

**State Damage Prevention Law Summary**

**State: Virginia**

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

Summary Date: 8/7/2017

<b>Excavator Requirements</b>	
<b>Excavation: Definition</b>	Code of Virginia § 56-265.15 "Demolish" or "demolition" means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives which could damage underground utility lines. ... "Excavate" or "excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, augering, tunneling, scraping, cable or pipe plowing and driving, wrecking, razing, rendering, moving, or removing any structure or mass of material. "Excavate" or "excavation" shall not include installation of a sign that consists of metal, plastic, or wooden poles placed in the ground by hand or by foot without the use of tools or equipment.
<b>Excavator: Definition</b>	Code of Virginia § 56-265.15 "Person" means any individual, operator, firm, joint venture, partnership, corporation, association, municipality, or other political subdivision, governmental unit, department or agency, and includes any trustee, receiver, assignee, or personal representative thereof.
<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>	Code of Virginia § 56-265.17. A. Except as provided in subsection G, no person, including operators, shall make or begin any excavation or demolition without first notifying the notification center for that area. Notice to the notification center shall be deemed to be notice to each operator who is a member of the notification center. ... B. Except in the case of an emergency as defined in § 56-265.15, the excavator may commence work under one of the following conditions: 1. After waiting forty-eight hours, beginning 7:00 a.m. the next working day following notice to the notification center; 2. At any time, if the excavator confirms that all applicable operators have either marked their underground utility lines or reported that no lines are present in the vicinity of the excavation or demolition. The confirmation shall be obtained by contacting or receiving information from the notification center's excavator-operator information exchange system; or 3. If informed by the notification center that no operators are to be notified.
<b>Ticket Life (# of days)</b>	15 (Code of Virginia § 56-265.17. D.)
<b>White-Line Required (Yes / No)</b>	Yes. (Code of Virginia § 56-265.17. E., and Virginia Administrative Code (VAC) § 20VAC5-309-190.)
<b>Tolerance Zone</b>	24" (Code of Virginia § 56-265.19. A., and VAC § 20VAC5-309-140. 2.)
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	Code of Virginia § 56-265.24. A. Any person excavating within two feet on either side of the staked or marked location of an operator's underground utility line or demolishing in such proximity to an underground utility line that the utility line may be destroyed, damaged, dislocated or disturbed shall take all reasonable steps necessary to properly protect, support and backfill underground utility lines. For excavations not parallel to an existing underground utility line, such steps shall include, but may not be limited to: 1. Exposing the underground utility line to its extremities by hand digging; 2. Not utilizing mechanized equipment within two feet of the extremities of all exposed utility lines; and 3. Protecting the exposed utility lines from damage. In addition, for excavations parallel to an existing utility line, such steps shall include, but may not be limited to, hand digging at reasonable distances along the line of excavation. The excavator shall exercise due care at all times to protect underground utility lines when exposing these lines by hand digging. VAC § 20VAC5-309-140. Any person excavating around underground utility lines shall take all reasonable steps to protect such utility lines. These steps shall include, but are not limited to, the following: 1. The excavator shall plan the excavation in such a manner to avoid damage to, and minimize interference with, underground utility lines in and near the construction area; 2. The excavator shall expose the underground utility line to its extremities by hand digging within the excavation area when excavation is expected to come within two feet of the marked location of the underground utility line; 3. The excavator shall not utilize mechanized equipment within two feet of the extremities of all exposed utility lines; 4. The excavator shall maintain a reasonable clearance, to include the width of the utility line, if known, plus 24 inches, between the marked or staked location of an underground utility line and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the utility line; 5. The excavator shall provide proper support for underground utility lines during excavation activities....

<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	Yes. (Code of Virginia § 56-265.24. A., and VAC § 20VAC5-309-140. 2.)
<b>Preserve / Maintain Marks Required (Yes / No)</b>	Yes. (VAC § 20VAC5-309-170.)
