

Preface

This publication has been prepared for excavators, underground facility owners, and operators in South Carolina. It is intended to be a reference tool for interacting with Palmetto Utility Protection Service, Inc. d.b.a. South Carolina 811, “SC811”.

We ask that you provide this manual to anyone in the state who is regularly involved in excavation activities. Familiarity with the contents of this manual is essential to successful communication between excavators, member operators, and SC811. 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 manual. We encourage you to copy as needed. For questions, or to request additional copies of the manual, please contact SC811.

Every effort has been made to accurately reproduce the South Carolina Underground Facility Damage Prevention Act of South Carolina; however, South Carolina 811, its officers, employees and agents make no representation or warranties as to the accuracy of its reproduction. This guide should not be used as a legal reference document. Persons seeking interpretations of the law should contact their attorney. While this guide is a useful tool for all excavators and utility members, their responsibilities are provided by the law.

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How to Contact SC811

Office 803-939-1117
Help Desk Line 800 290-2783 press 1

Utility Location (Toll Free)

Within SC 811

Anywhere 888-721-7877

Web www.SC811.com

Mailing Address South Carolina 811
810 Dutch Square Blvd
Suite 320
Columbia, SC 29210

Hours of Operation

Normal Locates: Mon-Fri, 7:30 am-5:30pm

Emergency Locates: 24/7 Call In

Portal (24/7):

Level 3 & 3 Plus: Processed at time submitted

Level 2/Web Locates: Processed the next
business day if submitted after 3:00 pm.

About South Carolina 811

SC811 is the notification center that takes information about proposed excavation projects and transmits it to our member facility operators who may have underground infrastructure in the area of excavation. These facility operators are responsible for locating their underground lines. Submitting a locate request prior to excavation is a free service and can help prevent damages which can result in injury, fines and utility service interruption.

Formed by member facility operators in 1978, Palmetto Utility Protection Service (dba South Carolina 811) operates under the Underground Facility Damage Prevention Act to protect buried facilities and keep excavators and the general public safe. All operators are required to join the association and utilize the services of the notification center in accordance to Section 58-36-50 (B) (1); (2); (3); (4)

Mission: To be the innovative communication resource for damage prevention of underground infrastructure, dedicated to the education, success, and safety of our stakeholders and the public.

Vision: The industry leader in ground-breaking infrastructure protection and call or click before you dig awareness.

SC811 does NOT:

- Physically mark any underground facilities
- Settle disputes between excavators and members
- Keep a database of the exact location of underground facilities.

There is no charge to the excavator for notifying SC811 to have underground facilities marked prior to excavation. All private facilities not owned by a facility operator will be the responsibility of the excavator/owner to have marked at their expense. Visit sc811.com/private-locator for a list of companies who locate private facilities.

SC811 Quick Facts

- Not-for-profit organization serving the entire State of South Carolina
- Established in 1978 and governed by a board of directors composed of its members
- Employs 48 staff members; of which 30 are Customer Service Representatives
- Maintains current membership of over 400 facility operators
- Notifies an average of 5 member operators for each locate request
- Processed over 880,000 locate notices in 2017; half of which were done by remote/web users

Social Media Outlets

Instagram: @southcarolina811

Facebook: @SC811

Twitter: @SC_811

Mobile App

SC811 offers a free app. The app is a resource for information and systems you need most in the field. Features include locate notice entry, checking and updating positive response, damage reporting tool, member lists, state law, and other beneficial resources. Visit Google Play or iTunes to download the app, or you can scan the QR codes on the inside back cover of this book.

Web Portal

The portal is a one-stop-shop for all locate notice needs. The portal allows you to link accounts with other people in your company, check and respond in positive response, and view notices separate from your company's notices. The portal also contains reports for members to view their response rate within positive response, reports for excavators to view which notices are waiting to be responded to, which notices are waiting to be checked, and which notices are waiting to be closed. Additional features are constantly added to the portal. Visit www.sc811.com/portal for more information on all of the current components within the portal and how to set them up.

Educational Opportunities

SC811 staff travel all over the state at no charge to present on the importance of safe digging. To sign up for a Damage Prevention Training class or request a presentation in your area, contact South Carolina 811 staff at 800-290-2783 ext. 8 or training@sc811.com.

The SC811 website also has important information about safe digging practices. The SC811 Academy is a free online education program that includes training modules on a variety of topics, including submitting a locate request, checking positive response, digging safety, and much more. The web-based program allows for self-paced instruction. To learn more about the Academy, visit www.sc811.com/academy/.

SC811 offers free resources to promote safety and education on the importance of calling or clicking before you dig. Free training materials include the excavator safety manual and quick reference card, color code and positive response card, 811 banners, magnets, stickers and more. Visit www.SC811.com/resources to request.

Holidays

Notice dates are determined by holidays as defined by §53-5-10 SC Code of Laws. In addition, SC811 will be closed for processing normal locate notices. These holidays are subject to change, please visit

<http://www.scstatehouse.gov/code/t53c005.php>

New Year's Day	MLK, Jr. Day
Memorial Day	Independence Day
Labor Day	Veterans Day
Thanksgiving Day	Day after Thanksgiving
Christmas Eve	Christmas Day

The holidays listed below are recognized by §53-5-10 SC Code of Laws. SC811 will be open, but the 3 full working day notice will be calculated from the next business day.

Presidents Day
Confederate Memorial Day
Day after Christmas

Ways to Request a Locate Notice

Phone: Call 811 within the state of South Carolina or 888-721-7877 toll free outside of South Carolina to speak with a Customer Service Representative.

Web Portal: Use the SC811 Portal to submit a locate request. Visit www.sc811.com and click the button, “Portal/Submit a Ticket”. Portal requests are processed the same day, if submitted before 5:00 pm.

Mobile: The SC811 app allows for locate notice entry, checking/updating positive response, damage reporting and more. Download the app with Google Play or iTunes, or by scanning the QR code in the back of this manual.

Required Information on a Locate Request

- (1) Name, address, telephone number of person providing the notice and, if different, contact information of the excavator completing the proposed excavation or demolition;
- (2) Start date of the proposed project
- (3) Anticipated duration of project

- (4) Type of proposed excavation or demolition to be conducted;
- (5) Location of the proposed excavation or demolition (county, town, nearest intersection or cross street and directions to site);
- (6) Whether explosives, drilling, or boring are to occur in the proposed project.

Subaqueous Excavation

A Subaqueous notice is required when excavation work will take place under a body of water, including rivers, streams, lakes, waterways, etc.. This notice requires the excavator to give the member operators 10-20 full working days (not including day of the call, weekends, holidays) to respond. The tolerance zone for a subaqueous notice is 15 feet on either side of the indicated facility.

Notification Time Period

If a locate request is called in on a Monday, the life of the locate request doesn't begin until Tuesday at 12:00 am. Locators have 3 full working days to respond. The locate is due by 11:59 pm on Thursday night. This means the excavator can begin working on Friday morning,

provided that the excavator has checked Positive Response, all locates have been completed and there are no visible signs of an unmarked facility.

Wait time for a Normal Notice

Day Locate is Requested	Day 1	Day 2	Day 3 <small>Locate Marks due by 11:59pm</small>	Earliest Morning digging can begin
Monday	Tuesday	Wednesday	Thursday	Friday
Tuesday	Wednesday	Thursday	Friday	Saturday
Wednesday	Thursday	Friday	Monday	Tuesday
Thursday	Friday	Monday	Tuesday	Wednesday
Friday	Monday	Tuesday	Wednesday	Thursday

Extraordinary Circumstances

An extraordinary circumstance is defined as a circumstance which makes it impractical or impossible for the operator to comply with the provisions of this chapter. Extraordinary circumstances may include hurricanes, tornadoes, floods, ice, snow, and acts of God. If extraordinary circumstances prevent the operator from marking the location in the required time period, the operator must enter an extraordinary circumstance code 110 in Positive Response and state the date and time when the location will be marked.

Life of a Locate Request

A normal locate request will begin 3 working days after the request and processing, and extend 15 working days until expiration.

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1 <i>Locate Requested</i>	2	3	4 <i>Locate due by 11:59 PM</i>	5 <i>First Day of Excavation</i>	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22 <i>Update if needed</i>	23	24	25 <i>Locate Request Expires at 11:59 PM</i>	26	27
28	29	30	31			

Updating a Locate Request

If the work will take longer than the 15 full working days, an update locate request needs to be called in at least 3 full working days prior to the expiration of the initial notice.

Length of a Locate

Each locate notice is not to exceed ¼ mile (1320 feet) in length or five adjoining addresses.

Emergency Notification

Definition of an Emergency: ‘Emergency’ means a sudden or unforeseen event involving a clear and imminent danger to life, health, or property; the interruption of essential utility services; or blockage of transportation facilities, including highway, rail, water, and air, which require immediate action.

An excavator performing an emergency excavation or demolition is exempt from the 3 full working day notice wait period as required in Section 58-36-60A. However, the excavator must give, as soon as practicable, **oral notice** of the emergency to the notification center and the facility operator. The excavator must provide a description of the circumstances to the notification center and request emergency assistance from each affected operator in locating and providing immediate protection to the facilities.

If the emergency is the result of a damaged facility, the excavator is also required to complete a **damage report** which can be found at www.sc811.com/damage/.

The declaration of an emergency excavation or demolition does not relieve any party of liability for causing damage to an operator's facilities, even if those facilities are unmarked.

Design Request

A designer may submit a design request to the notification center. The request shall be very detailed in describing the tract or parcel of land for which the request has been submitted.

Within 15 working days after a request has been submitted to the notification center, the operator shall respond by either locating the lines with paint or flags, providing the best available description of the facilities, or allowing the person to inspect drawings/records of the facilities in the area at an acceptable location. An operator may reject a design request based on homeland security pending additional information confirming the legitimacy of the request.

Facility Operators Responsibilities

As of June 7, 2015, all facility operators in South Carolina are required to be members of SC811 as stated in section 58-36-50 of the Underground Facility Damage Prevention Act. For information about membership, contact at 800-290-2783, Ext. 8 or membership@sc811.com.

Facility operators/locators must respond to a locate request within 3 full working days of receiving it, not including the day the notice was made. Facility operators/locators are also required to respond with the status of their locate within the positive response system before the three full working days has expired.

The horizontal location of the facilities must be marked using the APWA Uniform Color Code for Utilities on the following page.

APWA Color Code

- **Red** - Electric Power Lines, Cables, Conduit and Lightning Cables
- **Yellow** - Gas, Oil, Steam, Petroleum or Gaseous Material
- **Orange** - Communication, Cable TV, Signal Cables, or Telephone
- **Blue** - Potable Water
- **Green** - Sewer or Drain Lines
- **Pink** - Temporary Survey Markings
- **Purple** - Reclaimed Water, Irrigation or Slurry Lines
- **White** - Proposed Excavation

If the diameter or width of a facility is greater than 3 inches, the dimension of the facility must be indicated at least every 25 feet in the area of the proposed excavation. Multiple facilities in the same trench must be located individually.

All underground facilities installed after June 7, 2012, must be electronically locatable. Facility Operators/Locators must utilize the Positive Response system by June 7, 2015.

Excavator Responsibilities

Call Before You Dig

Notify SC811 3-12 full working days in advance by either calling 811 or 888-721-7877, entering a request online at www.sc811.com/submit-a-ticket/, or entering a request via portal entry.

