

MISS DIG 811



2017 EXCAVATION HANDBOOK

For Gas & Liquid Pipelines

Before you dig, contact MISS DIG 811. Member utilities will mark the approximate location of their underground public utility facilities free of charge.

Transcontinental Gas
Pipe Line Corporation

**DO NOT
DIG**

IN AN
EMERGENCY
OR BEFORE
DIGGING
CALL COLLECT

1-800

440-TGPL(8475)

**W G P
A S I
S P E
L I N E
E**

ISCO

To contact MISS DIG 811 prior to excavating, please call

800-482-7171 or



You may also create “Dig Notices” online through MISS DIG’s E-Locate and Remote Ticket Entry programs. Please visit

missdig811.org for more information.

The contents of this handbook are available for download at missdig.org as well.

Additional MISS DIG and utility damage prevention training is available through MISS DIG 811’s online Certification program;

safetycert.missdig811.org

Individuals may participate in the training for free. Upon completion they will be MISS DIG 811 certified and receive a certificate verifying completion. Companies wishing to certify all of their staff are encouraged to become associate members of MISS DIG 811. Along with other benefits, they will be able to manage and view the training status of all employees.



EFFECTIVENESS SURVEY:
One-Call Excavation Handbook
for Gas Pipelines

1. On a scale of 1 to 10, how useful is the information provided in this handbook regarding natural gas facts, pipeline safety and the damage prevention program?

(1= Not useful, 10= Very useful) _____

2. Of the topics presented in this handbook, which ones were effectively communicated?

- a. Natural gas facts
- b. How to identify a pipeline marker
- c. Where to call for MISS DIG 811 services
- d. What actions to take if a pipeline is hit, even if there is no apparent damage to the pipeline
- e. How to recognize and report a gas emergency
- f. What actions to take in an emergency, or when a gas leak is detected
- g. Other: _____

3. If the material presented was not sufficient, which topics need more information?

- a. Natural gas facts
- b. How to identify a pipeline marker
- c. Where to call for MISS DIG 811 services
- d. What actions to take if a pipeline is hit, even if there is no apparent damage to the pipeline
- e. How to recognize and report a gas emergency
- f. What actions to take in an emergency, or when a gas leak is detected

4. What time of year should you receive this booklet for it to be most useful to you?

- January—March
- April—June
- July—September
- October—December

5. On a scale of 1 to 10, how satisfied are you overall with the way in which information about MISS DIG 811 services, pipeline safety and facts about natural gas are presented? (1=very dissatisfied, 10=very satisfied)

Thank you for participating in this survey.
Your comments are important to us!

NOTICE OF DISCLAIMER

This guide is for informational purposes only. The MISS DIG 811 information is included for your convenience. We have highlighted some areas of Michigan’s Utility Protection or the “MISS DIG Law.” It is your responsibility to know and comply with the current provisions of the law in its entirety, including modifications made subsequent to this writing.

Some or all of the methods or procedures described may not be applicable or appropriate for use by your organization. In any event, and regardless of errors, inaccuracies, or omissions in any information in this guide, the companies sponsoring this manual assume no liability of any kind arising in any manner out of any use of or reliance upon this information by you or anyone in your organization, including, but not limited to, any liability for any injury to persons or any damage to property.

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PREFACE

This publication has been prepared for Michigan's excavators as a reference tool when interacting with MISS DIG 811. We recommend that you share the information in this manual with all employees involved in excavating in the field, as well as office staff responsible for creating MISS DIG notices. Important information is included about safe excavation near pipelines. We suggest that you keep this manual on hand for future reference when questions or problems arise.

We do not have a copyright on the material in this booklet. We encourage you to copy part or all of it for employees. MISS DIG provides educational information and books at www.missdig811.org

(NOTE: The contents of this manual are subject to change without notice.)

INTRODUCTION

Michigan's natural gas utilities, transmission pipeline operators and MISS DIG 811 are providing this handbook to excavation contractors as part of their Pipeline Public Awareness programs. We want to partner with you for safe-digging practices to help protect the public, your employees and the environment.

There are thousands of miles of high-pressure natural gas lines, petroleum transmission lines, and lower-pressure distribution lines throughout the state. Pipelines fuel our economy and way of life by bringing clean-burning natural gas to homes and businesses.

Underground transmission pipelines carry natural gas into our state from Texas, Oklahoma, Louisiana, the Gulf of Mexico and Canada. According to the U.S. Department of Transportation, pipelines are the safest, most reliable and cost-effective means of transporting energy products such as natural gas over long distances.

We work with local, state and federal agencies in implementing programs to encourage safe digging and pipeline security practices and to ensure high-quality pipeline monitoring and maintenance.

Each year thousands of utility strikes occur in Michigan, including damage to gas and pipeline facilities. These strikes cause service outages, put employees at risk, and result in costly repair bills for excavators. The information provided within this booklet can help reduce or eliminate your likelihood of strikes occurring during your upcoming projects.

Please take the time to review this information and share it with your co-workers. For more information, please contact the natural gas utilities, the transmission pipeline operators or MISS DIG 811 at the telephone numbers or websites listed in this handbook.

PIPELINE PURPOSE AND RELIABILITY

According to the National Transportation Safety Board statistics, pipelines are the safest method for transporting the following products: natural gas, petroleum, LPG, as well as other materials. Pipelines have a safety record unparalleled by any other mode of transporting energy products. When these products are transported by other methods, there is a greater risk to the environment and the general public.

PIPELINE INTEGRITY AND PREVENTION MEASURES UNDERTAKEN

To protect the integrity of pipeline transmission systems, pipeline operators inspect and perform maintenance such as corrosion-control and leak surveys, and replace pipelines when necessary. Pipeline employees are trained to monitor and inspect pipeline systems and respond quickly to any natural gas or petroleum emergency.

To help reduce or eliminate corrosion, operators follow a comprehensive cathodic protection program that uses low-voltage electrical currents to prevent corrosion in the steel pipelines.

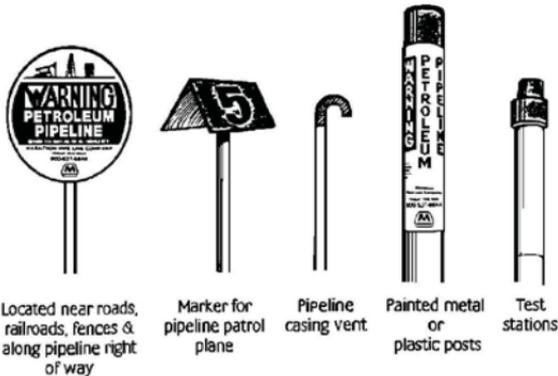
They also use high-tech devices called “smart pigs” that run inside transmission pipelines to locate any small pipeline wall weaknesses or dents.

Utility and pipeline employees monitor the systems and direct the flow of gas from highly automated control centers. Computers scan thousands of checkpoints. This alerts controllers to any abnormal pressure, flow, temperature or quality and allows them to respond quickly to any natural gas or petroleum emergency.