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	Yes. (Code of Virginia § 56-265.24. C., and VAC § 20VAC5-309-120.)
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	Yes. (Code of Virginia § 56-265.24. B.)
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	Yes. (VAC § 20VAC5-309-150.)
<b>Separate Locate Request Required for Each Excavator (Yes / No)</b>	Yes. (Code of Virginia § 56-265.17. A.)
<b>Notify Operator of Damage (Yes / No)</b>	Yes. (Code of Virginia § 56-265.24. D.)
<b>Notify One Call Center of Damage (Yes / No)</b>	No
<b>Call 911 if Hazardous Materials Released (Yes / No)</b>	Yes. (VAC § 20VAC5-309-200.)
<b>Notice Exemptions (Yes / No)</b>	Yes
<b>Notice Exemptions (Specific Language)</b>	Code of Virginia § 56-265.15. A. As used in this chapter: ... Excavate" or "excavation" shall not include installation of a sign that consists of metal, plastic or wooden poles placed in the ground by hand or by foot without the use of tools or equipment. § 56-265.15:1. Nothing in this chapter shall apply to: 1. Any hand digging performed by an owner or occupant of a property. 2. The tilling of soil for agricultural purposes. 3. Any excavation done by a railroad when the excavation is made entirely on the land which the railroad owns and on which the railroad operates, provided there is no encroachment on any operator's rights-of-way or easements. 4. An excavation or demolition during an emergency, as defined in § 56-265.15, provided all reasonable precaution has been taken to protect the underground utility lines. In the case of the state highway systems or streets and roads maintained by political subdivisions, officials of the Department of Transportation or the political subdivision where the use of such highways, roads, streets or other public way is impaired by an unforeseen occurrence shall determine the necessity of repair beginning immediately after the occurrence. 5. Any excavation for routine pavement maintenance, including patch type paving or the milling of pavement surfaces, upon the paved portion of any street, road, or highway of the Commonwealth provided that any such excavation does not exceed a depth of twelve inches (0.3 meter). 6. Any excavation for the purpose of mining pursuant to and in accordance with the requirements of a permit issued by the Department of Mines, Minerals and Energy. 7. Any hand digging performed by an operator to locate the operator's utility lines in response to a notice of excavation from the notification center, provided all reasonable precaution has been taken to protect the underground utility lines. 8. Any installation of a sign that does not involve excavation as defined in § 56-265.15.
<b>Operator Response</b>	
<b>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</b>	3

<p><b>Operator Requirements to Respond to Locate Notification (Specific Language)</b></p>	<p>Code of Virginia § 56-265.19. A. If a proposed excavation or demolition is planned in such proximity to the underground utility line that the utility line may be destroyed, damaged, dislocated, or disturbed, the operator shall mark the approximate horizontal location of the underground utility line on the ground to within two feet of either side of the underground utility line by means of stakes, paint, flags, or a combination thereof. The operator shall mark the underground utility line and report the marking status to the excavator-operator information exchange system by no later than 7:00 a.m. on the third working day following the excavator's notice to the notification center, unless the operator is unable to do so due to extraordinary circumstances. If the operator is unable to mark the location within the time allowed under this section due to extraordinary circumstances, the operator shall notify directly the person who proposes to excavate or demolish and shall, in addition, notify the person of the date and time when the location will be marked. The deferral to mark for extraordinary circumstances shall be no longer than 96 hours from 7:00 a.m. on the next working day following notice to the notification center, unless a longer time is otherwise agreed upon by the operator and excavator. The operator shall also inform the notification center of any deferral. B. If a proposed excavation or demolition is not planned in such proximity to the operator's underground utility lines that the utility line may be damaged, the operator shall report to the notification center's excavator-operator information exchange system no later than 7:00 a.m. on the third working day following the excavator's notice to the notification center.</p>
<p><b>Minimum Standards for Locator Qualifications (Yes / No)</b></p>	<p>Yes</p>
<p><b>Minimum Standards for Locator Qualifications (Specific Language)</b></p>	<p>Code of Virginia § 56-265.19. E. Locators shall be trained in applicable locating industry standards and practices no less stringent than the National Utility Locating Contractors Association's locator training standards and practices. Each locator's training shall be documented. Such documents shall be maintained by the operator or contract locator.</p>
<p><b>Law Specifies Marking Standards Other Than Color (Yes / No)</b></p>	<p>Yes. (Code of Virginia § 56-265.19:1.)</p>
