

**State Damage Prevention Law Summary**

**State: Utah**

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

Summary Date: 8/7/2017

<b>Excavator Requirments</b>	
<b>Excavation: Definition</b>	Utah Code § 54-8a-2. (4) "Excavate" or "excavation" means an operation in which earth, rock, or other material on or below the ground is moved or displaced by tools, equipment, or explosives.
<b>Excavator: Definition</b>	Utah Code § 54-8a-2. (5) "Excavator" means any person or entity that excavates or conducts excavation activities.
<b>Excavator Notice to One Call Required (Yes / No)</b>	Yes
<b>Excavator Notice Minimum # Working Days Before Digging</b>	2
<b>Excavator Notice (Specific Language)</b>	Utah Code § 54-8a-4. (1) (a) Before excavating, an excavator shall notify each operator with an underground facility in the area of the proposed excavation. (2) The notice required by Subsection (1) shall: (a) be given: (i) by telephone; (ii) in person; or (iii) by other means acceptable to each operator; (b) be given not: (i) less than 48 hours before excavation begins; or (ii) more than 14 days before excavation begins; and (c) include the proposed excavation's anticipated: (i) location, with reasonable specificity; (ii) dimensions; (iii) type; and (iv) duration.... (5) If there is an association in the county, notice to that association constitutes notice to each operator that has facilities within the proposed excavation site.
<b>Ticket Life (# of days)</b>	14 (Utah Code § 54-8a-4. (6) (a))
<b>White-Line Required (Yes / No)</b>	Yes. (Utah Code § 54-8a-4. (3))
<b>Tolerance Zone</b>	24" (Utah Code § 54-8a-5.5. (1))
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	Utah Code § 54-8a-5.5. (1) An excavator may not use any power-operated or power-driven excavating or boring equipment within 24 inches of the markings made in accordance with Section 54-8a-5 unless: (a) the excavator determines the exact location of the underground facility by excavating with hand tools to confirm that the excavation will not damage the underground facilities; or (b) the operator provides an excavator with written or electronic notice waiving the requirement that the excavator determine the exact location of the underground facilities by excavating with hand tools. (2) Power-operated or power-driven excavating or boring equipment may be used for the removal of any existing pavement if there is no underground facility contained in the pavement, as marked by the operator.
<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	24" (Utah Code § 54-8a-5.5. (1) (a))
<b>Preserve / Maintain Marks Required (Yes / No)</b>	No
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	No
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	Yes. (Utah Code § 54-8a-4. (7) (a))
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	No
<b>Separate Locate Request Required for Each Excavator (Yes / No)</b>	Yes. (Utah Code § 54-8a-4. (4))
<b>Notify Operator of Damage (Yes / No)</b>	Yes. (Utah Code § 54-8a-7. (1) (a))
<b>Notify One Call Center of Damage (Yes / No)</b>	No
<b>Call 911 if Hazardous Materials Released (Yes / No)</b>	Yes. (Utah Code § 54-8a-7. (1) (b))

