

Field Safety Guide

**for developers, contractors, excavators,
equipment operators and for anyone ...**

... working near

**Overhead and Underground
Gas and Electric Lines**



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Important Notice

THE INFORMATION IN THIS BROCHURE IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO CONSTITUTE LEGAL ADVICE. The extracts of State laws and codes herein are current as of the date of this document's publication (June 2009). **This document does not contain Federal or Municipal laws, which may be applicable in a particular case.**

It is the responsibility of persons working near overhead or underground electric or natural gas services to comply with all state governmental regulations governing such activities, including regulations published subsequent to the printing of this brochure.

Such persons also are advised that this document should not be considered their sole source of regulatory compliance information. In some instances, federal laws or local ordinances are more restrictive than state requirements. It is incumbent on contractors and others, therefore, to make themselves aware of all municipal, state and federal regulations pertaining to the safe conduct of the work they perform near overhead and underground energy facilities.

Questions concerning the applicability of the law provided in this document should be directed to the reader's own lawyer.

Over the years, contractors have — unfortunately — been involved in numerous incidents of accidental contact with overhead and underground electric or gas equipment in O&R's tri-state area. The results have almost always been damage to utility property, with repair costs borne by those who caused the damage. Of even greater concern, however, are the personal injuries and human deaths that have occurred as a result of such accidents.

In this brochure, Orange and Rockland Utilities, Inc. (New York) and its subsidiaries, Rockland Electric Company (New Jersey) and Pike County Light & Power Co. (Pennsylvania), join to help you avoid such incidents and to handle them most effectively if problems should occur.

The safety information provided here outlines some of the dangers and risks associated with inadvertent contact with overhead and underground utility equipment. Various local, state and federal regulations prescribe minimum clearances and procedures for working at or near utility installations. Extracts of New York, New Jersey and Pennsylvania state statutes that relate to work safety around utility electric and gas equipment are provided in the following pages.

Your key resource is the one-call center in the state where your work activity will take place. It will provide accurate mark-outs for underground utility facilities. Also, the appropriate utility will assist you in pre-planning for any aboveground work, which could place the facility or, more importantly, your employees in jeopardy.

This booklet is intended to inform you and your employees of your opportunity to work safe and stay safe. We strongly urge you to make full use of this material in the interest of safety.



**Look up,
down, around and out...
for your safety!**

Underground Utilities

Notification to Utilities 3

New York State Law

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Note: All laws cited here are those in effect at the time of publication. Current statutes should always be reviewed. You are responsible for compliance with all laws in effect at the time you perform the work.

See “**Important Notice**” on inside front cover.

Accidents involving dig-ins to underground facilities occur every year. They can damage equipment and, more importantly, sometimes lead to serious injuries, and even death. To help prevent such incidents, your state legislatures have created a one-call notification system to make it safer to dig and work near underground utility facilities.

Avoid Problems; Call 811 Before You Break Ground



Whether you're...

- digging a foundation for a building;
- constructing a retaining wall;
- scraping topsoil;
- changing the grade of a yard or driveway;
- installing drainage pipes;
- planting trees or pulling out stumps;
- installing curbing;
- digging post holes for fences or a deck;
- constructing an in-ground swimming pool; or
- disturbing the earth with any kind of digging tool,

call 811 at least two days before your start date so local utilities can be notified to mark the locations of underground facilities. You may call seven days a week, 24 hours a day. There is no charge for this service.



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

New York Codes, Rules and Regulations

Title 16. Department Of Public Service

Chapter VII. Provisions Affecting Two Or More Kinds Of Public Service

Subchapter F. Miscellaneous

Part 753. Protection Of Underground Facilities

Subpart 753-3. Duties Of Excavators

16 NYCRR Subpart 753-3 Notes

@ 753-3.1 Timing of notice for excavation or demolition

(a) (1) Before commencing or engaging in a nonemergency excavation or demolition, each excavator shall provide notice of the location and date of the planned excavation or demolition to the one-call notification system serving the vicinity in which the excavation or demolition is to take place.

(2) Such notice shall be served at least two but not more than ten working days, not including the date of the call, before the commencement date of the excavation or demolition.

(b) Excavation or demolition which is required to be performed promptly as a result of an emergency, disaster or to correct an immediate hazard may proceed immediately without prior notification to operators, if the situation is so serious that the excavation or demolition cannot reasonably be delayed. However, excavators shall notify the one-call notification system as soon as possible that such excavation or demolition is commencing or is underway. Extreme caution shall be employed by the excavator to prevent damage to existing underground facilities and to avoid endangering persons and property.

(c) At least seven working days in advance of the commencement date of a demolition, the excavator shall request a pre-demolition conference, through the one-call notification system, with all member operators who have underground facilities at or near the demolition area. A pre-demolition conference may encompass one or more demolition(s) in the project area. A request for a pre-demolition conference is not a substitute for the notice of intent to perform demolition work required by Section 753-3.1 of this Part.

(d) Whenever an excavator cancels an excavation or demolition, he or she shall promptly communicate the cancellation to facility operators utilizing the one-call notification system.

(1) Whenever an excavator postpones the commencement date for ten or less working days, no call to the one-call notification system or operators is required.

(2) Whenever an excavator postpones an

excavation or demolition more than ten working days, the same requirements for notice shall pertain to the revised commencement date as listed in subdivision 753-3.1 (a) of this section.

(e) Information requested from an operator for design purposes shall not be a substitute for the notice of intent to perform excavation or demolition as required by this Subpart.

@ 753-3.2 Detailed notice requirements

(a) Every notice provided by an excavator to the one-call notification system concerning planned excavation or demolition shall contain at least the following information:

(1) Name of the person serving such notice;

(2) Name, address and telephone number of the excavator or excavator's company;

(3) Excavator's field telephone number, if one is available;

(4) Name of the field contact person, if any;

(5) Address and exact location as well as the extent and dimensions of the planned work area;

(6) Means of excavation or demolition and whether or not explosives are to be used;

(7) Brief description of the planned excavation or demolition;

(8) Date and time the excavation or demolition is planned to commence.

(b) When necessary for adequate identification, or as determined by mutual agreement of the operator and excavator, the excavator shall delineate the work area with white paint, white stakes or other suitable white markings.

@ 753-3.3 Commencement of excavation or demolition

(a) The excavator may proceed with excavation or demolition on the stated date of commencement if, prior thereto, he or she has received notification from each and every operator notified by the one-call notification system that:

(1) Such operator has no underground facility located in or within 15 feet of the work area; or

(2) That any underground facility located in or within 15 feet of the work area has been staked, marked or otherwise designated in accordance with the provisions of Subpart 753-4 of this Part.

(b) The excavator shall not commence the excavation or demolition on the stated commencement date if he or she has been notified by an operator that the staking, marking or other designations of an underground facility located in or within 15 feet of the work area will not be completed on the stated commencement date. In such case, the operator is

required promptly to report such fact to the excavator and to inform the excavator of a prompt and practicable completion date, which in no case shall be more than two working days after the excavator's stated commencement date, unless a longer period is agreed to by both parties.

(c) The excavator may proceed with excavation or demolition prior to the stated date of commencement once he or she has received notification from each and every operator notified by the one-call notification system that each operator has no underground facilities located in or within 15 feet of the work area.

@ 753-3.4 Staking, marking or other designation

(a) Every excavator shall be familiar with the provisions of this Part, especially those relating to size and depth indications, color coding, center line or offset staking or marking and the location of underground facilities by designations other than staking or marking.

(b) Whenever the excavator determines that a review of the staking, marking or other designation is necessary or that additional information is required, he or she shall so notify the operator or the one-call notification system.

@ 753-3.5 Preservation of stakes, markings or other designations

Starting on the stated commencement date given in the excavator's notice to the one-call notification system, the excavator shall be responsible for protecting and preserving the staking, marking or other designation until no longer required for proper and safe excavation or demolition work at or near the underground facility.

@ 753-3.6 Verification of underground facilities

Where an underground facility has been staked, marked or otherwise designated by the operator and the tolerance zone overlaps with any part of the work area, or the projected line of a bore/directional drill intersects the tolerance zone, the excavator shall verify the precise location, type, size, direction of run and depth of such underground facility or its encasement. Verification shall be completed before the excavation or demolition is commenced or shall be performed as the work progresses.

(a) Powered or mechanized equipment may be used within the tolerance zone for removal of pavement or masonry but only to the depth of such pavement or masonry.

(1) Below the depth of pavement or masonry, powered equipment may be used in the tolerance zone prior to the verification of the location of facilities when agreed to in writing by the affected operator(s).

(2) Operators, or their agents and contractors

working under their direction, may use powered equipment to locate their own facilities within the tolerance zone.

(b) The verification of underground facilities furnishing gas or liquid petroleum products shall be accomplished by the excavator by exposing the underground facility or its encasement to view by means of hand dug test holes at one or more points where the work area and tolerance zone overlap, or more points as designated by the operators of such facilities.

(c) The verification of underground facilities other than those furnishing gas or liquid petroleum products shall be performed at one or more points for each such underground facility as may be required by the operator. Verification shall be accomplished by exposing the underground facility or its encasement to view by hand dug test holes or by other means mutually agreed to by the excavator and operator.

@ 753-3.7 Unverifiable underground facilities

If the precise location of an underground facility cannot be verified by the excavator after diligent search at a reasonable depth within the tolerance zone as staked, marked or otherwise designated by the operator, the excavator shall so notify such operator as soon as possible. The operator shall respond in accordance with subdivision 753-4.10 of this Part.

@ 753-3.8 Powered excavating equipment limitations

After verifying the location of an underground facility, the excavator shall not employ powered or mechanical excavating equipment closer than four inches in any direction from the staked, marked or otherwise designated or known outside diameter or perimeter of such facility or its protective coating unless agreed to in writing by the operator of the affected underground facility. Any such written agreement shall be furnished to the excavator by the operator, upon request.

