KNOW WHAT'S BELOW

NORTH CAROLINA
EXCAVATION SAFETY GUIDELINES

NC 811 ORG



2026

Contact North Carolina 811 at: 811 or 1-800-632-4949 before you dig to help reduce damages to underground facilities.

Mission Statement
To promote damage prevention and safe digging through communication of excavation activities and to educate facility operators, excavators and the general public.

Introduction
This manual is intended as a resource to aid in the prevention of damage to underground facility owners' and operators' facilities in the State of North Carolina. North Carolina 811 developed this guide to enhance public safety, to protect the environment, to minimize risks to excavators and to prevent disruption of vital public services.

Throughout this booklet all instances of the abbreviation: NC811 refers to North Carolina 811, Inc.

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DISCLAIMER OF LIABILITY

This manual is an educational and informational document. It is to be used by parties excavating in North Carolina as a guide for contacting North Carolina 811, Inc. (NC811). The manual is not a supplement for requirements to the State Underground Utility Safety and Damage Prevention Act, OSHA standards nor any local ordinance. The manual does not relieve any excavator from his or her responsibilities as provided by the Underground Utility Safety and Damage Prevention Act. North Carolina 811 does not assume any responsibility for the acts or conduct of any reader of this manual.

NC811 has made every effort to produce this manual free from errors, but neither NC811 nor any of its officers, employees or agents make any representations or warranties as to the accuracy of the information contained herein. Likewise, this manual, includes a reproduction of the Underground Utility Safety and Damage Prevention Act, and is provided solely as a convenience and is not to be used as a legal reference document. Every effort has been made to reproduce the Underground Utility Safety and Damage Prevention Act accurately, but neither North Carolina 811, nor any officer, employee or agent of the above named entity, makes any representations or warranties as to the accuracy of the reproduction of the law.

Persons seeking a legal reference document should contact his or her legal representative.

How to contact NC811

Utility Location

Toll Free within NC	811
Toll Free outside NC	800-632-4949

Positive Response - Online Only

Corporate Offices

Local Telephone	336-855-5760

Member Services Department

Direct Line	336-854-8597

Remote Ticket Entry Department

Direct Line	336-316-0359

Website: NC811.org

App: "North Carolina 811" (for Apple and Android devices)

Management

Executive Director:	Louis Panzer
Operations Manager:	Stephanie Brown
Center Managers:	Angela Ashburn, Tammy Hewitt
Accounting Manager:	Sonia Level
Public Awareness & Outreach Manager:	Ann Rushing
Creative Media Specialist:	Steven Moore
Member Services Manager	Lesley Brouillard
Remote Ticket Entry Manager:	Wendy Fisher
IT Manager:	Chris Creed

HOURS OR OPERATION

Monday – Friday 7:00 am to 6:00 pm open for all locate requests (excluding holidays)

Emergency locates run from 6:00 pm – 6:59 am

Saturday & Sunday – Emergency locate requests, 3-Hour Notice and Damage Notices.

Note: North Carolina 811 is a 24 hours a day, 7 day a week operation. Someone is always available to take an emergency locate request.

The following holidays are observed by North Carolina 811

- New Year's Day
- Martin Luther King Jr. Day*
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day*
- Thanksgiving Day
- Day After Thanksgiving*
- Christmas Eve
- Christmas Day
- Day After Christmas*

*All excavation and demolition requests are accepted, but this day is NOT included in the 3 full working day notice.

NC811 RESPONSIBILITIES

Who We Are

North Carolina 811, Inc. (NC811) is a non-profit corporation in the State of North Carolina. The Corporation was formed in 1978 and is fully funded by participating member facility operators in North Carolina. North Carolina 811 was formed for the purpose of receiving notification from excavators of intended excavation in a specific area in the State.

What We Do

The excavation and demolition notifications received by NC811 are disseminated to North Carolina 811 members that have underground facilities in the specific area given on the notification.

NC811 maintains a database of the general area of underground facility information that has been provided by its member facility operators in order to provide those members with excavation notifications.

NC811 does NOT do any of the following:

- Physically mark any underground facilities.
- Settle disputes between excavators and members.
- Keep a database of the exact location of underground facilities of its member utilities.
- North Carolina 811 does not have the ability to identify or notify facility owners who are not members.

Using 811

Anyone planning excavation or demolition activities in North Carolina must notify North Carolina 811 either by phone or online. Once notified, a locate notice (commonly called a "ticket") is created and transmitted to the member utilities that have facilities near the work site. The member then has 3 full working days prior to the work start date, in which to mark their underground facilities in the requested work area. The member facility operator must also provide the Positive Response System with the status of the location.

There is no cost to the excavator for services provided by NC811, and member facility operators do not charge for marking their utilities. However, private lines that are not owned by a facility operator are not included in these markings. If those lines need to be located, a fee may apply through a private locating service.

To contact North Carolina 811 by phone, dial 811 or 800-632-4949; visit nc811.org to contact NC811 online. Various online notification options are offered by NC811 to both professional excavators and homeowners alike. CENTER LOGiX is available to professional excavators only, but homeowners and other nonprofessional excavators may use Single Address Ticket within DiG LOGiX.

To learn more about the 811 process in North Carolina, visit **nc811.org**

Educational Opportunities

Statewide Meetings
Utility Coordinating Committees (UCCs) meet throughout North Carolina to promote collaboration among utilities, contractors, and government agencies. These meetings provide a forum to discuss planning, engineering, construction, and technology issues that impact utility operations statewide. For more information, contact an NC811 Damage Prevention Liaison or visit **ncucc.org**.

Remote Ticket Entry
Remote Ticket Entry (RTE) is a complimentary service offered by NC811 that allows professional excavators to submit locate requests electronically using CENTER LOGiX Ticket Entry, the same application utilized by our Customer Service Representatives. Accessible from any computer, tablet, or smart phone with an internet connection, RTE provides the convenience of processing locate requests 24 hours a day, 7 days a week, 365 days a year.

To ensure users are familiar with the system and its features, live training is required before access is granted. To get started, visit the RTE web page at nc811.org to request training, or contact the RTE Department at 336-316-0359, Monday through Friday, from 8:00 am to 5:00 pm for assistance.

Pipes Plus Damage Prevention Training
Provided by North Carolina 811 and our PIPES Plus partners, this training equips you with essential knowledge to protect yourself, your team, and underground utilities during excavation activities. It is part of a national initiative focused on promoting safe digging practices, preventing damage, and ensuring effective emergency response.

We strongly recommend that companies incorporate this training into their onboarding programs for new hires to build a strong foundation in safety from day one. For more information, visit **ncpipesplus.org.**

EXCAVATOR RESPONSIBILITIES

The North Carolina Underground Utility Safety and Damage Prevention Act states before commencing any excavation or demolition operation, the person responsible for the excavation or demolition shall provide or cause to be provided notice to the Notification Center of his or her intent to excavate or demolish. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be given no less than 10 to 20 full working days before the proposed commencement date of the excavation or demolition. *(A copy of the North Carolina law may be found at the end of this manual).*

Confirm locating is complete
Prior to excavation or demolition, all excavators must confirm through the NC811 Positive Response System that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked.

If an operator fails to respond to the positive response system, the excavator may proceed if there are no visible indications of a facility at the proposed excavation or demolition area, such as a pole, marker, pedestal, meter, or valve. However, if the excavator is aware of or observes indications of an unmarked facility at the proposed excavation or demolition area, the excavator shall not begin excavation or demolition until an additional notice is made to the Notification Center detailing the facility and an arrangement is made for the facility to be marked by the operator within **three hours** from the time the additional notice is received by the Notification Center. *Note: Have all private lines identified by a private line locator before excavating.*

POSITIVE RESPONSE

If an email address is provided with your locate request, the Positive Response System will automatically send a status update on the ticket's legal start date. If no email address is provided, you can check the locate status online at NC811.org or through the NC811 app.

The Positive Response System displays the status submitted by each notified utility operator or its authorized locator for the requested ticket.

Positive Response Codes

10: No conflict, utility is outside of stated work area.
20: Marked.
30: Not complete.
32: Locate not complete, additional communication with the excavator required. Unable to contact the excavator.
40: Could not gain access to property, locator will contact excavator.
45: Railroad Facility Not Marked. Any excavation, access, construction, or installations on railroad property require appropriate railroad permit(s) from railroad owner/ operator.
50: Critical facility not marked, The facility owner or their designated representative have contacted the excavator and have agreed to a period that an owner representative must be present during excavation to identify the unmarked facility and/or monitor the excavation.
55: Critical facility marked. The facility owner or their designated representative have contacted the excavator and have agreed that an owner representative must be present during excavation.
60: Locator and excavator agreed and documented marking schedule.

Positive Response Codes (continued)

70: Excavator completed work prior to due date.
80: Member's Master Contractor is responsible for locating facilities.
90: SURVEY DESIGN REQUEST - Facility Has been Marked in the Field.
92: SURVEY DESIGN REQUEST - No Facilities in the Area.
94: SURVEY DESIGN REQUEST - Facility Records Provided.
98: SURVEY DESIGN REQUEST - Access to Facility Records Provided.
100: Location request denied due to Homeland Security Concern. Member utility operator needs to confirm legitimacy of the proposed excavation and may need additional information.
110: Subaqueous Facilities Present. Member utility owner will locate facilities within 10 full working days.
888: Extraordinary Circumstances Exist. Member utility owner unable to complete location request until (Date / Time).
999: Member has not responded by the required time.

Report Damages to Facilities
Per the Underground Utility Safety and Damage Prevention Act, 87-126 (a)(b), an excavator must notify the Notification Center and the facility operator, if known, when the excavator damages a facility. Reports of Damages are taken during normal, after-hours, and weekends. Should there be a discharge of electricity or escape of gas or liquid, immediately notify **911** services,the Notification Center and the facility operator. For more information on excavator responsibilities, see Section 87-122 of the North Carolina Underground Utility Safety and Damage Prevention Act.

DAMAGE PREVENTION

To help prevent damages to underground utilities and keep excavating crews safer, apply the information in this section to all excavating activities.

FOLLOW THE 5 STEPS TO SAFE DIGGING

STEP ONE: Contact 811
You can call 811 directly or use our web-based ticket system, DiG LOGiX Single Address Ticket (SAT). Professional excavators who create more complex and multiple locate requests can use CENTER LOGiX.

Have the following information ready when you contact 811:

- Phone number
- Address (including the county)
- Is it in a subdivision?
- A cross-street name (nearest intersecting street & is it within a 1/4 mile)
- Where exactly is the area you wish to have located? (are you marking the area with white paint or flags)
- Work date, time, how long will the work take, what type of work is it and who is it for?

You will be given a ticket number and a verbal list of utility companies that are notified by North Carolina 811. This does not mean each member listed owns buried utilities on your property. You will want to write down the names of the utility companies for easy reference. Not every utility company is a member. If a utility is not listed on the locate request ticket, they must be contacted directly. A copy of the ticket will be emailed to the email provided.