<b>Notice Exemptions (Yes / No)</b>	Yes
<b>Notice Exemptions (Specific Language)</b>	Utah Code § 54-8a-4. (1) (a) Before excavating, an excavator shall notify each operator with an underground facility in the area of the proposed excavation. (b) The requirements of Subsection (1)(a) do not apply: (i) if there is an emergency; (ii) while gardening; or (iii) while tilling private ground.
<b>Operator Response</b>	
<b>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</b>	2
<b>Operator Requirements to Respond to Locate Notification (Specific Language)</b>	Utah Code § 54-8a-5. (1) (a) Within 48 hours of the receipt of the notice required by Section 54-8a-4, the operator shall: (i) mark the location of its underground facilities in the area of the proposed excavation; or (ii) notify the excavator, by telephonic or electronic message or indication at the excavation site, that the operator does not have any underground facility in the area of the proposed excavation.... (2) (a) The operator is not required to mark the underground facilities within 48 hours if: (i) the proposed excavation: (A) is not identified in accordance with Subsection 54-8a-4(2) or is not marked as provided in Subsection 54-8a-4(3); (B) is located in a remote area; (C) is an extensive excavation; or (D) presents other constraints that make it unreasonably difficult for the operator to comply with the marking requirements of this section; or (ii) the operator is not able to readily locate the underground facilities from the surface with standard underground detection devices. (b) If the operator cannot proceed with the marking because of a situation described in Subsection (2)(a), the operator shall contact the excavator within 48 hours after the excavator's notice of excavation or request for a location request assignment made in accordance with Section 54-8a-4 and: (i) request a meeting at the proposed excavation site or some other mutually agreed upon location; or (ii) at the operator's discretion, contact the excavator and request the proposed excavation site be outlined in accordance with Subsection 54-8a-4(3).
<b>Minimum Standards for Locator Qualifications (Yes / No)</b>	No
<b>Minimum Standards for Locator Qualifications (Specific Language)</b>	Not Addressed
<b>Law Specifies Marking Standards Other Than Color (Yes / No)</b>	Yes
<b>Law Specifies Marking Standards Other Than Color (Specific Language)</b>	Utah Code § 54-8a-5. (1) (b) The underground facility shall be marked using as a guideline the then-existing Uniform Color Code and Marking Guidelines Appendix B, published by the Common Ground Alliance, as amended in the current version of the excavators' guide published by the statewide association established in Section 54-8a-9. [NOTE: The Utah Bluestakes Excavator's Guide, as referenced, Section X. describes additional marking standards, in part: Operator markings of facilities include; the appropriate color for their facility type; their company identifier (name, initials, or abbreviation) when other companies are using the same color, the number and width of their facilities and a description of the facility (HP, FO, STL etc). Use paint, flags, stakes, whiskers or a combination to identify the operator's facility(s) at or near an excavation site.]
<b>Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)</b>	No. (Reference Utah Code § 54-8a-5. (2) (e) (ii), and § 54-8a-10.5)
<b>Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)</b>	No
<b>Operator Must Locate Abandoned Facilities (Specific Language)</b>	Not Addressed
<b>Positive Response Required - Operator Contact Excavator (Yes / No)</b>	No
<b>Positive Response Required - Operator Contact Excavator (Specific Language)</b>	Utah Code § 54-8a-5. (1)(a) Within 48 hours of the receipt of the notice required by Section 54-8a-4, the operator shall: (i) mark the location of its underground facilities in the area of the proposed excavation; or (ii) notify the excavator, by telephonic or electronic message or indication at the excavation site, that the operator does not have any underground facility in the area of the proposed excavation.

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)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not addressed
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not Addressed
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	Utah Code § 54-8a-10. Any operator installing a nonmetallic facility, such as a sewer, water, or fiber optic line, shall install the nonmetallic facility so that it can be located with standard underground facility detection devices or in a concrete conduit system. § 54-8a-10.5. (1) (a) An operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 shall install or replace the sewer lateral cleanout in a manner so that the lateral can be located, including: (i) house sheets; or (ii) electronic markers.
Design Request (Yes / No)	No
<b>One Call, Enforcement, and Reporting</b>	
Mandatory One Call Membership (Yes / No)	Yes. (Utah Code § 54-8a-9. (1))
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	Utah Code § 54-8a-2. As used in this chapter: ... (10) (b) "Operator" does not include an owner of real property where underground facilities are: (i) located within: (A) the owner's property; or (B) a public street adjacent to the owner's property, a right-of-way adjacent to the owner's property, or a public utility easement adjacent to the owner's property; (ii) used exclusively to furnish services to the owner's property; and (iii) maintained under the operation and control of that owner.
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	The 'board' make-up of the one-call association(s) is not addressed. However, as noted in Utah Code § 54-8a-13. (1), There is created within the commission [Utah Public Service Commission] the Underground Facilities Damage Dispute Board to arbitrate a dispute arising from: (a) an operator's or excavator's violation of this chapter; and (b) damage caused by excavation during an emergency. (2) The board consists of five members appointed by the governor as follows: (a) one member from a list of names provided to the governor by a group representing operators; (b) one member from a list of names provided to the governor by the Associated General Contractors; (c) one member from a list of names provided to the governor by Blue Stakes of Utah; (d) one member from a list of names provided to the governor by the Utah Home Builders Association; and (e) one member from the Division of Public Utilities.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No