@ 753-3.9 Discovery of unknown underground facilities

Where an undesignated or otherwise unknown underground facility is discovered within a work area, the excavator shall report such discovery as follows:

(a) If the identity of the operator of the discovered underground facility is known or is obvious, the excavator shall report the discovery to such operator. The operator shall respond immediately and, in accordance with section 753-4.9 (d) of this Part, take any necessary action and advise the excavator as to whether he or she may proceed in the immediate area.

(b) (1) If the identity of the operator of the discovered underground facility is not known or obvious, the excavator shall report the discovery to the one-call notification system and each operator notified by the one-call notification system shall respond

immediately and, in accordance with subdivision 753-4.9(d) of this Part, determine whether or not such discovered facility is his or hers.

- (2) While awaiting a determination of ownership, the excavator may proceed with the excavation or demolition taking reasonable care to protect and prevent damage to such underground facility.

@ 753-3.10 Requirements concerning contact and damage to underground facilities

(a) Excavators shall take all reasonable precautions to prevent contact or damage to underground facilities and their protective coatings, including but not limited to, compliance with any reasonable directions or accepted engineering practices given by affected underground facility operators.

(b) In the event of contact with or damage to an underground facility, the excavator shall immediately notify the operator of the facility.

(c) All excavation or demolition in the immediate vicinity of the contacted or damaged portion of the underground facility shall be suspended until such portion is repaired and the operator advises the excavator that excavation or demolition may proceed.

(d) No backfilling shall be done by the excavator in the vicinity of the contact or damage until the operator conducts an inspection and makes any necessary repairs; and, the excavator shall undertake no repairs unless and until authorized by the operator.

@ 753-3.11 Requirements concerning underground facilities in danger of failing

(a) An excavator who by removing the surrounding materials exposes an underground facility which in his or her judgment appears to have failed or to be in potential danger of failing from corrosion or other causes shall immediately report such condition to the operator of such underground facility.

(b) The excavator shall delay any further work in the immediate vicinity of such underground facility which could jeopardize it but may proceed in areas not affecting the questionable facility.

(c) The excavator may proceed in such immediate vicinity after the operator responds and takes necessary action in regard thereto and advises the excavator that he or she may proceed.

@ 753-3.12 Required support and protection for underground facilities

(a) An excavator shall provide prompt and adequate support and protection for every underground facility located in the work area as is reasonably specified by the operator of any such facility.

(b) In the absence of any specifications by the operator, the excavator shall provide support and

protection in accordance with generally accepted engineering practice, including but not limited to shoring and bracing.

(c) Support shall be at least equivalent to the previously existing support and shall protect the underground facility against freezing and against traffic and other loads.

(d) Support shall be maintained during excavation, during backfilling and, if necessary, after backfilling is completed.

(e) The operator may, in agreement with the excavator, provide such support.

@ 753-3.13 Backfilling requirements

(a) An excavator performing excavation or demolition at an underground facility shall backfill such excavation with materials and in such manner as specified by the operator or, in the absence of such specifications, with suitable materials and in such manner as will avoid damage to, and provide proper support for, such underground facility and its protective coating both during and after backfilling operations.

(b) The excavator shall not place large rock, frozen earth, rubble, debris or other heavy or sharp materials or objects which could cause damage to or scraping against any underground facility.

(c) The backfill beneath and around any underground facility shall be properly compacted in accordance with generally accepted engineering practice.

(d) Heavy loads and excessive forces shall not be imposed on any exposed underground facility at any time during backfilling operations.

@ 753-3.14 Emergency requirements

In the event of an emergency involving danger to life, health or property as a result of damage to an underground facility containing gas or liquid petroleum products or as a result of an electrical short or escape of gas or hazardous fluids, the excavator shall:

(a) proceed to evacuate his or her employees and all other endangered persons from the immediate vicinity to the best of his or her ability; and

(b) immediately notify the local police and fire departments and the operator of the affected facility of the exact location, nature of the emergency and of the underground facility which is affected.

@ 753-3.15 Responsibility to employees

Every excavator subject to the provisions of this Part shall make certain that all of his or her employees directly involved in excavation or demolition are thoroughly familiar with the applicable provisions of this Part and especially the provisions of this Subpart relating to their safety.

New Jersey Statutes

Title 48. Public Utilities

Chapter 2. Department of Public Utilities;
Board of Commissioners

Article 9. Underground Facility Protection

N.J. Stat. @ 48:2-73.

@ 48:2-74. Legislative findings and declarations

The Legislature finds and declares that damage to underground facilities caused by excavation and the discharge of explosives poses a significant risk to the public safety; that such damage to underground natural gas facilities poses a substantial risk to the public safety; and that the implementation of a comprehensive One-Call Damage Prevention System can substantially reduce the frequency of damage caused by these activities.

The Legislature therefore determines that it is in the public interest for the State to require all operators of underground facilities to participate in a One-Call Damage Prevention System and to require all excavators to notify the One-Call Damage Prevention System prior to excavation or demolition

The Legislature further determines that the Board of Public Utilities is the appropriate State agency to designate the operator of, and provide policy oversight to, the One-Call Damage Prevention System and enforce the provisions of this act.

@ 48:2-75. Definitions

As used in this act: "**Board**" means the Board of Public Utilities; "**Business day**" means any day other than Saturday, Sunday, or a nationally or State recognized holiday; "**Damage**" means any impact or contact with an underground facility, its appurtenances or its protective coating or any weakening of the support for the facility or protective housing, including, but not limited to a break, leak, dent, gouge, groove, or other damage to the facility, its lines, or their coating or cathodic protection.

"**Emergency**" means any condition constituting a clear and present danger to life, health or property caused by the escape of any material or substance transported by means of an underground facility or the interruption of a vital communication or public service that requires immediate action to prevent or mitigate loss or potential loss of the communication or public service, or any condition on or affecting a transportation right-of-way or transportation facility that creates a risk to the public of potential injury or property damage;

"**Excavate**" or "**excavating**" or "**excavation**" or "**demolition**" means any operation in which earth, rock, or other material in the ground is moved, removed, or

otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling to a depth greater than six inches, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence post or pile driving, and wrecking, razing, rending, or removing any structure or mass material, but does not include routine residential property or right-of-way maintenance or landscaping activities performed with non-mechanized equipment, excavation within the flexible or rigid pavement box within the right-of-way, or the tilling of soil for agricultural purposes to a depth of 18 inches or less;

"**Excavator**" means any person performing excavation or demolition and may include a contractor having oversight for an excavation or demolition to be performed by rented, operated equipment under the contractor's on-site direction provided the contractor contacts the One-Call Damage Prevention System in the contractor's name, thereby assuming responsibility and liability, to give notice of the intent to engage in excavation or demolition work in that manner;

"**Hand digging**" means any excavation involving non-mechanized tools or equipment, including but not limited to digging with shovels, picks and manual post-hole diggers;

"**Mechanized equipment**" means equipment powered by a motor, engine, or hydraulic, pneumatic or electrical device, including but not limited to trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing-in cable or pipe, but does not include tools manipulated solely by human power;

"**One-Call Damage Prevention System**" means the communication system established pursuant to section 4 of this act;

"**Operator**" means a person owning or operating, or controlling the operation of, an underground facility, but shall not include a homeowner who owns only residential underground facilities, such as an underground lawn sprinkler system or an underground structure for a residential low-voltage lighting system;

"**Person**" means any individual, firm, joint venture, partnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, cooperation association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

"**Public entity**" means any federal, State, county or municipal entity responsible for issuing road opening, building, blasting, demolition or excavation permits;

"**Site**" means the specific place where excavation work is performed or to be performed and shall be identified by street address referenced to the nearest intersecting street and subdivision name, if applicable, as well as by lot and block number, if available and by kilometer or mile marker for railways;

"State department or agency" means any department, public authority, public agency, public commission, or other political subdivision of the State, including any county, municipality or political subdivision thereof.

"Underground facility" means any public or private personal property which is buried, placed below ground, or submerged on a right-of-way, easement, public street, other public place or private property and is being used or will be used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, or traffic control, or for the transportation of a hazardous liquid regulated pursuant to the "Hazardous Liquid Pipeline Safety Act of 1979" (49 U.S.C. app. 2001 et seq.), but does not include storm drains or gravity sewers.

@ 48:2-76. One-Call Damage Prevention System, established;

The Board of Public Utilities shall establish a One-Call Damage Prevention System pursuant to the provisions of this act, and may adopt, pursuant to the "Administrative Procedure Act", PL.1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as it deems necessary to implement the provisions of this act. This system shall be a single Statewide 24-hour, seven-day-a-week notification center which shall:

- a.** Receive and record the notice of intent to excavate provided by excavators pursuant to subsection a. of section 10 of this act;
- b.** Assign a confirmation number to each notice of intent to engage in an excavation, inform the excavator of the confirmation number, and maintain a register showing the name, address, and telephone number of the excavator, the site to which the notice pertains, and the assigned confirmation number;
- c.** Promptly transmit to the appropriate operators the information received from an excavator regarding any intended excavation in areas where the operators have underground facilities;
- d.** Maintain a record of each notice of intent received pursuant to subsection a. of this section for a period of seven years from the date of notice; and
- e.** Provide to the excavator the names of the operators who will be notified by the One-Call Damage Prevention System of the intended excavation.

@ 48:2-81. Marking, staking or locating of facility; applicability; compliance

a. The requirement, pursuant to paragraph (2) of subsection a. of section 8 of this act, [FN1] for an operator to mark, stake, locate or otherwise provide the position of its underground facilities shall not apply to an underground non-metallic water pipe or non-metallic water distribution facility installed prior to the effective date of this act.