Pre- Marking

When the excavation site cannot be clearly and adequately identified within the area described in the notice, the excavator must designate the area to be excavated by pre-marking before the operator performs a locate. Pre-marking must be made with WHITE paint, flags, or stakes. Pre-marking in any other color may cause confusion to locators and other excavators.

Positive Response

Positive Response is an automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request until the notice has been closed or expires. Before beginning the work, the excavator is required to check Positive Response to verify all facility operators have responded.

The excavator can check Positive Response

within the web portal. Portal users are able to view responses to each locate notice they submitted. They are also able to close out the locate notice when work has been completed. Positive Response can also be checked by calling 811.

Excavation may begin prior to the specified waiting period if the excavator has confirmed that all operators responded with an appropriate Positive Response. An operator's failure to respond in the Positive Response system does not prohibit the excavator from proceeding provided there are no visible indications of a facility in the area, such as a pole or pedestal. If there are indications of a facility in the area, the excavator is required to call SC811 for a "No Show" about the unmarked facility and allow an additional three hours for the facility operator/locator to mark the facility.

Just because a Positive Response code is entered doesn't mean work can begin. There are two different types of codes called open codes and closed codes. Open codes indicate that the locator has attempted, but did not complete their locate. Closed codes indicate that the area has been marked or that there are no underground utilities in the area of excavation. All closed codes must be entered prior to the start of excavation.

Positive Response Open Codes

30 – Locate not complete - Unable to contact excavator

31 – Insufficient Information. Please call SC811 and provide additional/correct info

40 – Locate not complete; could not gain access to property

50 – Critical facility not marked. The utility owner or their designated representative have contacted the excavator and have agreed to a period that an owner representative must be present during excavation to identify the unmarked facility and/or monitor the excavation

60 – Locator and Excavator have agreed and documented marking schedule

90 – Subaqueous Facilities. 10 days to locate or communication required

110 – Extraordinary Circumstances. Communication required

122 – Design request - meeting required

999 – Member has not responded by required time

Positive Response Closed Codes

10 – No Conflict

11 – Member operator not in area of excavation

20 – Marked

55 – Critical facility marked. The utility owner or their designated representative have contacted the excavator and have agreed to a period that an owner representative must be present during excavation to identify the marked facility and/or monitor the excavation

80 – Facility Owner's Master Contractor is responsible for locating facilities

100 – Homeland Security Issue. Request denied
Facility Owner shall contact excavator

120 – Design request - marked

121 – Design request - facility printed provided

123 – Design request - Homeland Security Issue. Request denied. Facility Owner shall contact excavator

Excavator Positive Response Codes

- 1– Excavator closed notification ticket
- 2– Notification ticket closed by system

Positive Response Special Circumstances

There will be times when a member has not responded in the required time or the positive response may not match what you see when you arrive at the job site. Here are a few scenarios and what to do in those situations.

1 – A member utility has not responded in positive response and you DO see indications of that facility in the area of excavation. You are required to call SC811 for a “no show” and state which utility or utilities have not responded.

2 – A member utility has not responded in positive response and you DO NOT see indications of that facility in the area of excavation. It is a best practice to also call SC811 for a “no show” because there are not always visible indicators that a utility line is present. Remember the companies listed on the notice were notified because their maps indicate that they have lines in the area.

3 – A member utility has put a 10 – no conflict, indicating that no facilities are in the area of excavation, but when you arrive at the site you see indications of that member facility present. If you think that the ticket was miscoded, you can call SC811 for a no show on that member and they will be re notified. Keep in mind that utilities can be miscoded. Approximately, 25% of no shows on no conflicts come back with a marked code, so do your due diligence if you think a utility line is in the area of excavation.

4– A member utility has responded with a 20-marked, and when you arrive on the job site, you see no locate marks. First, you may want to look at your locate request and verify that your address is correct. Second, SC811 cannot process a no show because the company stated that they marked; however, you can call in a resend and request for them to mark again.

Private Facilities

SC811 member utilities do not mark lines that they have not installed and maintained. It is the excavator's responsibility to have these lines marked. A list of companies that mark private lines can be found at www.sc811.com/private-locators.

Depth of Facilities

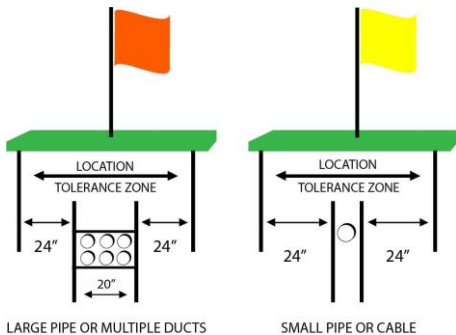
SC811 does not have information on specific location or depth of buried facilities. Often, facility owners are reluctant to provide depth information to an excavator. Most facility owners follow certain depth requirements or guidelines when installing facilities, but they have no control over depth variation caused by human intervention, erosion, weather or other circumstances.

Protecting the Marks

The excavator shall preserve the markings until no longer required. When a mark is no longer visible, but the work continues in the vicinity of a facility, the excavator must request a re-mark from the notification center to ensure the protection of the facility.

Tolerance Zone

The following illustration demonstrates the areas where it is safe to dig mechanically and where it is required to hand dig. The tolerance zone is 24 inches on either side of the utility mark plus $\frac{1}{2}$ the diameter of the facility, if known. Always hand dig to expose facilities in the tolerance zone.



Mechanized equipment is not to be used within the tolerance zone until the excavator has visually identified the precise location of the facility, or has visually confirmed that no facility is present up to the depth of excavation. The excavator is also responsible to ensure reasonable precautions are taken to avoid any substantial weakening of the facility's structural or lateral support, or both, or penetration or destruction of the facilities or their protective coatings.