<p><b>Law Specifies Marking Standards Other Than Color (Specific Language)</b></p>	<p>Code of Virginia § 56-265.21. In marking the approximate location of underground utility lines or proposed excavation if required pursuant to subsection B of § 56-265.17 the American Public Works Association color codes shall be used. VAC § 20VAC5-309-110. A. All markings shall be suitable for their intended purpose for a period of 15 working days beginning at 7 a.m. on the next working day following notice by the excavator to the notification center. B. Markings shall be made at sufficient intervals to clearly indicate the approximate horizontal location and direction of the underground utility line. However, the distance between any two marks indicating the same utility line shall not exceed 20 feet. Site conditions or directional changes of the underground utility line shall be considered to determine the need for shorter distance between marks.... D. Paint marks shall be approximately 8 to 10 inches in length and one to two inches in width except when "spot" marking is necessary. E. A minimum of three separate marks shall be made for each underground utility line marking. F. Valve box covers that are at grade and visible shall be marked with the appropriate color in accordance with the Act.... H. Where the proposed excavation crosses an underground utility line, markings shall be at intervals that clearly define the route of the underground line. I. All markings shall extend if practical, a reasonable distance beyond the boundaries of the specific location of the proposed work as detailed on the ticket. J. If the use of line marking is considered damaging to property (driveways, landscaping, historic locations to the extent boundaries are known), "spot" marking or other suitable marking methods shall be used.... N. Markings of an underground pipeline greater than 12 inches in nominal outside dimension shall include the size in inches at every other mark. O. Duct structures and conduit systems shall be marked with line markings indicating the approximate outer dimensions of the duct structure or conduit system and a solid closed circle over the approximate center of the duct structure or conduit system. P. In areas where marks would be destroyed, such as high traffic areas, gravel areas, dirt areas or where surface conditions are such that the placement of marks directly over the utility line is not possible, offset markings shall be used. The offset marks shall be placed on a permanent surface, which is not likely to be destroyed. Offset marks shall include a line marking placed parallel to the underground utility line and an arrow, pointing in the direction of the utility line, with the distance in feet and inches to the location of the utility line shown on the right side of the arrow and size, material type, and the operator's letter designation information on the left side of the arrow. When possible, offset marks shall be used in conjunction with locate marks placed in accordance with the Act. Q. The assigned letter designations for each operator to be used in conjunction with markings of underground utility lines shall be the same as those assigned by the notification center certified for a geographic area, subject to the review of the same and approval of such designations in writing by the advisory committee.... R. The symbols for marking of underground utility lines in compliance with § 56-265.19 F (ii) of the Act shall be the same as those placed in response to a notice of proposed excavation or demolition.</p>
<p><b>Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)</b></p>	<p>Yes. (Code of Virginia § 56-265.19:1.)</p>
<p><b>Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)</b></p>	<p>No</p>

<p><b>Operator Must Locate Abandoned Facilities (Specific Language)</b></p>	<p>Code of Virginia § 56-265.19. G. For underground utility lines abandoned after July 1, 2002, operators shall make a reasonable attempt to keep records of these abandoned utility lines, excluding service lines connected to a single-family dwelling unit. When an operator has knowledge that the operator's abandoned utility lines may be present within the area of the proposed excavation, the operator shall provide a response to the excavator-operator information exchange system. Such information regarding abandoned lines shall be for informational purposes only. An operator shall not be liable to any person, or subject to civil penalties, as a result of the operator's providing incorrect information regarding abandoned lines or the subsequent use of such information. The excavator-operator information exchange system may refer any person with concerns about the accuracy of information regarding abandoned lines to the appropriate operator.</p> <p>§ 56-265.24. C. If, upon arrival at the site of a proposed excavation, the excavator observes clear evidence of the presence of an unmarked utility line in the area of the proposed excavation, the excavator shall not begin excavating until an additional call is made to the notification center for the area pursuant to subsection B of § 56-265.17.... H. If an excavator discovers an unmarked line, the excavator shall protect this line pursuant to subsection C of this section. An excavator shall not remove an abandoned line without first receiving authorization to do so by the operator.