

State Damage Prevention Law Summary
State: Pennsylvania
(Link to State law provided in Law & Regulation section below)
Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	<p> Pennsylvania Act 287 (PA Act 287), Section 1. "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 employes of the Department of Transportation performing within the scope of their employment work up to depth of twenty-four inches beneath the existing surface within the right-of-way of a State highway.</p>
Excavator: Definition	<p> PA Act 287, Section 1. "Excavator" means any person who or which performs excavation or demolition work for himself or for another person.</p>
Excavator Notice to One Call Required (Yes / No)	<p>Yes</p>
Excavator Notice Minimum # Working Days Before Digging	<p>3</p>
Excavator Notice (Specific Language)	<p> PA Act 287, Section 5. It shall be the duty of each excavator who intends to perform excavation or demolition work within this Commonwealth: (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. ... 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. ... (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.</p>
Ticket Life (# of days)	<p>Not addressed. (Reference PA Act 287, Section 5. (14)) (Also, see Notes)</p>
White-Line Required (Yes / No)	<p>Yes. (PA Act 287, Section 5. (11))</p>
Tolerance Zone	<p>18" (PA Act 287, Section 1.)</p>
Special Digging Requirements Within Tolerance Zone (Specific Language)	<p> PA Act 287, Section 5. It shall be the duty of each excavator who intends to perform excavation or demolition work within this Commonwealth:... (4) To exercise due care..... 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. ... (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.</p>
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	<p>Yes. (PA Act 287, Section 5. (4))</p>

Preserve / Maintain Marks Required (Yes / No)	Yes. (PA Act 287, Section 5. (3))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No. (Reference PA Act 287, Section 5. (5))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes. (PA Act 287, Section 5. (3))
Special Language Regarding Trenchless Technology (Yes / No)	Yes. (PA Act 287, Section 5. (11.2))
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (PA Act 287, Section 5.)
Notify Operator of Damage (Yes / No)	Yes. (PA Act 287, Section 7.)
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (PA Act 287, Section 8.)
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	PA Act 287, Section 1. "Excavation work" means the use of powered equipment or explosives ... 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 employes of the Department of Transportation performing within the scope of their employment work up to depth of twenty-four inches beneath the existing surface within the right-of-way of a State highway.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	PA Act 287, Section 2: It shall be the duty of each facility owner: ... (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, 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. ... (ii) To, at its option, timely elect to excavate around its facilities in fulfillment of this subparagraph. (iii.1) To propose mutually agreeable scheduling by which the excavator, facility owner or designer may locate the facilities. ... (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. 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. ... (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.
Minimum Standards for Locator Qualifications (Yes / No)	No

Minimum Standards for Locator Qualifications (Specific Language)	Not Addressed
Law Specifies Marking Standards Other Than Color (Yes / No)	Yes
Law Specifies Marking Standards Other Than Color (Specific Language)	PA Act 287, Section 2: It shall be the duty of each facility owner: ... (5) (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.
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No. (However, see PA Act 287, Section 2. (5) (i.1))
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes
Operator Must Locate Abandoned Facilities (Specific Language)	PA Act 287, Section 2: It shall be the duty of each facility owner: ... (5) (i) ... 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.
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)	Yes
Positive Response Required - Operator Contact One Call Center (Specific Language)	PA Act 287, Section 2: It shall be the duty of each facility owner: ... (5) (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. 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.
Positive Response - One-Call Automated (Yes / No)	No. [Not addressed in law. However, per conversation with PA One Call: Once an excavator requests a locate, he/she will receive a response list via fax or email that will determine which facility operators have responded. If it says marked that means the operator should have marked their lines, and if it says clear that means they do not have underground facilities in the excavation area. If excavator doesn't have a fax or email PA One Call has an automated system the excavator can call to check the responses prior to digging.]
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)	PA Act 287, Section 2 (1) (iv). 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: ... (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; ... (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.... (v) any other information required by the One Call System.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes

Operator Must Update Information On Locations of Buried Facilities (Specific Language)	PA Act 287, Section 2 (1) (iv). It shall be the duty of each facility owner ... (2) To provide the One Call System, within five business days, with any revised information required under this section.
New Facilities Must Be Locatable Electronically (Yes / No)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed. (However, see PA Act 287, Section 6. It shall be the duty of each project owner who engages in excavation or demolition work to be done within this Commonwealth: ... (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.)
Design Request (Yes / No)	Yes. (PA Act 287, Section 4.)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (PA Act 287, Section 2 (1))
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	PA Act 287, Section 1. "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. This term does not include the Department of Transportation within a State highway right-of-way. This 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. PA Act 287, Section 2: It shall be the duty of each facility owner: (1) To be a member of and give written notice to the One Call System.....
One-Call Law Addresses Board Make-Up (Yes / No)	Yes
One-Call Law Addresses Board Make-Up (Specific Language)	PA Act 287, Section 3.1. (d) The One Call System shall be governed by a board of directors, to be chosen by the facility owners. No less than twenty percent of the seats on the board shall be held by municipalities or municipal authorities. The board shall include all of the following: (1) The Chairman of the Pennsylvania Public Utility Commission or his designee. (2) The Director of the Pennsylvania Emergency Management Agency or his designee. (3) The Secretary of Labor and Industry or his designee. (4) The Secretary of Transportation or his designee. (5) An excavator or excavation industry representative. (6) A designer or designer industry representative.
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)	PA Act 287, Section 7.2. (a) Any person violating any of the provisions of this act, except clauses (1) and (2) of section 2, 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. (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.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 provision 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).

Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	PA Act 287, Section 7.2. (a) Any person violating any of the provisions of this act, except clauses (1) and (2) of section 2, 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. (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.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 provision 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).
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	PA Act 287, Section 7.2. (a) Any person violating any of the provisions of this act, except clauses (1) and (2) of section 2, 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. (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.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 provision 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).
Enforcement Authority Identified	PA Act 287, Section 7.2. (a) ... 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.
Damage Investigation Required by Enforcement Authority (Yes / No)	No. (Reference PA Act 287, Section 2 (10) and (11), Section 3 (3), and Section 7.2. (f).)
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes. (PA Act 287, Section 2 (10))
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes. (PA Act 287, Section 5 (16))
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	

Statute / Law (Name & Link)	Pennsylvania Act 287 (PA Act 287), Underground Utility Line Protection Act (http://www.pa1call.org/PA811/Public/POCS_Content/Resource_Center/Act_287.aspx) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	November 4, 2016
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	Pennsylvania One Call System, Inc. Pennsylvania 811 (http://www.pa1call.org/PA811/Public/)
Miscellaneous Notes	
Notes	PA Act 287, Section 39. This act shall expire on December 31, 2017. Section 9. Except as otherwise provided for by this act, persons shall use their best efforts to comply with the Common Ground Alliance best practices. Per discussion with PA One Call representative: * Ticket life - If the 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 with facility owners. * Sewer laterals - Operator may locate sewer laterals "as a helpful guide to the excavator or owner" but locating sewer laterals will not impose liability on operator. * Enforcement - Department of Labor and Industry is primary enforcement agency.
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0