<b>Separate Body Designated to Advise Enforcement Authority (Specific Language)</b>	Not addressed. However, note Utah Code § 54-8a-13. (1) There is created within the commission [Utah Public Service Commission] the Underground Facilities Damage Dispute Board to arbitrate a dispute arising from: (a) an operator's or excavator's violation of this chapter; and (b) damage caused by excavation during an emergency. ... (5) The board may, upon agreement of the disputing parties, arbitrate a dispute regarding damages, not including personal injury damages, arising between: (a) an operator; (b) an excavator; (c) a property owner; or (d) any other interested party.
<b>Penalties / Fines Excavators (Yes / No)</b>	Yes
<b>Penalties / Fines Excavators (Specific Language)</b>	Utah Code § 54-8a-8. (1) A civil penalty may be imposed for a violation of this chapter as provided in this section. (2) A civil penalty under this section may be imposed on: (a) any person who violates this chapter in an amount no greater than \$5,000 for each violation with a maximum civil penalty of \$100,000 per excavation; or (b) an excavator who fails to provide notice of an excavation in accordance with Section 54-8a-4 in an amount no greater than \$500 in addition to the amount under Subsection (2)(a). (3) Notwithstanding Subsection (2)(a), a penalty under this chapter may not be imposed on an excavator or operator unless the excavator or operator fails to comply with this chapter and damages an underground facility.
<b>Penalties / Fines Operators (Yes / No)</b>	Yes
<b>Penalties / Fines Operators (Specific Language)</b>	Utah Code § 54-8a-8. (1) A civil penalty may be imposed for a violation of this chapter as provided in this section. (2) A civil penalty under this section may be imposed on: (a) any person who violates this chapter in an amount no greater than \$5,000 for each violation with a maximum civil penalty of \$100,000 per excavation; or (b) an excavator who fails to provide notice of an excavation in accordance with Section 54-8a-4 in an amount no greater than \$500 in addition to the amount under Subsection (2)(a). (3) Notwithstanding Subsection (2)(a), a penalty under this chapter may not be imposed on an excavator or operator unless the excavator or operator fails to comply with this chapter and damages an underground facility.
<b>Penalties / Fines Other (Yes / No)</b>	No
<b>Penalties / Fines Other (Specific Language)</b>	Not addressed
<b>Enforcement Authority Identified</b>	Attorney General (Utah Code § 54-8a-12. (1))
<b>Damage Investigation Required by Enforcement Authority (Yes / No)</b>	No
<b>Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)</b>	No
<b>Mandatory Reporting by Excavators to State Entity or Department (Yes / No)</b>	No
<b>Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)</b>	No
<b>Law and Regulation</b>	
<b>Statute / Law (Name &amp; Link)</b>	<a href="http://le.utah.gov/UtahCode/section.jsp?code=54-8a">Utah Code Title 54, Public Utilities, Chapter 8A, Damage to Underground Utility Facilities, §§ 54-8a-2 to -13</a> ( <a href="http://le.utah.gov/UtahCode/section.jsp?code=54-8a">http://le.utah.gov/UtahCode/section.jsp?code=54-8a</a> ) Also see <a href="#">One-Call Center Website for Information on State Law</a> .
<b>Date of Last Revision to Statute / Law</b>	May 10, 2011
<b>Administrative Rules / Regulations (Yes / No)</b>	No
<b>Administrative Rules / Regulations (Name &amp; Link)</b>	None
<b>State One Call Center(s) (Name &amp; Link)</b>	<a href="http://www.bluestakes.org/">Blue Stakes of Utah Utility Notification Center, Inc.(http://www.bluestakes.org/)</a>
<b>Miscellaneous Notes</b>	

<b>Notes</b>	0
<b>State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates</b>	0