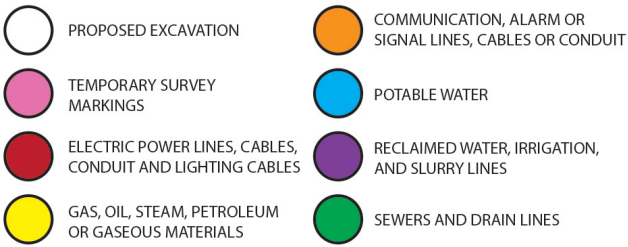
STEP TWO: Wait the required time
Excavators must give notice no less than 3 full working days before starting work. For underwater facilities, the notice period is no less than 10 to 20 working days. The work start date is noted on your ticket. Three full working days prior to the work start date, locators will be dispatched to mark your excavation area. The life of the ticket begins on the legal work start date and you are clear to dig for up to 28 calendar days.

Please be aware: Private utility lines are not marked through 811. Excavators or property owners must contact a private line utility locating company to identify these lines. Utility companies typically maintain and mark lines only up to the meter. Any lines beyond the meter, including those serving a home, building, or backyard, are considered private utilities and are the property owner's responsibility.

STEP THREE: Check Positive Response
Positive Response is a means for the utility members of North Carolina 811 to provide information regarding the status of your location request. Have the facilities been marked? Does the locator need to meet with the contractor or are there no facilities in the area of excavation? There is no cost to the excavator to access Positive Response information, and excavators are required to check Positive Response status before digging. Doing so helps verify that utility locates have been completed and can reduce the need for retransmitted locate requests, saving time and costs for member utilities.

STEP FOUR: Respect the marks
Your property's underground facilities will be marked with color-coded paint, stakes, or flags. It is crucial not to disturb these markers once the underground facilities have been located. It's advisable to communicate to young children that the brightly colored flags are not toys and should not be removed. Utilize the color code chart as a reference to identify the marked

underground facilities. The APWA uses a nationwide color-coding system for underground utility markings. White outlines the proposed excavation area, pink is used for temporary survey markings, red identifies electrical facilities, yellow marks gas and petroleum lines, orange indicates communication systems, blue designates potable water lines, green marks sewer and drainage systems, and purple identifies reclaimed water infrastructure.



STEP FIVE: Dig with care

The location tolerance zone width encompasses 24 inches horizontally on each side of the utility, in addition to the utility's width. When excavation is required within the marked tolerance zone, the excavator shall not use mechanized equipment until the underground utility has been safely exposed and its location verified. Hand digging or other approved non-mechanical methods must be used to protect the utility from damage. NC811 does not possess information about the depth of the facilities. Facility owners follow their industry's code when burying lines; nevertheless, variations in facility depths may arise due to installation practices, alterations in grade, soil erosion, and other factors that evolve over time.

In case of damage, it is essential to inform the facility owner directly, and you can call 811 to file a report of damage to underground facilities. If a gas product release occurs, promptly and safely relocate upwind and dial 911 to report the incident.

DAMAGE PREVENTION

- Become a **Safe Digging Partner.** A Safe Digging partner is a company who follows the law, keeps their employees educated and safe, and partners to share the message of safe digging. visit: nc811.org/811-initiatives/safe-digging-partner.html

- Contact the NC811 Public Awareness & Outreach Department. Our Damage Prevention Liaisons at NC811 have information about attending your local Utility Coordinating Committee and Safety Meetings, and can provide onsite training and free educational tools. Visit: https://nc811.org/education/education-resources.html

- Visually survey the area for indications of unmarked facilities which could include, but are not limited to: a pole, marker, pedestal, meter, or valve, and any other visible indications of a facility. If there are indications of unmarked facilities, contact NC811 for further processing.

- Respect and preserve the markings placed by each facility to indicate the location of their underground utilities.

- Excavate with caution. When working near a utility's tolerance zone, use non-mechanized equipment such as hand tools or vacuum excavation methods to carefully expose the utilities. When crossing underground utilities within the tolerance zone it is recommended that the excavation be performed with hand tools or vacuum excavating equipment until the marked facility is visually identified.

- Avoid the use of picks and mattocks.

- When using a shovel, keep the face of the blade toward the side of the facility. (See Figure 1).

- When using post hole diggers, keep the opening between the blades going the same direction as the facility is running. (See Figure 2).

Figure 1 *Shovel*

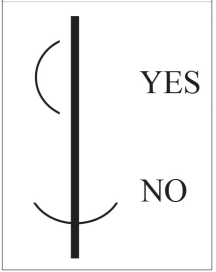
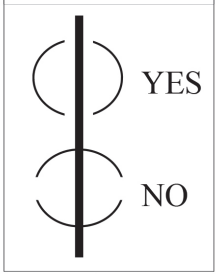




Figure 2 *Post hole*



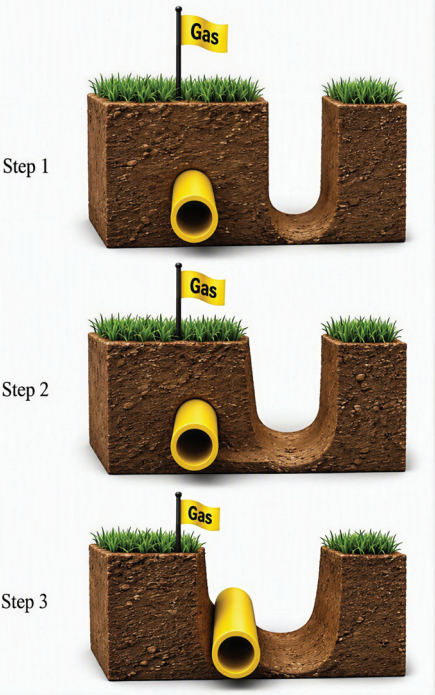


- Beware of the possibility of abandoned facilities. Find, expose, and protect all facilities within the tolerance zone. Do not damage abandoned facilities as they may be reused by the facility at a later date. Be sure to treat all facilities as if they are an active facility.

Pothole when paralleling underground facilities or digging in hard, compacted soils: At intervals, find and expose by hand digging, all facilities in the area to be disturbed by the excavation and adjust the path of excavation accordingly, if possible. (See Figure 3)

Note: The depths of underground facilities are not guaranteed. Excavators are responsible for finding and avoiding all facilities down to the depth of excavation.

Figure 3 *Potholing*



How to Recognize a Natural Gas Leak

Sensory Warning Signs

- Smell: Natural gas has no natural odor, but utility companies add a chemical called mercaptan to give it a strong sulfur or "rotten egg" smell, making leaks easier to detect.
- Sound: Listen for unusual hissing, whistling, or roaring noises coming from gas lines, meters, or gas-powered appliances.
- Visual Indicators: Watch for a white mist, fog, or vapor cloud near a gas line. Other signs include blowing dust or bubbles forming in standing water.
- For a more indepth visual on detecting a leak, watch this short video by scanning the QR code.

Environmental and Property Clues

- Damaged Vegetation: Dead or discolored grass, shrubs, or plants—especially in an otherwise healthy area—may indicate a leaking underground gas line.
- Gas Meter Activity: If your gas meter dial continues to spin rapidly even when all gas appliances and pilot lights are turned off, it could signal a leak.

Physical Symptoms

A gas leak can reduce the amount of oxygen in your home, causing symptoms in both people and pets.

- Mild to Moderate Symptoms: Headaches, dizziness, fatigue, nausea, and irritation of the eyes or throat.
- Serious Symptoms: Chest pain, difficulty breathing, confusion, or loss of consciousness.
- Pets: Signs may include lethargy, disorientation, or vomiting.

What to Do When You Suspect a Gas Leak or Gas Line Damage

If you suspect a gas leak or a gas line is damaged, treat the situation as an emergency. Immediately evacuate the area and move everyone to a safe distance. Leave buildings right away and, if possible, leave doors open as you exit. Once safely away and upwind from the area, call **911** and notify the gas utility or facility operator. Do not attempt to repair, cover, conceal, locate, or stop the leak yourself. Allow any escaping gas to dissipate naturally into the atmosphere and keep people away from the affected area until emergency responders or gas company personnel arrive.

To prevent ignition, avoid creating sparks or using any electrical devices, including light switches, phones, flashlights, garage door openers, or other equipment. Do not smoke or use open flames. Never attempt to operate pipeline valves, as this could increase the danger or cause additional damage. If a natural gas fire is present, do not try to extinguish it yourself. Remain clear of the area and do not return until the gas operator or emergency services have confirmed that it is safe to do so.

Taking quick action can help protect your family, pets, and property from the dangers associated with natural gas leaks.



MEMBER FACILITY OPERATOR RESPONSIBILITIES

Response to the Locate Request
After receiving the notification, each facility operator or their representative will provide a Positive Response within 3 full working days prior to the legal start date as to the status of the locate. Underground facilities present within the work area will be marked or flagged in accordance with the American Public Works Association Uniform Color Code.





S&N

BEFORE EXCAVATION, WE'VE ALREADY BEEN THERE.

PRECISION IN EVERY MARK:
Accurate, dependable locating that helps protect critical underground infrastructure.

SAFETY BEFORE THE FIRST DIG:
Helping reduce risk to crews, communities and the facilities they depend on.

DAMAGE PREVENTION STARTS HERE:
Experienced locators bringing responsibility, consistency and care to every ticket.