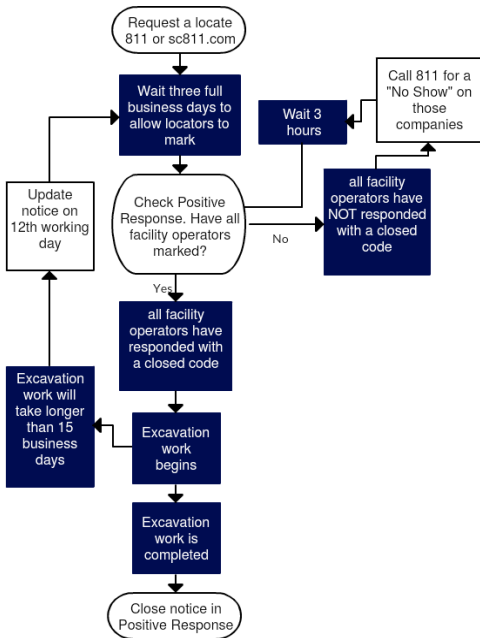
Mechanical means may be used, as necessary, for initial penetration and removal of pavement or other materials requiring use of mechanical means of excavation and then only to the depth of the pavement or other materials.

For parallel type excavations within the tolerance zone, the existing facility shall be visually identified at intervals not to exceed fifty feet or at any change in direction of the facility along the line of excavation to avoid damages. The excavator shall exercise due care at all times to protect the facilities when exposing these facilities.

Closing the Notice

After the work is completed, the excavator is required to close out the notice in positive response. Once a locate notice has been closed, the excavator is no longer able to dig on the site even if the 15 working days have not expired. The excavator must call in a new locate request.

Safe Digging Flowchart



Damages

If the excavation results in any damage to a facility, the excavator must immediately notify SC811 and the facility operator with the location and nature of the damage, if known. A damage report must then be submitted to SC811 on a damage form at www.sc811.com/damages.

Creating an emergency notice does not constitute reporting a damage even though SC811 and the facility operators are notified.

The excavator must allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area. The excavator shall delay any backfilling in the immediate area of the damaged facility until authorized by the operator. The repair of any damage shall be performed by the operator or by qualified personnel authorized by the operator.

An excavator responsible for any excavation or demolition that results in damage to a facility where damage results in the escape of any flammable, toxic, or corrosive gas or liquid, or electricity, or endangers life, health, or property, immediately shall notify emergency services,

including 911, the notification center and the operator, if known. The excavator must take reasonable measures to protect themselves, those in immediate danger, the general public, property, and the environment until the operator or emergency responders have arrived and completed their assessments.

How to Recognize a Gas Leak or Damage

Smell – Natural Gas is colorless and odorless. A distinctive pungent odor, similar to rotten eggs, is added so that you will recognize it quickly. Not all transmission lines are odorized.

Sight – You might see a white cloud, mist, fog, or bubbles in standing water, or blowing dust. You may also see vegetation that appears to be dead or dying for no apparent reason.

Sound – You may hear an unusual noise like roaring, hissing or whistling.

Enforcement/Penalties

Any person who violates any provision of the law is subject to a penalty of up to \$1,000 per violation. Actions to recover the penalty provided for in this section shall be brought by the Attorney General at the request of the injured party. Please visit www.sc811.com/enforcement to download a form that you can send to the AG.

Frequently Asked Questions

Who is required to notify SC811 before beginning excavation work?

Any person(s) engaged in excavation or demolition, for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by discharge of explosives and including augering, backfilling, digging, ditching, drilling, well drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, and tunneling. There are limited exemptions which are listed in section 58-36-110 of the SC Underground Facility Damage Prevention Act.

Why won't locators tell me the depth of the facilities?

Members are only required to mark the horizontal location of their facilities because facility depths can vary due to installation practices, changes in grade, and soil erosion.

I have waited the required time and some or all of my lines have not been marked. What do I do?

If you have waited the full 3 working days to begin your excavation, or the full 10 days for a subaqueous notice, and the member has failed to respond in Positive Response, contact SC811 and we will re-notify the facility operator(s).

If I'm a sub-contractor, do I have to get my own notice or can I work under the general contractor's locate notice?

SC811 recommends that all excavators request their own locate notices.

According to Positive Response, members have indicated that they have marked their facilities on my dig site. However, there are no locate marks at my dig site. What should I do?

There are many reasons why a dig site may not be marked. The wrong job site or location on the job site may have been marked or weather may have destroyed the markings. We recommend that you verify the location information on your notice and either call SC811 to resend the notice to those members, or contact the member directly to get clarification before you begin excavation.

Who is liable if excavation is started after the required wait time expires, but before all locates were completed and a damage occurs?

SC811 cannot advise on liability issues and recommends that excavators obtain legal advice from their own attorneys.

What information is available from SC811 if there is a dispute or litigation?

If physical proof is needed by the member, SC811 can provide voice recordings of locate notice calls and copies of locate notices. SC811 is required to keep a record of these for 3 years, plus the current year. There are certain requirements needed to access these records. Charges may apply.

There are underground facilities in my yard, but they were not located. Why?

There are numerous reasons why the lines might not be located. First, if you were specific on the locate notice about where the excavation work was to take place, there may not be facilities in that precise location, which may cause a facility operator to enter a “no conflict code.” Also, members only mark the lines they install and maintain. Private lines are not marked. Examples of private lines are the water line that the plumber installed from the main to your house or an

electric line that runs from your house to a detached garage. Private lines can be located by hiring a contract locator. For a list of locators who can find private lines, visit sc811.com/private-locators or call 811.

I am not able to see or respond to all of my notices or my company's notices. What do I do?

Your account may not be properly linked or configured to your company. Please call the help desk (800-290-2783, option 1) to get your account set up correctly.