Operators also use ground and aerial surveys to check pipelines. At least once a year, employees walk the natural gas transmission pipelines. In addition, field employees receive extensive training to maintain the pipelines and respond to any possible problem. In an emergency, response plans are activated that may include assistance from local fire departments and other emergency team members.

GAS AND PIPELINE PERMANENT MARKERS

Gas and liquid transmission pipeline companies use the following types of permanent markers to indicate the presence of gas lines in the area. Pipeline markers are yellow signs that identify the company, the type of pipeline and provide an emergency phone number. These pipeline markers are not usually set directly over the pipeline, but are used to indicate gas pipelines are in the general vicinity. Contact MISS DIG 811 prior to any excavation or demolition activity regardless of the presence of permanent pipeline markers to assure that pipeline companies are aware of your planned activities. Rely on the paint and/or flag markings from the pipeline company locators instead of the permanent pipeline markers to determine the approximate location of the pipeline. Transmission pipeline companies will typically want to work with you at the site to hand expose the pipeline.



HOW TO RECOGNIZE A GAS OR PETROLEUM LEAK

During construction, when working in or near an area containing underground gas facilities, be alert to the following signs of a potential hazard:

- (a) Natural & propane gas odor in or near your excavation site. To make it easier to recognize natural and propane gas, a rotten egg odor is added. However, some natural gas pipe lines in Michigan do not carry odorized gas.
- (b) Apparent or non-apparent damage to pipes that have been broken, pulled, dislodged, or gouged.
- (c) Brown patches in vegetation on or near a right-of-way.
- (d) Dry spots in moist earth.
- (e) Blowing or hissing noise cause by rushing gas, blowing dirt or bubbling mud or water.
- (f) Fire coming from the ground or burning above the ground.
- (g) Notify the gas utility owner if any of the above are observed.

IF YOU MAKE CONTACT WITH A PIPELINE

If your equipment makes contact with the utility line, stop your excavation and contact the utility company immediately. This includes if you nick, dent, gouge, cut, scrape, or scratch the pipeline coating, or if you damage a valve box or tracer wire connected to a gas facility. Call even if there is no apparent damage. Contacting the utility allows the gas or petroleum pipeline company the opportunity to investigate.

Don't assume that damage can occur only at the point of contact. A pipeline that is pulled or bumped could break at a location away from the actual excavation site. Failure to notify the utility owner of these occurrences could result in future corrosion and/or pipeline failure.

WHAT TO DO IF YOU DAMAGE A PIPELINE

In the event an underground gas facility is damaged, the excavator (machine operator) should take immediate action to minimize the hazard:

- (a) *If you can do so safely, without risking the ignition of any leaking gas*, move your machine away from the damage.
- (b) If the motor stalls, **DO NOT** attempt to restart it. If you can do so safely, turn off the motor to prevent possible ignition of any gas and abandon the equipment.
- (c) **DO NOT** cover the damaged pipe with dirt as a means of stopping the leak. **DO NOT** crimp plastic gas facilities. **DO NOT** attempt to plug damaged pipes. Allow the gas to vent into the atmosphere.
- (d) If natural or liquefied petroleum gas ignites, let it burn. **DO NOT** put out the flame—burning gas will **NOT** explode.
- (e) Notify the owner of the pipeline.
- (f) If necessary, **call 9-1-1** to seek the aid of local law enforcement officers and fire departments.
- (g) When necessary, take reasonable actions to protect the public such as evacuations and keeping people away from damage until emergency responders arrive.

DAMAGE REPAIRS

Once notified that a pipeline or pipeline coating has been damaged, an experienced crew will be dispatched to make repairs. Only utility company personnel, using proper safety equipment and materials, shall repair or replace damaged gas or petroleum facilities.

Most utilities bill for damage repairs, if it is determined the excavator has not complied with State law. To encourage the reporting of nicked coatings and damage to locate wires and valve boxes, utilities generally will not bill for this repair.

AWARENESS OF HAZARDS

Natural gas pipelines are built with safety and reliability as top priorities while following state and federal guidelines, regulations, and specifications.

However, you should know that a natural gas leak can present these hazards:

- * Fire
- * Explosion
- * Asphyxiation
(Natural gas displaces oxygen in confined spaces)

These hazards can be caused by:

- * Rupturing, nicking or puncturing a pipeline
- * Uncontrolled escaping gas or fuel
- * Extreme natural events such as floods, tornadoes and earthquakes
- * Heavy ice on outside meters or other gas pipelines
- * Fire or explosion near or directly involving a pipeline facility
- * Collapsed buildings that break or damage pipelines
- * Civil disturbances such as riots
- * Water main breaks that weaken roadways and pavement, damaging pipelines
- * Under-pressure or over-pressure in the pipeline system
- * Equipment failure
- * Human error

FACTS ABOUT NATURAL GAS & LIQUIFIED PETROLEUM GAS (LPG)

Natural gas is almost 40 percent lighter than air. Natural gas rises and quickly spreads out in open areas. In an enclosed room or building, though, natural gas displaces air first at ceiling level, then moves down towards the floor.

LPG (propane and butane) is much heavier than air. LPG sinks and quickly spreads out in open areas. When it escapes in an enclosed room or building, LPG will displace air first at the floor level, then moves up toward the ceiling.

Natural and propane gas is not toxic. However, large concentrations of natural and propane gas will displace the air in enclosed spaces and suffocation can occur.

Natural and propane gas cannot burn by itself. For ignition, the correct mix of oxygen and gas must be present, and there must be an ignition source such as a pilot light, a lighted match, or an electric arc from a light switch, motor, doorbell or telephone.

If natural or propane gas does ignite, let it burn. Do not attempt to put out the flame, until the source of gas is eliminated.

EVACUATION

In an emergency, when gas is escaping from a broken pipe, the area may need to be evacuated. This is the responsibility of the excavator.

If you, the excavator, have damaged a gas line and suspect leaking gas may be entering or blowing into a building, you should take immediate action:

Be certain the utility owner has been notified. Also contact 9-1-1 to notify emergency officials.

- * Evacuate the occupants and leave the doors open.
- * Tell people they must not return to the building for any reason.
- * **DO NOT** operate light switches, door bells, or use telephones in the building.
- * **PROHIBIT** smoking in the area.
- * Keep people away from the leak area.
- * **PROHIBIT** the operation of machinery.

Prompt action by you may save lives or prevent serious injury or property damage. **DO NOT** leave a potentially hazardous situation to chance.

EXCESS FLOW VALVE NOTICE

Excavators should be aware of the introduction of new safety devices. Beginning in February 1999, gas distribution utilities in Michigan began installing excess flow valves (EFV's) in certain new and replacement residential services. EFV's close when gas flow exceeds the valve's design limits. This might occur when a gas service line is severed by damage or by a natural disaster. These valves are typically installed near the connection of the gas service to the gas main.

The most popular style of EFV's permits a slight amount of gas to leak across the valve seat even when the valve is tripped. Therefore, if a gas line with an EFV is severed, a small amount of gas will continue to flow and a potentially hazardous condition could be created.