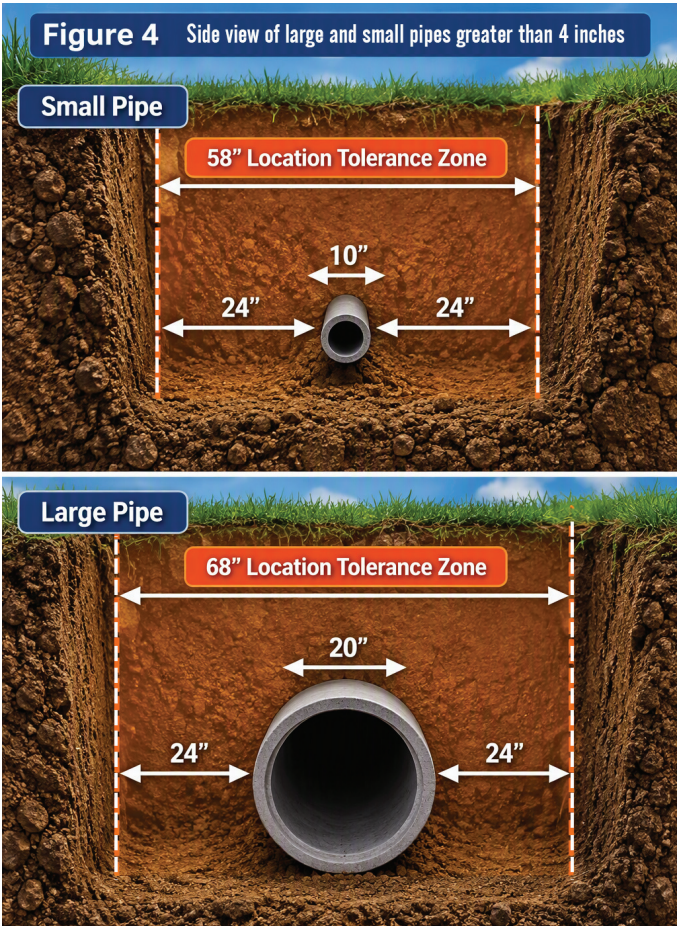
WE'VE GOT THIS

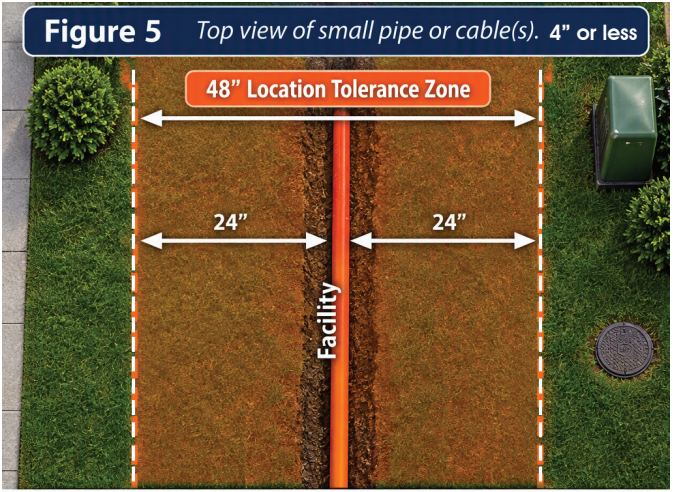
BUSINESS@SNCOMM.COM | WWW.SNCOMM.COM

Facility Marking Guidelines

The following illustrations (figures 4 - 8) show how various types of underground facilities should be marked. The width of the location tolerance zone includes the 24 inches on each side of the facility plus one half the diameter of the facility, if known. If an excavator must dig within the tolerance zone, digging with caution by hand or vacuum excavation is recommended to help reduce the possibility of damage to the located facility. Facilities greater than four inches in diameter/width shall be marked at least every 50 feet, 87-121(a)(1). For subaqueous facilities there is a clearance of 15 feet on either side of the indicated facility.




Figure 4
Side view of large and small pipes greater than 4 inches
Small Pipe
58” Location Tolerance Zone
10”
24”
24”
Large Pipe
68” Location Tolerance Zone
20”
24”
24”


Figure 5
Top view of small pipe or cable(s). 4" or less
48" Location Tolerance Zone
24"
24"
Facility

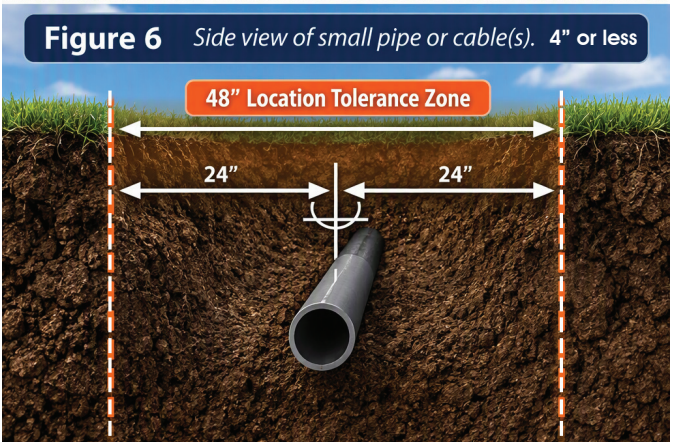

Figure 6
Side view of small pipe or cable(s). 4" or less
48" Location Tolerance Zone
24"
24"

Figure 7 *Side view of multiple ducts.*

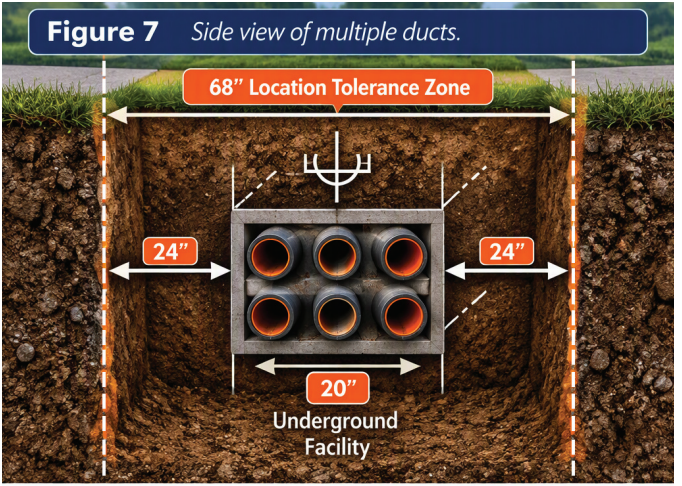


Figure 8 *Subaqueous locates.*



NOTIFICATIONS

Ticket Guidelines
The following is a list of questions in the order that they will be asked by a Customer Service Representative when a normal notification is being made. Please be prepared to provide the information when speaking with a Customer Service Representative.

Excavator Information
The Underground Utility Safety and Damage Prevention Act requires the name, address and telephone number of the person providing the notice and, if different, the person responsible for the proposed excavation or demolition.

Email Address
Provide an email address to receive a copy of the notification. An additional Follow-Up Confirmation Email will be sent to the excavator at the Legal Start Date with the available responses.

County/Place
Provide the county and the city or town where the excavation or demolition will take place.

Subdivision/Business
If the location is in a subdivision or at a business, please provide the name. This will help the utility locators to more easily find the work site.

Worksite Access
The work site should be accessible in order to locate. Be prepared to provide gate codes, animals, etc. as this is helpful for the utility locator prior to arriving.

Address
To accurately identify the work location, provide the complete street address whenever possible. If a full address is not available, include the street name, road name, highway number, or secondary road number. Be sure that all street and road names are spelled exactly as they appear on maps and in the field to avoid confusion.

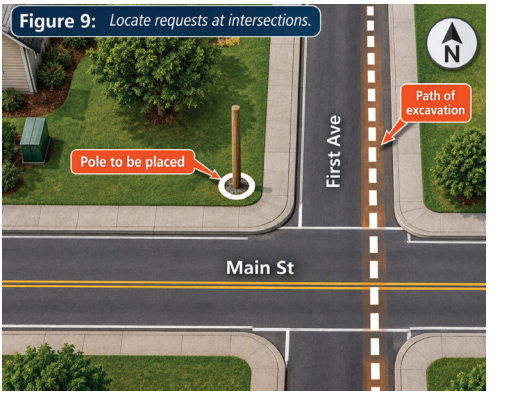
If additional directions are needed to locate the work site, make them clear, detailed, and specific. It is also helpful to include any information that may assist the utility locator, such as gate access codes, restricted entry instructions, or the presence of animals on the property.

The following is an example of good address information:
123 Oak Ln with a cross-street of Elm Tree Ct in Arbor Ridge subdivision.

Cross-Street Name
The name of the cross-street nearest to the jobsite address is needed, along with its distance from the work site, if known. A cross-street is the road that actually intersects with the street, or within a 1/4 mile from where the work is being done. It is not always a major road in the vicinity as some mistakenly believe.

Intersection
Intersection tickets will encompass just the area within the four corners of the intersections. When work continues on one or more streets from the intersection, a locate request will be created for each street. Distance per ticket to be limited to one of the following: The lesser of five adjoining parcels identified by addresses, not to exceed ¼ mile in linear length or an area not to exceed ¼ mile in linear length. If work is occurring along an alleyway, railroad, ramp or cross country and the total locate

distance is less than 1/4 mile, then you can process just one ticket for the excavation site. If the work is taking place on a corner property up to the road frontage of the street, cross street and/or both, you may process this on one locate request. (see figure 9).



Scenario 1: If excavation will take place at the intersection with a bore under Main St. and along the east side of First Ave., the locate should state: Locate starting at the white flag on the South side of Main St and continue North for 800 feet along the East side of First Ave to the other white flag.

Scenario 2: If a pole is to be placed on a specific corner, the best way to describe the locate would be to state: Locate 10 foot radius around the white stake on the Northwest corner of Main St and First Ave.

Area to Locate

The location of the proposed excavation or demolition is required by the Underground Utility Safety and Damage Prevention Act. It is best to describe the specific area where the excavation will take place; entire property or additional areas should not be included in the locate area unless they are absolutely needed.

Below are three examples of good locate area descriptions.

1. Locate entire front property.
2. Locate rear and both sides of building.
3. As facing, locate along right side of driveway from curb to house (See figure 10)

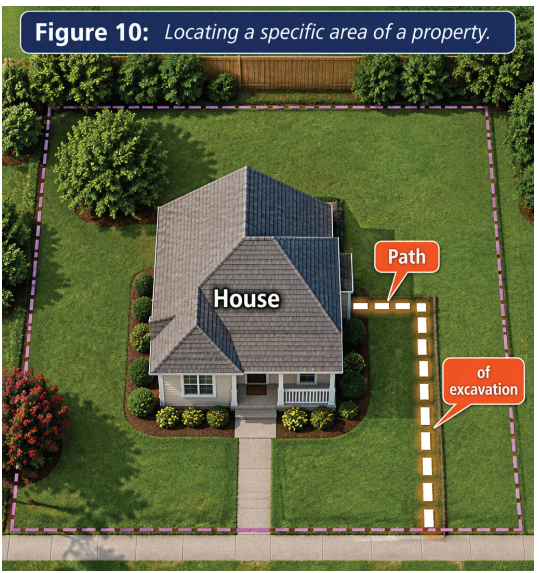


Figure 10: *Locating a specific area of a property.*

When excavation is not going to be taking place on all areas of a property, the specific area of the excavation should be requested. If a telephone drop were being placed to a house as indicated, the best way to describe the locate would be to state: As facing from street, locate the entire right side of property from the street to the back right corner of the house; area marked in white paint. (See figure 10)

Per the North Carolina Underground Utility Safety and Damage Prevention Act: § 87-122 (b) 5 (a) (b), Excavator responsibilities. The area of locate of the proposed excavation which is limited to an area the excavator reasonably believes may be completed within 28 calendar days from the work start date and does not include any areas completed and accepted by the authorities having jurisdiction. The area of locate is also limited to one of the following: A single parcel that may exceed ¼ mile in linear length identified by a single address. The lesser of five adjoining parcels identified by addresses, not to exceed ¼ mile in linear length or an area not to exceed ¼ mile in linear length.

White Lining
When the excavation area cannot be clearly and adequately identified within the area described, then the location area must be pre-marked with soluble white paint, white flags or white stakes. per G.S. 87-122 (c)(1)



NOTIFICATIONS

Blasting
If explosives will be used during the excavation, this information must be provided as it is required by the Underground Utility Safety and Damage Prevention Act.

Boring
This question is asked on all notifications regardless of the work type. Some member facility operators want to know if boring will be done as part of the excavation so that they can take extra precautions in protecting their underground facilities. If boring under a hard surface like a street, sidewalk, parking area, etc., the entering and exiting sides of the bore, plus the area between them, should be requested to be located.

Railroad
This question is asked on all notifications because some member facility operators have fiber optic cables buried on railroad right-of-ways. These fiber optic cables are vital for data transmission and communications. Therefore, owners of these facilities want to know when any type of excavation is taking place near a railroad.

Work Date & Time
This is the anticipated date and time that the excavation or demolition will begin. It is very important not to begin work prior to the legal start date and time. The legal start date is no less than 3 full working days before the proposed commencement date of the excavation or demolition. “Working Day” means every day except every day, except Saturday, Sunday, or State legal holidays..

