State Damage Prevention Law Summary

State: Connecticut

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

	34111114 Date: 0/7/2017	
Excavator Requirments		
Excavation: Definition	Connecticut General Statute, Chapter 293, Section 16-345. (5) "Excavation" means an operation for the purposes of movement or removal of earth, rock or other materials in or on the ground, or otherwise disturbing the subsurface of the earth, by the use of powered or mechanized equipment, including but not limited to digging, blasting, auguring, back filling, test boring, drilling, pile driving, grading, plowing-in, hammering, pulling-in, trenching, tunneling, dredging, reclamation processes and milling; excluding the tilling of soil for agricultural purposes. For the purposes of this subdivision, dredging does not include dredging associated with the production and harvesting of aquaculture crops. (6) "Demolition" means the wrecking, razing, rending, moving or removing of any structure.	
Excavator: Definition	Connecticut General Statute, Chapter 293, Section 16-345. (1) "Person" means an individual, partnership, corporation, limited liability company or association, including a person engaged as a contractor by a public agency but excluding a public agency. (2) "Public agency" means the state or any political subdivision thereof, including any governmental agency. (3) "Public utility" means the owner or operator of underground facilities for furnishing electric, gas, telephone, telegraph, communications, pipeline, sewage, water, community television antenna, steam, traffic signal, fire signal or similar service, including a municipal or other public owner or operator. A public utility does not include the owner of facilities for utility service solely for such owner's private residence. CT Public Utility Rregulatory Authority (PURA) Regulations Sec. 16-345-1. (1) "Excavator" means a person, public utility or public agency, directly performing or engaged in the act of excavation or demolition.	
Excavator Notice to One Call Required (Yes / No)	Yes	
Excavator Notice Minimum #		
Working Days Before Digging	2	
	Connecticut General Statute, Chapter 293, Section 16-349. Except as provided in section 16-352, a person, public agency or public utility responsible for excavating, discharging explosives or demolishing shall notify the central clearinghouse of such proposed excavation, discharge or demolition in the manne prescribed by regulations adopted pursuant to section 16-357. Section 16-357. Regulations. The Public Utilities Regulatory Authority shall adopt regulations, in accordance with the provisions of chapter 54, to the extent necessary to ensure compliance with this chapter. Such regulations shall be designed to protect the public safety and shall prescribe (1) the duties and responsibilities of persons, public agencies and public utilities with respect to excavating, discharging explosives or demolition in proximity to any public utility underground facility, CT PURA Regulations Sec. 16-345-4 (a) Any excavator performing excavation or demolition within the State of Connecticut,or the responsible party for the excavation or demolition, shall:: (1) Except as provided in Section 16-345-4 (a) (2) and Section 16-345-4 (a) (3) of these regulations, at least two full days, excluding Saturdays, Sundays and holidays, but not more than thirty days before commencing such excavation or demolition obtain a ticket by notifying the central clearinghouse of: (A) The specific location of the designated area. Should field conditions or other circumstances require the excavatio or demolition to be expanded outside the originally designated area established in accordance with subsection (e) of section 16-345-4 of the Regulations of Connecticut State Agencies, a separate notification shall be made and said notification shall be in accordance with the time requirements as provided in this subdivision; (C) The date on which such proposed excavation or demolition will commence (D) The type of such proposed excavation or demolition. (E The method used to identify or designate the area of proposed excavation or demolition. The e	
Ticket Life (# of days)	30 (CT PURA Reg. Section 16-345-4. (d))	
White-Line Required (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (a)(1)(E) and Sect. 16-345-4. (e))	
Tolerance Zone	18" (Connecticut General Statute, Chapter 293, Section 16-345 (8))	

Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Response	
Notice Exemptions (Specific Language))	Connecticut General Statute, Chapter 293, Section 16-345. (5) "Excavation" means excluding the tilling of soil for agricultural purposes. For the purposes of this subdivision, dredging does not include dredging associated with the production and harvesting of aquaculture crops. CT Public Utility Rregulatory Authority (PURA) Regulations Sec. 16-345-1. (1) "Excavator" means a person, public utility or public agency, directly performing or engaged in the act of excavation or demolition.
Notice Exemptions (Yes / No)	Yes
Call 911 if Hazardous Materials Released (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (f)(2))
Notify One Call Center of Damage (Yes / No)	No
Notify Operator of Damage (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (f)(1))
Separate Locate Request Required for Each Excavator (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (a)(1)(B))
Special Language Regarding Trenchless Technology (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (c)(3))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No (CT PURA Reg. Sect. 16-345-4. (c)(7))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (c)(8))
Preserve / Maintain Marks Required (Yes / No)	Yes (CT PURA Reg. Sect. 16-345-4. (c)(7))
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes
Language)	CT PURA Regulations Sec. 16-345-4. (c)(5) Where underground facilities containing combustible or hazardous fluids or gases (such as natural gas, propane, jet fuel or chlorine) are likely to be exposed or where the proposed excavation or demolition is to occur within the approximate location of such facilities or affecting such facilities, except for excavations performed in connection with the need to expose such underground facilities by the owner of sucl facilities, use mechanical equipment solely for the purpose of removing the bituminous and concrete road surface. In such circumstances, other than for the removal of a bituminous or concrete road surface, an excavator, other than the public utility exposing its own underground facilities, shall employ hand digging or soft digging methods only.