An operator that qualifies for this exemption shall cooperate with the excavator in reasonable efforts to determine the location of such facilities.

b. The requirement pursuant to paragraph (2) of subsection a. of section 8 of this act for an operator to mark, stake, locate or otherwise provide the position of its underground facilities shall be deemed met by a State department or agency when an excavation is conducted on property or a right-of-way owned or controlled by the State department or agency and the excavation is subject to an excavation permitting process by the State department or agency if:

- (1)** The underground facilities of the State department or agency at the proposed excavation site comprise only traffic signals and lights or street and highway lights and their associated electrical feeds, control lines and traffic sensing loops;
- (2)** The State department or agency excavation permit is conditional upon the excavator notifying the One-Call Damage Prevention System; and
- (3)** The State department or agency provides the excavator with plans of the position and number of its underground facilities during the permitting process and agrees to cooperate on a continuing basis with the excavator in reasonable efforts to determine the location of such facilities, including notifying an excavator of any changes which may occur in the position or number of underground facilities after the initial issuance of plans to the excavator. However, the State department or agency may elect to mark, stake, or locate its underground facilities pursuant to the requirements of paragraph (2) of subsection a. of section 8 of this act.

If a State department or agency elects not to mark or stake its facilities under this subsection, an excavator who has conformed with the requirements of this act and all other applicable permit requirements, and uses reasonable care while excavating shall not be liable for damage to the State department or agency's underground facilities.

@ 48:2-82. Notification of One-Call Damage Prevention System by excavator, information to be provided; duties of excavator

a. An excavator shall notify the One-Call Damage Prevention System established pursuant to section 4 of this act of his intent to engage in excavation or demolition not less than three business days and not more than 10 business days prior to the beginning of the excavation or demolition.

b. Upon notifying the One-Call Damage Prevention System, an excavator shall provide the following information:

- (1)** The name and telephone number of the person notifying the system;
- (2)** The name, address, and office and field telephone numbers and facsimile numbers of the excavator;

(3) The name, address and telephone number of the person for whom the excavation work is to be performed; and

(4) The specific site location, starting date, starting time and description of the intended excavation or demolition, including the approximate depth of the excavation or demolition.

c. Where appropriate to provide clarification, an excavator shall mark and identify the perimeter of the proposed site of the excavation by the color white prior to notifying the One-Call Damage Prevention System of his intent to engage in excavation or demolition.

d. An excavator shall:

(1) Not operate any mechanized equipment within two feet horizontally of the outside wall of any underground facility marked in accordance with the provisions of this act, or marked in accordance with any rule, regulation, or order adopted pursuant to this act, unless the underground facility has first been located by hand digging. Mechanized equipment shall be used with proper care and under adequate supervision to avoid damage to the underground facility;

(2) Plan the excavation or demolition to avoid damage to and to minimize interference with underground facilities;

(3) Use reasonable care during excavation or demolition to avoid damage to or interference with underground facilities; and

(4) After commencement of excavation or demolition, protect and preserve the marking, staking, or other designation of an underground facility until the marking, staking, or other designation is no longer necessary for safe excavation or demolition.

e. An excavator shall immediately report to the operator of an underground facility any damage to the underground facility caused by or discovered by the excavator in the course of an excavation or demolition.

f. Notice for an excavation that is commenced within 10 business days, as pursuant to the provisions of subsection a. of this section, shall remain valid for 45 business days from the notification, providing that the excavator maintains any mark out that is made by an operator in accordance with the provisions of paragraph (4) of subsection d. of this section. Any excavation occurring after 45 business days from the time of such notification shall require a new notification, in accordance with the provisions of this section.

@ 48:2-83. Proof of notification required for permission to excavate

The provisions of any other law, rule, regulation or ordinance to the contrary notwithstanding, any permit or permission for a road opening, building, blasting, demolition or excavation granted by a public entity to an excavator that will result in excavation or demolition

activity shall not be effective until the excavator provides proof to the public entity that the excavator has notified the One-Call Damage Prevention System pursuant to section 10 of this act. This proof may be provided by supplying the public entity with the confirmation number assigned to the notice of intent pursuant to subsection b. of section 4 of this act.

@ 48:2-84. Exception for emergency excavations

The provisions of this act shall not apply when an excavation or demolition is undertaken in response to an emergency, provided that the One-Call Damage Prevention System is notified at the earliest reasonable opportunity and that all reasonable precautions are taken to protect underground facilities.

@ 48:2-86. Violation of act; injunction; civil penalties

a. Whenever it appears to the board that a person has violated any provision of C.48:2-73 et al., or any rule, regulation or order adopted pursuant thereto, it may issue an order specifying the provision or provisions of PL.1994, c. 118, or the rule, regulation or order of which the person is in violation, citing the action which constituted the violation, ordering abatement of the violation, and giving notice to the person of his right to a hearing on the matters contained in the order. Such order shall be effective upon receipt and any person to whom such order is directed shall comply with the order immediately.

b. The board may institute an action or proceeding in the Superior Court for injunctive and other relief for any violation of C.48:2-73 et al., or of any rule or regulation adopted pursuant to C.48:2-73 et al. and the court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief, notwithstanding the provisions of R.S.48:2-24. Such relief may include, singly or in combination:

- (1) A temporary or permanent injunction; and
- (2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection. Assessments under this subsection shall be paid to the State Treasurer.

The board or an affected operator may institute an action in the Superior Court to enjoin a person whose repeated failure to comply with the provisions of C.48:2-73 et al. constitutes a threat to public safety from engaging in any further excavation or demolition work within the State, except under such terms and conditions as the Superior Court may prescribe to ensure the safety of the public.

c. The provisions of section 16 of C.48:2-88 to the contrary notwithstanding, a person who is determined

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by the board, after notice and opportunity to be heard, to have violated any provision of C.48:2-73 et al. or any rule, regulation, or order adopted pursuant thereto with respect to a natural gas underground pipeline or distribution facility, or a hazardous liquid underground pipeline or distribution facility, shall be liable to a civil penalty not to exceed \$100,000 for each violation for each day the violation continues, except that the maximum civil penalty may not exceed \$1,000,000 for any related series of violations.

Any civil penalty imposed pursuant to this subsection may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in compromise, the board shall consider the nature, circumstances, and gravity of the violation; the degree of the violator's culpability; any history of prior violations; the prospective effect of the penalty on the ability of the violator to conduct business; any good faith effort on the part of the violator in attempting to achieve compliance; the violator's ability to pay the penalty; and other factors the board determines to be appropriate. The amount of the penalty when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the person charged, or may be recovered, if necessary, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," C.2A:58-10 et seq. The Superior Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with C.48:2-73 et al.

d. Pursuit of any remedy specified in this section shall not preclude the pursuit of any other remedy, including any civil remedy for damage to an operator's underground facilities or for damage to a person's property, provided by any other law. Administrative and judicial remedies provided in this section may be pursued simultaneously.

@ 48:2-87. Illegal excavation; third degree crime

Any person who knowingly engages in an excavation without:

- a.** First using the One-Call Damage Prevention System to determine the location of underground facilities in the area being excavated; or
- b.** Heeding appropriate location information or markings established by any operator; or
- c.** Otherwise complying with the provisions of this act; is guilty of a disorderly persons offense. If, because of the violation, damage occurs to an underground facility resulting in death, serious bodily harm, or actual damage to property or loss of service revenue exceeding \$50,000, or damage occurs to an underground hazardous liquid pipeline facility resulting in the release of more than 50 barrels of product, the person shall, upon conviction, be guilty of a crime of the third degree.

Nothing in this section shall limit the jurisdiction of the board with respect to natural gas pipeline

safety or limit the jurisdiction of the board or a court of competent jurisdiction with respect to the civil administrative penalty and enforcement provisions of this act.

@ 48:2-88. Penalties

a. An operator or excavator, or the person who operates the One-Call Damage Prevention System, who violates any provision of this act or any rule or regulation or order adopted pursuant thereto shall be liable to a civil penalty of not less than \$1,000 and not more than \$2,500 per day for each day the violation continues, except that the maximum civil penalty may not exceed \$25,000 for any related series of violations.

b. Any civil action pursuant to subsection a. of this section may be brought in a court of this State by the board or by an affected operator. Nothing in this act shall affect any civil remedy for damage to an operator's underground facility or for actual damage to any person's property.

@ 48:2-89. Notice failure, prima facie evidence of negligence

Evidence that an excavation or demolition that results in any damage to an underground facility was performed without providing the notice required pursuant to section 10 of this act shall be prima facie evidence in any civil or administrative proceeding that the damage was caused by the negligence of the person engaged in the excavation or demolition.

Pennsylvania Statutes and Consolidated Statutes

Title 73. Trade and Commerce
Chapter 3. Explosives, Regulation Excavation and Demolition

73 P.S. @ 176

@176. Definitions

As used in this act:

“Abandoned” means no longer in service and physically disconnected from a line.

“Business day” means any day except a Saturday, Sunday or legal holiday prescribed by statute. A business day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

“Cartway” means that portion of a street which is improved by surfacing with permanent or semipermanent material and is intended for vehicular traffic.

“Common Ground Alliance best practices” means the damage prevention industry recommended standards issued by the Common Ground Alliance, a not-for-profit corporation created pursuant to the issuance of the United States Department of Transportation’s Common Ground Task Force report in 1999.

“Complex project” means an excavation that involves more work than properly can be described in a single locate request or any project designated as such by the excavator as a consequence of its complexity or its potential to cause significant disruption to lines or facilities and the public, including excavations that require scheduling locates over an extended time frame.

“Consumer Price Index” means the index of consumer prices developed and updated by the Bureau of Labor Statistics of the United States Department of Labor.

“Continuing property records” means a record required pursuant to 66 Pa.C.S. § 1702 (relating to continuing property records).

“Demolition work” means the partial or complete destruction of a structure, by any means, served by or adjacent to a line or lines.

“Department” means the Department of Labor and Industry of the Commonwealth.

“Designer” means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.

“Emergency” means a sudden or unforeseen occurrence involving a clear and immediate danger to life, property and the environment, including, but not limited to, serious breaks or defects in a facility owner’s lines.