Not every locate scenario can be described in this manual; however, a Customer Service Representative may be able to help explain what information the excavator needs to provide.

Date & Time Calculations

Excavators must give notice no less than 3 full working days before starting work. For underwater facilities, the notice period is no less than 10 to 20 working days.

Below in this example the excavator contacted 811 on the 1st. During the call or while creating the CENTER LOGiX or SAT ticket the work start date is noted on the ticket. Three full working days prior to the work start date, locators will be dispatched to mark your excavation area. The life of the ticket begins on the Legal start date and you are clear to dig for up to 28 calendar days.

LIFE OF A TICKET

**Working Day - Monday thru Friday. Note: Locates are normally performed on working days. *Valid 28 Calendar Days - Any day of the month, including weekends. You are clear to dig for 28 calendar days beginning on the work start date.*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 **Contact 811** Inform them of your work start date	2	3	4	5
6	7 Locate begins 3 working days prior to the work start date	8 Facilities Located	9 Facilities Located	10 **Work start date** Day 1	11 Clear to Dig Day 2	12 Clear to Dig Day 3
13 Clear to Dig Day 4	14 Clear to Dig Day 5	15 Clear to Dig Day 6	16 Clear to Dig Day 7	17 Clear to Dig Day 8	18 Clear to Dig Day 9	19 Clear to Dig Day 10
20 Clear to Dig Day 11	21 Clear to Dig Day 12	22 Clear to Dig Day 13	23 Clear to Dig Day 14	24 Clear to Dig Day 15	25 Clear to Dig Day 16	26 Clear to Dig Day 17
27 Clear to Dig Day 18	28 Clear to Dig Day 19	29 Clear to Dig Day 20	30 Clear to Dig Day 21	31 Clear to Dig Day 22	**Clear to dig up to 28 calendar days**	

Date & Time Calculations

Weekends and Holiday can affect the locate process. Here are some examples. In graph 1 you see when the locate would be performed if the start date lands on a Wednesday. The locate would begin on Friday and continue thru Tuesday. In graph 2 you see what would happen if a holiday landed on a Friday during the locate process.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 **Contact 811** Inform them of your work start date	3	4 Locate begins 3 working days prior to the work start date	5
6	7 Facilities Located	8 Facilities Located	9 **Work start date** Day 1	10 Clear to Dig Day 2	11 Clear to Dig Day 3	12 Clear to Dig Day 4

Graph 1

13	14	15	16 **Contact 811** Inform them of your work start date	17	18 **Holiday**	19
20	21 Locate begins 3 working days prior to the work start date	22 Facilities Located	23 Facilities Located	24 **Work start date** Day 1	25 Clear to Dig Day 2	26 Clear to Dig Day 3

Graph 2

In order to extend the life of your ticket past the 28 calendar days you will need to submit a subsequent notice 3 full working days prior to the expiration date of your locate request. You need to provide your update no later than day 25 of your ticket. Locators then have day 26, 27 and 28 to update the locate request. After 11:59pm on day 28, your ticket will begin again, giving you another 28 calendar days for excavation to take place.

Date & Time Calculations - Updates

UPDATE A TICKET

Note: No excavation or demolition may continue after the 28-day period unless the person responsible for the excavation or demolition provides a subsequent notice which shall be provided in the manner as the original notice.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Clear to Dig Day 4	Clear to Dig Day 5	1 Clear to Dig Day 6	2 Clear to Dig Day 7	3 Clear to Dig Day 8	4 Clear to Dig Day 9	5 Clear to Dig Day 10
6 Clear to Dig Day 11	7 Clear to Dig Day 12	8 Clear to Dig Day 13	9 Clear to Dig Day 14	10 Clear to Dig Day 15	11 Clear to Dig Day 16	12 Clear to Dig Day 17
13 Clear to Dig Day 18	14 Clear to Dig Day 19	15 Clear to Dig Day 20	16 Clear to Dig Day 21	17 Clear to Dig Day 22	18 Clear to Dig Day 23	19 Clear to Dig Day 22
20 Clear to Dig Day 23	21 Clear to Dig Day 24	22 Clear to Dig Day 25 Last day to provide an update	23 Clear to Dig Day 26	24 Clear to Dig Day 27	25 **Clear to Dig Day 28** Ticket will expire 11:59pm	26 Clear to Dig Day 1



Date & Time Calculations - Updates

Weekends and Holiday can affect the update process too. Here are some examples. In Graph 1 we see that the 28th day of the ticket lands on a Wednesday. Since the update must be made on a working day, the ticket is updated on the 23rd day of the ticket, giving the locators 3 full working days to respond to the update, the 26th, 27th and 28th days of the ticket. In Graph 2 a holiday lands on a Friday so the update must now be made no later than the 22nd day of the ticket.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Clear to Dig Day 18	Clear to Dig Day 19	1 Clear to Dig Day 20	2 Clear to Dig Day 21	3 Clear to Dig Day 22	4 Clear to Dig Day 23 Last day to provide an update	5 Clear to Dig Day 24
6 Clear to Dig Day 25	7 Clear to Dig Day 26	8 Clear to Dig Day 27	9 **Clear to Dig Day 28** Ticket will expire 11:59pm	10 Clear to Dig Day 1	11 Clear to Dig Day 2	12 Clear to Dig Day 3

Graph 1

13 Clear to Dig Day 18	14 Clear to Dig Day 19	15 Clear to Dig Day 20	16 Clear to Dig Day 21	17 Clear to Dig Day 22 Last day to provide an update	18 **Holiday** Clear to Dig Day 23	19 Clear to Dig Day 24
20 Clear to Dig Day 25	21 Clear to Dig Day 26	22 Clear to Dig Day 27	23 **Clear to Dig Day 28** Ticket will expire 11:59pm	24 Clear to Dig Day 1	25 Clear to Dig Day 2	26 Clear to Dig Day 3

Graph 2



NOTIFICATIONS

Emergency Locates
In the event an emergency locate is needed, see “Emergency” under Types of Notifications.

Duration of Work
The approximate number of hours, days, weeks, months or years that the excavation or demolition project will be taking place. This is required by the Underground Utility Safety and Damage Prevention Act.

Work Type
The Underground Utility Safety and Damage Prevention Act requires this information to accurately identify the type of work, demolition, or excavation being performed. Member facility operators rely on these details to determine whether their underground facilities may be affected by the proposed work. Please provide a clear and specific description of the excavation activity. General terms such as “digging” or “excavating” do not provide enough information. Instead, describe the actual work being performed, as shown in the examples below.

- Installing gas service
- Planting trees
- Putting up a fence
- Setting a pole
- Installing fiber conduit

Work Done For
This is the name of the person or company for which the work is being performed.

NOTIFICATION FORM

As outlined on the preceding pages, the facing page has a form containing the list of basic information needed by NC811 when a locate is requested. Use it as a guide when calling in locates or make copies of it for filling in before a call.

- Company Telephone Number
- Caller Type
- Company Name & Address
- Caller Name
- Company Name
- Email Address
- County
- Place (City)
- Work Site Access
- Subdivision
- Lot
- Address / Street Name
- Cross-Street Name 1 (nearest intersecting street)
- Cross-Street Name 2 (nearest intersecting street)
- Location / Stake info to locate
- Blasting _____ Y / N
- Boring _____ Y / N
- Railroad _____ Y / N
- White Lining _____ Y / N
- Duration of Work
- Work Type
- Work done for
- Site Contact
- Site Contact Phone
- Subcontractor
- Subcontractor Phone
- Work Date / Work Time
- Emergency _____ Y / N
- Remarks (Additional Comments)
- Utilities Notified
- Ticket Number / Locate Due
- Good Thru / Update

Types of notifications

Normal
A normal ticket is requested when any excavation and/or demolition is planned. This is the standard type of ticket used and requires a 3 full working day notice.

Retransmit
Until a ticket expires it may be resent to one or more of the members originally notified. The excavator may request to notify additional members, add more directions or contact numbers. Should a new facility member be added, they have 3 full working days to respond.

Update
In the event the excavation and/or demolition activities continue beyond the 28 calendar days (life of the notice), the excavator will need to update the notice per NC General Statutes. Updates can be requested no later than 3 working days prior to the expiration of the ticket. Changes cannot be made to an update notification. Should changes occur, a new notice will need to be processed.

Emergency
Emergency excavation or demolition notifications from excavators are accepted 24 hours a day, 7 days a week and are transmitted immediately to the member operator. NC General Statues 87-117 (8) define emergency as “an event involving a clear and imminent danger to life, health, or property, the interruption of essential utility services, or the blockage of transportation facilities, including highways, railways, waterways, or airways that require immediate action.”

Types of notifications

An excavator performing an emergency excavation or demolition is not required to give notice to the Notification Center as provided in G.S. 87-122. However, the excavator shall, as soon as practicable, give notice to the Notification Center which shall include a description of the circumstances justifying the emergency, per 87-125 (a)

Excavators falsely claiming an emergency exists may be subject to a complaint being made to the Underground Damage Prevention Review Board. False claims shall be punishable as a Class 3 misdemeanor to include other penalties and/or action taken by that board per the G.S. 87-125 (c). North Carolina 811 does not determine what is or is not an emergency notification. For an emergency request, an initial contact with the excavator shall be made within three hours by the Facility Operator. 87-121 (b) (4).

Report of Damage
The Underground Utility Safety and Damage Prevention Act requires that any excavator performing an excavation or demolition that results in any damage to a facility shall immediately upon discovery of the damage notify North Carolina 811 and the facility operator, if known, and provide the location and nature of the damage per G.S. 87-126 (a). NC811 will create a Report of Damage ticket and send it to any affected utility immediately. A Report of Damage is not a locate ticket and cannot be used to get lines located. Also, a Report of Damage does not relieve the excavator from any responsibility regarding the damages. Contact 911 immediately and the facility owner if the damage has resulted in the discharge or electricity, the escape of any flammable, toxic, or corrosive gas or liquid, or endangers life, health, or property in accordance with G.S. 87-126 (b).

Types of notifications

Destroyed Marks
In the event the locate markings have been destroyed, the excavator may request a Destroyed Marks notice as long as the original notice is active and has yet to expire. This notice is resent to all or specific members to request a remark of the area requested on the original notice. As a reminder, the individual is responsible for preserving the markings once the area has been marked. Markings can be destroyed due to weather, grading, heavy traffic, etc. A destroyed marks ticket does not extend the life of a ticket.

Design/Survey
A design or survey ticket is requested for those responsible for designing underground facilities or those who require a general description and location of existing underground facilities in an area. Since there will be no digging and, therefore, no risk to the underground utilities; the member utilities or their contract locators have 10 full working days to respond to a design/survey ticket instead of the usual 3 full working days.

Three Hour
If a facility operator does not provide a locate status through the NC811 Positive Response System, the excavator may proceed with excavation or demolition **only if there are no visible indications of a facility** in the proposed work area, such as a pole, marker, pedestal, meter, or valve.

If the excavator is aware of or observes indications of an **unmarked facility**, excavation or demolition shall not begin. The excavator shall submit an additional notice to NC811 identifying the facility, and arrangements must be made for the facility operator to mark the facility **within three hours from the time NC811 receives the additional notice.**

A three-hour notification can be entered anytime including after hours. Once the ticket is within the applicable three-full-working-day locate period and the requirements for a Three-Hour notification have been met, the notification may be entered at any time during the life of the ticket.

