



# Vermont MUST Excavation Safety Webinar

April 7, 2022

# Vermont Statutes and Rules

- [Statutes - 30 V.S.A. Chapter 86 \(§§ 7001 – 7008\)](#)
- [Public Utility Commission Rule 3.800 - Underground Utility Damage Prevention](#)
- Click links above to go to statutes and rules.

# Definition of “Excavation Activities”

§ 7001(4) "**Excavation activities**" means any activities that will disturb the subsurface of the earth or could damage underground utility facilities and that may involve the removal of earth, rock, or other materials in the ground or the demolition of any structure by the discharge of explosives or the use of powered or mechanized equipment, including digging, trenching, blasting, boring, drilling, hammering, post driving, wrecking, razing, tunneling, or pavement or concrete slab removal within 100 feet of an underground utility facility. Excavation activities shall not include the tilling of the soil for agricultural purposes, routine home gardening with hand tools outside easement areas and public rights-of-way, activities relating to routine public highway maintenance, or the use of hand tools by a company, or the company's agent or a contractor working under the agent's direction, to locate or service the company's facilities, provided the company has a written damage prevention program.

# 30 V.S.A. § 7007 Notice of Damage - Excavators

- When any underground utility facility is damaged during excavation activities, the excavator shall immediately notify the affected company. Under no circumstances shall the excavator backfill or conceal the damaged area until the company inspects and repairs the damage, provided that the excavator shall take reasonable and prudent actions to protect the public from serious injury from the damaged facilities until the company or emergency response personnel arrive at the damaged area.
- An excavator who causes damage to a pipeline that results in a release of natural or other gas or hazardous liquid shall promptly report the release to emergency responders by calling 911.

# PUC Rule 3.805(C) Notice of Damage - Utilities

- Upon discovery of damage to underground facilities by excavation activities or other action that may constitute a probable violation of 30 V.S.A. §§ 7004, 7006a, 7006b, or 7007, a company shall forward an Underground Facility Damage Prevention Report to the Commission and to the Department on the form prescribed by the Commission.
- Required for utilities
- Optional for excavators

# Underground Facility Damage Reports (UFDR)

Public Advocacy	<h2>Reporting Underground Utility Damage</h2> <p>All public utility companies are required to submit an underground facility damage report upon discovery of a damaged facility. This form is required to be submitted by the owner of the facility that was damaged. It is recommended that the excavator also fill out a copy of this form to report utility damages in order to facilitate the investigation process.</p> <h3>Public Utility Companies (Required Reporting)</h3> <p>Step 1. Download, complete, and save to your computer the <a href="#">Underground Facility Damage Report (UFDR)</a> (Printable/Fillable PDF Form). Note: you may need to open the form directly in Adobe Acrobat, rather than your web browser, in order to type in the form.</p> <p>Step 2. <a href="#">Upload Completed Underground Facility Damage Report (UFDR) PDF Form</a></p> <h3>Excavators (Optional Reporting)</h3> <p>Excavators are encouraged to also report damage to underground utilities to facilitate the investigation process. Please use the same process as for public utility companies, above.</p> <p><a href="#">A free Adobe PDF viewer can be downloaded here.</a></p>
Electric	
Natural Gas	
Water	
Cable TV	
Telecommunications	
Efficiency	
Renewables	
Connectivity	
Consumer Affairs and Public Information	

[https://publicservice.vermont.gov/publications-resources/damage\\_prevention](https://publicservice.vermont.gov/publications-resources/damage_prevention)

# Underground Facility Damage Reports (UFDR)

	<b>2020</b>	<b>2021</b>
UFDRs - Electric	12	12
UFDRs - Gas	24	15
UFDRs - Telecom/Cable	50	81
UFDRs - Water	1	0
UFDRs - Total	87	108
Number of Dig Safe Tickets in VT	33,510	37,217
UFDRs Per 1,000 Tickets	2.6	2.9

# Notices of Probable Violation (NOPV) Issued

	<b>2020</b>	<b>2021</b>
NOPVs Issued - Total	55	89
NOPVs Issued to Excavator	34	52
NOPVs Issued to Utility	21	37
Civil Penalties Assessed	\$94,925	\$113,100



# NOPVs By Root Cause\*

	<b>2020</b>	<b>2021</b>
No DigSafe Ticket or Invalid DigSafe Ticket	10	30
Facility Marking or Location Not Sufficient	18	22
Facility Not Located or Marked At All	0	15
Excavation Practices Not Sufficient	26	23
Failure to Maintain Marks	2	1
No UFDR Submitted by Utility	1	1

\*Totals by root cause may not equal totals on previous slide because an NOPV may have multiple root causes.

# Civil Penalties

- 30 V.S.A. § 7008: Any person or company who violates any provisions of section 7004, 7006, 7006a, 7006b, or 7007 of this title shall be subject to a civil penalty of not more than:
  - \$500.00 for the first offense,
  - \$1,000.00 for the second offense within one year of the date of the first offense,
  - \$1,500.00 for the third offense within one year of the first offense, and
  - \$5,000.00 for the fourth or subsequent offense within one year of the date of a previous offense
- PUC Rule 3.807(J): In imposing a civil penalty on any person, the Commission shall consider the gravity of the violation, the culpability of the person responsible for the violation, any history of prior violations, the good faith of the person in attempting to achieve compliance, the size of the business of the person being charged, the likely deterrent effect of the penalty, and any other relevant or mitigating factors.

# Contact Information

Bill Jordan

Director of Engineering

[Vermont Department of Public Service](#)

112 State Street, Montpelier, VT 05620-2601

(802) 522-3959

[bill.jordan@vermont.gov](mailto:bill.jordan@vermont.gov)