“Excavation work” means the use of powered equipment or explosives in the movement of earth, rock or other material, and includes, but is not limited to, anchoring, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but does not include soft excavation technology such as vacuum, high pressure air or water, tilling of soil for agricultural purposes to a depth of less than eighteen inches, the direct operations necessary or incidental to the purposes of finding or extracting natural resources, political subdivisions performing minor routine maintenance up to a depth of less than eighteen inches measured from the top of the edge of the cartway or the top of the outer edge of an improved shoulder, in addition to the performance of incidental de minimis excavation associated with the routine maintenance and the removal of sediment buildup, within the right-of-way of public roads or employees of the Department of Transportation performing within the scope of their employment work up to a depth of twenty-four inches beneath the existing surface within the right-of-way of a State highway.

“Excavator” means any person who or which performs excavation or demolition work for himself or for another person.

“Facility owner” means the public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns or operates a line. The term does not include the Department of Transportation within a State highway right-of-way. The term does not include any of the following:

- (1) A person serving the person's own property through the person's own line if the person does not provide service to any other customer.
- (2) A person using a line which the person does not own or operate if the use of the line does not serve more than a single property.

“Final design” means the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or the date the project is set for construction in the absence of a bid.

“Horizontal directional drilling” means the use of horizontal boring devices that can be guided between a launch point and a reception point beneath the earth's surface.

“Line” or **“facility”** means an underground conductor or underground pipe or structure used in providing electric or communication service, or an underground pipe used in carrying, gathering, transporting or providing natural or artificial gas, petroleum, propane, oil or petroleum and production product, sewage, water or other service to one or more transportation carriers, consumers or customers of such service and the appurtenances thereto, regardless of whether such line or structure is located on land owned by a person or public agency or whether it is located within an easement or right-of-way. The term shall include

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unexposed storm drainage and traffic loops that are not clearly visible. The term shall not include crude oil or natural gas production and gathering lines or facilities unless the line or facility is a regulated onshore gathering line as defined in regulations promulgated after January 1, 2006, by the United States Department of Transportation pursuant to the Pipeline Safety Act of 1992 (Public Law 102-508, 49 U.S.C. § 60101 et seq.), if the regulated gathering line is subject to the damage prevention program requirements of 49 CFR § 192.614.

“Locate request” means a communication between an excavator or designer and the One Call System in which a request for locating facilities is processed. Locate requests submitted by an excavator performing work within the right-of-way of any State highway, either under contract to the Department of Transportation or under authority of a permit issued by the Department of Transportation, shall include the number of the Department of Transportation contract or permit.

“Minor routine maintenance” means shaping of or adding dust palliative to unpaved roads, removal and application of patches to the surface or base of flexible base, rigid base or rigid surface roads by either manual or mechanized method to the extent of the existing exposed base material, crack and joint sealing, adding dust palliative to road shoulders, patching and cutting of shoulders and shoulder bases by either manual or mechanized methods to the extent of the existing exposed base, and cleaning of inlets and drainage pipes and ditches.

“One Call System” means the communication system established within this Commonwealth to provide a single nationwide toll-free telephone number or 811 number for excavators or designers or any other person covered by this act to call facility owners and notify them of their intent to perform excavation, demolition or similar work as defined by this act. The One Call System shall be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

“Operator” means any individual in physical control of powered equipment or explosives when being used to perform excavation or demolition work.

“Person” means an individual, partnership, corporation, political subdivision, a municipal authority, the Commonwealth and its agencies and instrumentalities, or any other entity.

“Powered equipment” means any equipment energized by an engine or motor and used in excavation or demolition work.

“Preconstruction request” means a notification to facility owners regarding a complex project.

“Project owner” means any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.

“Secretary” means the Secretary of Labor and Industry of the Commonwealth.

“Site” means the specific place denoted on the locate request where excavation or demolition work is being or is planned to be performed. A site should be denoted as a clearly defined, bounded area, including relevant identifiable points of reference such as the specific address with a specific description as to the portion of the property, including descriptions such as front, back, left side, right side and direction such as N, S, E, W or variants. Where possible, the points should also reference, without limitation, the size and radius or circumference of the excavation, utility pad or pedestal numbers, utility pole numbers, landmarks, including trees, fountains, fences, railroads, highway and pipeline markers, and latitude and longitude.

“Subsurface utility engineering” or **“SUE”** means those techniques set forth in the American Society of Civil Engineers (ASCE) standard CI/ASCE 38-02, or its successor document as determined by the One Call System.

“Tolerance zone” means the horizontal space within eighteen inches of the outside wall or edge of a line or facility.

“Traffic loop” means a device that detects metal objects such as cars and bicycles based on the change in inductance that they induce in the device.

@177. Duties of facility owners

It shall be the duty of each facility owner:

(1) To be a member of and give written notice to the One Call System. Such notice shall be in a form acceptable to the One Call System and include:

(i) the legal name of the facility owner and their official mailing address;

(ii) the names of the counties and municipalities, down to and including wards in Philadelphia, Pittsburgh, Allentown and Erie, in which its lines are located and other related information as may be required by the One Call System regarding the location of a member's facilities;

(iii) the facility owner's address (by street, number and political subdivision), and the telephone number and fax number, if available, to which inquiries may be directed as to the location of such lines;

(iv) the street identifications or like information within each of the municipalities in which its lines are located. This information shall be in a form acceptable to the One Call System. Upon acceptance of the information from a facility owner, the One Call System shall provide the facility owner with notification within the boundaries described. All facility owners shall agree to indemnify and hold harmless the One Call System for any errors and omissions on the part of the facility owner or the excavator or designer providing the information as the agent of the facility owner; and

(v) any other information required by the One Call System.

(2) To provide the One Call System, within five business days, with any revised information required under this section.

(3) Deleted by 1996, Dec. 19, P. L. 1460, No. 187, § 1, imd. effective.

(4) Not more than ten business days after receipt of a request from a designer who identifies the site of excavation or demolition work for which he is preparing a drawing, to initially respond to his request for information as to the position and type of the facility owner's lines at such site based on the information currently in the facility owner's possession or to mark the plans which have been provided to it by the designer by field location or by another method agreed to by the designer, excavator and facility owner, or their agent. The facility owner shall so advise the person making the request of the facility owner's status at the site through the One Call System.

(5) After receipt of a timely request from an excavator or operator who identifies the site of excavation or demolition work he intends to perform and not later than the business day prior to the scheduled date of excavation:

(i) To mark, stake, locate or otherwise provide the position of the facility owner's underground lines at the site within eighteen inches horizontally from the outside wall of such line in a manner so as to enable the excavator, where appropriate, to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the underground facility owner's lines. This shall be done to the extent such information is available in the facility owner's records or by use of standard locating techniques other than excavation. Standard locating techniques shall include, at the utility owner's discretion, the option to choose available technologies suitable to each type of line or facility being located at the site, topography or soil conditions or to assist the facility owner in locating its lines or facilities, based on accepted engineering and operational practices. Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence and type of abandoned lines that remain on the continuing property records of the facility owners.

(i.1) To, where contained on its continuing property records, identify the location of an actually known facility's point of connection to its facilities, where the point of connection is not owned or operated by the facility owner. A facility owner may identify the location of a known facility connected to its facilities, but not owned or operated by the facility owner, as a helpful guide to the excavator or owner. The identification shall not be deemed to impose any liability upon the facility owner for the accuracy of the other facility's identification.

(ii) To, at its option, timely elect to excavate around its facilities in fulfillment of this subparagraph.

(iii) Deleted by 1996, Dec. 19, P. L. 1460, No. 187, § 1, imd. effective.

(iii.1) To propose mutually agreeable scheduling by which the excavator, facility owner or designer may locate the facilities.

(iv) Deleted by 1996, Dec. 19, P. L. 1460, No. 187, § 1, imd. effective.

(v) To respond to all notices through the One Call System, provided the request is made in the time frame set forth under this act. The response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the scheduled date of excavation if the excavator specifies a later date or, in the case of an emergency, to respond through the One Call System as soon as practicable following receipt of notification of the emergency by the One Call System.

(vi) In marking the approximate position of underground lines or facilities, the facility owner shall follow the Common Ground Alliance Best Practices for Temporary Marking set forth in ANSI standard Z535.1. Should the Common Ground Alliance Best Practices be amended, the amended guidelines shall be applied and followed. If the Common Ground Alliance Best Practices no longer publishes guidelines for temporary markings or if the responsibility for publishing the guidelines is transferred to or assumed by another entity, the facility owner shall follow the guidelines approved by the One Call System's board of directors.

(vii) To respond to emergency notifications as soon as practicable following receipt of notification of such emergency. The response by the facility owner shall be consistent with the nature of the emergency information received by the facility owner.

(viii) To participate in preconstruction meetings for a complex project or as described in clause (3) of section 5. [FN1]

(ix) If notification is received pursuant to clause (8) of section 5, to give priority to responding to notification as an emergency.

(6), (7) Deleted by 1996, Dec. 19, P. L. 1460, No. 187, § 1, imd. effective.

(8) Deleted by 2006, Nov. 29, P. L. 1593, No. 181, § 3, effective in 120 days [March 29, 2007].

(9) If a facility owner fails to become a member of the One Call System in violation of this act and a line or lines of such nonmember facility owner are damaged by an excavator by reason of the excavator's failure to notify the facility owner because the facility owner was not a member of the One Call System serving the location where the damage occurred, such facility owner shall have no right of recovery from the excavator of any costs associated with the damage to its lines. The right herein granted shall not be in limitation of any other rights of the excavator.



Look up, down, around and out... for your safety!

(10) To submit an incident report to the department not more than ten business days after receipt of notice that the facility owner's lines have been damaged by excavation or demolition activities that resulted in personal injury or in property damage to parties other than the affected excavator or facility owner. In addition, the incident report may likewise be furnished to the Pennsylvania Public Utility Commission and the Pennsylvania Emergency Management Agency pursuant to memoranda of understanding negotiated between these agencies and the department, which shall, at a minimum, provide for a common reporting format for incident reports. The department shall furnish to the One Call System, upon reasonable request, statistical data pertaining to the number of incident reports filed with the department and the type, number and results of investigations for violations of this act.

(11) To comply with all requests for information by the department relating to the department's enforcement authority under this act within thirty days of the receipt of the request.