• In the event a member provided a Positive Response but the excavator states there is a discrepancy, see examples listed below,

– Member posted a PR Code 10 — NO CONFLICT but excavator states facilities ARE present

– Member posted a PR Code 20 — MARKED but excavator states the requested area to be marked was not marked, not completely marked, improperly marked, and/or wrong address was marked



F.A.Q.

Who is required to notify North Carolina 811 when they are going to dig?
Anyone who intends to excavate (disturb the earth's surface) in North Carolina, unless specifically exempted in the Underground Utility Safety and Damage Prevention Act, 87-124.

If I am a sub-contractor do I need to get a separate locate request or will the general contractor's ticket protect me?
NC811 recommends that all excavators request their own locates. Even though a sub-contractor may be noted on a location request, the sub-contractor should request his or her own locate ticket to be certain of protection.

How do I know if all members have marked or cleared my site? Use the NC811 Positive Response System to confirm the status of your locate. *See section on Positive Response for detailed instructions.*

I've received a Positive Response update indicating that all facility owners have reported the site as located. However, when I arrived at the job site, some or all of the utility locate marks were missing. What should I do?
Do **not** begin excavation. It is unsafe to dig until you determine why the locate marks are not visible. There are several possible reasons for missing marks, including:

- The wrong area may have been marked.
- Weather conditions may have faded, washed away, or otherwise obscured the markings.
- The site may have been vandalized or disturbed.
- In some cases, facility owners may have screened the ticket and provided an inaccurate or incomplete response.

F.A.Q.

Never assume a site has been properly marked simply because a Positive Response has been provided. If the marks are not visible, stop work and make an additional call to 811 requesting a three-hour notice.

Why don't the utility locators indicate the depth of facilities? The North Carolina Underground Utility Safety and Damage Prevention Act does not require that the depth be given. Facility depths can vary due to installation practices, changes in grade, soil erosion and other variables that occur over time.

When can I remove the flags or other physical markings on my property? Flags and other physical markings are good for 28 calendar days and should not be moved or removed before that time unless all excavation work is completed and not expected to resume.

I do not think the locate marks for underground facilities at my excavation site are correct. What should I do? If utility markings are believed to be incorrect, contact NC811 to request a three-hour notice and request that the locate ticket be sent back to the affected utility owners for remarking.

I've waited the required time and there are still no marks. What do I do? Members are required by law to respond to your locate request within 3 full working days. Check the NC811 Positive Response System to see if your site is clear of underground utilities. If the responses do not indicate such for all utilities, contact NC811 to request a **three hour** notice from the facility owner.

F.A.Q.

Who is liable if I damage an underground facility after choosing to excavate after the required time, but before all locates were done? Liability issues are between the utility owner and the excavator; NC811 cannot advise on such matters. For more information concerning the absence of facility location refer to G.S. 87-128.

What happens if I don't provide a full three-working-day notice?
North Carolina law requires excavators to provide at least three full working days' notice before beginning excavation. If less than the required notice is given and excavation starts before all underground utilities have been properly located and marked, there is an increased risk of damaging underground facilities and causing injuries. In such cases, the excavator may be held responsible for any resulting damages as G.S 87-122 (a) requires no less than three full working days before the proposed commencement date of the excavation or demolition.

Why didn't anyone show up for the requested meet at my excavation site?
If you requested a meeting with utility locators at your excavation site and no one arrived at the scheduled time, it is likely because meet requests cannot always be accommodated. While NC811 is happy to add a meet request to any locate ticket and many locators make every effort to honor those requests, attendance is not guaranteed. To ensure a locator can meet onsite, excavators should contact the facility operator directly to confirm the request and coordinate the meeting.

There are underground facilities on my property, but they were not located. Why? Underground facilities may not be marked for several reasons. The NC811 Positive Response System can provide details on the status of your locate request and whether additional information is needed. If the requested work area is small and no utility lines are present within that

area, a “no conflict” response may be issued. Additionally, utility companies typically locate only the lines they own. Private lines—such as those installed by homeowners or businesses to serve structures, equipment, or utility devices—are generally not marked. Water and sewer providers usually locate main lines and service lines to the meter, but not private water lines beyond the meter or sewer laterals. Private utility lines can be located by a contract locator; a list of providers is available at https://nc811.org/education/private-lines.html.

What is a private line?
Primary power, gas and telecommunication lines will be marked by the utilities that manage them. Secondary water, sewer, gas and electric are considered private lines and will not be marked when contacting 811. Water, sewer, and storm drain lines are only marked within the right of way or to the meter, and not on private property. Lines from the right of way or meter to the residence or business are private lines and you will need to contact a private line locator to have these lines located. Also note, you must contact any non-member facility owners not listed on your location request directly to request their facilities to be located and marked.

Why wasn’t I connected to North Carolina 811 when I dialed 811 from my cell phone?
If you are using a cell phone near a state border, dialing 811 may connect you to the one-call center in a neighboring state rather than North Carolina 811. This can happen when your call is routed through the nearest cell tower, which may be located across the state line. If this occurs, call 1-800-632-4949 directly to reach North Carolina 811 or use our online DiG LOGiX Single Address Ticket (SAT) to request your locate.https://diglogix.com/ticketaction

F.A.Q.

How do I know if I'm digging in a right-of-way or easement?
Unfortunately, there is no definitive answer because these areas can be located anywhere. If it is not known whether a right-of-way or easement is on a jobsite, it is always best to contact NC811 to have any underground lines located so that they may be easier to avoid.
An easement is the right to use part of a property without owning it. Utility easements are one of the most common types of easements for private property, which generally allow public utility companies access to the property for the purpose of installing, repairing and maintaining utility lines.
The width of the easement can vary depending on the type of easement and what it is being use for. When you purchase a property the survey documentation should report any easements that come in direct contact with your land. It is important to be aware of these easements has they will have a bearing in where you can safely place structures such as sheds, fence lines and even trees.

There are two types of easements or right of ways

Permanent Easements. A "permanent easement" means the public entity is not purchasing your land outright but is buying the rights to alter it and use it for their own purposes. These types of easements include above ground and buried utilities, drainage, and slope easements. While you still own the property, you are no longer allowed to use it in any way that would interfere with the easements.

Temporary Easements. A "temporary easement" means the public entity is leasing a portion of your land for the length of time needed to complete a project. This is a temporary construction easement. You will get back full ownership of your land at the end of the project.

F.A.Q.

You only notify utilities that are members with NC811, how do I know what other utilities may be in my excavation area if they are not members? As of October 1, 2016 all operators of underground facilities in North Carolina are required by North Carolina's Underground Utility Safety and Damage Prevention Act (the "Act") to be a member of North Carolina 811, Inc. (the "Notification Center"). North Carolina 811, Inc. cannot guarantee that all operators of underground facilities in the state have complied with this membership requirement. North Carolina 811, Inc. will notify all operators of underground facilities that are members of North Carolina 811, Inc., as required by the Act. For more information refer to G.S. 87-122.

On what day can a locate be updated?
A locate request needs to be updated no later than 3 workings day before the expiration of the ticket.

What is the required response time for an emergency request?
For emergency requests, the facility operator must make initial contact with the excavator within three hours, as required by N.C. General Statute 87-121(b)(4).

NC811 cannot provide an exact time when facilities will be marked. However, after-hours emergency requests are transmitted immediately to the affected utility members, including an automated phone notification when requested by participating members.

Response times may vary among facility owners based on their after-hours procedures, staffing availability, and the travel time required for locators to reach the excavation site.

For additional requirements related to emergency excavation or demolition, refer to G.S. 87-125.

For more frequently asked questions, visit:
nc811.org/resources/frequently-asked-questions.html

upa

Private and Public Locating

Safer Excavation Starts With Locating

UPA supports utility owners and operators with high-volume locating and damage prevention. Our technicians mark facilities for the utilities we serve and document every locate.

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LEADING WITH SAFETY.

Article 8A.
Underground Utility Safety and Damage Prevention Act

§ 87-115. Short title.
This Article may be cited as the "Underground Utility Safety and Damage Prevention Act." (2013-407, s. 2.)

§ 87-116. Declaration of policy and purpose.
The General Assembly of North Carolina hereby declares as a matter of public policy that it is necessary to protect the citizens and workforce of this State from the dangers inherent in excavating or demolishing in areas where underground lines, systems, or infrastructure are buried beneath the surface of the ground, and it is necessary to protect from costly damage underground facilities used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewage. In order to carry out this public policy and to satisfy these compelling interests, the General Assembly has enacted the provisions of this Article providing for a systematic, orderly, and uniform process to identify existing facilities in advance of any excavation or demolition in this State and to implement safe digging practices. (2013-407, s. 2.)

§ 87-117. Definitions.
The following definitions apply in this Article:
(1) APWA.-The American Public Works Association or its successors.
(1a) Board.- The Underground Damage Prevention Review Board.
(2) Business continuation plan. – A plan that includes actions to be taken in an effort to provide uninterrupted service during catastrophic events.
(3) Contract locator. – A person hired by an operator to identify and mark facilities.
(4) Damage. – The substantial weakening of structural or lateral support of a facility; penetration or destruction of protective coating, housing, or other protective device of a facility; or the partial or complete severance of a facility.
(5) Demolish or demolition. – Any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by any means, including the use of any tools, equipment, or discharge of explosives.
(6) Design notice. – A communication to the Notification Center in which

a request for identifying existing facilities for advance planning purposes is made. A design notice may not be used for excavation purposes.
(7) Designer. – Any architect, engineer, or other person who prepares or issues a drawing or blueprint for a construction or other project that requires excavation or demolition work.
(8) Emergency. – An event involving a clear and imminent danger to life, health, or property, the interruption of essential utility services, or the blockage of transportation facilities,including highways, railways, waterways, or airways that require immediate action.
(9) Excavate or excavation. – An operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of manual or mechanized equipment or by discharge of explosives, including, but not limited to, auguring, backfilling, boring, digging, ditching, drilling, directional drilling, driving, grading, horizontal directional drilling, well drilling, plowing-in, pounding, pulling-in, ripping, scraping, trenching, and tunneling.
(10) Excavator. – A person engaged in excavation or demolition.
(11) Extraordinary circumstances. – Circumstances that make it impossible for the operator to comply with the provisions of this Article, including hurricanes, tornadoes, floods, ice, snow, and acts of God.
(12) Facility. – Any underground line, underground system, or underground infrastructure used for producing, storing, conveying, transmitting, identifying, locating, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewage. Provided there is no encroachment on any operator's right-of-way,
easement, or permitted use, for the purposes of this Article, the following shall not be considered an underground facility: (i) swimming pools and irrigation systems; (ii)
petroleum storage systems under Part 2A of Article 21A of Chapter 143 of the General Statutes; (iii) septic tanks under Article 11 of Chapter 130A of the General Statutes; and (iv) liquefied petroleum gas systems under Article 5 of Chapter 119 of the General Statutes, unless the system is subject to Title 49 C.F.R. § 192 or § 195.
(13) Locator. – An individual who identifies and marks facilities for operators who has been trained and whose training has been documented.
(14) Mechanized equipment. – Equipment operated by means of mechanical power, including, but not limited to, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, horizontal directional drills, cable and