</p> <p>VAC § 20VAC5-309-165. A. Upon receipt of an additional notice to the notification center pursuant to § 56-265.24 C of the Code of Virginia, if the operator determines that an abandoned utility line exists, the operator shall provide the status of the utility line to the excavator within 27 hours, excluding Saturdays, Sundays, and legal holidays, from the time the excavator makes the additional notice to the notification center. The excavator and operator may negotiate a mutually agreeable time period in excess of 27 hours for the operator to provide such information to the excavator if site conditions prohibit the operator from making such a determination or extraordinary circumstances exist, as defined in § 56-265.15 of the Code of Virginia. If the site conditions prohibit the operator from making such a determination or extraordinary circumstances exist, the operator shall directly notify the person who proposes to excavate or demolish and shall, in addition, notify that person of the date and time when the status of the utility line will be determined. The deferral to determine the status of the utility line shall be no longer than 96 hours from 7 a.m. on the next working day following the excavator's additional notice to the notification center. B. The operator shall record and maintain the location information of the abandoned utility line as determined by the operator. Such records need not include abandoned underground electric, telecommunications, cable television, water, and sewer lines connected to a single family dwelling unit.</p>
<p><b>Positive Response Required - Operator Contact Excavator (Yes / No)</b></p>	<p>Yes</p>
<p><b>Positive Response Required - Operator Contact Excavator (Specific Language)</b></p>	<p>Code of Virginia § 56-265.19. A. ... If the operator is unable to mark the location within the time allowed under this section due to extraordinary circumstances, the operator shall notify directly the person who proposes to excavate or demolish and shall, in addition, notify the person of the date and time when the location will be marked.... The operator shall also inform the notification center of any deferral.</p>
<p><b>Positive Response Required - Operator Contact One Call Center (Yes / No)</b></p>	<p>Yes</p>
<p><b>Positive Response Required - Operator Contact One Call Center (Specific Language)</b></p>	<p>Code of Virginia § 56-265.19. A. ... The operator shall mark the underground utility line and report the marking status to the excavator-operator information exchange system by no later than 7:00 a.m. on the third working day following the excavator's notice to the notification center, unless the operator is unable to do so due to extraordinary circumstances. If the operator is unable to mark the location within the time allowed under this section due to extraordinary circumstances, the operator shall notify directly the person who proposes to excavate or demolish ... The operator shall also inform the notification center of any deferral. B. If a proposed excavation or demolition is not planned in such proximity to the operator's underground utility lines that the utility line may be damaged, the operator shall so report to the notification center's excavator-operator information exchange system no later than 7:00 a.m. on the third working day following the excavator's notice to the notification center.</p>
<p><b>Positive Response - One-Call Automated (Yes / No)</b></p>	<p>Yes. (Code of Virginia § 56-265.22. C.)</p>
<p><b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)</b></p>	<p>Yes</p>
<p><b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)</b></p>	<p>VAC § 20VAC5-309-130. Every operator required by § 56-265.16:1 A of the Code of Virginia to join the notification center shall provide to the notification center data that will allow proper notification to the operator of excavation near the operator's utility lines. This data shall be provided as soon as possible, but no later than 15 days after an operator installs or acquires underground facilities it had not previously identified to the notification center. In the case of sanitary sewers, the data shall be provided no later than 15 days after the utility line is accepted by the operator.</p>
<p><b>Operator Must Update Information On Locations of Buried Facilities (Yes / No)</b></p>	<p>Yes</p>

<b>Operator Must Update Information On Locations of Buried Facilities (Specific Language)</b>	VAC § 20VAC5-309-130. Every operator required by § 56-265.16:1 A of the Code of Virginia to join the notification center shall provide to the notification center data that will allow proper notification to the operator of excavation near the operator's utility lines. This data shall be provided as soon as possible, but no later than 15 days after an operator installs or acquires underground facilities it had not previously identified to the notification center. In the case of sanitary sewers, the data shall be provided no later than 15 days after the utility line is accepted by the operator.
