
 - (i) house sheets; or
 - (ii) electronic markers.
- (b) An operator or person installing a sewer lateral cleanout shall notify the sewer operator of the sewer lateral cleanout location for record keeping purposes.
- (2) Beginning on August 1, 2009, a sewer operator shall maintain records identifying where all new, replaced, or contractor-identified sewer lateral cleanouts are located within the sewer operator's jurisdiction.
- (3) (a) A sewer operator shall provide to an excavator information in the sewer operator's possession pertaining to a sewer lateral cleanout location within the sewer operator's jurisdiction.
- (b) The sewer operator shall provide the information within 48 hours of the excavator's request.

54-8a-11. APPLICABILITY OF FEDERAL LAW.

The following persons or entities are subject to the provisions of Title 49, Code of Federal Regulations, Part 198, Regulations for Grants to Aid State Pipeline Safety Programs, including those provisions relating to damage to underground facilities:

- (1) an operator, to the extent subject to the Natural Gas Pipeline Safety Act of 1968, 49 U.S. Code 1671 et seq. or the Hazardous Liquid Pipeline Safety Act of 1979, 49 App. U.S.C. 2001 et seq.;
- (2) an excavator; and
- (3) a person who operates an association.

54-8a-12. ENFORCEMENT - ATTORNEY GENERAL.

- (1)
 - (a) The attorney general may bring an action in the district court located in the county in which the excavation is located to enforce this chapter.
 - (b) The right of any person to bring a civil action for damage arising from an excavator's or operator's actions or conduct relating to underground facilities is not affected by:
 - (i) a proceeding commenced by the attorney general under this chapter; or
 - (ii) the imposition of a civil penalty under this chapter.
 - (c) If the attorney general does not bring an action under Subsection (1)(a), the operator or excavator may pursue any remedy, including a civil penalty.
- (2) Any civil penalty imposed and collected under this chapter shall be deposited into the General Fund.

54-8a-13. UNDERGROUND FACILITIES DAMAGE DISPUTE BOARD - ARBITRATION - RELATIONSHIP WITH PUBLIC SERVICE COMMISSION.

- (1) There is created within the commission the Underground Facilities Damage Dispute Board to arbitrate a dispute arising from:

- (a) an operator's or excavator's violation of this chapter; and
 - (b) damage caused by excavation during an emergency.
- (2) The board consists of five members appointed by the governor as follows:
- (a) one member from a list of names provided to the governor by a group representing operators;
 - (b) one member from a list of names provided to the governor by the Associated General Contractors;
 - (c) one member from a list of names provided to the governor by Blue Stakes of Utah;
 - (d) one member from a list of names provided to the governor by the Utah Home Builders Association; and
 - (e) one member from the Division of Public Utilities.
- (3) (a) A member of the board:
- (i) shall be appointed for a three-year term; and
 - (ii) may continue to serve until the member's successor takes office.
- (b) At the time of appointment, the governor shall stagger the terms of the members to ensure that approximately 1/3 of the members of the board are reappointed each year.
- (c) A vacancy in the board shall be filled:
- (i) for the unexpired term; and
 - (ii) in the same manner as the board member is initially appointed.
- (d) The board shall select an alternate for a specific board member to serve on a specific case if it becomes necessary to replace a member who has a conflict of interest because a dispute involves that member or that member's employer.

- (4) Three members of the board constitute a quorum.
- (5) The board may, upon agreement of the disputing parties, arbitrate a dispute regarding damages, not including personal injury damages, arising between:
 - (a) an operator;
 - (b) an excavator;
 - (c) a property owner; or
 - (d) any other interested party.
- (6) At least four members of the board shall be present and vote on an arbitration decision.
- (7) An arbitration before the board shall be consistent with Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- (8) The prevailing party in an arbitration conducted under this section shall be awarded its costs and attorney fees in an amount determined by the board.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) The commission shall provide administrative support to the board.

APWA UNIFORM COLOR CODE

RED	Electric Power Lines, Cables, Conduit and Lighting Cables
YELLOW	Gas, Oil, Steam, Petroleum or Gaseous Materials
ORANGE	Communication, Alarm or Signal Lines, Cables or Conduit
BLUE	Potable Water
PURPLE	Reclaimed Water, Irrigation and Slurry Lines
GREEN	Sewers and Drain Lines
WHITE	Proposed Excavation
PINK	Temporary Survey Marking

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UTILITY NOTIFICATION CENTER, INC.
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