pipe plows, and other equipment used for plowing-in or pulling-in cable or pipe.
(15) Non-mechanized equipment. – Hand tools and soft dig technologies. (2025-21,s.1.)
(16) Notice. – Oral, written, or electronic communication to the Notification Center from any person planning to excavate or demolish in the State that informs an operator of the person's intent to excavate or demolish.
(17) Notification Center. – A North Carolina member-owned not-for-profit corporation sponsored by operators that will provide a system through which a person can notify operators of proposed excavations and demolitions and submit reports of alleged violations of this Article.
(18) Operator. – Any person, public utility, communications or cable service provider, municipality, electrical utility, or electric or telephone cooperative that owns or operates a facility in this State.
(18a) Parcel.- An extended area of land with fixed boundaries.
(19) Person. – Any individual, owner, corporation, partnership, association, or any other entity organized under the laws of any state, any political subdivision of a state, or any other instrumentality of a state, or any authorized representative thereof.
(20) Positive response. – An automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request.
(20a) Soft dig technologies – An excavation method that uses air or water pressure to break up soil and remove it with vacuum extraction. (2025-21,s.1.)
(21) Subaqueous. – A facility that is under a body of water, including rivers, streams, lakes, waterways, swamps, and bogs.
(22) Tolerance zone. – If the diameter of the facility is known, the horizontal distance of one half of the known diameter plus 24 inches on either side of the designated center line or, if the diameter of the facility is not marked, 24 inches on either side of the outside edge of the
mark indicating a facility or, for subaqueous facilities, a clearance of 15 feet on either side of the indicated facility. (2025-21,s.1.)
(23) Working day. – Every day, except Saturday, Sunday, or State legal holidays. (2013-407, s. 2.)

§ 87-118. Reserve to the State the power to regulate.
The provisions in this Article supersede and preempt any ordinance adopted by a city or county that purports to do any of the following:
(1) Require operators to obtain permits from a city or county in order to identify facilities.
(2) Require premarking or marking of facilities.
(3) Specify the types of paint or other marking devices that are used to identify facilities.
(4) Require removal of unexpired marks. The removal of expired marks shall be the responsibility of the city or county. (2013-407, s. 2., eff. Oct 1, 2014)

§ 87-119. Costs associated with compliance; effect of permit.
Any costs or expenses associated with an excavator's compliance with the requirements of this Article shall not be charged to any operator. Any costs or expenses associated with an operator's compliance with the requirements of this Article shall not be charged to any excavator. The notification Center may not impose any charge on any person giving notice to the Notification Center. This section shall not affect costs related to the operation of the Notification Center apportioned to an operator pursuant to G.S. 87-120(b). This section shall not excuse an operator or excavator from liability for any damage or injury for which the operator or excavator would be responsible under applicable law. (2013-407, s. 2, eff. Oct. 1, 2014)

§ 87-120. Notification Center; responsibilities.
(a) The operators in the State shall maintain a Notification Center for the sole purpose of providing the services required by this Article. The Notification Center shall maintain information concerning receipt of notification of proposed excavation and demolition activities as provided in this Article and shall maintain information received from operators concerning the location of the operators' facilities and the operators' positive responses to marking of the facilities. The Notification Center is not responsible in any way for identifying or marking facilities for operators. The Notification Center is not responsible in any way for resolving reports of alleged violations of this Article. All operators in the State shall join the Notification Center as provided in subsection (b) of this section, and they shall use the services of the Notification Center to perform the acts required by the provisions of this Article. There shall be only one Notification Center

for the State of North Carolina. The Notification Center is not an agency of the State or any of the State's political subdivisions and is not subject to the provisions of Chapter 132 or Chapter 133 of the General Statutes.

(b) Operators who are members of the Notification Center by whatever name that is in existence on October 1, 2013, must remain members. Operators with more than 50,000 customers or 1,000 miles of facilities who are not members on October 1, 2013, must join no later than October 1, 2014. Operators with more than 25,000 customers or 500 miles of facilities who are not members on October 1, 2013, must join no later than October 1, 2015. All operators that do not meet one of the criteria provided in this subsection must join no later than October 1, 2016. Each engineering division of the Department of Transportation established pursuant to G.S. 136-14.1 must join no later than October 1, 2016. The board of directors of the Notification Center shall develop a reasonable method of apportioning the costs of operating the Notification Center among the member operators. Prior to adopting a method of determining such cost allocation, the board of directors shall publish the proposed method of cost allocation to the member operators, and the proposed method of cost allocation shall be approved by the member operators.

(c) The Notification Center shall have the following duties and responsibilities:

(1) Maintain a record of the notices received under subsection (d) of this section for at least four years.

(2) Repealed (2019-189. S.1, eff. Oct. 1, 2019)

(3) Receive and transmit notices as provided in subsection (d) of this section.

(4) Develop and update, as needed, a business continuation plan.

(5) Repealed (2019-189. S.1, eff. Oct. 1, 2019)

(6) Provide a positive response system.

(7) Establish and operate a damage prevention training program for members of the notification Center. No person may recover damages in any manner or form from the Notification Center arising out of or related to the manner in which the Notification Center conducts a damage prevention training program or receives, transmits, or otherwise administers a report of an alleged violation of this Article.

(8) Provide aggregate data as requested by the Board to assess the operational fee authorized under G.S. 87-129A.

(9) Provide information related to the Notification Center's receipt

and transmission of notices reasonably requested by the Board in its consideration of reports of alleged violations of this Article.
(d) The Notification Center shall receive notice from any person intending to excavate or demolish in the State and shall, at a minimum, transmit the following information to the appropriate operator:
(1) The name, address, and telephone number of the person providing the notice and, if different, the person responsible for the proposed excavation or demolition.
(2) The starting date of the proposed excavation or demolition.
(3) The anticipated duration of the proposed excavation or demolition.
(4) The type of proposed excavation or demolition operation to be conducted.
(5) The location of the proposed excavation or demolition.
(6) Whether or not explosives are to be used in the proposed excavation or demolition.
(e) Repealed (2019-189. S.1, eff. Oct. 1, 2019)

§ 87-121. Facility operator responsibilities.
(a) An operator shall provide to the excavator the following:
(1) The horizontal location and description of all of the operator's facilities in the area where the proposed excavation or demolition is to occur. The location shall be marked by stakes, soluble paint, flags, or any combination thereof, as appropriate, depending upon the conditions in the area of the proposed excavation or demolition. The operator shall, when marking as provided under this subdivision, use the APWA Uniform Color Code.
Where practical, painted surface marks should be of adequate length to distinguish from dots. If the diameter or width of the facility is greater than four inches, the dimension of the facility shall be indicated at least every 50 feet in the area of the proposed excavation or demolition. An operator who operates multiple facilities in the area of the proposed excavation or demolition shall locate each facility. (2025-21,s.2.)
(1a) The operator's identity, marked as provided in subdivision (1) of this subsection, in the area where the proposed excavation or demolition is to occur. At a minimum, the operator's identity shall be marked at the beginning point, at intervals of 200 linear feet, and at the end point of the proposed excavation or demolition.
(2) Any other information that would assist the excavator in identifying and thereby avoiding damage to the marked facilities.

(b) Unless otherwise provided in a written agreement between the operator and the excavator, including an electronically transmitted written agreement, the operator shall provide to the excavator the information required by subsection (a) of this section within the times provided below: (2025-21,s.2.)
(1) For a facility, within three full working days prior to the work start date provided by the excavator. (2025-21,s.2.)
(2) For a subaqueous facility, within 10 full working days after the day notice of the proposed excavation or demolition was provided to the Notification Center.
(3) If the operator declares an extraordinary circumstance, the times provided in this subsection shall not apply.
(4) For an emergency request, an initial contact with the excavator shall be made within three hours. (2025-21,s.2.)
(5) For a request of an unmarked facility required by G.S. 87-122 (c)(6), the operator shall arrange for the facility to be marked within three hours from the time the additional notice is received by the Notification Center. (2025-21,s.2.)
(c) The operator shall provide a positive response to the Notification Center before the expiration of the time provided in subsection
(b) of this section. The response shall indicate whether and to what extent the operator is able to provide the information required by subsection (a) of this section to respond to the notice from the excavator.
(d) If the operator determines that provisions for marking subaqueous facilities are required, the operator will provide a positive response to the Notification Center not more than three full working days after notice has been provided by the excavator.
(e) If extraordinary circumstances prevent the operator from marking the location of the facilities within the time specified in subsection (b) of this section, the operator shall either notify the excavator directly or notify the excavator through the Notification Center. When providing the notification under this subsection, the operator shall state the date and time when the location will be marked.
(f) An operator shall prepare or cause to be prepared installation records of all facilities installed on or after the date this Article becomes effective in a public street, alley, or rightof-way dedicated to public use, excluding service drops and services lines. The operator shall maintain these records in the operator's possession while the facility is in service.

(g) All facilities installed by or on behalf of operators on or after the date this Article becomes effective shall be electronically locatable using a locating method that is generally accepted by operators in the particular industry or trade in which the operator is engaged.
(h) A locator shall notify the operator if the locator becomes aware of an error or omission in the records or documentation showing the location of the operator's facilities. The operator must update its records to correct any error or omission.
(i) An operator may reject an excavation or demolition notice due to homeland security considerations based upon federal statutes or federal regulations until the operator can confirm the legitimacy of the notice. The operator shall notify the person making the notice of the denial and may request additional information through the positive response system.
(j) Gravity fed sanitary sewers installed prior to the date this Article becomes effective and all storm water facilities shall be exempt from the location requirements provided in subsection (a) of this section. Neither the excavator nor the person financially responsible for the excavation will be liable for any damage to an unmarked gravity fed sanitary sewer
line or unmarked storm water facility if the person doing the excavation exercises due care to protect existing facilities when there is evidence of the existence of those facilities near the proposed excavation area.
(k) An operator who does not become a member of the Notification Center as required by G.S. 87-120(b) may not recover for damages to a facility caused by an excavator who has complied with the provisions of this Article and has exercised reasonable care in the performance of the excavation or demolition. (2013-407, s. 2.)

§ 87-122. Excavator responsibilities.
(a) Before commencing any excavation or demolition operation, the person responsible for the excavation or demolition shall provide or cause to be provided notice to the Notification Center of his or her intent to excavate or demolish. Notice for any excavation or demolition that does not involve a subaqueous facility must be given no less than three full working days before the proposed commencement date of the excavation or demolition. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be given no less than 10 to 20 full working days before the proposed commencement date of the excavation or demolition. Notice given pursuant to this subsection shall expire 28 calendar days after the

work start date. No excavation or demolition may continue after this 28-day period unless the person responsible for the excavation or demolition provides a subsequent notice which shall be provided in the same manner as the original notice required by this subsection. When demolition of a building is proposed, the operator shallbe given a reasonable time in which to remove or protect the operator's facilities before the demolition commences. (2025-21,s.3.)

(b) The notice required by subsection (a) of this section shall, at a minimum, contain all of the following:

(1) The name, address, and telephone number of the person providing the notice.

(2) The anticipated starting date of the proposed excavation or demolition.

