

Sec. 16-345-4. Responsibilities of excavators and responsible parties

(a) Any excavator performing excavation or demolition within the State of Connecticut, or the responsible party for the excavation or demolition, shall:

(1) Except as provided in subdivision (2) of this subsection, at least two full days, excluding Saturdays, Sundays and holidays, but not more than thirty (30) days before commencing such excavation or demolition obtain a ticket by notifying the central clearinghouse of:

(A) The specific location of the designated area. Should field conditions or other circumstances require the excavation or demolition to be expanded outside the originally designated area established in accordance with subsection (e) of section 16-345-4 of the Regulations of Connecticut State Agencies, a separate notification shall be made and said notification shall be in accordance with the time requirements as provided in this subdivision;

(B) The name, address and telephone number of the excavator actually performing the proposed excavation or demolition;

(C) The date on which such proposed excavation or demolition will commence. The date shall be at least two full days, excluding Saturdays, Sundays and holidays, after the ticket is provided to the central clearinghouse, but not more than thirty (30) days after the ticket has been provided to the central clearinghouse. If the excavator or responsible party reasonably expects that the scope of the project is such that it will involve excavation or demolition at multiple locations or over a period of time greater than thirty (30) days, the excavator or responsible party shall provide separate notifications for each separate location and only for such locations in which the excavation or demolition is expected to occur within the thirty (30) day period following the notification;

(D) The type of such proposed excavation or demolition;

(E) The method used to identify or designate the area of proposed excavation or demolition. The excavator or responsible party shall identify and mark the designated area prior to notifying the central clearinghouse;

(F) If it is an emergency, the exact reason why the situation is an emergency as defined in subsections (14) and (15) of section 16-345-1 of the Regulations of Connecticut State Agencies; and

(G) Such other information as the central clearinghouse or the Authority shall deem necessary to carry out the objectives of Chapter 293 of the Connecticut General Statutes and to protect public safety;

(2) In the event of an emergency excavation or an emergency blasting:

(A) immediately provide the notice required by subdivision (1) of this subsection to the central clearinghouse for the purpose of determining the public utilities with facilities located at or near the site of the excavation or demolition;

(B) immediately provide the notice required by subdivision (1) of this subsection directly to the affected public utilities prior to the excavation or demolition; and

(C) notify the central clearinghouse by telephone of the emergency and response taken as soon as reasonably possible if such notice was not given immediately prior to the excavation or demolition.

(b) In addition to the requirements of subsection (a) of this section, a responsible party

shall:

(1) Provide the name and phone number of the excavator to any public utility requesting such information;

(2) provide the information contained in the ticket to the excavator prior to excavation or demolition; and

(3) in the event that any information or special conditions regarding the location of excavation or demolition is received by any responsible party, transmit such information to the excavator prior to the commencement of any excavation or demolition.

(c) Any excavator performing excavation or demolition within the State of Connecticut shall:

(1) Use prudent judgment in determining whether to proceed with the excavation or demolition prior to the identification of any or all of the facilities in the event of emergency excavation or emergency blasting. In exercising such judgment, the excavator shall consider, among other things, the potential hazard to life and property while awaiting public utility personnel to locate all the facilities, the need for public utility personnel to locate the facilities having the greatest potential for detriment to the public safety and the potential hazards that could result from proceeding without having located the facilities and potential damage to those facilities;

(2) Exercise reasonable care when working in proximity to the underground facilities of any public utility. Reasonable care shall include, without limitation, the use of construction methods appropriate to ensure the integrity of existing utility facilities and their man-made temporary and permanent support including but not limited to adequate and proper shoring and proper backfill methods and techniques; the selection of equipment and explosives capable of performing the work with the minimum reasonable likelihood of disturbance to underground facilities; adequate supervisory personnel to ensure proper actions; proper understanding by the personnel on the job site of the authority of all parties involved in the activity so that prompt action can be taken in the event of unanticipated contact with or damage to underground facilities; adequate training of employees in executing their assignments to ensure protection of utility facilities and the public; maintaining necessary liaison with public utilities; sponsoring preplanning and preconstruction meetings as necessary, and complying with all applicable laws and regulations;

(3) Use proper care when utilizing trenchless excavation. If the excavator is utilizing trenchless excavation, and such excavation is expected to cross or encroach within the approximate location of underground facilities either horizontally or vertically, the excavator shall:

(A) Determine the actual location of such underground facilities expected to be so crossed or encroached prior to crossing or encroaching the underground facilities by:

(i) excavating and exposing the utility at the location of the crossing or encroachment; or

(ii) if the trenchless excavation is crossing a sanitary or storm drain, performing a visual inspection of adjacent manholes or catch basins to measure the depth of the facilities and determine the actual location of the facilities. The crossing or encroachment can be made without exposing the utility if the crossing or encroachment is expected to have a clearance of at least three (3) feet; and

(B) If the trenchless excavation has the possibility of crossing privately owned sanitary sewer laterals, take reasonable steps to identify the location of such laterals before proceeding with the trenchless excavation. Reasonable steps shall include, but not be limited to, inspecting the structure served by the lateral to identify the location of the sewer lateral connection, inspecting manholes to identify the discharge point of the lateral, or the use of locating sondes. The use of trenchless excavation around privately owned sewer laterals shall follow the same amount of care as required for public utilities in this subsection;

(4) In the event that underground facilities of a public utility are likely to be exposed by such excavation or demolition, provide such support or protection, or both, as may be necessary to protect such facilities from damage;

(5) Where underground facilities containing combustible or hazardous fluids or gases (such as natural gas, propane, jet fuel or chlorine) are likely to be exposed or where the proposed excavation or demolition is to occur within the approximate location of such facilities or affecting such facilities, except for excavations performed in connection with the need to expose such underground facilities by the owner of such facilities, use mechanical equipment solely for the purpose of removing the bituminous and concrete road surface. In such circumstances, other than for the removal of a bituminous or concrete road surface, an excavator, other than the public utility exposing its own underground facilities, shall employ hand digging or soft digging methods only;

(6) In the event that the excavator, after reasonable attempt, is unable to locate the actual location of an underground facility after the approximate location of an underground facility has been marked, the excavator shall request such further assistance from the public utility as may be needed to determine the actual location of the underground facility;

(7) Avoid the covering or removal of surface markings, flags or stakes indicating underground facilities during construction activity prior to the actual excavation or demolition in the vicinity of the located facilities. If such surface markings, flags or stakes are to be covered or removed during the excavation or demolition activity, the excavator shall make all reasonable efforts to maintain the location of the underground facilities by use of offset marks or maps. If surface markings, flags or stakes are disturbed to the extent that the excavator cannot identify the approximate location of underground utility facilities, the excavator shall contact the utilities to request that the utilities re-mark the approximate location of the underground utility facilities; and

(8) Immediately request assistance from the public utility in the event an excavator has reason to believe there are underground facilities of a public utility in the designated area that have not been marked by the public utility in accordance with section 16-345-5 of the Regulations of Connecticut State Agencies.

(d) A ticket given pursuant to subsection (a) of this section shall expire at the end of thirty (30) days from the date such ticket is given to the clearinghouse.

(e) The designated area shall be identified or marked by the excavator or responsible party prior to notifying the central clearinghouse in such a manner as to enable the public utilities to know the outer boundaries of the designated area. The designated area shall be identified or marked as follows:

(1) Except as provided in subdivision (2) of this subsection, in accordance with section 16-345-5 of the Regulations of Connecticut State Agencies and shall clearly indicate the

outer limits of where possible excavation or demolition activities may occur;

(2) If the designated area is one thousand (1,000) feet or more longitudinally on or adjacent to an existing highway, surface markings pursuant to section 16-345-5 of the Regulations of Connecticut State Agencies are not required if a preconstruction meeting is held by the excavator or responsible party and all affected public utilities are informed of such meeting, and the designated area is identified by clear and appropriate markings on a plan map which was originally prepared by a licensed surveyor or competent employee of a public utility and delivered to the public utilities whose underground facilities may be affected; and

(3) If the area of proposed excavation or demolition is designated by surface markings, flags or stakes which are not clearly visible from the public street, the excavator or responsible party shall include, in the ticket to the central clearinghouse, directions to the designated area from the nearest public street.