<b>New Facilities Must Be Locatable Electronically (Yes / No)</b>	Yes
<b>New Facilities Must Be Locatable Electronically (Specific Language)</b>	Code of Virginia § 56-257.1. Any plastic or other nonmetallic pressurized conduit installed underground on and after July 1, 1976, shall have affixed thereto a wire conductive of electricity or some other means of locating the conduit while it is underground. § 56-265.20:1. Notwithstanding the provisions of § 56-257.1, any plastic or other nonmetallic utility lines installed underground on and after July 1, 2002, shall be installed in such a manner as to be locatable by the operator for the purposes of this chapter.
<b>Design Request (Yes / No)</b>	Yes. (Code of Virginia § 56-265.17:1. C. and § 56-265.17:3.)
<b>One Call, Enforcement, and Reporting</b>	
<b>Mandatory One Call Membership (Yes / No)</b>	Yes. (Code of Virginia § 56-265.16:1.A.)
<b>One Call Membership Exemptions (Yes / No)</b>	Yes
<b>One Call Membership Exemptions (Specific Language)</b>	Code of Virginia § 56-265.16:1. A. Every operator, including counties, cities and towns, but excluding the Department of Transportation, having the right to bury underground utility lines shall join the notification center for the area.
<b>One-Call Law Addresses Board Make-Up (Yes / No)</b>	No
<b>One-Call Law Addresses Board Make-Up (Specific Language)</b>	Not Addressed
<b>Separate Body Designated to Advise Enforcement Authority (Yes / No)</b>	Yes
<b>Separate Body Designated to Advise Enforcement Authority (Specific Language)</b>	Code of Virginia § 56-265.31. A. The Commission shall establish an advisory committee consisting of representatives of the following entities: Commission staff, utility operator, notification center, excavator, municipality, Virginia Department of Transportation, Board for Contractors, and underground line locator. Persons appointed to the advisory committee by the Commission shall have expertise with the operation of the Underground Utility Damage Prevention Act. The advisory committee shall perform duties which may be assigned by the Commission, including the review of reports of violations of the chapter, and make recommendations to the Commission. Also see VAC § 20VAC5-309-40. Advisory Committee Review of Probable Violations.
<b>Penalties / Fines Excavators (Yes / No)</b>	Yes
<b>Penalties / Fines Excavators (Specific Language)</b>	Code of Virginia § 56-265.17. A. ... Except for counties, cities, and towns, an excavator who willfully fails to notify the notification center of proposed excavation or demolition shall be liable to the operator whose facilities are damaged by that excavator, for three times the cost to repair the damaged property, provided the operator is a member of the notification center. The total amount of punitive damages awarded under this section, as distinguished from actual damages, shall not exceed \$10,000 in any single cause of action. § 56-265.24. F. With the exception of designers requesting marking of a site, in accordance with § 56-265.17, no person, including operators, shall request marking of a site through a notification center unless excavation shall commence within thirty working days from the date of the original notification to the notification center. Except for counties, cities, and towns, any person who willfully fails to comply with this subsection shall be liable to the operator for three times the cost of marking its utility line, not to exceed \$1,000. § 56-265.32. A. The Commission may... impose a civil penalty not exceeding \$2,500 for each violation, if it is proved that the person violated any of the provisions of this chapter as a result of a failure to exercise reasonable care. ... This subsection shall not authorize the Commission to impose civil penalties on any county, city, town, or other political subdivision....