(3) The anticipated duration of the proposed excavation or demolition.

(4) The type of proposed excavation or demolition operation to be conducted.

(5) The area of locate of the proposed excavation which is limited to an area the excavator reasonably believes may be completed within 28 calendar days from the work start date and does not include any areas completed and accepted by the authorities having jurisdiction. The area of locate is also limited to one of the following: (2025-21,s.3.)

a. A single parcel that may exceed ¼ mile in linear length identified by a single address.

b. The lesser of five adjoining parcels identified by addresses, not to exceed ¼ mile in linear length or an area not to exceed ¼ mile in linear length.

(6) Whether or not explosives are to be used in the proposed excavation or demolition.

(c) An excavator shall comply with the following:

(1) When the excavation area cannot be clearly and adequately identified within the area described in the notice, the excavator shall designate the route, specific area to be excavated, or both by premarking the area before the operator performs a locate. Premarking shall be made with soluble white paint, white flags, or white stakes.

(2) Confirm through the Notification Center's positive response system prior to excavation or demolition that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked.

(3) Plan the excavation or demolition to avoid damage to or minimize interference with facilities in or near the construction area.

(4) Begin excavation or demolition prior to the specified waiting period only if the excavator has confirmed that all operators have responded with an appropriate positive response.
(5) If the operator declares extraordinary
circumstances, the excavator shall not excavate or demolish until after the time and date that the operator has provided in the operator's response.
(6) If an operator fails to respond to the positive response system, the excavator may proceed if there are no visible indications of a facility at the proposed excavation or demolition area, such as a pole, marker, pedestal, meter, or valve. However, if the excavator is aware of or observes indications of an unmarked facility at the proposed excavation or demolition area, the excavator shall not begin excavation or demolition until an additional notice is made to the Notification Center detailing the facility and an arrangement is made for the facility to be marked by the operator within three hours from the time the additional notice is received by the Notification Center. (2019-189 s.1.)
(7) Beginning on the date provided in the excavator's notice to the Notification Center, the excavator shall preserve the staking, marking, or other designation until they are no longer required. When a mark is no longer visible or is destroyed, but the excavation or demolition continues in the vicinity of the facility, the excavator shall request a re-mark from the Notification Center to ensure the protection of the facility.
(8) When demolition of a building is proposed, the excavator shall give the operator a reasonable time in which to remove or protect the operator's facilities before demolition commences.
(9) An excavator shall not perform any excavation or demolition within the tolerance zone unless the excavator complies with all of the following conditions:
a. The excavator shall not use mechanized equipment, except noninvasive equipment specifically designed or intended to protect the integrity of the facility, within the marked tolerance zone of an existing facility until
1. The excavator has visually identified the precise location of the facility or has visually confirmed that no facility is present up to the depth of excavation.
2. The excavator has taken reasonable precautions to avoid any substantial weakening of the facility's structural or lateral support, or both, or penetration or destruction of the facilities or their protective coatings; and
3. The excavator may use mechanical means, as necessary, for the initial

penetration and removal of pavement or other materials requiring use of mechanical means of excavation but only to the depth of the pavement or other materials. For parallel type excavations within the tolerance zone, the existing facility shall be visually identified at intervals not to exceed 50 feet along the line of excavation to avoid damages. The excavator shall exercise due care at all times to protect the facilities when exposing these facilities.
b. The excavator shall maintain clearance between a facility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of the cutting edge or point, as may be reasonably necessary to avoid damage to the facility.
c. c. The excavator shall provide support for facilities in and near the excavation or demolition area including backfill operations, as may be reasonably required by the operator for the protection of the facilities.
(10) The excavator shall use nonmechanized equipment within a 24-inch circumference around a facility that is an oil, petroleum products, or highly volatile liquid pipeline system, a gas transmission line, or an electric transmission line unless the facility operator has consented to the use in writing and the operator's representative is on site during the use of the mechanized equipment. Within the tolerance zone of a pipeline system, the excavator shall use safe excavation practices, including, but not limited to, hand digging or potholing. For purposes of this subdivision, the term "oil, petroleum products, or highly volatile liquid pipeline system" has the same meaning as the term "pipeline system" in Title 49 C.F.R. § 195.2, the term "gas transmission line" has the same meaning as the term "transmission line" in Title 49 C.F.R. § 192.3, and the term "electric transmission line" has the same meaning as the term "transmission line" in G.S. 62-100(7). (2019 189, s. 1.) (2025-21,s.3.)

§ 87-123. Training.
(a) Every person who is an excavator, locator, or operator under this Article by virtue of engaging in these activities in the course of a business or trade has a duty to provide education and training to employees and to document such education and training. The training shall include sufficient information, guidance, and supervision such that employees can competently and safely operate the equipment used in the course of the business or trade and complete assigned tasks in a competent and safe manner while minimizing the potential for damage.
(b) (b) When an excavator, locator, or operator under this Article retains

an independent contractor to perform activities regulated by this Article, the duty set forth in subsection (a) of this section shall not apply to the excavator, locator, or operator. Independent contractors shall provide training to their employees in accordance with this section.
(c) Excavation shall be conducted in accordance with OSHA Standard 1926 and under the direction of a competent person, as defined therein.
(d) Locators shall be properly trained. Locator training shall be documented. (2013-407, s. 2.)

§ 87-124. Exemptions.
The notice requirements in G.S. 87-122(a) and G.S. 87-122(b) do not apply to the following:
(1) An excavation or demolition performed by the owner of a single-family residential property on his or her own land that does not encroach on any operator's right-of-way, easement, or permitted use.
(2) (2) An excavation or demolition performed by the owner of a single-family residential property on his or her own land that encroaches on any operator's right-of-way, easement, or permitted use that is performed with non-mechanized equipment.
(3) An excavation or demolition that involves the tilling of soil for agricultural or gardening purposes that encroaches on any operator's right-of-way, easement, or permitted use and is less than 12 inches in depth. (2025-21,s.4.)
(4) An excavation or demolition for agricultural purposes, as defined in G.S. 106-581.1, performed on property that does not encroach on any operator's right-of-way, easement, or permitted use.
(5) An excavation by an operator, surveyor, or their contractor with non-mechanized equipment for the following purposes: (2025-21,s.4.)
a. Locating for a valid notification request or for the minor repair, connection, or routine maintenance of an existing facility or survey pin.
b. Probing underground to determine the extent of gas or water migration.
(6)) An excavation or demolition performed for the purpose of maintenance activities within the right-of-way. Maintenance activities shall include emergency replacement of signs critical for maintaining safety or reshaping of shoulders and ditches to the original road profile. Maintenance activities do not include the initial installation of traffic signs, traffic control equipment, guardrails, or drainage structures. The provisions of this subdivision do not apply when the excavation or demolition is performed

by a contractor acting on behalf of a person or entity responsible for routine maintenance of a right-of-way. (2019-189, s.1.) (2025-21,s.4.)
(7) An excavation or demolition performed by a railroad entirely on land which the railroad owns or operates or, in the event of an emergency, on adjacent land. No provision in this Article shall apply to any railroad which owns, operates, or permits facilities under land which the railroad owns or operates.
(8) An excavation of a grave space, as defined in G.S. 65-48(10), the installation of a monument or memorial at a grave space, or an excavation related to the placement of a temporary structure or tent by a cemetery regulated under Chapter 65 of the General Statutes that does not encroach on any operator's right-of-way, easement, or permitted use. (2013-407, s. 2.)
(9) Pavement milling and pavement resurfacing. (2019-189, s. 1.)

§ 87-125. Notice in case of emergency excavation or demolition.
(a) An excavator performing an emergency excavation or demolition is not required to give notice to the Notification Center as provided in G.S. 87-122. However, the excavator shall, as soon as practicable, give notice to the Notification Center which shall include a description of the circumstances justifying the emergency. The excavator may request emergency assistance from each affected operator in locating and providing immediate protection to the facilities in the affected area. (2019-189, s. 1.)
(b) The declaration of an emergency excavation or demolition shall not relieve any party of liability for causing damage to an operator's facilities even if those facilities are unmarked.
(c) Any person who falsely claims that an emergency exists requiring an excavation or demolition shall have violated the provisions of this Article, which shall be punishable as a Class 3 misdemeanor and may subject the violator to the imposition of penalties or other action to be taken by the Board pursuant to G.S. 87-129. (2019-189, s. 1.)

§ 87-126. Notification required when damage is done.
(a) The excavator performing an excavation or demolition that results in any damage to a facility shall immediately upon discovery of the damage notify the Notification Center and the facility operator, if known, of the location and nature of the damage. The excavator shall allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of the facility. The excavator shall

delay any backfilling in the immediate area of the damaged facility until authorized by the operator. The operator or qualified personnel authorized by the operator shall repair any damage to the facility.
(b) An excavator who is responsible for an excavation or demolition where any damage to a facility results in the discharge of electricity or escape of any flammable, toxic, or corrosive gas or liquid, or that endangers life, health, or property shall immediately notify emergency responders, including 911 services, the Notification Center, and the facility operator. The excavator shall take reasonable measures to protect himself or herself, other persons in immediate danger, members of the general public, property, and the environment until the operator or emergency responders arrive and complete an assessment of the situation. (2013-407, s. 2.)
(c) The venue for claims adjudication for actual and consequential damages occurring in North Carolina shall be held within the North Carolina court system in the county of the occurrence. (2025-21,s.5.)

§ 87-127. Design notices.
(a) A designer may submit a design notice to the Notification Center. The design notice shall describe the tract or parcel of land for which the design notice has been submitted with sufficient particularity, as defined by policies and procedures adopted by the Notification Center, to allow the operator to ascertain the precise tract or parcel of land involved.
(b) Within 10 working days, not including the day the notice was given, after a design notice for a proposed project has been submitted to the Notification Center, the operator shall respond in one of the following manners:
(1) By designating the location of all facilities owned by the operator within the area designated by the design notice as provided in G.S. 87-121(a). (2019-189, s.1.)
(2) By providing to the person submitting the design notice the best available description of all facilities in the area designated by the design notice, which may include drawings marked with a scale, dimensions, and reference points for underground utilities already built in the area or other facility records that are maintained by the operator.
(3) Allowing the person submitting the design notice or any other authorized person to inspect the drawings or other records for all facilities within the area designated by the design notice at a location that is acceptable to the operator. (2019-189, s.1.)

(c) An operator may reject a design notice based upon homeland security considerations pending the operator obtaining additional information confirming the legitimacy of the notice. The operator shall notify the person making the request through a design notice of the denial and may request additional information through the positive response system. (2013-407, s. 2.)

§ 87-128. Absence of facility location.

If an operator who has been given notice as provided in G.S. 87-120(d) by the Notification Center fails to respond to that notice as provided in G.S. 87-121 or fails to properly locate the facility, the person excavating is free to proceed with the excavation and neither the excavator nor the person financially responsible for the excavation will be liable to the nonresponding or improperly responding operator for damages to the operator's facilities so long as the excavator has exercised due care in preparing for or conducting the excavation. For the purposes of this section, the excavator shall be entitled to a presumption, rebuttable by clear and convincing evidence, that it has exercised due care in preparing for or conducting the excavation where (i) the Notification Center gives the operator the notice required in G.S. 87-120(d). (ii) the operator fails to respond to that notice as provided in G.S. 87-121 or fails to properly locate the facility, (iii) the excavator has complied with the requirements of G.S. 87-122(c), and (iv) the excavator did not have actual knowledge of the existence of a facility located within the area of the excavation to be performed. (2013-407, s. 2.) (2025-21,s.6.)

