

NORTH CAROLINA EXCAVATION SAFETY GUIDELINES

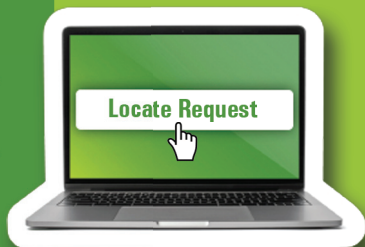


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CALL

OR CLICK



NC 811.ORG

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

A production of North Carolina 811. Not for resale

Call before you dig



Call 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.

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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.

THE 811 LOGO IS A REGISTERED TRADEMARK OF
COMMON GROUND ALLIANCE, USED WITH PERMISSION

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This edition was updated July 2023

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

Toll Free	877-632-5050
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Corporate Offices

Local Telephone.....	336-855-5760
Fax	336-299-1914

Member Services Department

Direct Line.....	336-854-8597
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Remote Ticket Entry Department

Direct Line.....	336-316-0359
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Website



Management

Executive Director	Louis Panzer
Operations Manager	Stephanie Brown
Center Managers	Angela Ashburn Tammy Hewitt
Accounting Manager	Sonia Level
Education Manager	Ann Rushing
Media Relations Specialist	Steven Moore
Member Services Manager	Lesley Brouillard
Remote Ticket Entry Manager	Wendy Fisher
IT Manager	Chris Creed



Hours of Operation & Holiday Schedule

North Carolina 811 operates 24 hours a day, 7 days a week including all holidays. All excavation and demolition requests are accepted Monday through Friday from 7am to 7pm. Only emergency locates, 3 hour notices and reports of damages are accepted after normal operating hours, on Saturdays, Sundays, and designated State and Federal holidays.

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.*

North Carolina 811 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.

How the System Works

Anyone planning excavation or demolition activities in North Carolina must notify North Carolina 811 either by telephone or the Internet. 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, beginning the working day after the notice is given, 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 charge to the excavator for the service provided by NC811, nor is the excavator charged by any member facility operator for the locating of facilities. However, private lines not owned by a facility provider are not located and if those lines need marking, a charge may be incurred from a locating company.

To contact North Carolina 811 by telephone, dial 811 or 800-632-4949; visit www.nc811.org to contact NC811 via the Internet. Various online notification options are offered by NC811 to both professional excavators and homeowners alike. Remote Ticket Entry is available to professional excavators only, but anyone may use Single Address Ticket and Update Lite applications.

Learn more about the 811 process in North Carolina at <https://nc811.org/safe-digging-process/>

Educational Opportunities

Statewide Meetings

Utility Coordinating Committees meet at various sites across North Carolina throughout the year. All topics regarding digging are discussed as well as safety concerns. Contact an NC811 Education Liaison for more information or visit <https://ncucc.org/>

Remote Ticket Entry

Professional excavators are eligible to participate in the Remote Ticket Entry (RTE) program. NC811 provides online training with an RTE Representative along with group trainings at NC811's Event Center in Greensboro, NC. Upon completing the RTE training, professional excavators are able to submit location requests online 24 hours a day/365 days a year. For more information visit <https://nc811.org/remote-ticket-entry/>

Pipes Plus

PIPES Plus partners and NC811 have joined forces to bring understanding to excavators and emergency responders of the processes that help protect excavator workforces and underground utilities. This program is part of a continuing national effort to increase knowledge of safe digging, damage prevention for underground utilities, and emergency responders. Visit: ncpipesplus.org for more information.

THE NC811 APP



North Carolina Underground Damage Prevention Review Board

was created in 2014 for the purpose of:

1. Reviewing all reports of alleged violations of Article 8A - Underground Utility Safety and Damage Prevention Act and accompanying information
2. Acting as an arbitrator between parties to the report
3. Determining the appropriate action or penalty to impose for each violation
4. Notifying the North Carolina Utilities Commission of the recommended penalty

To report a violation

<https://udprb.nc.gov/>

Excavator Responsibilities

The North Carolina Underground Utility Safety and Damage Prevention Act states that the person commencing any excavation or demolition operation, is responsible for the excavation or demolition and shall provide or cause to be provided notice to the Notification Center of his or her intent to excavate or demolish. Exceptions to notification are defined in GS 87-124. Notice for any excavation or demolition that does not involve a subaqueous facility must be given within three to 12 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 within 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).