Top Ten Locate Request Mistakes

1. *Requesting too many addresses to be marked.*
You can request up to 5 addresses (or ¼ mile) on one locate notice, but the addresses must be side by side, on the same side of the road.
2. *A different location in the address field than in instructions field.*
Information provided in the instructions of the locate notice should reflect the address/street name provided in the address field of the notice.
3. *Notice does not contain enough information to be able to map (when submitting in portal).*
Providing two additional cross streets and directions to the site will help the CSR locate the site on the map and it will aid the locators in the field. Also, if you are requesting an area to be marked that you know is a new subdivision and it is not on the SC811 map, please provide detailed directions to the site. If the directions can be found on google maps, please note that in the directions field. If the CSR is unable to map the notice and unable to contact the caller for further information, the notice will be voided.
4. *Know the county/place the work is taking place in. The county/place is a required field.*
Prior to calling in your locate notice, know the county and closest city or town where the work is taking place so your locate notice can be

processed in a timely manner.

5. *Not including footage when working along a road.*

SC811 can only process a 1,320 feet per locate notice. Be sure to break down your locate notice to 1,320 foot increments and include the footage that you will be working on for each locate.

6. *Entering a normal notice request with improper instructions or remarks within the portal.*

Only normal and update locate notices may be entered using the web portal level 2 or 3. Do not state that the notice is an emergency or other notice type within the instructions or remarks of the notice. Should any other type of notice be needed then dial 811 and a customer service representative can assist you.

7. *Not providing enough or proper information to complete the notice.*

If the caller cannot provide the required information to the CSR in order to complete the notice, the caller will be advised of what is needed and the notice will be suspended until the caller calls back. If the notice is entered via the portal and any of the information is missing or not entered correctly, SC811 will attempt to contact the individual who submitted the request. If the CSR is unable to reach the individual, the CSR will leave a message for

them to contact SC811, with what is needed and the notice will be suspended. The person must call back by the close of business or the notice will be voided.

8. *Not providing a good contact phone number (or a number with a voicemail that is full or has not been set up).*

From time to time, SC811 or a member facility operator may need to reach out to the caller/excavator with questions regarding the locate notice request. Please be sure that your contact phone number is correct so that these questions can be answered to ensure that your locate request will not be delayed.

9. *Requesting one locate notice for work taking place on both sides of a road with a median.*

When working along a road that contains a grass or concrete median, separate locate notices will need to be requested for each set of lanes and the median itself.

10. *Putting an exact address in the address field when working along a road.*

If you are working along a road, do not put an address in the address field, as the system will pull up the exact location of the address. If you are working along a roadway, you can note the addresses you are working in front of in the directions field.

State Law on Underground Damage Prevention

Be it enacted by the General Assembly of the State of South Carolina:

Underground Facility Damage Prevention Act

SECTION 1. Title 58 of the 1976 Code is amended by adding:

CHAPTER 36 ***South Carolina Underground Facility*** ***Damage Prevention Act***

Section 58-36-10 (Short Title)

This chapter may be cited as the Underground Facility Damage Prevention Act.

Section 58-36-20 (Definitions)

For purposes of this chapter, the following words and terms are defined as follows:

- (1) ‘APWA’ means the American Public Works Association or successor organization or entity.
- (2) ‘Association’ means a group of operators, or

their representatives, formed for the purpose of operating a notification center.

(3) 'Business continuation plan' means a plan that includes actions to be taken in an effort to provide uninterrupted service during catastrophic events.

(4) 'Damage' means the substantial weakening of structural or lateral support of a facility, penetration or destruction of protective coating, housing, or other protective device of a facility and the partial or complete severance of a facility.

(5) 'Demolish' or 'demolition' means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives.

(6) 'Designer' means any architect, engineer, or other person who prepares or issues a drawing or blueprint for a construction or other project that requires excavation or demolition work.

(7) 'Design request' means a communication to the notification center in which a request for identifying existing facilities for advance planning purposes is made. A design request may not be used for excavation purposes.

(8) 'Emergency' means a sudden or unforeseen event involving a clear and imminent danger to life, health, or property; the interruption of essential utility services; or the blockage of

transportation facilities, including highway, rail, water, and air, which require immediate action.

(9) 'Excavate' or 'excavation' means an operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by discharge of explosives and including augering, backfilling, digging, ditching, drilling, well drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, and tunneling.

(10) 'Excavator' means any person engaged in excavation or demolition.

(11) 'Extraordinary circumstances' means circumstances which make it impractical or impossible for the operator to comply with the provisions of this chapter. Extraordinary circumstances may include hurricanes, tornadoes, floods, ice, snow, and acts of God.

(12) 'Facility' means any underground line, underground system, or underground infrastructure used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewerage. Provided there is no encroachment on any operator's right-of-way, easement, or permitted use and for purposes

of this act, the following are not considered as an underground ‘facility’: petroleum storage systems subject to regulation pursuant to Chapter 2, Title 44; septic tanks as regulated by Chapter 55, Title 44; swimming pools and irrigation systems. For purposes of this act, and provided there is no encroachment on any operator’s right-of-way, easement, or permitted use, liquefied petroleum gas ‘systems’ as defined in Section 40-82-20(8) do not constitute an underground ‘facility’ unless such a system is subject to Title 49 C.F.R. Part 192.

(13) ‘Locator’ means a person that identifies and marks facilities for operators.

(14) ‘Mechanized equipment’ means equipment operated by means of mechanical power, including, but not limited to, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing-in or pulling-in cable or pipe.

(15) ‘Non-mechanized equipment’ means hand tools.

(16) ‘Notification center’ means an entity that administers a system through which a person can notify operators of proposed excavations or demolitions.

(17) ‘Operator’ means any person, public utility,

communications and cable service provider, municipality, electrical utility, electric and telephone cooperatives, and the South Carolina Public Service Authority as defined in Titles 5, 6, 33, and 58, Code of Laws of South Carolina, 1976, who owns or operates a facility for commercial purposes in the State of South Carolina.

