CALL BEFORE YOU DIG

Understanding the Changes to the One Call Law

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Making a One Call before digging isn’t new, but there are regulations that recently went into effect and are important for municipalities to know and follow.

The Underground Utility Line Protection (UULP) Law, better known as the One Call Law, has been amended seven times since its enactment in 1974, most recently with Act 50 of 2017, which went into effect April 30, 2018.

The following highlights the changes made by Act 50 to the One Call Law and what the changes mean to municipalities and authorities that own or operate underground utilities.

**Background**

Act 287 of 1974, which went into effect in April 1975, required excavators to call before digging. Coverage began in Allegheny County with six utilities and expanded statewide by 1977.

Calling before digging was an important first step in damage prevention but did not work unless underground utilities participated. PA Act 172 of 1986 obliged owners or operators of underground utilities to become members of the One Call System.

The One Call Law went through a series of enhancements in 1991, 1996, 2004, 2006, and 2008. Although the system was working to prevent damage and enhance the safety of Commonwealth workers and citizens, enforcement of the law was becoming more and more important.

The passage of Act 50 brought four major updates:

1. changes in the enforcement authority;
2. new obligations for utility owners to respond to excavators;
3. new obligations for facility owners to provide maps of their facilities; and
4. new obligations for reporting alleged violations of the law.

**Enforcement**

The biggest change in the One Call Law was moving enforcement authority from the Department of Labor and Industry to the PA Public Utility Commission (PUC).

The PUC has enforcement authority for regulated public utilities in PA, and the One Call Law involves safety related to underground utilities. The commission was involved in writing the language referencing enforcement in Act 50.

**Response by Utility**

Facility owners must respond to all notifications through the One Call System by the response due date. There has been a change when a response is due on a re-notify.

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Excavators re-notify owners when locate request issues arise. The timing of the re-notify request determines the response required of a facility owner:

**Scenario 1**
- On a correctly submitted *non-emergency* locate request from an excavator who upon their *initial arrival* at the work site determines that there is “clear evidence of facilities” existing that are not marked or may be mismarked, initiates a re-notify through the One Call System, then
  - The facility owner is required to make “direct contact” with the excavator within two hours.
  - If the facility owner fails to provide sufficient information within three hours after the re-notify call, the act does allow the excavator to begin work as scheduled, but not earlier than the first lawful dig date, provided the excavator exercises due care and uses prudent techniques while working.

**Scenario 2**
- An excavator disagrees with a response a facility owner made through the One Call System, but it is *not* their initial arrival at the work site. The One Call System will capture the locate issue in the text of the re-notify.
  - The facility owner must respond as soon as practicable.

**Obligations to Map**
Every facility owner must participate in the One Call System’s Member Mapping Solutions. Mapped members receive fewer notifications and municipal-level mapping members receive *all* notifications.
- The One Call System can accept shape files of facility centerlines for upload into the mapping system.
- Files can be generated from a GIS system or a member can draw their facilities via the Member Mapping web application.
- The facility owner has control of the buffer size of the centerline information.

**Obligations for Reporting**
Here are four key points
1. **Alleged violation** is a term that should be used and means an instance when a person by action or inaction fails to fulfill an obligation of Act 287, as amended. Examples of an alleged violation include line damage, failure to place a One Call in advance of excavation, or failure to respond to One Call notifications. There are many other types of alleged violations.

2. **Alleged violation report** is another important term that is the completion of an online form by a stakeholder to record the instance of an alleged violation to the PUC. The form is at [www.paonecall.org/enforcement](http://www.paonecall.org/enforcement).
3. **Who reports and when?** All One Call stakeholders are obligated to report violations of Act 287 as follows:

- Project owners and excavators: Not more than ten business days.
- Facility owners and designers: Not more than 30 business days.

In other words, if an excavator damages a line, they have ten business days to report the damage to the PUC by completing an Alleged Violation Report at [www.paonecall.org/enforcement](http://www.paonecall.org/enforcement).

The facility owner of the damaged line has 30 business days to report the incident, too. The project owner who hired the excavator is also obligated to report the damage to the PUC within ten business days.

4. **How to report?** If an excavator, a facility owner, a project owner, or a designer believes a violation of Act 287 has occurred, they are obligated to report following these steps:

1. Go to this page: [www.paonecall.org/enforcement](http://www.paonecall.org/enforcement).
2. Click on the “Report an Alleged Violation” link.
3. Log in to the site. (Create an user ID and password, if needed).
4. Complete the form and click the “Submit” button.

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**Complex Project Update**

Although not a new requirement of the law, as a result of the enforcement change, more complex project tickets are being created by excavators.

Facility owners are required to attend and participate in complex project preconstruction meetings and work with excavators on a schedule to mark the underground lines reasonably in advance of the actual start of excavation or demolition work for each phase of the work.

The maximum geographic area for a single locate request has been set at 1,000 feet or intersection to intersection, whichever is greater, along the same street, within the same political subdivision. Anything larger than a single locate request requires a complex project ticket.

For questions regarding the obligations under the new UULP Law, contact the area liaison who can be found at [www.paonecall.org/liaisons](http://www.paonecall.org/liaisons). Additional resources posted on [www.paonecall.org](http://www.paonecall.org) include: Act 50 of 2017, Act 50 FAQ, A Summary of Changes to UULPA, and The Users Guide.

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1 PA Act 287 (73 P. S. § 176 et. seq.).