@180. Excavators, duties

It shall be the duty of each excavator who intends to perform excavation or demolition work within this Commonwealth:

(1), (2) Deleted by 1996, Dec. 19, PL. 1460, No. 187, § 3, imd. effective.

(2.1) To request the location and type of facility owner lines at each site by notifying the facility owner through the One Call System. Notification shall be not less than three nor more than ten business days in advance of beginning excavation or demolition work. No work shall begin earlier than the scheduled excavation date which shall be on or after the third business day after notification. The scheduled excavation date

shall exclude the date upon which notification was received by the One Call System and notification received on a Saturday, Sunday or holiday, which shall be processed on the following business day. In the case of a complex project, notification shall not be less than ten business days in advance of the beginning of excavation or demolition work.

(2.2) To provide the One Call System with specific information to identify the site so that facility owners might provide indications of their lines. An excavator shall be deemed to have met the obligations of clause (2.1) if he calls the One Call System, provides the site and other required information and receives a serial number.

(3) In a complex project or if an excavator intends to perform work at multiple sites or over a large area, he shall take reasonable steps to work with facility owners, including scheduling and conducting a preconstruction meeting, so that they may locate their facilities at a time reasonably in advance of the actual start of excavation or demolition work for each phase of the work. A preconstruction meeting may take place at any time prior to the commencement of excavation or demolition work, and the excavator, facility owners and designer, or their agents, shall attend the meeting. Notice of the meeting shall be given sufficiently in advance so as to permit attendance, either in person or electronically, by the excavator, facility owners and designer, or their agents, and shall include information sufficient to identify the scope of work. If the excavator does not believe that a preconstruction meeting is necessary under the circumstances of this paragraph it shall indicate such belief in its notice, but any facility owner with facilities at the site may request a meeting with the excavator, and a meeting shall be held between the facility owner and the excavator. After commencement of excavation or demolition work, the excavator shall be responsible for protecting and preserving the

staking, marking or other designation until no longer required for proper and safe excavation or demolition work at or near the underground facility, or by contacting the One Call System to request that the facilities be marked again in the event that the previous markings have been compromised or eliminated.

(3.1) To comply with the requirements established by the One Call System as determined by the board of directors regarding the maximum area that a notification may cover.

(4) To exercise due care; and to take all reasonable steps necessary to avoid injury to or otherwise interfere with all lines where positions have been provided to the excavator by the facility owners pursuant to clause (5) of section 2. [FN1] Within the tolerance zone the excavator shall employ prudent techniques, which may include hand-dug test holes, to ascertain the precise position of such facilities. If insufficient information to safely excavate is available pursuant to clause (5) of section 2, the excavator shall employ like prudent techniques which shall be paid for by the project owner pursuant to clause (15) of this section.

(5) If the facility owner fails to respond to the excavator's timely request as provided under clause (5) of section 2 or the facility owner notifies the excavator that the line cannot be marked within the time frame and a mutually agreeable date for marking cannot be arrived at, the excavator may proceed with excavation as scheduled, but not earlier than the lawful dig date, provided he exercises due care in his endeavors, subject to the limitations contained in this clause and clauses (2.1) through (4).

(6) To inform each operator employed by the excavator at the site of such work of the information obtained by the excavator pursuant to clauses (2.1) through (5), and the excavator and operator shall:

(i) Plan the excavation or demolition to avoid damage to or minimize interference with a facility owner's facilities in the construction area. Excavation or demolition work which requires temporary or permanent interruption of a facility owner's service shall be coordinated with the affected facility owner in all cases.

(ii) After consulting with a facility owner, provide such support and mechanical protection for known facility owner's lines at the construction site during the excavation or demolition work, including during backfilling operations, as may be reasonably necessary for the protection of such lines.

(7) To report immediately to the facility owner any break or leak on its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work. The One Call System board of directors may adopt procedures to permit reporting under this clause through the One Call System.

(8) To immediately notify 911 and the facility owner if the damage results in the escape of any flammable,

toxic or corrosive gas or liquid which endangers life, health or property. The excavator shall take reasonable measures, based on its knowledge, training, resources, experience and understanding of the situation, to protect themselves and those in immediate danger, the general public, the property and the environment until the facility owner or emergency responders have arrived and completed their assessment and shall remain on site to convey any pertinent information to responders that may help them to safely mitigate the situation.

(9) The time requirements of clause (2.1) shall not apply to a facility owner or excavator performing excavation or demolition work in an emergency, as defined in section 1; [FN2] nonetheless, all facility owners shall be notified as soon as possible before, during or after excavation or demolition, depending upon the circumstances.

(10) Deleted by 1996, Dec. 19, P.L. 1460, No. 187, § 3, imd. effective.

(11) An excavator shall use the color white to mark a proposed excavation site when exact site information cannot be provided.

(11.1) To assist a facility owner in determining involvement of a facility owner's lines by disclosing additional available information requested by the facility owner, including dimensions and the direction of proposed excavations.

(11.2) If using horizontal directional drilling (HDD), at a minimum, to utilize the best practices published by the HDD Consortium.

(12) The following standards shall be applied in determining whether an excavator shall incur any obligation or be subject to liability as a result of an excavator's demolition or excavation work damaging a facility owner's facilities:

(i) The excavator who has complied with the terms of this act and who was not otherwise negligent shall not be subject to liability or incur any obligation to facility owners, operators, project owners or other persons who sustain injury to person or property as a result of the excavator's excavation or demolition work damaging a facility owner's lines.

(ii) Where an excavator has failed to comply with the terms of this act or was otherwise negligent, and the facility owner or designer has misidentified, mislocated or failed to identify its facilities pursuant to this act, then in computing the amount of reimbursement to which the facility owner is entitled, the cost of repairing or replacing its facilities shall be diminished in the same proportion that the facility owner's or designer's misidentification, mislocation or failure to identify the facilities contributed to the damage. Should the facility owner or designer not have misidentified, mislocated or failed to identify its facilities pursuant to this act, there shall be no diminution of the facility owner's right of recovery.

(13) If, after receiving information from the One Call System or directly from a facility owner, the excavator decides to change the location, scope or duration of a proposed excavation, the obligations imposed by this section shall apply to the new location.

(14) If an excavator removes its equipment and vacates a worksite for more than two business days, he shall renotify the One Call System unless other arrangements have been made directly with the facility owners involved in his worksite.

(15) When the information required from the facility owner under clause (5)(i) of section 2 cannot be provided or, due to the nature of the information received from the facility owner, it is reasonably necessary for the excavator to ascertain the precise location of any line or abandoned or unclaimed lines by prudent techniques, which may include hand-dug test holes, vacuum excavation or other similar devices, the excavator shall promptly notify the project owner or the project owner's representative, either orally or in writing. If oral notification is given, the notice shall be reduced to writing within a reasonable time by the project owner or excavator. After giving such notice, the excavator shall be entitled to compensation from the project owner for this additional work as provided in the latest edition of the Pennsylvania Department of Transportation Form 408 specifications for extra work performed on a force account basis. The provisions of this subsection shall not be deemed to limit any other rights which the excavator has under its contract with the project owner or otherwise. Provisions in any contract, public or private, which attempt to limit the rights of excavators under this section shall not be valid for any reason, and any attempted waiver of this section shall be void and unenforceable as against public policy and any such attempted waiver shall be reported to the department.

(16) To submit an incident report to the department not more than ten business days after striking or otherwise damaging a facility owner's line during excavation or demolition activities that resulted in personal injury or property damage to parties other than the affected excavator or facility owner. In addition, the incident report may be furnished to the Pennsylvania Public Utility Commission and the Pennsylvania Emergency Management Agency pursuant to memoranda of understanding negotiated between these agencies and the department.

(17) To comply with all requests for information by the department relating to the department's enforcement authority under this act within thirty days of the receipt of the request.

(18) To, if it chooses to do so and if working for a facility owner, a municipality or a municipal authority, delegate the power to discharge the duties set forth in clauses (2.1) and (2.2) to its project owner, with the project owner's consent. If the power is delegated pursuant to this clause, both the excavator and the project owner shall be responsible for providing the required notices.

(19) To ensure the accuracy of any information provided to the One Call System pursuant to this section.

@181.1. Project owners, duties

It shall be the duty of each project owner who engages in excavation or demolition work to be done within this Commonwealth:

(1) To utilize sufficient quality levels of subsurface utility engineering or other similar techniques whenever practicable to properly determine the existence and positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more.

(2) To timely respond to notifications received from excavators pursuant to clause (15) of section 5. [FN1]

(3) To not release to bid or construction any project until after final design is completed.

(4) To participate in design and preconstruction meetings either directly or through a representative.

(5) To furnish the pertinent data obtained through subsurface utility engineering to the One Call System in a mutually agreeable format.

(6) For new construction and where practicable in the opinion of the project owner, to install color-coded permanent markers to indicate the type and location of all laterals installed by the project owner.

@182.2. Violations; penalties; warnings; effect on civil remedies; subpoenas

(a) Any person violating any of the provisions of this act, except clauses (1) and (2) of section 2, [FN1] commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than two thousand five hundred dollars (\$2,500) nor more than fifty thousand dollars (\$50,000) or undergo imprisonment for not more than ninety days, or both. The Attorney General of the Commonwealth or any district attorney may enforce the provisions of this act in any court of competent jurisdiction. The department, in consultation with the Attorney General, may also enforce the provisions of this act in any court of competent jurisdiction. A facility owner may petition any court of competent jurisdiction to enjoin any excavation or demolition work conducted in violation of this act. Local law enforcement or emergency management personnel may, in the interest of public safety, order excavators on a site to stop further excavation if the excavation is being conducted in violation of this act.

(b) Fines levied under subsection (a) shall be determined according to the following schedule:

(1) Where violations result in property damage that does not exceed three thousand dollars (\$3,000), the fine shall not exceed five thousand dollars (\$5,000).

(2) Where violations result in property damage of more than three thousand dollars (\$3,000), the fine shall not exceed ten thousand dollars (\$10,000).

(3) For violations which result in personal injury or death, the fine shall not exceed fifty thousand dollars (\$50,000).