(18) 'Person' means any individual, owner, corporation, partnership, association, or any other entity organized under the laws of any state; any subdivision or instrumentality of a state; and any authorized representative thereof.

(19) 'Positive response' means an automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request until excavation or demolition is complete.

(20) 'Subaqueous' means a facility that is under a body of water, including rivers, streams, lakes, waterways, swamps, and bogs.

(21) 'Tolerance zone' means:

(a) if the diameter of the facility is known, the distance of one-half of the known diameter plus twenty-four inches on either side of the designated center line;

(b) if the diameter of the facility is not marked, twenty-four inches on either side of the outside

edge of the mark indicating a facility; or
(c) For subaqueous facilities, a clearance of fifteen feet on either side of the indicated facility.

(22) 'Working day' means every day, except Saturday, Sunday, and legal holidays as defined by South Carolina law.

Section 58-36-30 (Ordinances and Permits)

(A) The provisions in this chapter supersede and preempt any ordinance enacted by a local political subdivision that purports to:

- (1) require operators to obtain permits from local governments in order to identify facilities;
- (2) require pre-marking or marking of facilities;
- (3) specify the types of paint or other marking devices that are used to identify facilities; or
- (4) Require removal of marks.

(B) A permit issued pursuant to law authorizing an excavation or demolition shall not be deemed to relieve a person from the responsibility for complying with the provisions of this chapter.

Section 58-36-40 (Costs and Expenses)

(A) Any costs or expenses associated with

compliance by an excavator with the requirements in this chapter applicable to excavators shall not be charged to any operator. Any costs or expenses associated with compliance by an operator with the requirements in this chapter applicable to operators shall not be charged to any excavator. Neither the association nor the notification center may impose any charge on any person giving notice to the notification center.

(B) This section shall not excuse an operator or excavator from liability for any damage or injury for which it would be responsible under applicable law.

Section 58-36-50 (Responsibilities of the Notification Center)

(A) Operators must maintain an association that will operate a notification center providing for the receipt of notice of excavation or demolition in a defined geographical area. The notification center must be governed by a board of directors composed of operators and damage prevention stakeholders that are members of the association. The by-laws of the association must provide for a board of directors with the

following membership:

- (1) One representative from each of the six facility members that receive the highest annual notification transmission volumes from the notification center;
- (2) One representative of a public water or sewer company;
- (3) One representative of an electric cooperative;
- (4) One representative of an investor-owned natural gas utility;
- (5) One representative of a company that transports hazardous liquids as defined in 49 U.S.C. 60101(a) (4);
- (6) One representative of a telephone cooperative;
- (7) One representative of a rural water district;
- (8) One representative of the South Carolina Association of Municipal Power Systems;
- (9) One representative of the South Carolina Association of Counties;
- (10) One representative of a company licensed in South Carolina for facility contract locating;
- (11) One representative of the South Carolina Department of Transportation;
- (12) One representative of a company licensed in South Carolina for construction of roads and highways;

- (13) One representative of a company licensed in South Carolina for construction of facilities;
- (14) One representative of a company licensed in South Carolina for landscaping or irrigation;
- (15) One representative of a company licensed in South Carolina as a general contractor or as a subcontractor in the construction industry;
- (16) Three representatives employed by different facility operators in South Carolina; and
- (17) One representative of a special purpose district providing natural gas.

In choosing members of the association to fill these board positions, the association will solicit nominations from the membership of the association and industry organizations representing entities designated by this subsection. The South Carolina 811 Board of Directors existing on the effective date of this act must elect the board as required by the provisions of this subsection within nine months following the effective date of this act.

(B) All operators are required to join the association and utilize the services of the notification center.

(1) Operators that are members of the existing association on the effective date of this act must remain members.

(2) Operators with more than fifty thousand customers or one thousand miles of facilities who are not members must join the association within one year from the effective date of this act.

(3) Operators with more than twenty-five thousand customers or five hundred miles of facilities, who are not members, must join the association within two years from the effective date of this act.

(4) All operators that do not meet the thresholds described in items (1), (2), or (3) must join the association within three years from the effective date of this act.

(C) There shall be only one notification center for The State of South Carolina.

(D) The association shall provide for a reasonable way of apportioning the cost of operating the notification center among its members.

(E) The notification center shall receive notices from persons with intention of performing

excavation or demolition and transmit to the operators the following information:

- (1) the name, address, and telephone number of the person providing the notice, and, if different, the excavator completing the proposed excavation or demolition;
- (2) the start date of the proposed excavation or demolition;
- (3) the anticipated duration of the proposed excavation or demolition;
- (4) the type of proposed excavation or demolition to be conducted;
- (5) the location of the proposed excavation or demolition; and
- (6) Whether or not explosives are to be used in the proposed excavation or demolition.

(F) The notification center must maintain a record of the notices received pursuant to subsection

(E), and information regarding operators failing to provide a response pursuant to subsection (E), and excavators failing to provide notice pursuant to Section 58-36-60(C). This record must be maintained for at least three years.

(G) The notification center shall receive and transmit notices.

(H) The notification center must have a business continuation plan.

(I) The notification center shall provide a positive response system that must be fully operational within three years from the effective date of this act.

(J) The notification center shall file with the South Carolina Public Service Commission the telephone number and address of the notification center and a list of the names and addresses of each operator that received service from the notification center. This filing must be made no later than April fifteenth of each year.

(K) The notification center shall provide to the Chairman of the House of Representatives Labor, Commerce and Industry Committee and the Chairman of the Senate Judiciary Committee a report regarding the activities and operations of the notification center for the preceding calendar year. This report must include, but is not limited to, the following information:

- (1) average speed of answer;

- (2) abandoned call rate;
- (3) transmit times;
- (4) total number of locate requests;
- (5) total number of transmissions to operators of locate requests; and
- (6) Business continuation plan.

This report must be made no later than April Fifteenth of each year.

