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★ 2021 MIDWEST DAMAGE PREVENTION TRAINING CONFERENCE ★



Insight into what's underground

Indiana 811 Law

November 2021
French Lick, Indiana



INDIANA 811 LAW Training 2021



Committed to safety. Committed to you.



Why Are You Here Today?





“It will
never
happen
to me.”

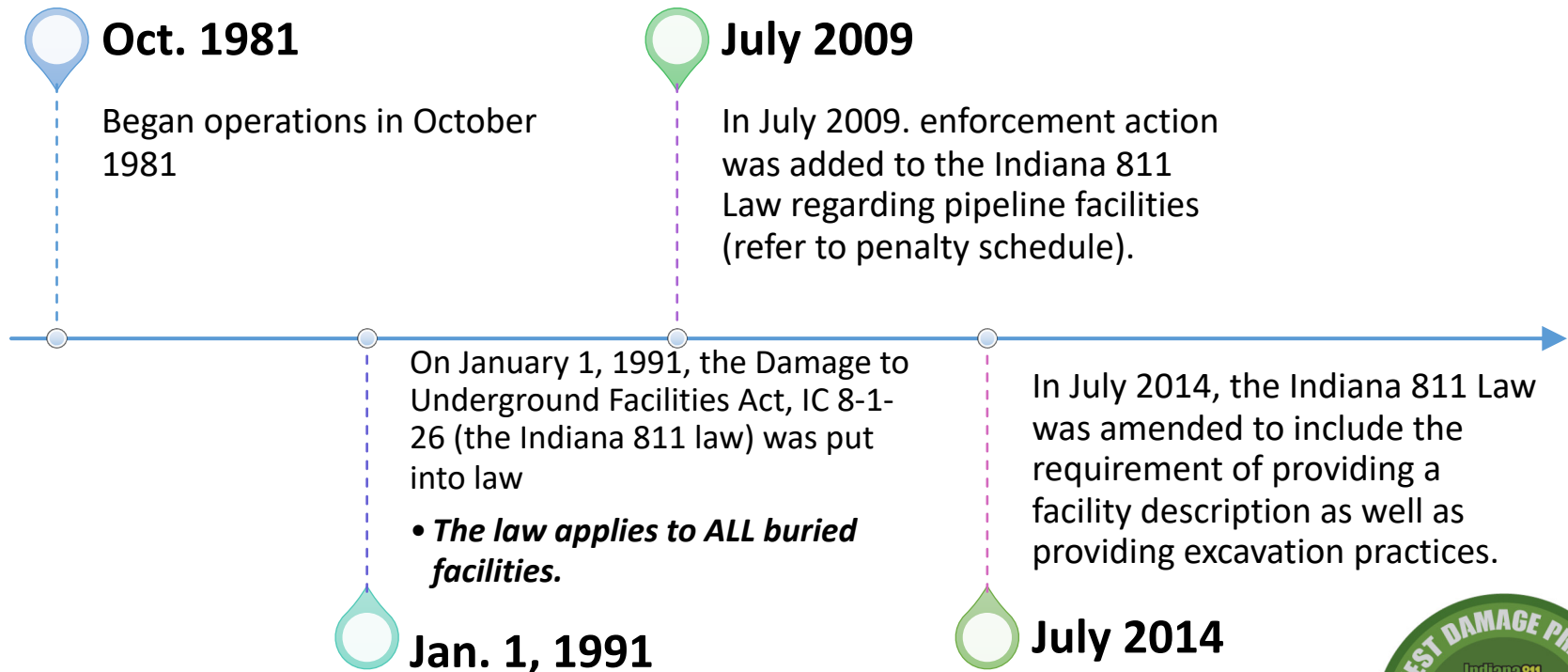




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Indiana 811 Law

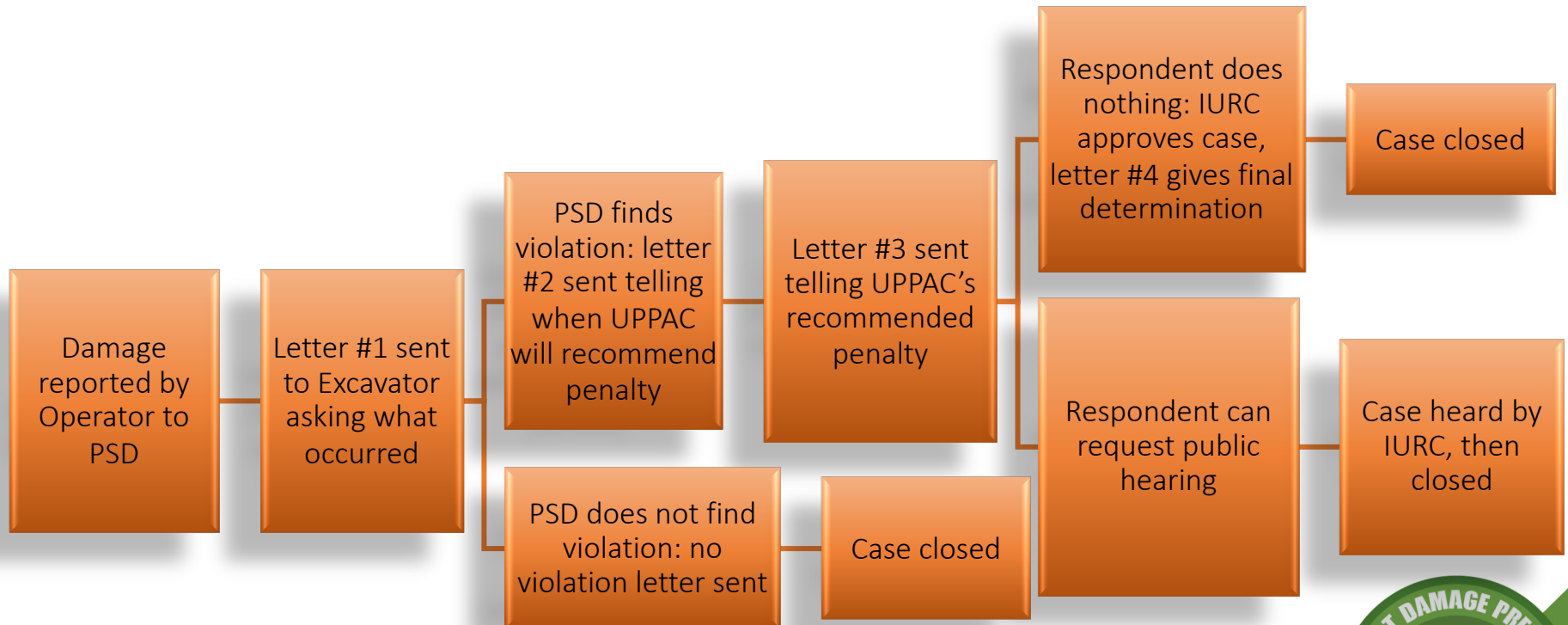


Indiana Utility Regulatory Commission

The Commission's Pipeline Safety Division is required to investigate reported incidents of alleged statutory violations of the Indiana 811 Law.



Process After Damage Occurs



*Total time for complete process, could be up to 7 months.



Underground Plant Protection Advisory Committee (UPPAC)

The Underground Plant Protection Advisory Committee is comprised of excavators, facility operators, investor and municipal utilities, Indiana 811 and a facility locate marking company.



Penalty Schedule for Violations

Guiding Principles for Penalty Schedule

- The objective of this schedule is to ensure public safety.
- The focus is to educate parties and encourage compliance, rather than being punitive.
- Penalties should be imposed in steps, with each step more severe.



Commercial Excavators

Under the Indiana 811 Law, the **maximum penalty is \$10,000** for these violations:

- Not having a proper dig ticket.
- Improperly using mechanized equipment in the 2-foot tolerance zone.
- Failing to excavate with proper care.



