

State Damage Prevention Law Summary

Puerto Rico

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

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Puerto Rico Law Title 21. Subtitle 6. Chapter 225a. (PR Law) § 4631a. ... (d) Demolition or to demolish.-- Total or partial destruction, breaking, movement, remodeling or removal of any structure or building. (j) Excavation or to excavate.-- Operation to move or remove land, rocks or similar material in or under the surface, or the movement or removal of layers of soil, including constructed or paved areas, or the perforation for soil testing, security fencing, posts or anchoring systems through the use of explosives and power or hand equipment such as, but not limited to, excavators, drills, cranes, and hammers in order to excavate pits, ditches, channels or tunnels, or make repairs, drive piles or level land, among others. For the purposes of this chapter, the plowing of soil for agricultural purposes shall not be considered an excavation.
Excavator: Definition	PR Law § 4631a. (i) Excavator.-- Person who intends to carry out or carries out an excavation or demolition.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	4
Excavator Notice (Specific Language)	PR Law § 4631e. Except in cases of emergency, as established in § 4631g of this title, any person who plans to excavate or demolish shall notify its intention to excavate or demolish to the Excavation and Demolition Coordination Center, and shall coordinate through said Center all excavation or demolition works to be carried out in the jurisdiction of Puerto Rico between the tenth (10th) day and the fourth (4th) working day, prior to the date of the excavation or demolition proposed, excluding Saturdays, Sundays and official holidays.
Ticket Life (# of days)	60 (PR Law § 4631c. (j))
White-Line Required (Yes / No)	Yes. (PR Law § 4631e.)
Tolerance Zone	12 inches or 18 inches depending on the diameter of the underground facility. (PR Regulation 7245. § 6.11)
Special Digging Requirements Within Tolerance Zone (Specific Language)	PR Regulation 7245, Section 6.11: All excavators or demolition must keep the following tolerances: (a) where in the case of a structure or buried installation whose diameter exceeds twelve (12) inches, or there are structures or multiple underground installations, the margin of tolerance shall be eighteen (18) inches from all angles; (b) case of a structure or buried installation whose diameter is twelve (12) inches or smaller, the margin of tolerance shall be twelve (12) inches from all angles. (c) If a structure or underground installation is within the margins of tolerance from its location to the surface, only demolition or excavator can use mechanized equipment to approaching it from an angle that allows you to save the margins of tolerance. (d) If a structure or underground installation is within the margins of tolerance from all angles, excavator or only demolition may use hand tools to approach the same. (e) ensured once properly structure, underground installation, excavator or demolition can continue any task or work it intends to, always taking the necessary measures for the protection of the structure or buried installation.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (PR Regulation 7245, §§ 6.10 and 6.11 (d))
Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes. (PR Law § 4631e.)
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (PR Law Title 21. Subtitle 6. Chapter 225a. § 4631e.)

Notify Operator of Damage (Yes / No)	Yes. (PR Law Title 21. Subtitle 6. Chapter 225a. § 4631i.)
Notify One Call Center of Damage (Yes / No)	Yes. (PR Law § 4631i.)
Call 911 if Hazardous Materials Released (Yes / No)	No. (Reference PR Law § 4631i.)
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	PR Law § 4631j. The provisions of § 4631d of this title shall not be applicable in the following situations: (a) Burial works in cemeteries; (b) work in a secured structure or installation if the excavator or wrecker operates each underground structure in the secured installation or structure; (c) activities carried out in private properties related to agricultural works, save that if a person exempted from this subsection chooses to comply with this chapter, and the operator fails to comply with the same, the person shall not be held liable by the owner for damages to the underground structure or installation; (d) excavations or demolitions by or for a person who: (1) Owns, leases or has a lease on the property in which the excavation or demolition is to be carried out, and (2) operates all the underground structures or installations located at the site of the excavation or demolition. (e) Underground structures or installations operated by the owner of a secured structure or installation and which are entirely located within the secured structure or installation; (f) a structure or installation that serves only the owner of said structure or the lessee, and which is located solely on the owner's property; (g) an underground structure or installation that: serves a cemetery and is located solely in the cemetery; (h) works to substitute electric power line posts when the posts to be replaced are to be installed within a thirty-six (36) inch radius measured from the exterior of the existing structure and the electric service connections located in an area between the curb and the structure; Provided, That said works shall be conducted at a depth equal to or lesser than the existing ones; (i) works to substitute meter boxes, sanitary sewer service connections and drinking water service connections located in an area between the curb and the structure; Provided, That said works shall be conducted at a depth equal to or lesser than the existing ones; (j) works of installation of telecommunications service connections located in an area between the curb and the structure.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	Prior to the time established to begin the excavation or demolition. (PR Law § 4631i.) or 3 days (PR Regulation # 7245 § 6.06)
Operator Requirements to Respond to Locate Notification (Specific Language)	PR Law § 4631d. ... Upon receipt of the information, the operators who have underground installations or structures at the site to be excavated or where the demolition shall occur, shall mark the actual location of the structures as well as the approximate depth thereof, prior to the time established to begin the excavation or demolition. The identification of the location through which the installations or structures of the operators run, shall be established through colors or other identification mechanisms by the Excavation and Demolition Coordination Center by regulations, with the exception of that expressly provided by this chapter. If an operator wishes to have a representative present during the excavation or demolition, it shall contact the excavator or wrecker and confirm the date and time of the excavation or demolition.
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)	No
Law Specifies Marking Standards Other Than Color (Specific Language)	Not addressed. (Reference PR Regulation 7245, § 6.09)
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No

Operator Must Locate Abandoned Facilities (Specific Language)	Not Addressed
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)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not addressed. (Reference PR Regulation 7245, Section 4.03)
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	PR Regulation 7245, Section 4.03: All operators of underground facilities or structures ... shall notify [the Center] of any change in the area where run their structures or facilities productive within a period of ninety (90) days from the change
New Facilities Must Be Locatable Electronically (Yes / No)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Not Addressed
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (PR Law § 4631d and § 4631k.)
One Call Membership Exemptions (Yes / No)	No
One Call Membership Exemptions (Specific Language)	Not Addressed
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)	<p>PR Law § 4631. Any excavator or wrecker who intentionally and recklessly defaults compliance with the provisions of this chapter shall incur a felony, and upon conviction thereof shall be sentenced to a term of imprisonment of not less than one hundred and eighty-one (181) days; or punished with a fine of not less than five thousand dollars (\$5,000), nor greater than fifty thousand dollars (\$50,000); or both penalties, at the discretion of the court. The court may also impose the restitution penalty.</p> <p>PR Regulation 7245, § 9.03: All excavator structures or buried facilities fails to meet for the first time with the provisions of this regulation, incurring administrative fault and must be paid in the following minimum amounts: (a) excavating or demolishing without having notified to the Center, in accordance with section 6.0 1 of this regulation, three thousand (\$3,000.00) dollars; (b) excavation or demolition operations with computer machined within the tolerance area, pursuant to section 6.10 of this regulation, thousand (\$1,000.00) dollars; (c) failure to report to the operator or to the center of caused damage to a structure or underground installation, pursuant to section 6.10 of this regulation, three thousand (\$3,000.00) dollars; (d) making repairs to a structure or installation buried without the prior permission of the operator, thousand (\$1,000.00) dollars; (e) do not mark the proposed area to be excavated or demolished, pursuant to sections 5.02 and 6.09 of this regulation, five hundred (\$ 500.00) dollars; (f) does not notify the Center the discovery of a structure or unmarked buried installation, in accordance with §5 of this regulation, six hundred (\$ 600.00) dollars; (g) conduct improper two hundred and fifty (\$ 250.00) dollars; and (h) any other violation of the provisions of this regulation or of the law number 267 of September 11, 1998, three hundred (\$ 300.00) dollars. When an excavator or demolition incurs additional administrative misconduct, will be fined in accordance with the 9.05 section of this regulation, without that they understand this as a limitation to the Commission for the imposition of fines with greater amounts.</p> <p>Section 9.05: A. In case of recurrence will increase by double the fine imposed by this regulation for the administrative offense incurred. ... B. In cases of recurrence severe type operator, excavator or demolition will be fined by the triple of the fine provided for by this regulation for the administrative offense incurred. Also; the penalty provided for by this regulation for the administrative offense incurred with extenuating circumstances may be increased to double and the penalty provided for by this regulation for administrative non-committed with aggravating circumstances may be increased in three (3) times and a half according to the quantity provided for in this regulation. C. effects of the Habitual recurrence in cases of recurrence type serious operator, excavator or demolition will be fined for the fixed amount of seven thousand (\$7,000.00) dollars.</p>
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	<p>PR Regulation 7245, § 9.02: All operators of structures or buried facilities fails to meet for the first time with the provisions of is regulation, shall incur administrative fault and shall pay the following minimum amounts: (a) not to mark the area proposed for the excavation or demolition in accordance with section 4.02 of this regulation will be imposed a fine of five hundred (\$ 500.00) dollars; (b) provide to the Center the names and telephone numbers of the representatives authorised conform to section 4.01 of this regulation will be imposed a fine of two hundred and fifty (\$ 250.00) dollars; (c) notify the Center changes in the area in where pass their structures or facilities productive in accordance with section 4.03 of this regulation will be imposed a fine of two hundred (\$250) dollars; (d) conduct improper two hundred and fifty (\$ 250.00) dollars; and (e) any other violation of the provisions of this regulation or of the law number 267 of September 11, 1998, will be imposed a fine of three hundred (\$ 300.00) dollars. When an operator of structures or buried facilities incur an additional administrative fault, it will be fined pursuant to section 9.05 of this regulation, unless understood this as a limitation to the Commission for the imposition of fines with greater amounts.</p> <p>§ 9.05: A. In case of recurrence will increase by double the fine imposed by this regulation for the administrative offense incurred. ... B. In cases of recurrence severe type operator, excavator or demolition will be fined by the triple of the fine provided for by this regulation for the administrative offense incurred. Also; the penalty provided for by this regulation for the administrative offense incurred with extenuating circumstances may be increased to double and the penalty provided for by this regulation for administrative non-committed with aggravating circumstances may be increased in three (3) times and a half according to the quantity provided for in this regulation. C. effects of the Habitual recurrence in cases of recurrence type serious operator, excavator or demolition will be fined for the fixed amount of seven thousand (\$7,000.00) dollars.</p>
Penalties / Fines Other (Yes / No)	Yes

Penalties / Fines Other (Specific Language)	PR Law § 4631. ... Any person who intentionally removes or otherwise disposes of any signal, mark, flag, tape, paint mark, sign or similar device which identifies any underground installation before the excavation or demolition which originates the same has concluded, shall incur a misdemeanor and upon conviction thereof, shall be sanctioned with the penalty of imprisonment for a term of not less than one month, nor greater than six (6) months or a fine of not less than two hundred dollars (\$200) nor greater than five hundred dollars (\$500), or both penalties, at the discretion of the court.
Enforcement Authority Identified	Act # 149-2014 moved responsibility for the Puerto Rico Excavation and Demolition Coordination Center from the Public Service Commission to the Department of Transportation and Public Works (DTOP) (http://www.dtop.gov.pr/). Previously, Puerto Rico (PR) Law Title 21. Subtitle 6. Chapter 225a. § 4631m. The Puerto Rico Police, the Firefighters Corps of Puerto Rico, the Traffic Regulating Corps of the Department of Transportation and Public Works and the Municipal Police, are hereby empowered to request of any excavator or wrecker evidence of notification to the Excavation and Demolition Coordination Center. In case law enforcement officers ascertain that the excavator or wrecker has failed to comply with the above, such default shall be referred to the Center, which shall issue a notice addressed to the Public Service Commission, which, in turn, shall handle the situation pursuant to the law and the regulations in effect.
Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	No
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes. (PR Law § 4631i, and PR Regulation 7245, § 6.10)
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Laws of Puerto Rico, Title 21, Subtitle 6, Chapter 225A. Coordination Center for Excavations and Demolitions (PR Law) (https://www.lexisnexis.com/hottopics/lawsopuertorico/) Note: The LexisNexis link noted above provides the noted law prior to Puerto Rico Act # 149-2014 which moved responsibility for the Puerto Rico Excavation and Demolition Coordination Center from the Public Service Commission to the Department of Transportation and Public Works (DTOP) (http://www.dtop.gov.pr/). The Act also established further amendments the "Puerto Rico Excavations and Demolitions Center Act". (See: http://www.oslpr.org/download/en/2014/A-149-2014.pdf)
Date of Last Revision to Statute / Law	September 5, 2014
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Under Puerto Rico Act # 149-2014 (approved 9/5/2014), Section 16.- Rulemaking Authority.- The Secretary of Transportation and Public Works shall adopt any regulations he/she may deem necessary for the implementation of the provisions of this Act, within a term that shall not exceed one hundred and twenty (120) days At the time of this update to the PHMSA state dp laws spreadsheet, such regulations were not available. The original statute (Act No. 267-1998) called for the Public Service Commission to draft regulations. See Regulation for the Creation of the Center for Excavations and Demolitions (Reglamento 7245 - Reglamento para la Creación y Funcionamiento del Centro de Coordinación de Excavaciones y Demoliciones) (267 L.P.R.A Rules and Regulations #7245). The online Spanish-language version was machine translated via Microsoft Word 2010, from International Spanish to U.S. English for use herein. Base document was an Adobe Acrobat document saved as a Microsoft Word file. Source: http://www2.pr.gov/agencias/csp/ServiciosyProgramas/secretaria/Documents/Reglamentos/ServiciosPublicos/Reglamento%207245.pdf , September 28, 2012. Alternatively, contact with the Puerto Rico Public Service Commission (ph: 787-756-1919) may render an English-language document.
State One Call Center(s) (Name & Link)	The Puerto Rico Excavation & Demolition Coordination Center was previously under the Public Service Commission. However, with the approval of Act #149-2014, the Center operation and responsibility was transferred to the Department of Transportation and Public Works (DTOP). A website and phone number for the Center have not been determined. Previous, they were: ph: 787- 756-1919; website: http://www.csp.gobierno.pr/
Miscellaneous Notes	

Notes	<p>Puerto Rico Act # 149-2014 amended the original Puerto Rico Excavations and Demolitions Center Act ((Act No. 267-1998). Along with other changes Act # 149-2014 moved responsibility for the Puerto Rico Excavation and Demolition Coordination Center from the Public Service Commission to the Department of Transportation and Public Works (DTOP) (http://www.dtop.gov.pr/). See the Act at: http://www.oslpr.org/download/en/2014/A-149-2014.pdf. Act # 149-2014 also called for the Secretary of Transportation and Public Works to adopt any regulations he/she may deem necessary for the implementation of the provisions of the Act. Information in this spreadsheet for Puerto Rico is based on a review of the previous statute and the machine-translated version of the previous administrative regulation #7245. Revisions to Regulation #7245 made under the Secretary of Transportation and Public Works may result in changes to the information herein.</p>
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0