(L) The notification center must establish and operate a damage prevention training program.

Section 58-36-60 (Responsibilities of Excavators)

(A) Before commencing any excavation or demolition, the person responsible for the excavation or demolition shall provide, or cause to be provided, notice to the notification center of his intent to excavate or demolish. Notice for any excavation or demolition that does not involve a subaqueous facility must be given within three to twelve full working days before the proposed commencement date of the excavation or demolition. Notice for any excavation or demolition in the vicinity of a subaqueous facility must be made within ten to twenty full working

days before the proposed commencement date of the excavation or demolition.

(B) Notice given pursuant to subsection (A) shall expire within fifteen working days after the date of notice. No excavation or demolition may continue after this fifteen-day period unless the person responsible for the excavation or demolition provides a subsequent notice pursuant to subsection (A).

(C) The notice to the notification center must contain:

- (1) the name, address, and telephone number of the person providing the notice;
- (2) the anticipated start date of the proposed excavation or demolition;
- (3) the anticipated duration of the proposed excavation or demolition;
- (4) the type of proposed excavation or demolition to be conducted;
- (5) the location of the proposed excavation or demolition, not to exceed one-quarter mile in geographical length, or five adjoining addresses; and
- (6) whether or not explosives are to be used in

the proposed excavation or demolition.

(D) When demolition of a building is proposed, operators shall be given reasonable time to remove or protect their facilities before demolition is commenced.

(E) An excavator must comply with the following:

(1) When the excavation site cannot be clearly and adequately identified within the area described in the notice, the excavator must designate the route, specific area to be excavated, or both, by premarking before the operator performs a locate. Premarking must be made with white paint, flags, or stakes.

(2) Check the notification center's positive response system prior to excavating or demolishing to ensure that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked.

(3) Plan the excavation or demolition to avoid damage to or minimize interference with facilities in and near the construction area.

(4) Excavation or demolition may begin prior to the specified waiting period if the excavator

has confirmed that all operators responded with an appropriate positive response.

(5) If an operator declares extraordinary circumstances, the excavator must not excavate or demolish until after the time and date that the operator provided in its response.

(6) An operator's failure to respond to the positive response system does not prohibit the excavator from proceeding, provided there are no visible indications of a facility, such as a pole, marker, pedestal, or valve at the proposed excavation or demolition site. However, if the excavator is aware of or observes indications of an unmarked facility, the excavator must not begin excavation or demolition until an additional call is made to the notification center detailing the facility, and an arrangement is made for the facility to be marked by the operator within three hours from the time the additional call is received by the notification center.

(7) Beginning on the date provided in the excavator's notice to the notification center, the excavator shall preserve the staking, marking, or other designation until no longer required. When a mark is no longer visible, but the work continues in the vicinity of the facility, the excavator must request a re-mark from the

notification center to ensure the protection of the facility.

(8) The excavator shall notify the notification center's positive response system when the excavation or demolition is complete.

(9) An excavator may not perform any excavation or demolition within the tolerance zone unless the following conditions are met:

(a) no use of mechanized equipment, except non-invasive equipment specifically designed or intended to protect the integrity of the facility, within the marked tolerance zone of an existing facility until:

(i) the excavator has visually identified the precise location of the facility, or has visually confirmed that no facility is present up to the depth of excavation; and

(ii) reasonable precautions are taken to avoid any substantial weakening of the facility's structural or lateral support, Or both, or penetration or destruction of the facilities or their protective coatings.

Mechanical means may be used, as necessary, for initial penetration and removal of pavement or other materials requiring use of mechanical means of excavation and then only to the depth of the pavement or other materials. For parallel

type excavations within the tolerance zone, the existing facility shall be visually identified at intervals not to exceed fifty feet along the line of excavation to avoid damages. The excavator shall exercise due care at all times to protect the facilities when exposing these facilities;

(b) maintain clearance between a facility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such facility; and

(c) Provide support for facilities in and near the excavation or demolition area, including backfill operations, as may be reasonably required by the operator for the protection of such facilities.

Section 58-36-70 (Responsibilities of Facility Operators)

(A) An operator or designated representative must provide to an excavator the following information:

(1) The horizontal location and description of all of its facilities in the area of the proposed excavation or demolition. The location shall

be marked by stakes, paint, flags, or any combination thereof as appropriate depending on the site conditions of the proposed excavation or demolition using the APWA Uniform Color Code. If the diameter or width of the facility is greater than three inches, the dimension of the facility will be indicated at least every twenty- five feet in the area of the proposed excavation or demolition. Operators who operate multiple facilities in the same trench shall locate each facility individually.

(2) Any other information that would assist the excavator to identify, and thereby avoid damage to, the marked facilities.

(B) The information in subsection (A) must be provided to the excavator within:

(1) three full working days, not including the day the notice was made, for a facility after notice of the proposed excavation or demolition to the notification center;

(2) ten full working days, not including the day the notice was made, for a subaqueous facility after notice of the proposed excavation or demolition to the notification center; or

(3) as otherwise provided by written agreement by the excavator and the operator or designated

representative of the operator.

These time lines do not apply in the event the operator declares an extraordinary circumstance.

(C) An operator may reject an excavation or demolition locate request due to homeland security considerations based upon federal statutes or federal regulations until the operator can confirm the legitimacy of the request. The operator must notify the person making the request of the denial and request additional information, through the positive response system, within the time frame established in subsection (B).

(D) An operator must provide a positive response to the notification center prior to the expiration of the required notice period. This response shall indicate the status of the required activities of the operator or designated representative in regard to the proposed excavation or demolition.

(E) If the operator determines that provisions for marking subaqueous facilities are required, the operator or their designated representative will provide a positive response to the notification

center not more than three full working days after notice of the proposed excavation or demolition from the notification center.