(c) The following factors shall be considered in determining the fine to be assessed:

(1) The degree of the party's compliance with the statute prior to date of the violation.

(2) The amount of personal and property damage caused by the party's noncompliance.

(3) The degree of threat to the public safety and inconvenience caused by the party's noncompliance.

(4) The party's plans and procedures to insure future compliance with statutes and regulations.

(c.1) In addition to any other sanctions provided by this act, the department shall have the authority to issue warnings and orders requiring compliance with this act and may levy administrative penalties for violations of this act. Any warning, order or penalty shall be served on the person or entity violating the act at their last known address. The department shall consider the factors set forth in subsection (c) in determining the administrative penalty to be assessed. Any party aggrieved by the imposition of an order or administrative penalty imposed by the department may appeal such order or penalty as provided in 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to review of Commonwealth agency action).

(c.2) Administrative penalties imposed by the department under subsection (c.1) shall be determined according to the following schedule:

(1) Any person or entity violating the provisions of clauses (1) and (2) of section 2 may be subject to an administrative penalty not to exceed five hundred dollars (\$500) per day. Each day of noncompliance shall constitute a separate violation.

(2) Any person or entity receiving three or more warnings in a calendar year may be subject to an administrative penalty not to exceed five hundred dollars (\$500).

(3) Where violations result in property damage that does not exceed ten thousand dollars (\$10,000), the administrative penalty may not exceed one thousand dollars (\$1,000).

(4) Where violations result in property damage of more than ten thousand dollars (\$10,000), the administrative penalty may not exceed five thousand dollars (\$5,000).

(5) For violations that result in personal injury or death, the administrative penalty may not exceed ten thousand dollars (\$10,000).

(d) All fines and penalties recovered under this section shall be payable to the Attorney General, district attorney or the department, whichever brought the action, and collected in the manner provided for by law. Administrative penalties collected by the department may be expended by the department for costs related to its enforcement activities and to sponsor damage prevention activities of the One Call System.

(e) The provisions of this act shall not affect any civil remedies for personal injury or property damage, except as otherwise specifically provided for in this act.

(f) The secretary or his designee shall have the authority to issue subpoenas, upon application of an attorney responsible for representing the Commonwealth in actions before the department, for the purpose of investigating alleged violations of this act. The department shall have the power to subpoena witnesses and compel the production of books, records, papers and documents as it deems necessary or pertinent to an investigation or hearing.

@183. Payment dispute resolution process

The One Call System shall have the authority to design, establish and administer a voluntary payment dispute resolution process which may be used by excavators, facility owners, designers, project owners and other involved persons. The process shall provide for dispute resolution panels selected from among a list of representatives of stakeholder groups, including facility owners, excavators, designers and regulators. The process established under this section may not be used to settle or resolve alleged violations of this act nor may involve any issues related to the department's enforcement activities.

@184. Best practices

Except as otherwise provided for by this act, persons shall use their best efforts to comply with the Common Ground Alliance best practices.

@185. Removal of or tampering with markings

No person shall intentionally remove or tamper with a marking provided for under this act.

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Note: All laws cited here are those in effect at the time of publication. Current statutes should always be reviewed. You are responsible for compliance with all laws in effect at the time you perform the work.

See “**Important Notice**” on inside front cover.



IMPORTANT

Accidental contact with overhead electric lines also occurs periodically. Again, substantial damage, serious injury or possibly death may result from such incidents. The State legislatures of New York, New Jersey and Pennsylvania have enacted certain laws to make it safer to work near overhead power lines.

Notify the Power Company Before Starting Work

Before you start work around or near overhead high voltage lines, **it is your responsibility to ensure that O&R receives a Notification Letter from you at least 5 working days before the job commences.** If the Notification Letter is sent by regular postal mail, you must allow for ample delivery time to ensure it is received by O&R prior to the 5 working day deadline.

Please note that the Contractor should contact O&R before work actually begins to ensure that all necessary precautionary actions have been completed at the job site near the high voltage lines.

The contractor's Notification Letter must include the following information:

- Contact name
- Phone number
- Fax number
- Work location (include nearest cross streets)
- Description of work
- Property owner
- Mailing address
- Cell phone number
- e-Mail address
- Nearest pole number
- Schedule (start date, duration, etc.)

All correspondence for Orange & Rockland, Rockland Electric Company or Pike County Light & Power Co. should be addressed to:

**Orange and Rockland Utilities, Inc.
Customer Assistance Department
390 West Route 59
Spring Valley, NY 10977**

As an option, **the Notification Letter may be submitted to O&R by Fax.** The Fax number is **845-577-3587**. Mark the cover sheet to the attention of a Customer Assistance supervisor.

Or, the information required in **the Notification Letter may be submitted online** by going to **www.oru.com/customerservice/contactus/**. Enter the necessary information on the form and click Submit.

If you have questions, you may speak with a Customer Assistance supervisor by calling toll-free: **1-877-434-4100**.

New York State Code

Subchapter A. The Industrial Code
Part 57. High Voltage Proximity

Section 57.1 Title and citation.

Within and for the purposes of the Department of Labor, this Part (rule) may be known as Industrial Code Rule No. 57, relating to hazards to untrained persons working or moving materials or equipment in proximity to high-voltage power lines. It may be cited as Code Rule 57 High Voltage Proximity as an alternative and without prejudice to its designation and citation established by the Secretary of State.

Section 57.2 Purpose and intent of Part (rule).

(a) Legislative findings. The Legislature has found that untrained persons working or moving materials or equipment in proximity to high-voltage power lines are endangered in the absence of suitable precautions, and that the quality of electrical service is likewise endangered by the absence of such precautions.

(b) Purpose and intent. It is the purpose and intent of this Part (rule) to reduce the risks to untrained persons working or moving materials or equipment in proximity to high-voltage power lines, and to help insure the quality of electrical service by requiring compliance by said persons with certain procedures that will insure reasonable protection to said persons and to the high-voltage power lines in proximity to work locations or where materials or equipment are moved.

Section 57.3 Application.

(a) This Part (rule) shall apply throughout the State of New York to any employer, any agent of an employer who supervises employees, self-employed individuals, independent contractors having no employees and homeowners, subject to the exceptions set forth in subdivision (b) of this section.

(b) The provisions of this Part (rule) shall not apply to:

(1) the construction, reconstruction, operations, and maintenance of overhead electrical conductors and their supporting structures and associated equipment by authorized and qualified electrical workers;

(2) the authorized and qualified employees of any person engaged in the construction, reconstruction, operation, and maintenance of overhead electrical circuits or conductors and their supporting structures and associated equipment of rail transportation systems or electrical generating, transmission, distribution, and communication systems; and

(3) motor vehicle transportation across or along

a public road or highway where the combined vehicle and load is not at such time in excess of 13 1/2 feet high and 13 feet wide.

Note: The exception set forth in paragraph (b)(2) of this section, when applied to railway systems, shall be construed as permitting operation of standard rail equipment, which is normally used in the transportation of freight or passengers or both and the operation of relief trains, or other equipment in emergencies, or in maintenance of way service, within dangerous proximity of any high-voltage conductor of such railway system. Normal repair or construction operations within dangerous proximity of any high-voltage conductor shall be prohibited under this Part unless performed by properly qualified and authorized persons or employees under the direct supervision of an authorized person familiar with the hazards involved, unless there has been compliance with the safety provisions set forth in this Part.

Section 57.4 Definitions.

As used in or in connection with this Part (rule) the following terms shall mean:

(a) High-voltage lines. Electrical conductors installed aboveground and having a voltage differential in excess of 600 volts between any pair of conductors or between any conductor and ground. In the case of alternating current, the voltage shall be measured in R.M.S. value. All high-voltage lines shall be considered as energized high-voltage lines until assurance has been given that they are otherwise by qualified representatives of the owners or persons in charge of such lines.

Exception: This definition shall not include approved armored cable used to supply power to portable equipment and insulated power cables enclosed in approved metallic raceways.

(b) Dangerous proximity. As defined in Labor Law, section 202-h, dangerous proximity shall be the distance within 10 feet of high-voltage lines, or within such greater distances as are set forth in the 1990 edition of the regulations of the United States Occupational Safety and Health Administration (29 CFR parts 1910 and 1926), the New York Industrial Code (12 NYCRR Part 23) and the National Electrical Safety Code, 1990 edition, published by the American National Standards Institute, 11 West 42nd Street, New York, NY 10036.

(c) R.M.S. value. The greatest effective difference of potential between any two conductors of the circuit concerned.

(d) Prohibited activity. The operation, erection, transportation, handling, or storage of any tools, machinery, equipment, supplies, material or apparatus, or the moving of any building, if in the course of such operation, erection, transportation, handling, storage or moving of such objects it is possible to come within dangerous proximity of a high-voltage line.

Section 57.5 Precautionary action.

No individual covered by the provisions of this Part (rule) shall engage in, or require a person employed by him/her to engage in any prohibited activity unless precautionary action has been taken to protect against the danger from contact with a high-voltage line, either by de-energizing such high-voltage line and grounding it where necessary, or by other effective methods or devices which have been approved in advance for the particular case and for the particular location by the owner or persons in charge of such high-voltage lines.

Section 57.6 Employee information.

(a) Before allowing any employee to engage in prohibited activity, employers subject to the provisions of this Part (rule) shall:

- (1) advise such employee of the dangers inherent in the operation, erection, transportation, handling, storage or moving of any tools, machinery, equipment, supplies, materials, apparatus or building in dangerous proximity to high-voltage lines;
- (2) highlight precautions which are to be taken prior to or in conjunction with engaging in such prohibited activity;
- (3) encourage employees to communicate with and advise employers or their supervising agents of conditions which would involve precautionary action by the employer as required under section 57.5 of this Part (rule).

(b) The information required under paragraphs (a)(1) and (3) of this section shall be provided to the employee in writing and shall be clear, concise and easily understood. Such written information shall contain the location and phone number where the employer or his/her supervising agent may be reached for the purpose of reporting conditions which would involve precautionary action.