Operator Requirements to Respond to Locate Notification (Specific Language)	CT PURA Regulations Sec. 16-345-3 (b) Each public utility shall: (1) By the end of the second full day, (excluding Saturdays, Sundays and holidays) afte the day of notification or by the date on which excavation or demolition is scheduled to commence, whichever is later: (A) Except for an area of continual excavation, [if] the public utility has underground facilities in the designated area, mark the approximate location of such facilities [to] enable the excavator to establish the actual location of the underground facilities if it is not practical to so mark the location of such facilities in a manner mutually agreeable to the public utility and the excavator. Any interconnections between facilities of the public utility and others, such as tees connecting mains to customer owned facilities, shall be clearly marked and labeled by the utility providing service to the interconnection provided, however, that such utility shall not be required to mark the location of customer owned facilities, except at the immediate location of the interconnection or tee. Whenever feasible, the public utility shall also provide information to the excavator as to any special requirements for excavation or demolition at or near its facilities including any special considerations regarding structural or lateral support or the use of heavy equipment over public utility facilities; (B) Notwithstanding subparagraph (A) of this subdivision, the public utility that has a standard and repeating layout and which is connected by facilities visible on the surface (such as certain storm sewers) need not mark those standard and repeating facilities, provided that maps indicating the approximate location are supplied to the excavator within the specified time limit. Facilities that are attached to a standard and repeating layout but do not conform to the standard and repeating layout shall be marked unless an alternate mutually agreeable location method is used; (C) [if] the public utility shall contact the pa
Minimum Standards for Locator Qualifications (Yes / No)	Yes
Minimum Standards for Locator	CT PURA Regulations Sec. 16-345-3 (i) Any person who locates and marks the location of underground facilities on behalf of a public utility shall be
Qualifications	trained in applicable locating industry standards and practices equal or superior to the National Utility Locating Contractors Association's locator training
(Specific Language) Law Specifies Marking Standards	standards and practices. Each person's training shall be documented, and such documents shall be maintained by the public utility.
Other Than Color	Yes
(Yes / No)	
Law Specifies Marking Standards Other Than Color (Specific Language)	CT PURA Regulations Sec. 16-345-5 (a) All surface markings, stakes and flags indicating the approximate location of an underground facility shall be made in accordance with this section (i) With the exception of normal traffic control markings, all markings on public streets, sidewalks and rights-of-way, and all surface marking, flagging and staking of public utility locations and designated areas of excavation or demolition shall be in accordance with, and shall not conflict with, the following uniform color code: (j) All surface marking, flagging and staking utilized for the location of underground facilities shall contain: (1) The name of the public utility or a commonly recognized abbreviation; (2) The material of the facility in accordance with the following (where applicable): and (3) Special descriptors of the facilities (where applicable): (k) All surface marking, flagging and staking shall be in accordance with the following: (1) Markings for pipes shall appear as follows ("ABC" (which represents the name of the public utility or commonly recognized abbreviation), pipe size, material type and any special descriptors shall also be shown in sufficient quantities to be visible from any point in the designated area): (m) A public utility may signify that it has no facilities in the designated area by writing "NO" plus the name of the public utility or commonly recognized abbreviation in letters at least six inches high using the uniform color code as described in subsection (i) of this section. [See CT PURA Regulations Sec. 16-345-5 for detailed marking requirements.]
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No (CT PURA Reg. Sect. 16-345-4. (c)(3)(B) calls for excavators to locate sewer laterals when using trenchless excavation.)
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes

Facilities (Specific Language)	CT PURA Regulations Sec. 16-345-3 (a) (8) Maintain records of all existing underground utility facility locations, including without limitation, facilities abandoned in place and interconnections to all utility users; (9) Receive tickets from the central clearinghouse; (b) Each public utility shall: (1) By the end of the second full day after the day of notification of a proposed excavation or demolition, or by the date on which excavation or demolition is scheduled to commence as reported in the notification to the central clearinghouse, whichever is later: (A) Except for an area of continual excavation, in the event tha the public utility determines that it has underground facilities in the designated area, mark the approximate location of such facilities	
Positive Response Required - Operator Contact Excavator (Yes / No)	No	
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed.	
Positive Response Required - Operator Contact One Call Center (Yes / No)	No	
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed	
Positive Response - One-Call Automated (Yes / No)	No	
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes	
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	CT PURA Regulations Sec. 16-345-3 (a) Each public utility shall: (1) Register the geographic areas in which it owns or operates underground facilities within the State of Connecticut, including new facilities, by reference to the central clearinghouse's standard mapping system and maintain a current file containing the information listed in subsection (e) of section 16-345-2 of the Regulations of Connecticut State Agencies with the central clearinghouse; (8 Maintain records of all existing underground utility facility locations, including without limitation, facilities abandoned in place and interconnections to all utility users;	
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes	
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	CT PURA Regulations Sec. 16-345-3 (a) Each public utility shall:; (7) Upon the exposure of previously unrecorded or inaccurately recorded facilities in the course of excavation or demolition activities and of which it has knowledge of such exposure, verify and modify existing records as necessary, and promptly make all necessary modifications, if needed, within the standard mapping system maintained by the central clearinghouse. The record shall be sufficiently detailed in order to allow the central clearinghouse to identify such previously unrecorded or inaccurately recorded facilities within its standard mapping system; (8) Maintain records of all existing underground utility facility locations, including without limitation, facilities abandoned in place and interconnections to all utility users;	
New Facilities Must Be Locatable Electronically (Yes / No)	Yes	
New Facilities Must Be Locatable Electronically (Specific Language)	CT PURA Regulations Sect. 16-345-3 (h) For all new non-metallic utility facilities, the utility shall install a means of locating the facility using electronic locating equipment, such as tracing wire.	
Design Request (Yes / No)	Yes (CT PURA Regulations Sect. 16-345-2 (c) and Sect. 16-345-3 (e))	
	One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes (CT PURA Regulations Sec. 16-345-3 (a))	
One Call Membership Exemptions (Yes / No)	Yes	

One Call Membership Exemptions (Specific Language)	Connecticut General Statute, Chapter 293, Section 16-345. (3) "Public utility" means the owner or operator of underground facilities A public utility does not include the owner of facilities for utility service solely for such owner's private residence. CT PURA Regulations Sec. 16-345-3 (a) Each public utility shall: (1) Register the geographic areas in which it owns or operates underground facilities within the State of Connecticut, including new facilities, by reference to the central clearinghouse's standard mapping system (2) Reimburse the central clearinghouse, in accordance with billing rates set by the Authority as part of the central clearinghouse's budget; (5) File with the central clearinghouse such other information which the central clearinghouse or the Authority shall deem necessary to carry out the objectives of Chapter 293 of the Connecticut General Statutes and the public safety;
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not addressed.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not addressed.
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	CT PURA Regulations Sect. 16-345-9 (a) Any person, excavator, public agency, public utility or the central clearinghouse which the Authority finds to have violated any provision of Chapter 293 of the Connecticut General Statutes, or any regulations promulgated thereunder, may be fined, after notice and opportunity for a hearing as provided in section 16-345-8 of the Regulations In such case, such person, excavator, public agency, public utility or the central clearinghouse shall forfeit and pay to the state a civil penalty in accordance with the following schedule of penalties: (1) For violations which do not involve personal injury, death or property damage: (A) A minimum civil penalty of two hundred dollars (\$200) for a first violation; and (B) A civil penalty of not more than five thousand dollars (\$5,000) for a second violation and up to the statutory maximum thereafter; (2) For violations which result in property damage: (A) Where the amount of property damage sustained is not greater than three thousand dollars (\$3,000), a civil penalty not to exceed twelve thousand dollars (\$12,000); (B) Where the amount of property damage sustained is greater than three thousand dollars (\$20,000), but not more than twenty thousand dollars (\$20,000), a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes; (3) For a violation which results in personal injury or death, a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes; (4) For any violation where a person, excavator, public agency or public utility knowingly comes in contact with an underground public utility facility during the course of an excavation or demolition and fails to notify the owner of the public utility facility as soon as possible thereafter, or tampers with or attempts an unauthorized repair of a damaged utility facility, a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut Ge
Penalties / Fines Operators (Yes / No)	Yes