General Penalty Schedule for Violations

1 st Violation	Warning letter
2 nd Violation	Training
3 rd Violation	\$1,500 fine, can mitigate entire amount through training
4 th Violation	\$3,000 Fine
5 th Violation +	Fine escalates by \$500 for each violation, up to \$10,000 (UPPAC generally caps at \$5,000)



Penalty Escalations

Failing to report gas release, concealing damage, other reckless actions	Training and a fine up to \$10,000
No dig ticket or locates secured (1 st or 2 nd)	Training (warning letter is skipped)
No dig ticket or locates secured (3 rd +)	Standard penalty + \$1,000 fine
Excavator uses a leak clamp or otherwise attempted unauthorized repairs	At minimum, mandatory training and a \$1,500 fine added to the standard penalty (max. \$10,000 penalty)
Failure to complete mandatory training	In addition to the standard penalty, \$1,500 civil penalty, with chance to mitigate \$1,500 if respondent takes training



Penalty Schedule - 2019 Additions

- Penalties may be escalated, in particular the adding of mandatory training, considering the following:
- How many violations the excavator has, in particular how many violations were recent
- The types of violations
- How recently the company has had training and how many employees attended
- Specific actions or inactions by the excavator that do not follow best excavation practices
- Other factors the Advisory Committee deems appropriate



Opportunity for Reduced Penalty

No Damages for 12 Months

=

Reduced Penalties



Factors to Consider that May Warrant Stronger Penalties

- