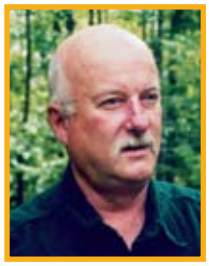
ONE MORE SCOOP

One More Scoop looks at issues involved in the damage prevention of underground facilities. Each month, three industry leaders give their views on a specific topic. This month, our panel includes **Ron Rosencrans,** founder of *Underground Focus*; **Don Heyer**, operations/PR manager for USA North; and **Ron Peterson**, president of S.E.E. Underground Technologies and Consulting.

This month, our panel of industry leaders discusses the responsibilities of the excavator and the locator in damage prevention. The hand-off in responsibilities between locator and excavator seems to be the exact moment the locator leaves the fully-marked job site. There should be no conditions placed on this demarcation.



Ron's View

After every bad accident, laws are often passed to deal with the scenario leading up to that accident. However, excavators and locators will always be facing something new and different in the course of their jobs. Even situations not so new or different can fall outside any law that tries to specify definite responsibilities.For example, an underground line is being installed along a residential street. Specific addresses are listed on the ticket. However, one address is skipped for some reason. So, do locators not mark the lines at that address? In most states, they would only be responsible for marking per the ticket. So, that's what they do in this example.

Then, the excavator arrives on the scene and sees the marks. The law requires hand digging within a set distance each side of the marks, but at the one address there are no marks. Legally, he can just dig with a backhoe anywhere at that address. So, he does...and hits an unmarked line.

This scenario fits a lot of accidents that have happened over the years.

One result has been more laws, usually specifying something to the effect that if the excavator sees indications of unmarked lines, he must re-notify the call center and wait another day or two. A tight work schedule could motivate an excavator not to notice telecommunications pedestals, valve boxes... or gaps in marks.

Defense lawyers must love this type of law. Long, drawn-out court cases result as District Attorneys try to prove that an excavator broke the law—that he saw indications of an underground line, but dug anyway. Defense lawyers wouldn't have to do much other than collect their fees. Once in awhile they might hold up a picture of a tree and ask the jury if they can see the pedestal behind that tree.

I wouldn't be surprised if we eventually end up with a law that says excavators must look behind every bush and tree at a dig site. Maybe they'll have to place flags with check marks on them to show they did look. Or, maybe they'd have to put a paint mark on each tree. Someone digging in a park might have to mark hundreds, maybe thousands, of trees.

You can guess what would happen if that were done. There are already widespread complaints about utility marks being ugly graffiti. And, an excavator putting marker flags all over a park would probably be ticketed for littering.

Laws that place different responsibilities on excavators and locators have undoubtedly prevented accidents. We've gone from the Wild West to Law and Order over the past two or three decades. However, laws can never do it all. I don't think we even want laws that try to control every situation or that continually keep constructing a bigger wall between the responsibilities of the excavator and those of the locator.

Preventing accidents requires professionals in the field to back each other up. If you see something that doesn't look right, do what you need to do to fix it or get someone else to fix it. True professionals don't ignore potentially dangerous situations by hiding behind the excuse that "It ain't my responsibility." You just don't let bad things happen

Don's View

I don't believe locating ends when a locator completes locating the facilities. It ends when the excavation is completed. From the very onset of the excavation, communication between the excavator and all affected owner/operators of subsurface installation should be utilized. The more communication for the excavation the fewer damages occur. Below are some of those communications that should occur:

The first step in properly locating subsurface installations is for the excavator to make a survey of the excavation site to determine which subsurface installations might be affected by the excavation. This may be done by looking for risers coming off poles. In paved areas, the excavator may look for manhole covers, valve covers, storm drains, utility maintenance boxes, sewer cleanouts, water meters, cuts in pavement, newly paved areas of the streets, etc. In unpaved areas, the excavator should be looking for buried cable markers or buried pipeline markers to indicate the presence of underground facilities. If the excavation is going to occur on private property, the excavator should contact the property owner to determine if the property owner has underground facilities such as septic tank with leech fields, propane tank, irrigation lines, gas line that feeds their barbecue, etcetera.