Notify NC811 Three Full Working Days Before Digging

Dial 811 or 1-800-632-4949, or visit www.nc811.org.

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 excavator arrives at the worksite and a member facility operator has failed to mark the facilities or has marked the facilities incorrectly, the excavator should call North Carolina 811 again and request that the utility mark their facilities and/or correct the markings.

Excavator Responsibilities

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 to be marked by the operator within three hours from the time the additional call is received by the Notification Center.

***Note:** All private lines should be identified by the owner before excavation.*

Positive Response

If an email address is given at the time a locate request is made, the Positive Response System will automatically email the excavator once all members have provided a response or after the three full working day notice with the available responses, whichever comes first. If no email was given, the excavator must check the status of the locate by one of the following three ways:

Dial 1-877-632-5050

using a touch-tone telephone.

- Follow the prompts to enter the locate request number and to hear the responses.

Excavator Responsibilities

Visit <https://nc811.org/positive-response/>

- Click Check Positive Response Status.
- Choose A or C system. (redundant systems operating at all times as fail safe)
- Enter the locate request number and click Submit.

Download the NC811 app onto your smart device

- Under Apps and Tools click Positive Response.
- Click Check Positive Response Status. Choose A or C
- Enter the locate request number and click Submit.

Once reaching the Positive Response system, for the locate request being queried, the inquirer will be given the response provided by each notified member facility operator and/or their authorized agents. See positive response code section of the Excavation Guide for a list of responses.

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 can be reported during both normal business hours and after normal business hours.

For More Information

Section **87-122** of the North Carolina Underground Utility Safety and Damage Prevention Act has a more detailed list of excavator responsibilities.

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.
- 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.

Positive Response Codes

- 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.



Utility damage prevention training



This training is FREE and always will be available at no charge to you.

This video-based training includes information covering excavation best practices, North Carolina 811, distribution and transmission pipelines, utility locating, electric lines both overhead and underground, telecommunication lines, water, sewer and much more.

ncpipesplus.org

Damage Prevention

- To help prevent damages to underground utilities and keep excavating crews safer, apply the information in this section to all excavating activities.
- Attend your local Utility Coordinating Committee Meetings. Visit www.ncucc.org for more information.
- To become a Safe Digging Partner visit: <https://nc811.org/safe-digging-partner/>
- Contact the NC811 Education Department. The Education Liaisons at NC811 have information about Utility Coordinating Committee and Safety Meetings, and can provide onsite training and free educational tools. Visit: <https://nc811.org/education-resources/>
- Visually survey the area for indications of unmarked facilities which could include, but are not limited to: markers, terminals, dip poles, manhole covers, valves, and any other visible indications of a facility. If there are indications of unmarked facilities, contact NC811 for further processing.
- Respect and maintain the marks of each facility operator that has indicated the location of their underground facilities.
- Dig with care. When approaching the location of the utility's tolerance zone, use hand tools or vacuum excavation techniques to expose the utilities.

QR QUICK LINKS



Remote Ticket Entry



Single Address Ticket



Positive Response



REVISE A TICKET



UPDATE LITE



NEAR TICKET

Damage Prevention

- 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 exposed
- 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).
- 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 they are working.
- Be safe, not sorry. Know what's down there, even if it's nothing.

Figure 1 *Shovel*

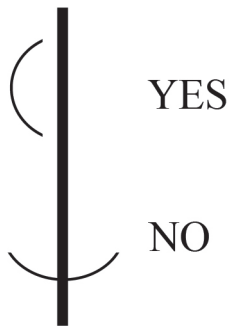


Figure 2 *Post hole*

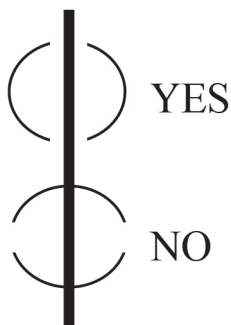
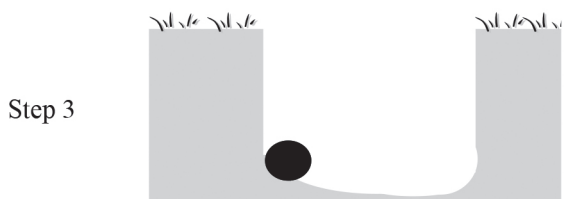
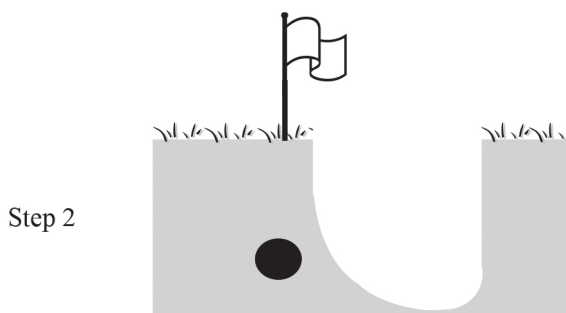
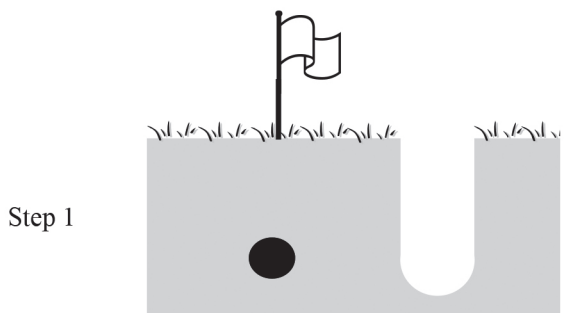


Figure 3 *Potholing*



How to Recognize a Natural Gas Leak

- Vegetation over or near a pipeline appears to be dead or dying for no apparent reason.
- Water bubbling at any wet area over or near a pipeline.
- Dirt being blown or appearing to be thrown in the air over or near a pipeline.
- Fire or explosion near or involving a pipeline.
- You hear a hissing, whistling, or roaring sound along or near a pipeline.
- You smell a rotten egg odor.
- Eliminate any source of ignition from the area including, but not restricted to: Cigarettes, matches, flint guns, welders, flashlights, any electrical or electronic devices, motorized vehicles or equipment, static electricity from clothing, anything that could produce a spark or flash

What to Do If a Gas Line Is Damaged

Call 911 and the facility operator. Do not try to fix or repair the damage. Do not cover it or hide it. Allow the escaping gas from the damaged pipe to ventilate into the atmosphere. Move to a safe distance, **call 911**, and alert the gas company involved. Keep everyone away from the vicinity of the damaged pipe until emergency or repair personnel arrive.

DO NOT attempt to locate the source of a leak.

DO NOT attempt to stop a leak.

DO NOT return to the area until the gas operator or the emergency services have declared the area safe.

DO NOT attempt to operate pipeline valves yourself. You may inadvertently cause more danger or additional damage.

DO NOT attempt to extinguish a natural gas fire.

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 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 for Utilities listed below:

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

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.

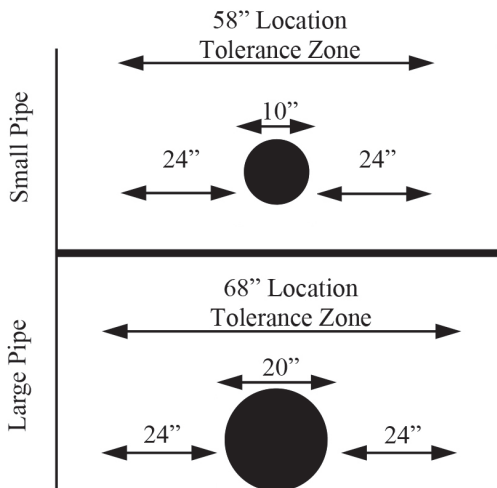


Figure 5 *Top view of small pipe or cable(s).*

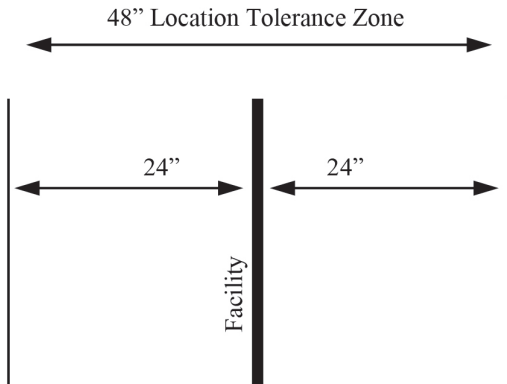


Figure 6 *Side view of small pipe or cable(s).*

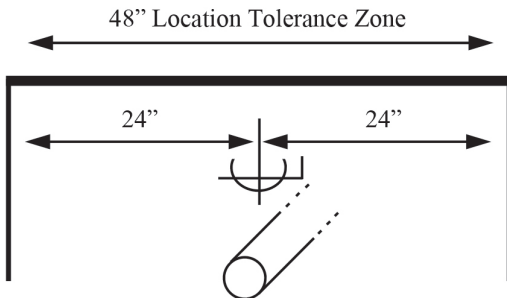


Figure 7 Side view of multiple ducts.

