

RISK MANAGEMENT BULLETIN

No. 95

April 2, 2004

CALL “MISS UTILITY” WHEN YOU DIG

Spring has arrived and our members will soon begin work on planned construction projects and roadside maintenance. With these activities come increased risks for damage to underground facilities. Our members average 88 “Miss Utility” related claims each year and damages range from \$3500 to \$25,000 per claim.

Maryland’s Underground Facilities law, more commonly known as the “Miss Utility Law,” was enacted in 1974 to protect underground public service utility lines from damage and to prevent injuries and death. All utility owners are required to participate in the Miss Utility one call notification system and mark utility lines in the area of the proposed excavation. Consequently, all excavation operations must follow the “Miss Utility” requirements. Please take an opportunity to review the following FREQUENTLY ASKED QUESTIONS with your public works employees.



Q: What is Miss Utility?

A: Miss Utility is a one-call notification center that notifies underground utility owners of proposed excavation projects?

Q: How do I make a locate request?

A: Call Miss Utility at 1-800-257-7777 or use the Miss Utility Internet TIC (ITIC) at www.missutility.net. And provide the exact location of the proposed excavation. Your locate request will be assigned a locate ticket number.

Q: We are only scraping the road shoulder; do we still need to call Miss Utility?

A: YES. Excavation is defined as follows:

- Grading
- Digging
- Drilling
- Tunneling
- Cable or pipe plowing
- Driving a mass of material
- Trenching
- Ditching
- Augering
- Scraping

Anytime you alter the surface of the ground, it is considered excavation and you must call Miss Utility and have them locate the facilities in the proposed excavation area.

Q. Our local government has an ordinance, which requires that all utility lines be buried at a certain depth. If we are simply scraping the road shoulder do we have to call for a Miss Utility locate?

A. **YES. Maryland Courts have held that repeated excavation and erosion could alter the depth of utility lines. Therefore, a locate must be requested anytime the ground will be altered.**

Q. How soon after I notify Miss Utility can we begin to dig?

A. **An excavator may begin the excavation or demolition work only after contacting or receiving information from Miss Utility confirming that all utility owners have either marked the area or that no underground facilities are located in the vicinity of the reported excavation. Miss Utility or a utility owner is required to determine if a proposed excavation is within 5 feet of the horizontal plane of an underground facility within 48 hours (excluding Saturdays, Sundays and legal holidays) after receiving the locate request.**

Q. How will we know if the underground facilities have been marked?

A. **In May of 2001, Maryland enacted the “Miss Utility Ticket Check” legislation. Any excavator can contact Ticket Check by calling 1-800-821-4226 and a recording will prompt you through steps to retrieve the status of your locate ticket request.**

If you provide a fax number when you call Miss Utility, an automated fax-back detailing the status activity on each locate ticket will be sent to you at 5:00 p.m. two full business days following the original call. Remember, you may not begin the excavation until you have confirmed that the area is either marked or that there are no underground facilities in the vicinity of the excavation. Please visit www.missutility.net/maryland/maryland_ocie.asp for an overview of the Ticket Check system and a complete list of locator and excavator codes.

Q. What if our excavation project is delayed?

A. **If you do not begin the excavation project within 10 days of the original call, you must make a repeat call to Miss Utility before you begin excavation.**

Q. What must we do after the proposed excavation site is marked.

A. **An excavator is required to exercise due care to avoid interference with or damage to any underground facility that has been marked. If the proposed excavation site is within 18 inches of any utility locator marks, the excavators must “test pit” (hand dig) the area and locate the line prior to using any heavy equipment. The excavation crew must use due care when hand digging the area. Underground cables often become brittle, so be very careful during the digging process.**

Q. Does Miss Utility accept locate requests for design and planning purposes.

A. **Maryland does not accept requests for design and planning purposes. For those requests, you must notify each utility company’s engineering department.**

Q. What are our responsibilities if we damage an underground facility?

A. **An excavator must notify the owner of the underground facility if the excavation activities damage, dislocate or disturb the utility lines. Furthermore, if you fail to comply with the Miss Utility law, you will be liable for the total cost of repair of the underground facility.**

Q. Are there any other penalties associated with damaging underground facilities?

A. **Yes, an excavator who damages an underground facility without providing complying with the requirements of the “Miss Utility” law may be subject to a civil penalty not exceeding \$1000 for the**

first offense and \$1000 for each subsequent offense or ten times the cost of repairs to the underground facility.

Q. What should we do if we strike an underground utility line?

A. Document the event as follows:

- Date, time and location of the occurrence
- Name of supervisor and all employees present at the excavation site
- Make a narrative explaining why the line was cut
- Record the names and badge number of any utility employees who arrive at the site
- Measure and record the distance from the excavation site to the locate mark.
- Measure and record the depth of the line.
- Take a photograph with a tape measure showing the damaged utility and its relation to the locate marks.

Q. Do we have to contact Miss Utility for mowing operations along our roadways?

A. **No. The Miss Utility law does not apply to mowing operations. However, weeds and vegetation often obscure utility pedestals, which are placed within county and municipal roadways. These occurrences are always followed by a claim from the utility company demanding compensation to repair the utility pedestal.**

Q. How can we avoid responsibility for these claims?

A. **When a pedestal is struck document the event as follows:**

- Date, time and location of the occurrence
- Name of supervisor and mowing operator
- Record the names and badge number of any utility employees who arrive at the site
- Immediately take a photograph of the vegetation obscuring the pedestal

This bulletin is intended to be merely informational and is not intended to be used as the basis for any compliance with federal, state or local laws, regulations or rules, nor is it intended to substitute for the advice of legal counsel.