The next step in properly locating subsurface installations is having the excavator use the Guidelines for Excavators Delineation to indicate the exact location of the excavation site. Marking the area in white will provide the subsurface installation owners with a greater understanding of where the excavator actually intends to dig.

After following the above recommendations, the excavator should now call the one call center to provide the legal notice of his excavation. Providing the subsurface installation owners with as much time as possible to locate their underground

facility is helpful. Most of the one call laws require a minimum notice to make the excavation legal and in California and Nevada that minimum legal notice is two working days.

Properly locating subsurface installations continues when the locator responds to the excavation site and marks his company's facility that may be in conflict with the excavation site using the Operator's Facility Field Delineations. These markings should never exceed beyond the excavator's white marks by more than two to four feet. In many areas city/county ordinance or state one call law may require the excavator to remove all markings at the end of the excavation. You may find the Guidelines for Excavation Delineation and Guidelines for Operator's Facility Field Delineation in the Common Ground Alliance Best Practices in Appendix B. The purpose of the marking guidelines for the excavator and owner/operator is to provide clear and precise information that can be understood by the excavator and the owner/operator.

The next step to properly locating subsurface installations is for the locator to provide the excavator with his cell phone or contact number in case the excavator has a questions or a concern about their subsurface installation.

The last step is telling the excavator to request re-marks at any time the existing marks are no longer reasonably visible. The excavation should now carefully hand excavate around the underground facility to expose and protect at least down to the depth of the excavation. The responsibility of locating ends when the excavator has completed his excavation without any damages.

Ron's View

I must admit that I struggled with this issue. In an "ideal" world, I could probably agree with this statement. This would be a situation in which every buried utility could be located by traditional methods. All utilities would be mapped accurately and marked according to the same uniform marking standards, which would include size and composition of the utilities and no abandoned facilities would be present in the easements (or they would be located as well). At this point, the responsibilities would be passed to the contractors. They in turn would follow safe excavation methods and no lines would be cut or damaged. Unfortunately, we don't live in this Utopian world and this makes it impossible to find an exact hand off moment in responsibilities that will apply to every situation without exception. Many locate requests are located flawlessly with no issues, and in those cases, it could be argued that the statement would be true. However, some other locates involve situations where the responsibilities may overlap or the hand off may become a hand back.

One example that comes to mind is a situation in which a locator marks a plastic facility using measurements provided by the utility. The lines are marked and the locator leaves feeling that he/she has met his/her obligations to the locate request. The contractor arrives and hand digs or vacuum excavates on the marks and finds nothing. Upon notification, doesn't the locator have a responsibility to assist the contractor by returning to the site, getting utility involvement to resolve the issue or both? If our goal is damage prevention, I would maintain that some of the responsibility returns to the locator/utility and they would work together with the contractor to rectify the problem.

This presents another problem; how do the locators get compensated for these return trips? Many locating contracts have no provisions for work performed beyond the scope of the original locate request. I have yet to meet a locator that wants to have a utility damage on one of their sites, but return trips to job sites that are not paid for quickly eat into company profits. While this is a topic for another day, it is definitely a contributing factor in this issue.

Many of the transmission telephone and gas operators that utilize in-house locators may have the best approach for now. They don't stop with just locating the line. They return to the site when the excavator is going to dig around the facility to assist them and to insure that no damage occurs. This is partly due to the risk of extreme system failure or death if a line is damaged. But this also serves to help build a relationship between locator and excavator that could benefit both in the future.

We shouldn't lose sight of the power of building relationships when it comes to damage prevention. The Common Ground Alliance continues to do great work in the damage prevention arena, all based on the premise of "shared responsibility". Much of this success is a result of building relationships between all stakeholders. For this reason, I am reluctant to fully support a statement that, on the surface, appears to discourage continued communication and relationship building between stakeholders. **UF**