If your equipment makes contact with or severs a gas line, stop your excavation and contact the utility company immediately. Once notified that a gas line has been damaged, an experienced crew will be dispatched to make repairs. Only gas utility personnel, using proper safety equipment and material, should repair or replace damaged facilities.

WHAT IS MISS DIG 811?

HISTORY AND BACKGROUND

The MISS DIG System (MISS DIG 811) is a statewide, one-call notification system, which was formed in 1970 in Oakland County by four major Michigan utility companies. The MISS DIG System was created to provide excavators and the general public with the ability to inform multiple owners of underground facilities of intended non-emergency and emergency excavation with a single telephone call.

MISS DIG 811 is a message handling service that processes requests from persons planning to dig and informs its member utilities of these excavation plans. Each member utility is responsible for marking its own underground public facilities.

MISS DIG 811's members are responsible for maintaining their underground public utility facilities, maintaining all records of their facility locations and marking the approximate location of their underground public utility lines. **MISS DIG 811 does not mark underground utility lines.**

WHEN TO USE MISS DIG 811

Michigan law requires anyone who is responsible for the planning or performance of any type of excavation e.g.; grading, demolition, cultivating, auguring, blasting, or boring to provide advance notice of at least three full working days. MISS DIG 811 must be contacted prior to excavation in order to comply with the state statute.

MISS DIG 811 is available 24 hours a day, 7 days a week by dialing 8-1-1 to process emergency and non-emergency location requests. Requests can also be made online for a single address at elocate.missdig811.org or, after a training session, tickets can be entered using Remote Ticket Entry (RTE). Visit www.missdig811.org for information.

If any of the following situations occur, the excavator should contact the facility owner(s) directly.

- * To report damage to any type of facility.
- * To resolve any type of damage billing problem.
- * To request any type of facility removal or relocation, including meter removals prior to demolition of a building.
- * To request any type of utility service.

TYPES OF REQUESTS HANDLED BY MISS DIG 811

MISS DIG 811 processes several types of requests including normal dig notices (72 hours but not more than 14 days calendar days prior to excavation), emergency notices, re-marking requests, and requests for additional assistance.

NORMAL NOTICE

This is the most common request processed through MISS DIG 811. This request is made in compliance with state law, which requires three full working day notice. It involves a request for utility locates at a specific address or area for a specified dig start date.

EMERGENCY NOTICE

An emergency request may be necessary when there is a need to have utilities staked due to “a sudden or unforeseen occurrence, including a government-declared emergency, involving a clear and imminent danger to life, health, or property, or imminent danger to the environment, that requires immediate correction in order to restore or to prevent the interruption of essential governmental services, utility services, or the blockage of public transportation and that requires immediate excavation or blasting”. Examples of emergencies include gas leaks, water main breaks, utility line repairs and sewer repairs. Emergency work location requests are accepted 24 hours a day, 7 days a week.

RE-MARKING REQUESTS

If markings locating underground lines are obliterated or knocked down, or become faded due to time, weather, construction, or any other cause, the person performing the excavation or demolition shall notify MISS DIG 811 that he or she needs a re-mark. These requests are to be addressed by facility owners within 24 hours.

ADDITIONAL ASSISTANCE

If an excavator has reason to believe that there is an unmarked facility on the job site, perhaps by the presence of meters, utility pedestals, hydrants, etc., the excavator may contact MISS DIG 811 and request additional assistance from the utility owners involved. Additional assistance may also be requested when a marked line cannot be found via hand exposing or soft excavation, or if a utility owner has failed to provide a response via Positive Response. Utility owners and operators must generally respond within three hours of receiving a request for additional assistance.

TICKET LIFE

Each processed request, or “ticket”, has an expiration date associated with it. In most cases, the processed ticket expires 21 calendar days after the stated dig start date. In special circumstances, such as municipal projects or road reconstruction, excavators can receive a ticket that expires 180 days after the dig start date.

Excavation must commence within 14 calendar days of the dig start date on a MISS DIG 811 ticket. A new ticket must be obtained if excavation has not occurred within that time frame.

PREPARING A LOCATION REQUEST FOR MISS DIG 811

MISS DIG 811’s professional staff must obtain specific information from an excavator concerning his or her location request(s). The location request information is entered into a computer database. Because of the database format, the order of the questions is preset.

Preparation is essential. To ensure that a MISS DIG 811 ticket has all of the information used by facility owners and their locators, please become familiar with the information required on each request.

The following is a list of questions asked by MISS DIG 811:

1. *Caller Name*
2. *Company Name*
3. *Daytime Phone Number*
4. *Field Contact Name*
5. *Field Contact Phone Number*
6. *Work Type*
7. *Work Done For*
8. *County*
9. *Place (City, Twp, or Village)*
10. *Address*
11. *Lot Number or Subdivision Name (If applicable)*
12. *1st Cross Street*
13. *2nd Cross Street*
14. *Locating Instructions*
15. *Boring? Y/N*
16. *In or near Railroad? Y/N*
17. *Maintain MIOSHA guidelines for overhead electrical lines? Y/N*
18. *Will Digging take more than 21 days? Y/N*
19. *Joint Meet? Y/N*
20. *Dig Start Date*

Provide MISS DIG 811 operator with the answers to the following questions:

1. The name and phone number of the caller.
2. The name of the company doing the work.
3. The type of work being done.
4. The field contact.
5. The date & time when the contractor will begin working.
6. The geographic location—city, village or township and county—of the work area.
7. The exact location where digging will be done (Street address, lot number, subdivision, cross streets, the front, back, or sides, and the north, south, east, or west side of the location).
(The town, range and section numbers, obtained from maps, or latitude and longitude coordinates can be included, especially when describing rural areas).
8. Know whether excavation: is an On-going project? Involves Boring? Is in or near a railroad easement?
9. The overhead clearance. Know if you will be able to follow MIOSHA's minimum guidelines (e.g. ten foot clearance from overhead electric lines with equipment you will be using on the job).

LOCATION ACCURACY IS IMPORTANT

One of the most common mistakes an excavator makes is to identify an excavation location as within a village or city when actually he or she is digging in a township. Often this happens because the mailing address includes the name of the nearest village or city. Please determine whether your excavation site is in the city or the township area before you call in your request.

RURAL LOCATION REQUESTS

When creating a rural locate, provide as much information as possible. For example, on what side of the road you will be digging, the name of the road, the name of the nearest cross road to the address, and the name of the owner and/or renter at the location where you will be digging. Give the direction of this address to the nearest town including the name of the road(s) and distance(s). Additional information helps, such as rural fire department numbers, pedestal numbers, transformer numbers, mileage markers, or any other landmarks that may be helpful in identifying the location.

WHAT HAPPENS AFTER THE REQUEST IS MADE?

Once the information has been entered by the operator or web user, the ticket is processed by computer at MISS DIG 811. Our system analyzes the county and place name on the ticket to identify which members have elected to receive the information. Further, the system software looks for overlap between the defined work site and a member's defined facility locations. The system transmits the message to members using a private line.

After the information is received by the members, trained personnel review the locate request.

State law requires all notified members to respond to the excavators request for marking. Once it is determined that markings are required for member's facilities at the dig site described on the ticket, each request is assigned to a field locator, who will locate and mark the excavation site with paint, stakes and/or flags. The ticket will be cleared if the member does not have its facility within the scope of the ticket. Otherwise, members mark facilities according to specific guidelines and color codes, with YELLOW for natural gas, oil, steam, petroleum, or other gaseous materials. Other utility companies will use the following colors: telecommunications are marked with ORANGE; electric is marked with RED; water is marked with BLUE; storm drains and sanitary sewer are marked with GREEN; irrigation and slurry lines are marked with PURPLE; and surveying is marked with PINK.

Members will mark the approximate horizontal location using either stakes, flags, paint, or other suitable materials in varying combinations, depending upon the type of surface to be marked. Depths will not be identified. Exact location and depths of the facilities will be determined by the excavator's hand dug test holes. The marks will identify the approximate routes of the facility. The marks may include the logo or name of the facility owner. In some instances, where high pressure lines are involved, the facility owner may wish to be present.

The MISS DIG 811 members are only responsible for marking portions of their facilities that they operate and/or maintain. The MISS DIG 811 members do not locate privately installed facilities, such as the gas line from the house to garage and/or out building, gas lights, gas grills, etc.

- Emergency locates are given top priority. Members must provide a response to the excavator using the MISS DIG 811 Positive Response system by the response due date which could be as few as 3 hours.
- Each facility owner that receives a ticket must document whether or not they have facilities at the worksite using Positive Response. Responses such as "marked", "no conflict", "not complete", as well as many other responses, help excavators understand what to expect on their job site.
- Upon receiving a valid request for additional assistance; whether for the presence of an unmarked facility or due to the presence of a marked facility that cannot be found by soft excavation, members must respond to the request within three hours.

- Members will, upon receiving a valid request through the MISS DIG 811, re-mark a job site if the marks were covered or destroyed. If the re-mark request refers to the original request, members must re-mark their facilities within 24 hours.

When an appointment (or joint meet) is scheduled by MISS DIG 811, locating representatives shall make every attempt to meet at the agreed upon time and place.

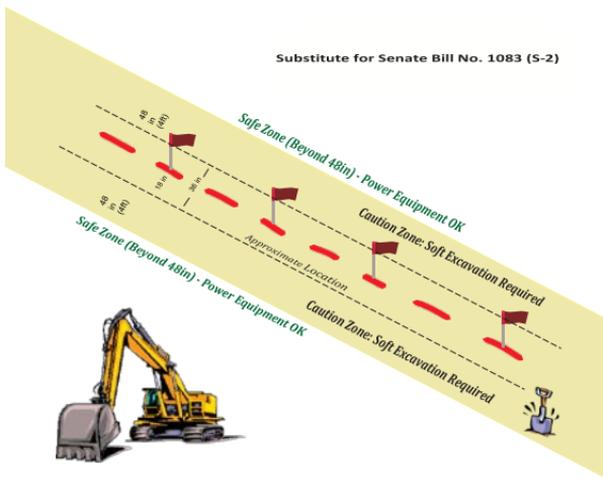
RESPONSIBILITIES OF THE EXCAVATOR AFTER MAKING THE REQUEST

Notifying MISS DIG 811 is only the first step for the caller in fulfilling his or her responsibilities in the locating process. Locating underground facilities is not an exact science, therefore the actual location of the facility could vary from the position of the marks. To avoid damaging underground gas lines and ensure public and employee safety, excavators must comply with all requirements of the MISS DIG Underground Facility Damage Prevention and Safety Act and MIOSHA. (See Public Act 174 and MIOSHA safety standards at the end of this guide). Certain pipeline operators require a company representative to locate the pipeline facilities and be present during any excavation or demolition activity over or adjacent to their facilities. For more information, please contact the appropriate pipeline company.

Follow the steps listed below for a safe construction site:

Contact MISS DIG 811 at least 72 business hours, excluding weekends and holidays, but not more than 14 calendar days, prior to planned excavating, digging, auguring, boring, cultivating, grading, discharging of explosives, tunneling, or demolishing a building. A design ticket can be used to contact utilities for utility locate information when developing pre-construction plans or engineering plans.

Owners of underground gas pipelines will stake the approximate location of their underground facilities with YELLOW flags, paint, or both. For the purposes of State law, the approximate location is defined as a strip of land three feet wide, but not wider than the width of the facility plus an 18 inch clearance on either side of the facility.



Prior to commencing work, excavators are required to check their ticket's status using MISS DIG 811's Positive Response program. The online Positive Response system documents the response of each facility owner who received the ticket. Responses such as "marked", "no conflict", "not complete", and many other responses are given to provide excavators a glimpse of what to expect on their job site. Gas transmission pipeline companies will commonly use Positive Response code "004." This code indicates that the pipeline operator must be on site during excavation activity near the pipeline. Pipelines rely on excavators to cooperate when contacted by the pipeline to coordinate the excavation activity to assure safe excavations.

If no response has been provided by one or more facility owners, or if one or more of the color coded responses indicate that marking has not been completed to the point where excavation can begin, excavators can contact MISS DIG 811 with the ticket in question and that facility owner must provide information or assistance to that excavator. Positive Response status is available at missdig.org or by calling 800-763-3888 and entering their ticket number.

The excavator must determine the precise location of marked underground facilities before using power equipment within 48 inches of marks. This is called the "caution zone." The pipeline must be exposed across the entire width

of the proposed excavation. If power equipment will be used within “the caution zone”, sufficient hand exposing must be done to ensure that the pipeline will not be damaged. Hand exposing must be done in advance of using power equipment.

If you are unable to determine the precise location of the marked underground gas facility, you must contact the facility owner through MISS DIG 811 again and the utility will provide additional assistance as needed. Underground facility owners must respond within three hours to additional assistance requests.

Excavators should hand expose in advance so that if it is necessary to ask the utility owner for additional assistance, the excavator’s work will not be delayed.

Occasionally, multiple pipeline facilities will be located at a job site. MISS DIG 811 does not know how many pipeline facilities each company may have in the area of the proposed excavation. If there are indications of unmarked facilities you must call MISS DIG 811 regardless of whether or not you have received a “No Conflict” from the pipeline operators.

If marks and/or flags at the construction site are knocked down, moved, or removed due to time, weather, or any other cause, the excavator must contact MISS DIG 811 for additional marking or re-marking.

Excavators must exercise reasonable care while working around exposed gas pipelines or in close proximity to unexposed gas pipelines. This includes the use of caution when placing large loads or outriggers over marked pipelines

Excavators shall support exposed gas services and gas mains to prevent damage in the area of excavation from cave-ins, pipeline movement, settlements and washouts.

Excavators boring or auguring under, over, or within 48 inches of marks must hand expose to the gas line to ensure that the bore shot will not come in contact with the line. This includes hand exposing gas lines under roads. In such situations, it will be necessary to make a window in the road to ensure there will be no contact.

Prior to back filling, notify the gas or petroleum company if there has been damage to their underground facility(s), including nicks, dents, gouges, cuts, scrapes, or scratches to the line or to valve boxes or locate wires, so a proper repair can be made. Failure to notify the utility owner of these occurrences could result in future corrosion, pipe failure, damages, and/or inability to control gas flow in emergencies..

DEPTH OF FACILITIES

MISS DIG 811 does not have information on the specific location or depth of buried facilities. Sometimes, callers ask MISS DIG 811 operators how deep lines are buried under the work site. These callers are often disappointed when the operator cannot offer depth information.

In fact, the facility owners themselves generally will not provide depth information to the caller. While it is true that the utility owners follow certain depth requirements or guidelines when installing lines, they have no control over depth variations caused by human intervention.

In addition to human intervention, the effects of weather (i.e. erosion, changes in the frost line, etc.) can affect the depth of underground gas facilities. Staking equipment depth readout information is not accurate enough to rely on. Therefore, the gas utility owner will not provide depth information.

DAMAGE PREVENTION

Excavators are reminded to follow the four steps to safe digging.

- (a) Place a Dig Notice with MISS DIG 811 by phone at 811 or online at www.missdig811.org at least 72 hours, but not more than 14 days, before digging.
- (b) Wait until the approximate locations of underground facilities are marked with flags or paint.
- (c) Check Positive Response.
- (d) Expose the underground facilities within the caution zone by hand-digging.
- (e) Respect the markings by not damaging or removing them.

Excavators can support damage prevention efforts by reporting any suspicious activities they may witness on or near utility or pipeline right-of-ways and by reporting any signs of damage to utility or pipeline facilities or any observed conditions that could threaten integrity of such facilities. Examples are sink holes, dead vegetation or unstable soils.

There are a number of regional associations dedicated to promoting utility damage prevention and safety that are supported by MISS DIG 811 and its membership. Information about these groups can be found at www.missdig11.org.

DISPUTE ASSISTANCE FORM FOR YOU (DAFFY)

This form is provided to the public as an optional tool to identify a dispute arising under the MISS DIG Underground Facility Damage Prevention and Safety Act, 2013 PA 174; MCL 460.721 et seq. (Act 174). Section 11(2) of Act 174; MCL 460.731(2) requires that a person seeking to file a complaint with the Michigan Public Service Commission (MPSC) under the act must first make an effort to settle the dispute with any adverse parties. A person may elect to use this form to describe a dispute and provide relevant background information to an adverse party as a way to begin the settlement process or any other form the person so chooses. MISS DIG 811 takes no responsibility for the information in the form or transmittal of the form to any person. MISS DIG 811 shall have no role or responsibility in the settlement discussions among any other persons including those using this form, regarding a potential complaint to the MPSC. Upon request and subject to all parties having so agreed, MISS DIG 811 will assist the excavator in making contact with a facility owner about a possible dispute arising under Act 174. The form can be found online at www.missdig811.org/excavators/daffy.html

NATIONAL PIPELINE MAPPING SYSTEM

The locations and/or mapping information about natural gas, petroleum and other transmission pipelines can be obtained by accessing the National Pipeline Mapping System. The Internet address is www.npms.phmsa.dot.gov.
Inquiries may be made by zip code or by county and state.

MICHIGAN PUBLIC ACT 174 OF 2013

**Act No. 174 Public Acts of 2013
Approved by the Governor
November 26, 2013
Filed with the Secretary of State
November 26, 2013
EFFECTIVE DATE: April 1, 2014**

STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013
Introduced by Senator Nofs
ENROLLED SENATE BILL No. 540

AN ACT to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; to provide for immunity for certain individuals; to allow claims for damages against certain governmental entities in certain circumstances; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the “MISS DIG underground facility damage prevention and safety act”.

Sec. 3. As used in this act:

- (a) “Additional assistance” means a response by a facility owner or facility operator to a request made by an excavator during business hours, for help in locating a facility.
- (b) “Approximate location” means a strip of land at least 36 inches wide, but not wider than the width of the marked facility plus 18 inches on either side of the facility marks.
- (c) “Blasting” means changing the level or grade of land or rendering, tearing, demolishing, moving, or removing earth, rock, buildings, structures, or other masses or materials by seismic blasting or the detonation of dynamite or any other explosive agent.
- (d) “Business day” means Monday through Friday, excluding holidays observed by the notification system and posted on the notification system website.

(e) “Business hours” means from 7 a.m. to 5 p.m., eastern standard time, on business days.

“Caution zone” means the area within 48 inches of either side of the facility marks provided by a facility owner or facility operator.

(f) “Commission” means the Michigan public service commission created in section 1 of 1939 PA 3, MCL 460.1.

(g) “Damage” means any impact upon or exposure of an underground facility requiring its repair or replacement due to weakening, partial destruction, or complete destruction of the facility, including, but not limited to, the protective coating, lateral support, cathodic protection, or housing of the facility.

(h) “Design ticket” means a communication to the notification system in which a request for information regarding underground facilities for predesign, design, or advance planning purposes, but not marking for excavation or blasting, is made under the procedures described in section 6a.

(i) “Dig notice” means a communication to the notification system by an excavator providing notice of intended excavation or blasting activity as required by this act.

(j) “Emergency” means a sudden or unforeseen occurrence, including a government-declared emergency, involving a clear and imminent danger to life, health, or property, or imminent danger to the environment, that requires immediate correction in order to restore or to prevent the interruption of essential governmental services, utility services, or the blockage of public transportation and that requires immediate excavation or blasting.

(k) “Emergency notice” means a communication to the notification system to alert the facility owners or facility operators of the urgent need for marking the location of a facility due to an emergency.

(l) “Excavation” means moving, removing, or otherwise displacing earth, rock, or other material below existing surface grade with power tools or power equipment, including, but not limited to, grading, trenching, tiling, digging, drilling, boring, augering, tunneling, scraping, cable or pipe plowing, and pile driving; and wrecking, razing, rending, moving, or removing a structure or mass of materials. Excavation does not include any of the following:

(i) Any of the following activities performed in the course of farming operations:

(m) “Excavation” means moving, removing, or otherwise displacing earth, rock, or other material below existing surface grade with power tools or power equipment, including, but not limited to, grading, trenching, tiling, digging, drilling, boring, augering, tunneling, scraping, cable or pipe plowing, and pile driving; and wrecking, razing, rending, moving, or removing a structure or mass of materials. Excavation does not include any of the following:

(i) Any of the following activities performed in the course of farming operations:

(A) Any farming operation performed in the public right-of-way to a depth of not more than 12 inches below the existing surface grade if the farming operation is not performed within 6 feet of any above ground structure that is part of a facility.

(B) Any farming operation performed outside a public right-of-way and within 25 yards of an existing petroleum or natural gas pipeline to a depth of not more than 18 inches below the existing surface grade if the farming operation is not performed within 6 feet of any above ground structure that is part of a facility.

(C) Any farming operation performed outside a public right-of-way and not within 25 yards of an existing petroleum or natural gas pipeline if the farming operation is not performed within 6 feet of any above ground structure that is part of a facility.

(ii) Replacing a fence post, sign post, or guardrail in its existing location.

(iii) Any excavation performed at a grave site in a cemetery.

(iv) Any excavation performed within a landfill unit as defined in R 299.4103 of the Michigan administrative code during its active life as defined in R 299.4101 of the Michigan administrative code or during its postclosure period as set forth in R 299.4101 to R 299.4922 of the Michigan administrative code.

(v) Any of the following activities if those activities are conducted by railroad employees or railroad contractors and are carried out with reasonable care to protect any installed facilities placed in the railroad right-of-way by agreement with the railroad:

(A) Any routine railroad maintenance activities performed in the public right-of-way as follows:

(I) Within the track area, either to the bottom of the ballast or to a depth of not more than 12 inches below the bottom of the railroad tie, whichever is deeper, if the routine railroad maintenance activity is not performed within 6 feet of any above ground structure that is part of a facility that is not owned or operated by that railroad.

(II) Outside the track area, not more than 12 inches below the ground surface, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad.

(B) Any routine railroad maintenance activities performed to a depth of not more than 18 inches below the flow line of a ditch or the ground surface in the railroad right-of-way, excluding the public right-of-way, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad.

(vi) Routine maintenance or preventative maintenance as those terms are defined in section 10c of 1951 PA 51, MCL 247.660c, to a depth of not more than 12 inches below the roadway and any shoulder of a street, county road, or highway.

(n) “Excavator” means any person performing excavation or blasting.

(o) “Facility” or “underground facility” means an underground or submerged conductor, pipe, or structure, including, but not limited to, a conduit, duct, line, pipe, wire, or other device and its appurtenances used to produce, store, transmit, or distribute a utility service, including communications, data, cable television, electricity, heat, natural or manufactured gas, oil, petroleum products, steam, sewage, video, water, and other similar substances, including environmental contaminants or hazardous waste.

(p) “Facility operator” means a person that controls the operation of a facility.

(q) “Facility owner” means a person that owns a facility.

(r) “Farm” means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(s) “Farming operations” means plowing, cultivating, planting, harvesting, and similar operations routine to most farms and that are performed on a farm. Farming operations do not include installation of drainage tile, underground irrigation lines, or the drilling of a well.

(t) “Governmental agency” means the state and its political subdivisions, including counties, townships, cities, villages, or any other governmental entity.

(u) “Mark”, “marks”, or “marking” means the temporary identification on the surface grade of the location of a facility in response to a ticket as described in section 7.

(v) “Notification system” means MISS DIG System, Inc., a Michigan nonprofit corporation formed and operated by each facility owner and facility operator to administer a 1-call system for the location of facilities, or any successor to this corporation.

(w) “Person” means an individual, firm, joint venture, partnership, corporation, association, governmental agency, department or agency, utility cooperative, or joint stock association, including any trustee, receiver, assignee, or personal representative thereof.

(x) “Positive response” means the procedure administered by the notification system to allow excavators to determine whether all facility owners or facility operators contacted under a ticket have responded in accordance with this act.

(y) “Public right-of-way” means the area on, below, or above a public roadway, highway, street, alley, easement, or waterway.

(z) “Railroad” means that term as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.

(aa) “Safe zone” means an area 48 inches or more from either side of the facility marks provided by a facility owner or facility operator.

(bb) “Soft excavation” means a method and technique designed to prevent contact damage to underground facilities, including, but not limited to, hand-digging, cautious digging with nonmechanical tools, vacuum excavation methods, or use of pneumatic hand tools.

(cc) “Start date” means the date that a proposed excavation or blasting is expected to begin as indicated on a ticket.

(dd) “Ticket” means a communication from the notification system to a facility owner or facility operator requesting the marking of underground facilities, based on information provided by an excavator in a dig notice.

(ee) “White lining” means marking by an excavator of the area of a proposed excavation or blasting, with white paint or flags, or both, before giving notice to the notification system.

Sec. 4. (1) Facility owners and facility operators shall continue to operate and be members of MISS DIG Systems, Inc., a Michigan nonprofit corporation, that shall have the duties and undertake the responsibilities of the notification system under this act on and after the effective date of this act. The notification system responsibilities and duties do not include the physical marking of facilities, which is the responsibility of a facility owner or facility operator upon notification under this act.

(2) The notification system and its procedures shall be governed by its board of directors and in accordance with its current articles of incorporation and bylaws as of the effective date of this act, with any future changes made in accordance with the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, and the notification system's articles, bylaws, and board procedures. The notification system shall request input regarding its policies from all interested persons, including facility owners and facility operators, excavators, marking service providers, and governmental agencies.

(3) Funding for the notification system operations shall be established by the notification system, including through fees based on a reasonable assessment of operating costs among facility owners or facility operators. A facility owner or facility operator shall not charge a fee to excavators for marking facilities under this act.

(4) Facility owners and facility operators shall be members of and participate in the notification system and pay the fees levied by the notification system under this section. This obligation and the requirements of this act for facility owners and facility operators do not apply to persons owning or operating a facility located on real property the person owns or occupies if the facility is operated solely for the benefit of that person.

(5) Owners of real property on which there is a farm operation, as that term is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472, may become a nonvoting member of the notification system, known as a farm member, upon providing the notification system with the information necessary to send the farm member a ticket for purposes of notification under section 6(1). A farm member is not subject to any fees levied under subsection (3).

(6) The notification system is exempt from taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

Sec. 5. (1) An excavator shall provide a dig notice to the notification system at least 72 hours, but not more than 14 calendar days, before the start of any blasting or excavation. If the dig notice is given during business hours, the 72-hour period shall be measured from the time the dig notice is made to the notification system. If a dig notice is given before 7 a.m. on a business day, the 72-hour period begins at 7 a.m. on that day. If a dig notice is given on a nonbusiness day or after 5 p.m. on a business day, the 72-hour period begins at 7 a.m. on the next business day. All hours of nonbusiness days are excluded in counting the 72-hour period. If there are multiple excavators on the same site, each excavator shall provide its own dig notice.

- (2) A dig notice shall contain at least all of the following:
- (a) The name, address, and telephone number of the excavator.
 - (b) A description of the proposed area of blasting or excavation, including the street address and a property description.
 - (c) The specific type of work to be performed.
 - (d) The start date and time of blasting or excavation.
 - (e) Whether the proposed blasting or excavation will be completed within 21 days after the start date.
- (3) A ticket is valid for 21 days from the start date of the excavation or blasting on the ticket as identified by the excavator, except that a ticket is valid for 180 days from the start date if the dig notice indicates that the proposed excavation or blasting will not be completed within 21 days from the start date.
- (4) An excavator shall comply with the notification system procedures and all requirements of this act.
- (5) Except as otherwise provided in this subsection, before blasting or excavating in a caution zone, an excavator shall expose all marked facilities in the caution zone by soft excavation. If conditions make complete exposure of the facility impractical, an excavator shall consult with the facility owner or facility operator to reach agreement on how to protect the facility. For excavations in a caution zone parallel to a facility, an excavator shall use soft excavation at intervals as often as reasonably necessary to establish the precise location of the facility. An excavator may use power tools and power equipment in a caution zone only after the facilities are exposed or the precise location of the facilities is established.
- (6) An excavator shall provide support or bracing of facilities or excavation walls in an excavation or blasting area that are reasonably necessary for protection of the facilities.
- (7) An excavator shall provide notification to the notification system if facility markings are destroyed or covered by excavation or blasting activities or if a ticket expires before the commencement of excavation. If a ticket expires before the commencement of excavation, an excavator shall provide a new dig notice to the notification system, and comply with subsection (1).
- (8) An excavator shall provide notification to the notification system requesting additional assistance if the location of a marked facility within the approximate location cannot be determined.

(9) An excavator shall provide immediate additional notice to the notification system and stop excavation in the immediate vicinity if the excavator has reason to suspect the presence of an unmarked facility due to any 1 of the following:

- (a) Visible evidence of a facility with no marks visible.
- (b) Lack of a positive response to a ticket.
- (c) A positive response from a facility owner or facility operator indicating the presence of a facility with no marks visible.

(10) If an excavator contacts or damages a facility, the excavator shall provide immediate notice to the facility owner or facility operator.

(11) If an excavator damages a facility resulting in the escape of any flammable, toxic, or corrosive gas or liquid, or endangering life, health, or property, the excavator shall call 9-1-1 and provide immediate notice to the facility owner or facility operator. The excavator shall also take reasonable measures to protect the excavator, those in immediate danger, the general public, and the environment until the facility owner or facility operator, or emergency first responders, have arrived and taken control of the site.

(12) An excavator shall provide prompt emergency notice to the notification system for any proposed excavation or blasting in an emergency. In an emergency, blasting or excavation required to address the conditions of the emergency may be performed as the emergency conditions reasonably require, subject to the provisions in this act for emergency notice and marking facilities in response to an emergency notice.

(13) If the location of a proposed excavation or blasting cannot be described in a manner sufficient to enable the facility owner or facility operator to ascertain the precise tract or parcel involved, an excavator shall provide white lining in advance of submitting a ticket or additional assistance to the facility owner or facility operator on reasonable request to identify the area of the proposed excavation or blasting.

(14) For purposes of this section, notice to the notification system constitutes notice to all facility owners or facility operators regarding facilities located in the area of the proposed excavation or blasting.

(15) Except as otherwise provided in this act, an excavator may conduct excavation in a safe zone using power equipment without establishing the precise location of any facilities.

Sec. 6. (1) The notification system shall receive dig notice notification of proposed excavation and blasting activities and promptly transmit a ticket to facility owners or facility operators of facilities in the area of the proposed excavation or blasting. The notification system shall provide alternative means of access and notification to the system. Except for shutdowns caused by acts of nature, war, or terrorism, the notification system shall be available 24 hours per day, 7 days per week.

(2) The notification system shall publicize the availability and use of the notification system and educate the public, governmental agencies, excavators, farm operators, facility owners, and facility operators regarding the practices and procedures of the notification system, the requirements of this act, and practices to protect underground facilities from damage.

(3) The notification system shall administer a positive response system to allow excavators to determine whether all of the facility owners or facility operators in the area have responded to a ticket and whether a particular facility owner or facility operator does not have facilities in the area of a proposed excavation or blasting.

(4) The notification system shall maintain adequate records of its notification activity for a period of 6 years after the date of the notice, including voice recordings of calls. The notification system shall provide copies of those records to any interested person upon written request and payment of a reasonable charge for reproduction and handling as determined by the notification system.

(5) The notification system shall expedite the processing of any emergency notice it receives under this act.

(6) The notification system shall receive design tickets under the procedures described in section 6a and transmit them to facility owners or facility operators.

Sec. 6a. (1) The notification system shall establish reasonable procedures, including marking response times, for design ticket notification to facility owners or facility operators of requests for project design or planning services to determine the type, size, and general location of facilities during the planning and design stage of a construction or demolition project. Facility owners or operators may charge the person requesting project design or planning services separate fees for design or planning services.

(2) Procedures under this section do not affect or alter the obligation of excavators to provide notice of blasting or excavation under section 5.

(3) The response to a design ticket is to provide general information regarding the location of underground facilities, not to mark any facilities. However, if a facility owner or operator does not have drawings or records that show the location of a facility, the facility owner or operator shall mark that facility under the procedures described in section 7. A design ticket or information provided in response to a design ticket does not satisfy the requirement under this act for excavation or blasting notice to the notification system or marking the approximate location of facilities for blasting or excavation.

Sec. 7. (1) A facility owner or facility operator shall respond to a ticket by the start date and time for the excavation or blasting under section 5(1) by marking its facilities in the area of the proposed excavation or blasting in a manner that permits the excavator to employ soft excavation to establish the precise location of the facilities.

(2) A facility owner or facility operator shall mark the location of each facility with paint, stakes, flags, or other customary methods using the uniform color code of the American national standards institute as follows:

- (a) White - used by excavators to mark a proposed excavation or blasting area.
- (b) Pink - temporary survey markings.
- (c) Red - electric power lines, cables, conduit, and lighting cables.
- (d) Yellow - gas, oil, steam, petroleum, or gaseous materials.
- (e) Orange - communication, cable television, alarm or signal lines, cables, or conduit.
- (f) Blue - potable water.
- (g) Purple - reclaimed water, irrigation, and slurry lines.
- (h) Green - sewers and drain lines.

(3) A facility owner or facility operator shall provide notification to the notification system using positive response.

(4) Upon receiving a notification during business hours from an excavator through the notification system of previous marks being covered or destroyed, a facility owner or facility operator shall mark the location of a facility within 24 hours, excluding all hours on nonbusiness days.

(5) If a facility owner or facility operator receives a request under section 5(8) or (9), that facility owner or facility operator shall provide additional assistance to an excavator within 3 hours of a request made by the excavator during business hours. An excavator and a facility owner or facility operator may agree to an extension of the time for additional assistance. If a request for additional assistance is made at a time when the additional assistance cannot be provided during normal business hours or assistance is required at a remote rural location, the response time shall be no later than 3 hours after the start of the next business day or a time based on mutual agreement.

(6) If a facility owner or facility operator receives notice that a facility has been damaged, that facility owner or facility operator shall promptly dispatch personnel to the area.

(7) A facility owner or facility operator shall respond within 3 hours to an emergency notice, or before the start day and time provided in an emergency notice if that start day and time is more than 3 hours from the time of notice.

(8) New facilities built after the effective date of this act shall be constructed in a manner that allows their detection when in use.

(9) This section does not apply to the state transportation department or to the marking of a county or intercounty drain by a county drain commissioner's office or drainage board.

Sec. 8. This act does not limit the right of an excavator, facility owner, or facility operator to seek legal relief and recovery of actual damages incurred and equitable relief in a civil action arising out of a violation of the requirements of this act, or to enforce the provisions of this act, nor shall this act determine the level of damages or injunctive relief in any such civil action. This section does not affect or limit the availability of any contractual or legal remedy that may be available to an excavator, facility owner, or facility operator arising under any contract to which they may be a party.

Sec. 9. (1) The notification system and its officers, agents, or employees are not liable for any damages, including damages for injuries or death to persons or damage to property, caused by its acts or omissions in carrying out the provisions of this act. The notification system is not responsible for assuring performance by a facility owner or facility operator of its obligation to participate in the notification system under section 4(4).

(2) An excavator or a farmer engaged in farming operations that complies with this act is not responsible for damages that occur to a facility that is improperly marked, not marked, or determined to be within the safe zone.

(3) An owner of a farm who complies with this act is not liable for any damages to a facility if the damage occurred in the course of farming operations, except in those lands within the public right-of-way, unless the owner intentionally damaged the underground facility or acted with wanton disregard or recklessness in damaging the facility. As used in this subsection, "owner" includes a family member, employee, or tenant of the owner.

Sec. 10. This act does not authorize, affect, or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating or tunneling in a public street or highway or to construct or demolish buildings or other structures on private property. A permit issued by a governmental agency does not relieve a person from the responsibility of complying with this act. The failure of any person who has been granted a permit to comply with this act does not impose any liability upon the governmental agency issuing the permit.

Sec. 11. (1) A person who engages in any of the following conduct is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both:

- (a) Knowingly damages an underground facility and fails to promptly notify the facility owner or facility operator.
- (b) Knowingly damages an underground facility and backfills the excavation or otherwise acts to conceal the damage.
- (c) Willfully removes or otherwise destroys stakes or other physical markings used to mark the approximate location of underground facilities unless that removal or destruction occurs after the excavation or blasting is completed or as an expected consequence of the excavation or blasting activity.

(2) Upon complaint filed with the commission or upon the commission's own motion, following notice and hearing, a person, other than a governmental agency, who violates any of the provisions of this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation. In addition to or as an alternative to any fine, the commission may require the person to obtain reasonable training to assure future compliance with this act. Before filing a complaint under this subsection, a person shall attempt to settle the dispute with the adverse party or parties using any reasonable means of attempted resolution acceptable to the involved parties. In determining the amount of any fine, the commission shall consider all of the following:

- (a) The ability of the person charged to pay or continue in business.
- (b) The nature, circumstances, and gravity of the violation.
- (c) Good-faith efforts by the person charged to comply with this act.
- (d) The degree of culpability of the person charged and of the complainant.
- (e) The history of prior violations of the person charged.

(3) A commission determination under subsection (2) shall not be used against a party in any action or proceeding before any court. A complaint filed under subsection (2) does not limit a person's right to bring a civil action to recover damages that person incurred arising out of a violation of the requirements of this act.

(4) The commission shall develop forms with instructions and may promulgate administrative rules for processing complaints under this act, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) Not later than October 1, 2014, the commission shall establish requirements for reporting incidents involving damage to underground facilities.

(6) Beginning April 1, 2015, the commission shall maintain information on damaged facilities reported under subsection (5), including, but not limited to, any damage that occurs during excavation, digging, or blasting that is excluded from the definition of excavation under section 3(m). The commission shall make any information maintained under this subsection publicly available on its website.

Sec. 12. (1) Except as provided in this section, this act does not affect the liability of a governmental agency for damages for tort or the application of 1964 PA 170, MCL 691.1401 to 691.1419.

(2) A facility owner or a facility operator may file a complaint with the commission seeking a civil fine and, if applicable, damages from a governmental agency under this section for any violation of this act.

(3) After notice and a hearing on a complaint under subsection (2), the commission may order the following, as applicable:

(a) If the commission has not issued an order against the governmental agency under this section within the preceding 12 months, a civil fine of not more than \$5,000.00. In determining the amount of the fine, the commission shall consider the factors in section 11(2).

(b) If the commission has issued an order under subdivision (a) against the governmental agency within the preceding 12 months, both of the following:

(i) A civil fine of not more than \$10,000.00. In determining the amount of the fine, the commission shall consider the factors in section 11(2).

(ii) That the governmental agency provide at its expense underground facility safety training to all its personnel involved in underground utility work or excavating.

(c) If the commission has issued an order under subdivision (b) against the governmental agency within the preceding 12 months, both of the following:

(i) A civil fine of not more than \$15,000.00. In determining the amount of the fine, the commission shall consider the factors in section 11(2).

(ii) If the violation of this act by the governmental agency caused damage to the facilities of the facility owner or facility operator, that the governmental agency pay to the owner or operator the cost of repair of the facilities.

(4) A party to a complaint filed under this section or section 11 may file an appeal of a commission order issued under this section or section 11 in the Ingham county circuit court.

(5) This section does not apply if the violation of this act was a result of action taken in response to an emergency.

(6) A finding by the commission under this section is not admissible in any other proceeding or action.

(7) A civil fine ordered under this act shall be paid to the commission and used for underground facilities safety education and training.

(8) Each day upon which a violation described in this act occurs is a separate offense.

Sec. 13. An individual engaged in a farming operation on a farm shall comply with this act beginning May 1, 2014.

Enacting section 1. 1974 PA 53, MCL 460.701 to 460.718, is repealed.

Enacting section 2. This act takes effect April 1, 2014.

Enacting section 3. This act does not take effect unless Senate Bill No. 539 of the 97th Legislature is enacted into law.

This act is ordered to take immediate effect.

DEPARTMENT OF LABOR
CONSTRUCTION SAFETY STANDARDS
COMMISSION
SAFETY STANDARDS

Filed with the Secretary of State on August 17, 1979
(as amended November 23, 1987) (as amended January 11, 1988)
(as amended July 8, 1993) (as amended September 3, 1996)

Part 9. Excavation, Trenching and Shoring

R 408.40931 Locating utility lines

Rule 931.

An employer shall not excavate in a street, highway, public place, a private easement of a public utility, or near the location of a public utility facility owned, maintained, or installed on a customer's premise, without having first ascertained the location of all underground facilities of a public utility in the proposed area of excavation.

Upon receiving the information from the public utility, an employer shall exercise reasonable care when working in close proximity to the underground facilities of any public utility. If the facilities are to be exposed, or are likely to be exposed, only hand digging shall be employed in such circumstances and such support as may be reasonably necessary for protection of the facilities, shall be provided in and near the construction area.

When any contact with or damage to any pipe, cable or its protective coating, or any other underground facility of a public utility occurs, the public utility shall be notified immediately by the employer responsible for operations causing the damage. If an energized electrical cable is severed, an energized conductor is exposed, or dangerous fluids or gasses are escaping from a broken line, the employer shall evacuate the employees from the immediate area while awaiting the arrival of the public utility personnel.

NOTICE TO EXCAVATORS

This information is being provided to Michigan excavators in part to fulfill certain requirements of Pipeline Operator Members of the MISS DIG System as outlined in the Michigan Gas Safety Code R460.14614 and U.S.D.O.T. 49 CFR 192-614. The complete mailing list of excavators receiving this publication will be kept on file by the MISS DIG System, Inc.

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**In the Event of an Emergency
Please Contact**

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