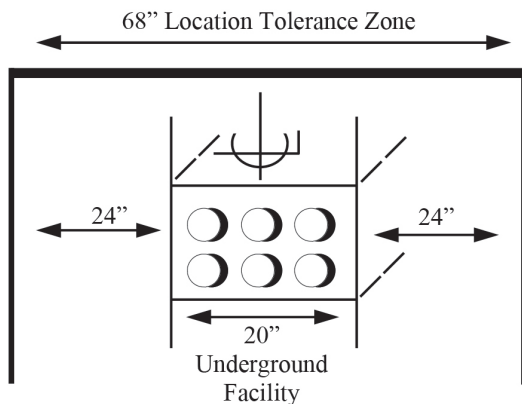
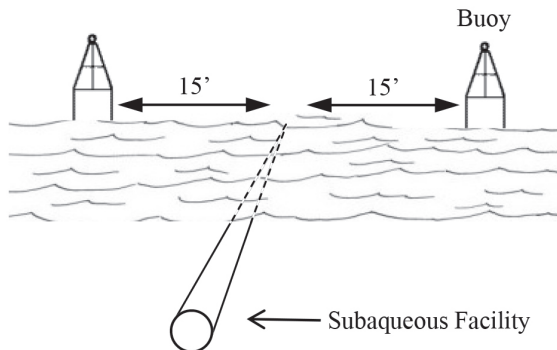


Figure 8 Subaqueous locates



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 email will be sent to the excavator once all members have provided a response or after the three full working day notice with the available responses, whichever comes first.

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.

Notifications

Address

The best information that can be given to identify the work location is a complete street address. If a complete street address is not available, then give a street name, road name, highway number or secondary road number. It is important that street names and road names be spelled exactly as they appear on maps and in the field. If directions are required to identify the work location, the directions should be clear and specific. It is also helpful to include details for the utility locator including gate codes and 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 on which 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 the lesser of: no more than the length of five adjoining parcels identified by addresses or an area not to exceed a 1/4 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).

Notifications

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.

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

Per the North Carolina Underground Utility Safety and Damage Prevention Act: The location of the proposed excavation or demolition by one of the following: A single parcel that may exceed $\frac{1}{4}$ mile in linear length identified by a single address. The lesser of five adjoining parcels identified by addresses, not to exceed $\frac{1}{4}$ mile in linear length or an area not to exceed $\frac{1}{4}$ mile in linear length. (§ 87-122. Excavator responsibilities)

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.

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.

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 3 full working days after the day the request is made. “Working Day” means every date except Saturday, Sunday, National legal holidays and State legal holidays. *A notification cannot be made more than 12 working days prior to the anticipated starting date and time.* See “Date & Time Calculations” for help in determining legal work dates and expiration dates.

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. It is the type of work, demolition, or excavation to be done. Member facility operators need to know the specific type of excavation to be done. Please be more specific than just “digging” or “excavating” as shown in the examples below:

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

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.