(c) The information required under paragraph (a)(2) of this section shall be provided to the employee verbally or in writing and shall be related to the specific circumstances of the prohibited activity involved.

Section 57.7 High-voltage line proximity procedure.

(a) At any site where any person or equipment may possibly come within dangerous proximity of a high-voltage line, such approach shall not be made until the following procedure has been complied with:

- (1) The employer, contractor or other person making such approach or who is responsible for such activity, shall promptly notify the owner or person in charge of such high-voltage line in writing at least five normal work days before such approach is to be made. If the notification is made by regular mail, three extra days notice shall be given.

Exception: In any emergency situation involving imminent danger to the life, health or safety of any person, the person responsible for such activity is not required to comply with this provision.

(2) Within three normal working days following the receipt of such written notice, the owner or person in charge of the high-voltage line shall respond to the person making such approach or who is responsible for such activity of the procedure to be followed prior to performing any work in dangerous proximity to such high-voltage line.

(3) The owner or person responsible for the high-voltage line shall perform all necessary precautionary actions to be taken to protect against the danger from contact with such high-voltage line, either by de-energizing such high-voltage line and grounding it where necessary, or by approving in advance other effective methods or devices for the particular cases and for the particular locations.

(4) The employer, contractor or other person responsible for the activity within dangerous proximity of such high-voltage line shall be responsible for all costs incurred in connection with such precautionary action including determining what precautionary measures are necessary and preparations for implementing them whether or not such precautionary measures are actually implemented.

**Section 57.8 Warning signs.**

(a) The owner, agent, lessee, bailee, user, or employer responsible for the operations of equipment capable of coming within dangerous proximity of a high-voltage line in the course of its operation, shall post and maintain in plain view of the operator on each piece of such equipment, an approved durable warning sign legible at a distance of 12 feet. Every such warning sign shall bear the following legend in black letters on a yellow background:

(b) All posted warning signs shall specify the actual distance by which the term "dangerous proximity" is defined for the particular case and location to which this Part (rule) applies.

(c) Additional warning signs shall be placed on various parts of the equipment and at the work site providing similar warnings to others in the vicinity of the high-voltage lines.

(d) If for any reason and for any time period, the

operator of the equipment is unable to assess visually the clearance of the equipment from overhead high-voltage lines, a second person shall be designated to observe the clearance and provide timely warning to the equipment operator.

Section 57.9 Civil penalty.

Any person violating any of the provisions of this section shall be liable for a penalty of not less than \$100 nor more than \$1,000 to be collected in a civil action by a summary proceeding. Any violation of this section by an officer, agent or employee shall be a violation by the employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

Section 57.10 Severability.

If any provision of this Part (rule) or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part (rule) which can be given effect without the invalid provisions or applications and to this end the provisions of this Part (rule) are declared to be severable.



**Look up,
down, around and out...
for your safety!**

New Jersey Administrative Code

Title 12. Department of Labor
Chapter 186. High Voltage Lines

12:186-1.1 Purpose

The purpose of this chapter is to provide reasonable precautions to be taken in proximity to high voltage lines in order to prevent accidents.

12:186-1.2 Scope

(a) The provisions of the Act and this chapter shall not be applicable to the construction, reconstruction, operations and maintenance of overhead electrical conductors and their supporting structures and associated equipment by authorized and qualified electrical workers.

(b) The provisions of this Act and this chapter shall not be applicable to authorized and qualified employees of any person engaged in the construction, reconstruction, operation and maintenance of overhead electrical circuits or conductors and their supporting structures and associated equipment of:

1. Rail transportation systems; or
2. Electrical generating, transmission, distribution and communication systems.

(c) When applied to railway systems, the exceptions in (a) and (b) above shall be construed as permitting operation of standard rail equipment normally used in the transport of passengers or freight, or both, and the operation of relief trains, or other equipment in emergencies, or in maintenance of way service, at a distance of less than 10 feet from any high voltage conductor of such railway system.

(d) The Act and this chapter shall prohibit normal repair or construction operations at a distance of less than 10 feet from any high voltage conductor by other than properly qualified and authorized persons or employees under the direct supervision of an authorized person who is familiar with the hazards involved in such activities, unless there has been compliance with all of the applicable safety and warning provisions of the Act as embodied in this chapter.

(e) The Act and this chapter shall not be applicable to motor vehicle transportation across or along a public road or highway where such transportation is subject to the requirements of Title 39, Motor Vehicles and Traffic Regulations of the Revised Statutes, nor to motor vehicle transportation subject to the requirements of N.J.S.A. 27:12B-1 et seq., which govern operations of the New Jersey Highway Authority and N.J.S.A. 27:23-1 et seq., which govern operation of the New Jersey Turnpike Authority.

12:186-1.3 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decisions shall not affect the remaining portion of this chapter.

12:186-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise.

"**Act**" means the High Voltage Proximity Act, N.J.S.A. 34:6-47.1 et seq.

"**Commissioner**" means the Commissioner of Labor or his or her duly authorized designee.

"**Department**" means the New Jersey Department of Labor.

"**Division**" means the Division of Workplace Standards in the New Jersey Department of Labor, CN 054, Trenton, New Jersey 08625-0054.

"**High voltage lines**" means electrical conductors installed above ground and having a voltage differential in excess of 750 volts between any pair of conductors or between any conductor and the ground. In the case of alternating current, the voltage shall be measured in R.M.S. value. This definition shall not include approved armored cable used to supply power to portable equipment and insulated power cables enclosed in approved metallic raceways.

"**Shall**" means a mandatory requirement.

"**Trained spotter**" means an employee, designated by the employer, with employer documented training in the requirements of the New Jersey High Voltage Proximity Act and related rules, OSHA regulations for working in proximity to high voltage lines, and other task specific training as determined necessary by the employer to assist in the safe operation of a crane. The spotter shall not perform any other duties while acting as the spotter.

12:186-3.1 Violations; generally

(a) A violation of the Act shall occur when an employer or supervising agent of an employer shall require or permit an employee to participate in the operation, erection, transportation, handling, or storage of any tools, machinery, equipment, supplies, materials, or apparatus or the moving of any building, if in the course of such operation, erection, transportation, handling, storage or moving it is possible:

1. For such tools, machinery, equipment, supplies, materials, apparatus or building, to come within 10 feet of a high voltage line; or
2. To participate in any activity which would cause the employee to come within 10 feet of a high voltage line, unless:
 - i. Precautionary action has been taken to protect

against the danger from contact with high voltage line(s), by promptly notifying the owner or person in charge of the high voltage line(s), and to de-energize such high voltage line(s) and ground it where necessary;

ii. By using other effective methods or devices which have been approved in advance by the Commissioner for the particular case and for the particular location. Requests for permission to use such other methods or devices should be addressed in writing to the Division for consideration thereof; or

iii. For the purposes of this section related to the High Voltage Proximity Act, N.J.S.A. 34:6-47 et seq. the utilization of a trained spotter or spotters for crane operations as appropriate, and the proper grounding of the crane, shall be considered to be an effective method, pre-approved by the Commissioner, to meet the requirements of the Act. Any contractor, employer, or supervising agent of a contractor or employer taking such action shall be deemed to be in compliance with the consultation requirements of the Act and this chapter. All other requirements of the Act and this chapter shall remain in effect.

(b) No person shall operate, erect, transport, handle or store any tools, machinery, equipment, supplies, materials, or apparatus, or move any building, if in the course of such operation, erection, transportation, handling, storage or moving it is possible:

1. For such tools, machinery, equipment, supplies, materials, apparatus or building to come within 10 feet of a high voltage line, unless:

i. Precautionary action has been taken to protect against the danger from contact with high voltage line(s), by promptly notifying the owner or person in charge of the high voltage line(s), and to de-energize such high voltage line(s) and ground it where necessary;

ii. By using other effective methods or devices which have been approved in advance by the Commissioner for the particular case and for the particular location. Requests for permission to use such other methods or devices should be addressed in writing to the Division for consideration thereof; or

iii. For the purposes of this section related to the High Voltage Proximity Act, N.J.S.A. 34:6-47 et seq., the utilization of a trained spotter or spotters for crane operations as appropriate, and the proper grounding of the crane, shall be considered to be an effective method, pre-approved by the Commissioner, to meet the requirements of the Act. Any contractor, employer, or supervising agent of a contractor or employer, taking such action shall be deemed to be in compliance with the consultation requirements of the Act and this chapter. All other requirements of the Act and this chapter shall remain in effect.

(c) In no case shall the required 10-foot clearance be provided by moving or displacing any conductor, except where the conductor is relocated temporarily pursuant to arrangements made with the owner or person in charge of the high voltage line.

Unlawful to operate this equipment within 10 feet of high voltage lines.

12:186-3.2 Warning sign requirement

(a) It shall be a violation of the Act if an owner, agent, lessee, bailer, user or employer who is responsible for the operation of equipment capable of coming in contact with a high voltage line in the course of its operation, fails to post and maintain, in plain view of the operator on each piece of such equipment, a durable warning sign which shall be legible at a distance of 12 feet and which shall read: "Unlawful to operate this equipment within 10 feet of high voltage lines." Regarding the posting of warning signs, "equipment" includes, but is not limited to, any crane, fire apparatus, loaders, haulage vehicles, manlifts, crawlers, backhoes, derricks, and any other equipment that may be physically or remotely operated that is capable of coming in contact with high voltage lines.

(b) The owner, agent, lessee, bailee, user or employer responsible for the operation of equipment shall also provide such warning signs prominently displayed at the work site in those areas adjacent to high voltage lines with which equipment could come in contact in the course of work activities.

(c) The requirement that warning signs be posted shall not apply to railway equipment operating on a railway right-of-way in relation to high voltage conductors of such railway system under conditions set forth in N.J.A.C. 12:186-1.7.

12:186-4.1 Notification to power company/responsibility for safeguards

(a) Whenever any activity is to be performed which requires precautionary action under N.J.A.C. 12:186-3, the employer, contractor or other person responsible for the activity shall:

1. Promptly notify the owner or person in charge of the high voltage line of the intended activity; and
2. Fully comply with and be responsible for the cost and completion of the precautionary action required under N.J.A.C. 12:186-3 before proceeding with such activity.