<b>Penalties / Fines Operators (Yes / No)</b>	Yes

<b>Penalties / Fines Operators (Specific Language)</b>	Code of Virginia § 56-265.24. F. With the exception of designers requesting marking of a site, in accordance with § 56-265.17, no person, including operators, shall request marking of a site through a notification center unless excavation shall commence within thirty working days from the date of the original notification to the notification center. Except for counties, cities, and towns, any person who willfully fails to comply with this subsection shall be liable to the operator for three times the cost of marking its utility line, not to exceed \$1,000. § 56-265.32. A. The Commission may... impose a civil penalty not exceeding \$2,500 for each violation, if it is proved that the person violated any of the provisions of this chapter as a result of a failure to exercise reasonable care. ... This subsection shall not authorize the Commission to impose civil penalties on any county, city, town, or other political subdivision....
<b>Penalties / Fines Other (Yes / No)</b>	Yes
<b>Penalties / Fines Other (Specific Language)</b>	Code of Virginia § 56-265.19 Any contract locator acting on behalf of an operator and failing to perform the duties imposed by this chapter shall be subject to the liabilities in § 56-265.25 and the civil penalties in § 56-265.32. § 56-265.32. A. The Commission may... impose a civil penalty not exceeding \$2,500 for each violation, if it is proved that the person violated any of the provisions of this chapter as a result of a failure to exercise reasonable care. ... This subsection shall not authorize the Commission to impose civil penalties on any county, city, town, or other political subdivision....
<b>Enforcement Authority Identified</b>	Virginia State Corporation Commission (Code of Virginia § 56-265.30. A.)
<b>Damage Investigation Required by Enforcement Authority (Yes / No)</b>	Yes. (VAC § 20VAC5-309-30.)
<b>Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)</b>	No. (Reference VAC § 20VAC5-309-20.)
<b>Mandatory Reporting by Excavators to State Entity or Department (Yes / No)</b>	No. (Reference VAC § 20VAC5-309-20.)
<b>Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)</b>	No. (Reference VAC § 20VAC5-309-20.)
<b>Law and Regulation</b>	
<b>Statute / Law (Name &amp; Link)</b>	<a href="#">Code of Virginia (VA Code), Title 56. Public Service Companies, Chapter 10.3, Virginia Underground Utility Damage Prevention Act, §§ 56-265.14 through 56-265.32</a> <a href="http://law.lis.virginia.gov/vacode/title56/chapter10.3/">(http://law.lis.virginia.gov/vacode/title56/chapter10.3/)</a> Also see <a href="#">One-Call Center Website for Information on State Law.</a>
<b>Date of Last Revision to Statute / Law</b>	April 7, 2010
<b>Administrative Rules / Regulations (Yes / No)</b>	Yes
<b>Administrative Rules / Regulations (Name &amp; Link)</b>	<a href="#">Virginia Administrative Code (VAC), Title 20. Public Utilities and Telecommunications, Agency 5. State Corporation Commission, Chapter 309, Rules for Enforcement of the Underground Utility Damage Prevention Act, §§ 10 – 205</a> <a href="http://law.lis.virginia.gov/ad"> (http://law.lis.virginia.gov/ad</a>
<b>State One Call Center(s) (Name &amp; Link)</b>	<a href="#">Virginia 811 (VA811.com)</a> or <a href="http://www.missutilityofvirginia.com/">(http://www.missutilityofvirginia.com/)</a>
<b>Miscellaneous Notes</b>	
<b>Notes</b>	0
<b>State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates</b>	0