Damage Investigation Required by Enforcement Authority	No
Enforcement Authority Identified	Connecticut Department of Energy and Environmental Protection, Public Utilities Regulatory Authority
Penalties / Fines Other (Specific Language)	CT PURA Regulations Sect. 16-345-9 (a) Any person, excavator, public agency, public utility or the central clearinghouse which the Authority finds to have violated any provision of Chapter 293 of the Connecticut General Statutes, or any regulations promulgated thereunder, may be fined, after notice and opportunity for a hearing as provided in section 16-345-8 of the Regulations In such case, such person, excavator, public agency, public utility or the central clearinghouse shall forfeit and pay to the state a civil penalty in accordance with the following schedule of penalties: (1) For violations which do not involve personal injury, death or property damage: (A) A minimum civil penalty of two hundred dollars (\$200) for a first violation; and (B) A civil penalty of not more than five thousand dollars (\$5,000) for a second violation and up to the statutory maximum thereafter; (2) For violations which result in property damages: (A) Where the amount of property damage sustained is not greater than three thousand dollars (\$3,000), a civil penalty not to exceed twelve thousand dollars (\$12,000); (B) Where the amount of property damage sustained is greater than three thousand dollars (\$3,000), but not more than twenty thousand dollars (\$20,000), a civil penalty not to exceed them the thousand dollars (\$20,000), a civil penalty not to exceed them twenty thousand dollars (\$20,000), a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes; (3) For a violation which results in personal injury or death, a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes; (4) For any violation where a person, excavator, public agency or public utility knowingly comes in contact with an underground public utility facility during the course of an excavation or demolition and fails to notify the owner of the public utility facility as soon as possible thereafter, or tampers with or attempts an unauthorized repa
(Specific Language) Penalties / Fines Other (Yes / No)	293 of the Connecticut General Statutes; (4) For any violation where a person, excavator, public agency or public utility knowingly comes in contact with an underground public utility facility during the course of an excavation or demolition and fails to notify the owner of the public utility facility as soon as possible thereafter, or tampers with or attempts an unauthorized repair of a damaged utility facility, a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes; and (5) Notwithstanding subdivisions (1) to (4), inclusive, of this subsection, the Authority may assess a civil penalty of up to the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes based upon the degree of threat to the public safety, the degree of public inconvenience caused as a result of the violation, or the past history of the violator. Connecticut General Statute, Chapter 293, Section 16-356. Any person, public agency or public utility which the Public Utilities Regulatory Authority determines to have failed to comply with any provision of this chapter or any regulation adopted under section 16-357 shall forfeit and pay to the state a civil penalty of not more than forty thousand dollars, provided any violation involving the failure of a public utility to mark any approximate location of an underground utility facility correctly or within the time frames prescribed by regulation, which violation did not result in any property damage or personal injurand was not the result of an act of gross negligence on the part of the public utility, shall not result in a civil penalty of more than one thousand dollars Yes
Penalties / Fines Operators	CT PURA Regulations Sect. 16-345-9 (a) Any person, excavator, public agency, public utility or the central clearinghouse which the Authority finds to have violated any provision of Chapter 293 of the Connecticut General Statutes, or any regulations promulgated thereunder, may be fined, after notice and opportunity for a hearing as provided in section 16-345-8 of the Regulations In such case, such person, excavator, public agency, public utility or the central clearinghouse shall forfeit and pay to the state a civil penalty in accordance with the following schedule of penalties: (1) For violations which do not involve personal injury, death or property damage: (A) A minimum civil penalty of two hundred dollars (\$200) for a first violation; and (B) A civil penalty of not more than five thousand dollars (\$5,000) for a second violation and up to the statutory maximum thereafter; (2) For violations which result in property damage: (A) Where the amount of property damage sustained is not greater than three thousand dollars (\$3,000), a civil penalty not to exceed twenty thousand dollars (\$20,000), a civil penalty not to exceed twenty thousand dollars (\$20,000), a civil penalty not to exceed twenty thousand dollars (\$20,000), a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut General Statutes; (3) For a violation which results in personal injury or death, a civil penalty not to exceed the maximum civil penalty allowed under Chapter 293 of the Connecticut

Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes (CT PURA Regulations Sect. 16-345-3 (a))	
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No	
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No	
Law and Regulation		
Statute / Law (Name & Link)	Connecticut General Statutes §§ 16-345 to -359; Chapter 293 Excavation, Demolition or Discharge of Explosives (http://www.cga.ct.gov/current/pub/chap293.htm) Also see One-Call Center Website for Information on State Law.	
Date of Last Revision to Statute / Law	October 1, 2015	
Administrative Rules / Regulations (Yes / No)	Yes	
Administrative Rules / Regulations (Name & Link)	Connecticut Public Utilities Regulatory Authority DPUC Regulations, Sections 16-345-1 thru 9 (http://ct.gov/pura/lib/pura/regs/16-345-1to9.pdf)	
State One Call Center(s) (Name & Link)	http://www.cbyd.com/	
	Miscellaneous Notes	
Notes	0	
State Damage Prevention / One- Call Law Recently Revised With Future Implementation Dates	0	