§ 87-129. Underground Damage Prevention Review Board; enforcement; civil penalties.

(a) There is hereby established the Underground Damage Prevention Review Board to review reports of alleged violations of this Article. The members of the Board shall be appointed by the Governor. The Board shall consist of 15 members as follows:

(1) A representative from the North Carolina Department of Transportation;
(2) A representative from a facility contract locator;
(3) A representative from the Notification Center;
(4) A representative from an electric public utility;
(5) A representative from the telecommunications industry;
(6) A representative from a natural gas utility;
(7) A representative from a hazardous liquid transmission pipeline

company;
(8) A representative of a municipality, appointed on the recommendation of the League of Municipalities; (2019-189, s.1.)
(9) A highway contractor licensed under G.S. 87-10(b)(2) who does not own or operate facilities;
(10) A public utilities contractor licensed under G.S. 87-10(b)(3) who does not own or operate facilities;
(11) A surveyor licensed under Chapter 89C of the General Statutes;
(12) A representative from a rural water system, appointed on the recommendation of the North Carolina Rural Water Association; (2019-189, s.1)
(13) A representative from an investor-owned water system;
(14) A representative from an electric membership corporation; and
(15) A representative from a cable company, appointed on the recommendation of the North Carolina Cable Telecommunications Association. (2019-189, s.1.) (a1) Each member of the Board shall be appointed for a term of four years. Members of the Board may serve no more than two consecutive terms. Vacancies in appointments made by the Governor occurring prior to the expiration of a term shall be filled by appointment for the unexpired term. To the extent practicable, the Governor shall fill any vacancy in the Board within 60 days after the vacancy. (2025-21,s.7.)
(a2) No member of the Board may serve on a case where there would be a conflict of interest.
(a3) The Governor may remove any member at any time for cause.
(a4) A quorum is met when the majority of seated members are present. Board members may appear at meetings by simultaneous communication via conference telephone or other electronic means. (2025-21,s.7.)
(a5) The Governor shall designate one member of the Board as chair.
(a6) The Board may adopt rules to implement this Article.
(a7) The Board shall establish an internal attendance policy. In the event a Board member resigns or fails to meet the criteria of the attendance policy, the Board may appoint an interim member to represent the same stakeholder group until such time as the Governor appoints a replacement for the unexpired term. (2025-21,s.7.) (a8) On request of the Board, the Utilities Commission shall appoint a nonvoting ex-officio member as an administrative representative to provide counsel and coordinate efforts of the Board. (2025-21,s.7.)

(b) The Board shall receive reports of alleged violations of this Article. The Board shall contact persons against whom reports have been filed to inform them of the alleged violation within 15 working days of the filing of the report. The Board shall maintain all of the following information regarding reports of alleged violations: (2025-21,s.7.)
(1) The name, address, and telephone number of the person making the report;
(2) The nature of the report, including the statute that is alleged to have been violated;
(3) Information provided by the person making the report, including correspondence, both written and electronic, pictures, and videos; and
(4) Information provided by the person against whom the report has been filed, including correspondence, both written and electronic, pictures, and videos. (2019-189,s.1.)
(b1) The Board shall review all reports of alleged violations of this Article and accompanying information. If the Board determines that a person has violated any provision of this Article, the Board shall determine the appropriate action or penalty to impose for each such violation. Actions and penalties may include training, education, and a civil penalty not to exceed two thousand five hundred dollars ($2,500). The Board shall approve training courses and the sponsors of those training courses under this subsection. Any fees for training courses approved by the Board shall be paid by the person determined to have violated this Article. The Board shall notify within 30 days each person who is determined to have violated this Article in writing of the Board's determination and the Board's recommended action or penalty. A person determined to be in violation of this Article may request a hearing before the Board, after which the Board may reverse or uphold its original finding. If the Board recommends a penalty, the Board shall notify the Utilities Commission of the recommended penalty, and the Utilities Commission shall issue an order imposing the penalty. (2019-189,s.1.) (2025-21,s.7.)
(b2) Notwithstanding Chapter 150B of the General Statutes, a person determined to be in violation of this Article may request an informal conference before the Board by notifying the Board in writing within 30 days of the Board's determination. Such a person must attend the informal conference in person. They may be represented by an attorney or other person and may present evidence and make arguments in favor of their position. Following the informal conference, the Board may reverse,

modify, or uphold its original finding. If the Board recommends a penalty, the Board shall notify the Utilities Commission of the recommended penalty, and the Utilities Commission shall issue an order imposing the penalty within 30 days of notification by the Board. (2025-21,s.7.)

(c) A person determined by the Board under subsection (b1) of this section to have violated this Article may appeal the Board's determination by initiating an arbitration proceeding before the Utilities Commission within 30 days of the Board's determination following the informal conference. If the violating party elects to initiate an arbitration proceeding, the violating party shall pay a filing fee of two hundred fifty dollars ($250.00) to the Utilities Commission, and the Utilities Commission shall open a docket regarding the report. The Utilities Commission shall direct the parties enter into an arbitration process. The parties shall be responsible for selecting and contracting with the arbitrator. Upon completion of the arbitration process, the Utilities Commission shall issue an order encompassing the outcome of the binding arbitration process, including a determination of fault, a penalty, and assessing the costs of arbitration to the nonprevailing party. (2025-21,s.7.)

(c1) A person may timely appeal an order issued by the Utilities Commission pursuant to this section to the superior court division of the General Court of Justice in the county where the alleged violation of this Article occurred or in Wake County, for trial de novo within 30 days of entry of the Utilities Commission's order. The authority granted to the Utilities Commission within this section is limited to this section and does not grant the Utilities Commission any authority that they are not otherwise granted under Chapter 62 of the General Statutes.

(d) The provisions of this Article do not affect any civil remedies for personal injury or property damage otherwise available to any person, except as otherwise specifically provided for in this Article. The penalty provisions of this Article are cumulative to and not in conflict with provisions of law with respect to civil remedies for personal injury or property damage. The clear proceeds of any civil penalty assessed under this section shall be used as provided in Section 7(a) of Article IX of the North Carolina Constitution. In any arbitration proceeding before the Utilities Commission, any actions and penalties assessed against any person for violation of this Article shall include the actions and penalties set out in subsection (b1) of this section.

(d1) The Utilities Commission shall annually report to the Board compliance of persons on whom fines or penalties have been imposed

under this Article. (2025-21,s.7.)
(d2) If the amount of the penalty is not paid to the Utilities Commission within 90 days of the Utilities Commission issuing the order, the Attorney General, at the request of the Utilities Commission, shall bring an action in the name of the State of North Carolina in the Superior Court for Wake County to recover the penalty. The action shall not commence until after the time has expired for an appeal from the findings, conclusions, and order of the Utilities Commission. (2025-21,s.7.)
(e) The Board is authorized to employ contractors or other personnel as it may deem necessary to carry out the provisions of this Article.
(f) The Board shall maintain a record of reports of alleged violations of this Article received under subsection (b) of this section for at least four years, including responses to such reports.
(g) On request of the Board, the Attorney General's office shall assign a legal representative to provide legal counsel to the Board. (2019-189,s.1.)

§ 87-129.1. Fee to Defray Operating Costs.
The Board is authorized to impose an annual fee on operators in order to provide sufficient moneys to fund the activities and operations of the Board in reviewing reports of alleged violations of this Article. The fee shall be based on volume of notifications provided by the Notification Center to an operator as compared to the total volume of notifications to all operators in the preceding fiscal year and shall be set at a rate determined by the Board such that the total proceeds of all fees collected shall not exceed two hundred thousand dollars ($200,000) annually to fund the activities and operations of the Board. The Board may exclude de minimis contributors from any fee assessment under this subsection. Failure to pay the assessed fee within 30 days of when the fee is due is a violation of this Article, and the Board may seek the imposition of a penalty for the nonpayment under the procedures set forth in G.S. 87-129(b1). (2019-189, s.1.)

§ 87-130. Severability.
If any provision of this Article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Article are severable. (2013-407, s. 2.)



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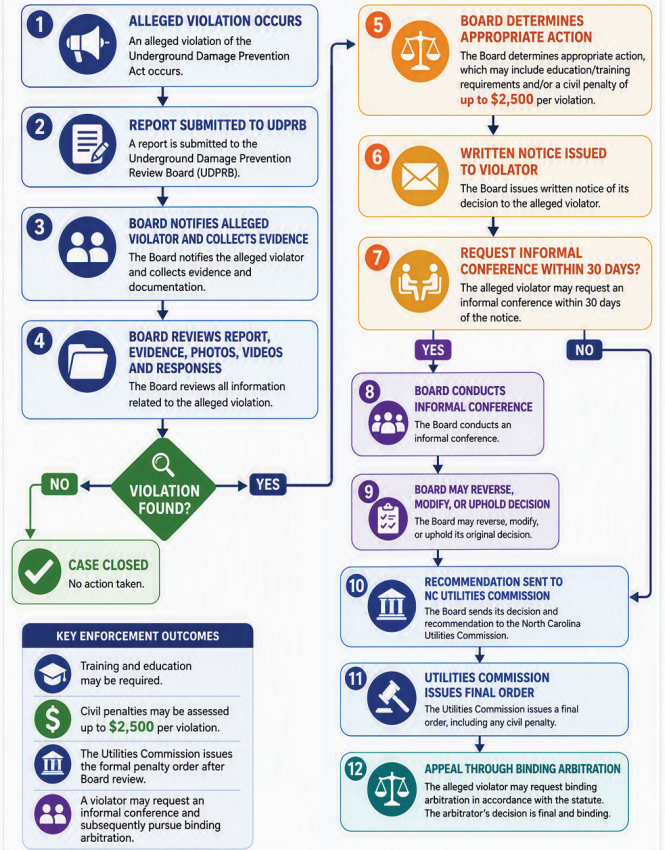
Purpose of the Board
Establishes the Underground Damage Prevention Review Board to review alleged violations of North Carolina's Underground Damage Prevention Act. The Board is responsible for investigating reports, determining violations, and recommending enforcement actions and penalties.

Board Composition
Consists of 15 members appointed by the Governor

Complaint and Investigation Process
- The Board receives and reviews reports of alleged violations.
- The Board must notify the accused party of the allegation within 15 working days.
- The Board maintains records and evidence submitted by:
  - The reporting party.
  - The party accused of the violation.
- Records may include correspondence, photographs, videos, and other documentation.

Enforcement Authority
- After reviewing a report, the Board may determine whether a violation occurred.
- If a violation is found, the Board may impose or recommend:
  - Training or education requirements.
  - Civil penalties of up to $2,500 per violation.
- The Board approves qualifying training courses and sponsors.
- Violators are responsible for paying training costs.

N.C.G.S. § 87-129
UNDERGROUND DAMAGE PREVENTION REVIEW BOARD
ENFORCEMENT & CIVIL PENALTIES



NOTES

NOTES



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