Notification Form

Call 3 Full Working Days Before You Dig
811 or 1-800-632-4949

Company Telephone Number _____

Company Name & Address _____

Caller Name _____

Email Address _____

County _____

Town _____

Work Site Access _____

Subdivision _____

Address _____

Street Name _____

Cross-Street Name (nearest intersecting street) _____

Is Cross-street within 1/4 mile Y / N If no, how far _____

Area to Locate _____

Blasting Y / N

Boring Y / N

Railroad Y / N

Emergency Y / N

White Lining Y / N

Work Date _____

Work Time _____

Duration of Work _____

Work Type _____

Work done for _____

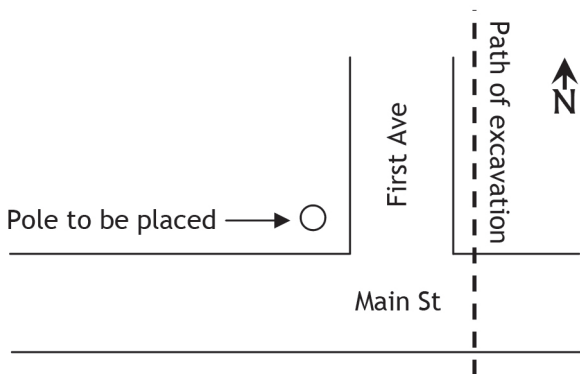
Site Contact _____

Utilities Notified _____

Ticket Number _____ Locate Due _____

Good Thru _____ Update _____

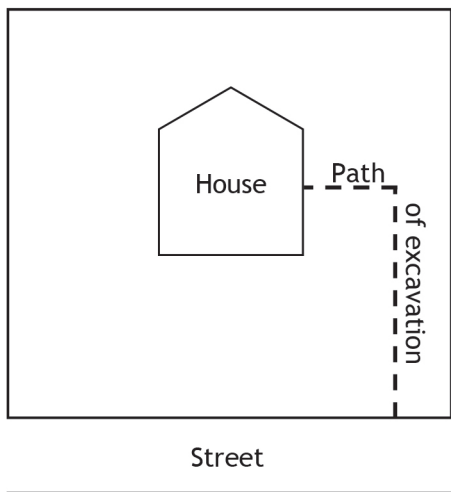
Figure 9: *Locate requests at intersections.*



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.

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 above, 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.*

Date & Time Calculations

Three Full Working Days

North Carolina 811 member facility operators have three full working days, starting the day after a notice is received, in which to mark their facilities. Calendar 1 below shows examples of when an excavator should be able to dig, depending on what day of the week a notice is given. *This does not apply to subaqueous locates, which require 10 full working days, starting the day after notice is given.*





















Calendar 1

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Contact 811	Day 1 →	Day 2 →	Day 3 →	Good to excavate	
		Contact 811	Day 1 →	Day 2 →	Day 3 →	Good to excavate
			Contact 811	Day 1 →	Day 2 →	Weekends & holidays are excluded
Weekends & holidays are excluded	Day 3 →	Good to excavate				

Notice Expiration (Life of a Ticket)

Tickets are good for 15 working days, starting the day after the notice is given. If more time for digging is needed past the 15th working day, the ticket should be updated by the 12th working day to allow for the new 3 full working day notice, so as to provide continuous locate coverage. Calendar 2 shows an example of when a ticket would need to be updated and when it would expire based on this time sequence.

Calendar 2

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Contact 811	 Day 1	 Day 2	 Day 3	 Day 4	
	 Day 5	 Day 6	 Day 7	 Day 8	 Day 9	
	 Day 10	 Day 11	Update by  Day 12	 Day 13	 Day 14	
	Ticket expires 11:59 pm Day 15					

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, or state that lines have not been marked correctly. 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 15 full working days (life of the notice), the excavator will need to update the notice per NC General Statutes. Updates can be requested by the 12th full working day. 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 Statutes 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,

Types of Notifications

railways, waterways, or airways that require immediate action.” Excavators falsely claiming an emergency exists may be subjected 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 NC General Statutes 87-125 (c). North Carolina 811 does not determine what is or is not an emergency notification. Statutes do not address the timeframe in which a facility operator must respond to an Emergency Excavation. Response times are subject to the facility operator’s internal protocols.

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. 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 the NC General Statutes.

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.

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 fails to provide the locate status to the NC811 Positive Response System, the excavator may proceed with their excavation 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 NC811 detailing the facility and an arrangement is made for the facility to be marked by the facility operator within three hours from the time the additional notice is received by NC811.

Frequently Asked Questions

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 my Positive Response update and all members indicate the site is located. When I went to the site, there were no locate marks for some or all facilities. What do I do?

It is not safe to dig without first finding out why the marks are not there. Perhaps the wrong area of the site was marked, weather conditions could have removed the marks or the site could have been vandalized. Regardless, contact NC811 to notify the utilities again to request clarification on why there are no marks before you dig.

Frequently Asked Questions

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 15 full working 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?

Contact NC811 to have the locate request sent back to the utilities and their locators that are believed to be incorrectly marked.

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 3 hour notice from the facility owner.

Frequently Asked Questions

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.

What happens if I don't give a 3 full working day notice?