(F) If extraordinary circumstances prevent the operator from marking the location in the required time period, the operator must notify the excavator either by contacting the notification center or by directly contacting the excavator. The operator must state the date and time when the location will be marked.

(G) All facilities installed by or on behalf of an operator as of the effective date of this act, must be electronically locatable using a generally accepted locating method by operators.

(H) A facility locator must notify the operator if the locator becomes aware of an error or omission in facility placement documentation. The operator must update its records to correct the error or omission.

(I) An operator must prepare, or cause to be prepared, installation records of all facilities installed on or after the effective date of this act in a public street, alley, or right-of-way dedicated to

public use, excluding service drops and services lines. The operator must maintain these records in its possession while the facility is in service.

(J) An operator that fails to become a member of the association as required by Section 58-36-50(B) may not recover for damages to a facility caused by an excavator that has complied with this chapter and has exercised reasonable care in the performance of the excavation or demolition.

Section 58-36-80 (Emergency Excavation)

(A) An excavator performing an emergency excavation or demolition is exempt from the notice requirements in Section 58-36-60. However, the excavator must give, as soon as practicable, oral notice of the emergency to the notification center and the facility operator. The excavator must provide a description of the circumstances to the notification center and request emergency assistance from each affected operator in locating and providing immediate protection to the facilities.

(B) The declaration of an emergency excavation or demolition does not relieve any party of liability for causing damage to an operator's facilities, even if those facilities are unmarked.

Section 58-36-90 (Damages)

(A) The excavator performing an excavation or demolition that results in any damage to a facility must, immediately upon discovery of such damage, notify the notification center and the facility operator, if known, of the location and nature of the damage. The excavator must allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of such facility. The excavator shall delay any backfilling in the immediate area of the damaged facility until authorized by the operator. The repair of any damage shall be performed by the operator or by qualified personnel authorized by the operator.

(B) An excavator responsible for any excavation or demolition that results in damage to a facility where damage results in the escape of any flammable, toxic, or corrosive gas or liquid, or electricity, or endangers life, health, or property, immediately shall notify emergency services, including 911, the notification center and the operator, if known. The excavator must take reasonable measures to protect themselves, those in immediate danger, the general public, property,

and the environment until the operator or emergency responders have arrived and completed their assessment.

Section 58-36-100 (Design Requests)

(A) A designer may submit a design request to the notification center. The design request shall describe the tract or parcel of land for which the design request has been submitted with sufficient particularity, as defined by policies developed and promulgated by the notification center, so that the operator can ascertain the precise tract or parcel of land involved.

(B) Within fifteen working days after a design request has been submitted to the notification center for a proposed project, the operator shall respond by one of the following methods:

(1) designate the location of all facilities within the area of the proposed excavation pursuant to Section 58-36-70(A);

(2) provide to the person submitting the design request the best available description of all facilities in the area of proposed excavation, which may include drawings of facilities already built in the area, or other facility records that are maintained by the operator; or

(3) Allow the person submitting the design request or any other authorized person to inspect the drawings or other records for all facilities within the proposed area of excavation at an acceptable location.

(C) An operator may reject a design request based on homeland security pending additional information confirming the legitimacy of the request. The operator must notify the person making the request of the denial and request additional information, through the positive response system, within the time frame set forth in Section 58-36-70(B).

Section 58-36-110 (Exemptions)

A person is exempt from the requirements of Section 58-36-60(A) when an excavation is performed under the following conditions:

- (1) by the owner of a single-family residential property on his own land when the excavation:
 - (a) does not encroach on any operator's known right-of-way, easement, or permitted use;

- (b) is performed with non-mechanized equipment; and
- (c) is less than ten inches in depth;

(2) tilling or plowing of soil when less than twelve inches in depth for agricultural purposes;

(3) for excavation with non-mechanized equipment by an operator or an agent of an operator for the following purposes:

- (a) locating for a valid notification request, or for the minor repair, connecting or routine maintenance of an existing facility; or
- (b) Underground probing to determine the extent of gas or water migration.

(4) when the Department of Transportation, a local government, special purpose district, or public service district is carrying out maintenance activities within its designated right-of-way, which may include resurfacing, milling, emergency replacement of signs critical for maintaining safety, or the reshaping of shoulder and ditches to the original road profile.

Section 58-36-120 (Penalties)

Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed one thousand dollars for each violation. Actions to recover the penalty provided for in this section shall be brought by the Attorney General at the request of the injured party in the proper forum in and for the county in which the cause, or some part thereof, arose or in which the defendant has its principal place of business or resides. All penalties recovered in any such actions shall be equally divided between the state's general fund and the Office of the Attorney General.

This chapter does not affect any civil remedies for personal injury or property damage except as otherwise specifically provided for in this chapter. The penalty provisions of this chapter are cumulative to, and not in conflict with, provisions of law with respect to civil remedies for personal injury or property damage.”

Repeal

SECTION 2. Chapter 35, Title 58 of the 1976 Code is repealed.

Severability clause

SECTION 3. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act irrespective of the fact that any of one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid or otherwise ineffective.

Time effective

SECTION 4. The provisions of this chapter become effective one year after approval by the Governor.

Ratified the 1st day of June, 2011.

Approved the 7th day of June, 2011.

OSHA Regulation

1926.651

b) Underground installations:

(1) The estimated location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be determined prior to opening an excavation.

(2) Utility companies or owners shall be contacted within established or customary local response times, advised of the proposed work, and asked to establish the location of the utility underground installations prior to the start of actual excavation. When utility companies or owners cannot respond to a request to locate underground utility installations within 24 hours (unless a longer period is required by state or local law), or cannot establish the exact location of these installations, the employer may proceed, provided the employer does so with caution, and provided detection

equipment or other acceptable means to locate utility installations are used.

(3) When excavation operations approach the estimated location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

(4) While the excavation is open, underground installations shall be protected, supported or removed as necessary to safeguard employees.