(f) When any contact is made with or damage is done to any underground facility of a public utility, the excavator responsible for the operations causing such contact or damage shall:

(1) Immediately and directly report the contact or damage to the affected public utility, but such excavator shall not tamper with or attempt to repair such facility except when and to the extent authorized by the public utility. The excavator performing the excavation or demolition shall use prudent judgment taking into account minimizing the potential detriment to public safety in determining whether to cease activities pending the arrival of qualified public utility personnel; and

(2) When such contact or damage includes the occurring of a serious electrical short circuit or the escaping of combustible or hazardous fluids or gases (such as natural gas, propane, jet fuel or chlorine) or any other event endangering the public, the excavator responsible for the excavation or demolition involved in such damage shall also alert all persons within the danger area, shall alert police, fire, or other emergency personnel, and take all feasible steps, including, where applicable, eliminating sources of ignition and evacuating employees and the general public from the affected area, but excluding tampering with or attempting to repair the damaged facility, to insure the public safety pending arrival of the appropriate public utility personnel.

(g) At all times when excavation or demolition is in progress there shall be a representative of the excavator present in overall charge of the operation who shall be knowledgeable regarding the operation being performed, sections 16-345-1 to 16-345-9, inclusive, of the Regulations of Connecticut State Agencies and the legal name and address of the entity that is directly responsible for the performance of the operation. This person shall have satisfactory evidence that the notification requirements of sections 16-345-1 to 16-345-9, inclusive, of the Regulations of Connecticut State Agencies have been met, such as the ticket number from the central clearinghouse on site at all times.

(h) Each excavator involved in excavation or demolition shall post a summary of the requirements of sections 16-345-1 to 16-345-9, inclusive, of the Regulations of Connecticut State Agencies in construction workplaces. Construction workplaces shall include, without limitation, offices of the entity performing the work in a location where persons directly involved in excavation or demolitions frequent, including field offices and similar locations.

(i) The representative of the excavator shall provide the legal name and address of the entity that is directly responsible for the performance of the excavation or demolition activity and shall provide satisfactory evidence to any entity, including a public agency or public utility requesting such information. Such representative shall also be an agent for service of notice or process in any matter related to compliance with sections 16-345-1 to 16-345-9, inclusive, of the Regulations of Connecticut State Agencies.

(j) Excavators performing excavation in areas of continual excavation, as defined in section 16-345-1(11) of the Regulations of Connecticut State Agencies, shall notify the central clearinghouse of their existence, and such notice shall be valid for a period of one calendar year. For excavation at areas of continual excavation, notification to the central clearinghouse in accordance with section 16-345-4(a)(1) of the Regulations of Connecticut State Agencies is not required. Excavators performing excavation in areas of continual excavation shall consult with any public utilities that own or operate facilities in such area regarding the location of the facilities, shall maintain records regarding the location of such facilities, and any excavation in proximity of the utility facilities shall be done with the same standard of care as required in this section.

(k) Any excavator shall file such other information which the central clearinghouse or the Authority shall deem necessary to carry out the objectives of Chapter 293 of the Connecticut General Statutes and to protect public safety.

(Effective October 25, 1988; Amended March 21, 1997; Amended August 23, 2000; Amended August 2, 2016)

Notes: Correction to remove extra language inadvertently left in subdivision (e)(3) during 9/1/16 publication. (September 9, 2016)