When requesting less than a 3 full working day notice as required by the North Carolina Underground Utility Safety and Damage Act, if excavation begins prior to all underground utilities being located, damages may occur and/or injuries could result and the excavator may be held responsible.

When completing my ticket, I requested a meet with members at my excavation site, but no one showed up at the designated time. Why?

While many utility locators may honor your request, it is not always possible. NC811 will gladly put meet requests on any locate ticket, but the excavator should contact the facility operator directly to confirm that the locator will attend the meeting.

There are underground facilities on my property, but they were not located. Why?

There are numerous reasons why facilities may not be marked. The NC811 Positive Response System can help clarify the situation and let you know if more information is needed before the lines can be marked. Also, if the locate area was for only a small portion of the jobsite it is possible that no lines run through that area and, therefore, a “no

Frequently Asked Questions

conflict” response was given.

Utilities typically only locate lines that they own; any lines installed by businesses or homeowners to other structures or utility using devices on the property are considered private and are usually not located. Water and sewer companies locate main water lines in easements and right-of-ways and lines to a meter, but do not usually locate the lines from a meter to a home, or sewer laterals.

Private lines may be located by hiring a contract locator and a list of private line locators can be found on NC811’s website at <https://nc811.org/private-lines/>

When I dialed 811 on my cell phone I was not connected to North Carolina 811. Why?

When using a cell phone near a state line, you may be connected to the 811 center in the neighboring state if the closest cell tower is over the state line; in which case, dialing the direct number of 1-800-632-4949 will be required to reach North Carolina 811.

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. General definitions follow:

Frequently Asked Questions

Easement

An easement gives one party the right to go onto another party's property. Utilities often get easements that allow them to run their facilities beneath private property.

Right-of-way

A right-of-way is the right belonging to a specific party to pass over the land of another or a path/route that may be lawfully used.

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 about the (Act"), please refer N.C.G.S. 87-115, et seq.

For more frequently asked questions, visit

<https://nc811.org/frequently-asked-questions/>

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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.

(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.

(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 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.

(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. 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.

(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, the operator shall provide to the excavator the information required by subsection (a) of this section within the times provided below:

(1) For a facility, within three full working days after the day notice of the proposed excavation or demolition was provided to the Notification Center.

(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.

(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 right-of-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 within three to 12 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 within 10 to 20 full working days before the proposed commencement date of the excavation or demolition. Notice given pursuant to this subsection shall expire 15 full working days after the date notice was given. No excavation or demolition may continue after this 15-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 shall be given a reasonable time in which to remove or protect the operator's facilities before the demolition commences.

(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 location of the proposed excavation or demolition by one of the following:
 - a. A single parcel that may exceed $\frac{1}{4}$ mile in linear length identified by a single address.
 - b. The lesser of five adjoining parcels identified by addresses, not to exceed $\frac{1}{4}$ mile in linear length or an area not to exceed $\frac{1}{4}$ 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 not use mechanized equipment within 24 inches of 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. 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.)

§ 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.

(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 or surveyor with non-mechanized equipment for the following purposes:

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 when those responsible for routine maintenance of a right-of-way or any other governmental entity are performing, with labor on their permanent payroll, 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 or on behalf of any other governmental entity. (2019-189, s.1.)

(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.)

§ 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. Neither the excavator nor the person financially responsible for the excavation will be liable to the non-responding or improperly responding operator for damages to the operator's facilities if the person doing the excavating exercises due care to protect existing facilities when there is evidence of the existence of those facilities near the proposed excavation area. (2013-407, s. 2.)

§ 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.
- (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) Eight members of the Board shall constitute a quorum.
- (a5) The Governor shall designate one member of the Board as chair.
- (a6) The Board may adopt rules to implement this Article.
- (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 10 days of the filing of the report. The Board shall maintain all of the following information regarding reports of alleged violations:

(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 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.)

(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. 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 non-prevailing party.

(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.

(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.

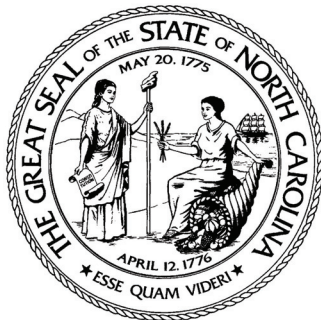
(g) On request of the Board, the Attorney General's office shall assign a legal representative to provide legal counsel to the Board. (2019-189,s.1.)

§ 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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