12:186-5.1 Penalties

- (a)** Any person violating any of the provisions of the Act shall be liable to a penalty of not less than \$500.00 nor more than \$5,000 for each cited violation.
- (b)** Any violation of the Act by an officer, agent or employee shall also be deemed to be a violation by the employer if the employer had knowledge of or actual control over the cause of such violation.
- (c)** Where the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.
- (d)** The Commissioner, at his or her discretion, may compromise and settle any claim for a penalty imposed under the Act in such amount as he or she deems to be appropriate and equitable under all of the circumstances, including, but not limited to:
- 1.** The past record of compliance with the provisions of the Act by the alleged violator;
 - 2.** The degree of cooperation afforded to the Commissioner's representatives by the alleged violator in securing compliance with the provisions of the Act;
 - 3.** Whether the cited violation was willful in nature; and
 - 4.** Whether the cited violation resulted in injury or bodily harm.

12:186-5.2 Hearings

- (a)** No penalty shall be levied pursuant to N.J.A.C. 12:186-5.1 unless the alleged violator is first provided with:
- 1.** Notification of the violation;
 - 2.** The amount of the penalty to be imposed; and
 - 3.** An opportunity to request a formal hearing.
- (b)** A request for a formal hearing shall be made in writing and received within 21 calendar days following receipt of the notice of violation.
- (c)** All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.
- (d)** If a hearing is not requested, the notice of violation shall become the final order upon expiration of the 21 day period following the receipt thereof.
- (e)** The alleged violator may request the initiation of a settlement conference at the time that the request for a formal hearing is made. If a settlement conference is requested, or the Department determines that a settlement conference would be useful, the settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request for a formal hearing.
- (f)** If a settlement is not agreed upon or no settlement conference is scheduled, a request for

formal hearing shall be transmitted to the Office of Administrative Law (OAL).

- (g)** Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.
- (h)** All payments shall be made payable to the Department of Labor in the form a certified check or money order, or such other form as the Department deems suitable.
- (i)** Upon entry of the final order, the penalty imposed may be recovered with costs in a summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

Purdon's Pennsylvania Consolidated Statutes Annotated

Title 43. Labor

Chapter 1. Equipment And Place Of Employment

High-voltage Lines

§ 26-1. Definitions

As used in this act:

"Department" means the Department of Labor and Industry.

"High-voltage lines" means electrical conducting lines, wires or cables having a voltage differential in excess of 750 volts between any pair of conductors or between any conductor and ground.

§ 26-2. Prohibited activity

No employer or supervising agent of an employer shall require or permit an employee to, and no employee shall participate in the erection, maintenance, repair, construction or installation, whether or not such work is for emergency purposes, of high-voltage lines having a voltage differential in excess of nominally 13,200 volts between any pair of conductors or in excess of nominally 7,600 volts between any conductor and ground, unless any and all such conductors are de-energized before such work is commenced, or unless such work is performed on any energized conductor or equipment through approved hot stick methods which do not include handling such high-voltage lines with gloves or bare handed method.

§ 26-3. Warning sign required

The owner, agent, lessee, bailee, user, or employer responsible for the operations of equipment shall provide such warning signs on equipment or at the work site as may be required by regulations promulgated hereunder. The requirement that warning signs be posted shall not apply to railway equipment operating on railway right-of-way in relation to high-voltage conductors of such railway system under conditions for which exemption is granted under section 7.

§ 26-4. Notification to power company and responsibility for safeguards

Whenever activity is to be performed requiring precautionary action under section 2, [FN1] the employer, contractor or other person responsible for the activity shall promptly notify the owner or person in charge of the high-voltage line of the intended activity and shall fully comply with and shall be

responsible for the cost and for the completion of the precautionary action required under section 2 before proceeding with such activity.

§ 26-5. Enforcement

The department shall administer and enforce the provisions of this act and is hereby empowered to prescribe and promulgate rules and regulations consistent herewith.

§ 26-6. Penalties

Any person violating any of the provisions of this act shall be liable to a penalty of \$300 in a summary proceeding. Any violation of the act by an officer, agent or employee shall also be a violation of the act by his employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature each day during which it continues, shall constitute an additional, separate and distinct offense.

§ 26-7. Exceptions

This act shall not be construed as abrogating any existing collective bargaining agreement.

Pennsylvania Code

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Title 34. Labor And Industry

Part I. Department Of Labor And Industry

Chapter 25. Lifting And Carrying Apparatus

Subchapter B. Cranes, Booms And Hoists

General Requirements For All Cranes

34 Pa. Code @ 25.42

@ 25.42. Electrical equipment.

(a) Guarding current-carrying parts. All exposed current-carrying parts except conductors, connected to circuits above 300 volts to ground, shall be isolated, insulated or guarded. Exposed parts less than 300 volts shall be suitably insulated or guarded to prevent possible accidental contact. Exposed metallic parts of conduit armored cable as malding shall be permanently grounded. Current-carrying parts of electrical equipment such as controllers, motors, transformers, automatic cut-outs, circuit breakers, switches and other like devices shall be guarded either by locating them so as to be inaccessible to the operator or routine maintenance personnel, or by enclosing these devices in cabinets, casings, or shields of permanently grounded metal or of substantial insulating material.

(b) Suddenly moving parts. All parts of electrical equipment, such as fuses and the handles and arc chutes of circuit breakers, shall be isolated or guarded that the possibility of persons being stuck or burned is reduced to a minimum.

(c) Noncurrent-carrying parts. All exposed noncurrent-carrying metal parts of electrical equipment shall be permanently grounded. A grounded connection through well bonded track rails will be considered satisfactory.

(d) Operations near electric lines. No one shall operate a crane or hoist so that any part thereof, including the load, is within 6 feet of an electric line, unless either adequate mechanical barriers have been erected or the line has been de-energized.

(e) Warning signs. Warning signs shall be provided as follows:

(1) The owner, lessee or employer responsible for the operation of any crane or hoist shall post and maintain a durable warning sign, legible at 12 feet by the operator in his normal operating position.

(2) The following is a facsimile of the warning sign:

(3) The warning sign shall consist of white lettering on a red background with at least a $\frac{1}{4}$ inch wide white border. The minimum overall dimensions of the sign shall be 10 inches

horizontally and 6 inches vertically. Lettering shall follow the horizontal dimensions. The word "unlawful" shall stand alone at the top with letters at least 1 inch in height. The remaining wording shall be printed and spaced on four lines with lettering $\frac{5}{8}$ inch in height.

**Unlawful
to operate this
equipment within
six feet of an
electric line.**

(f) Exception. Subsections (d) and (e) may not apply to the following:

(1) The owner or lessee of overhead electric lines and equipment and his authorized representatives.

(2) Overhead traveling cranes.

(g) Disconnecting source of energy. Readily accessible means shall be provided whereby all conductors and equipment located in cranes can be completely disconnected from the source of energy at a point as close as possible to the main current collectors.

(h) Electrical circuits. The electrical circuit for electric magnets shall be maintained in good condition. Means for taking up the slack cable shall be provided.

(i) Fuses. All fuses shall be of the enclosed arcless type.

Steps to take in an Emergency

Accidents sometimes happen, despite all precautions. Should one occur, call us immediately and follow the instructions on these two pages.

For Overhead Accidents

- **Objects in Contact with Energized Lines Are Hazardous**

Enough electricity to be lethal can flow through any conducting material that touches energized lines — even wood, plastic or rope. When construction equipment touches electric lines, all metal parts become electrified and extremely dangerous. Electric lines, and items in contact with them, should only be handled by trained personnel using tools and equipment specially designed for this purpose.

- **If Broken Electric Lines Fall on Communication Lines, Fences, other Metal Objects**

All these objects may become electrically charged and dangerous. Keep everyone away from them. Even “dead” lines can become re-energized suddenly and without warning.

- **If Equipment Becomes Energized, Take These Immediate Actions**

Keep people away from the effected equipment, but caution equipment operators not to leave their energized machines. If possible, the operator should wait until contact between equipment and “live” wires is broken. If he must leap clear, make sure he jumps entirely free, so that no part of his body contacts the machine and the ground at the same time.

- **Aiding People in Contact with Electricity**

Do not touch any person who is in contact with electricity. If the victim is cleared from contact and not breathing, call 911 immediately. Seconds count!

- **Call Us**

Call us for help at **1-877-434-4100**. While help is on the way, keep everyone clear of fallen wires and energized equipment or objects. Remember “dead” lines can become energized without warning.

For Underground Accidents

- **If You Pull a Gas Line**

If you pull a line with power equipment, gas may leak into buildings around the job. Send someone to check surrounding houses. If a gas smell is detected, get the people out right away and call **1-800-533-5325** to report the gas leak emergency.

- **Escaping Gas Needs Special Handling**

Never backfill over broken, pulled or leaking pipes. Call us to make repairs. Evacuate home-dwellers and all building occupants who may be affected.

- **Escaping Gas Can Burn**

Any open flame or power equipment can ignite escaping gas. If you smell gas, put out all open flames, shut off all power equipment and forbid smoking. If gas is blowing about, divert traffic from the area immediately.

- **Do Not Turn Gas Valves**

Gas valves are part of an interconnected system and are complicated. They should be operated only by utility technicians qualified to handle them.

- **If Valves Are Closed Accidentally**

Leave them alone until our personnel can check them and correct the condition.

- **If You Hit an Underground Electric Line**

The result can be electric shock to your people — possibly a fire and power outages in the neighborhood. Call us for help immediately at **1-877-434-4100**.

DO NOT TRY TO MAKE ANY REPAIRS YOURSELF.

Natural Gas Emergency: 1-800-533-5325

.....
All Other Emergencies: 1-877-434-4100



EMERGENCY PHONE NUMBERS

**Natural Gas Emergency:
1-800-533-5325**

**All Other Emergencies:
1-877-434-4100**

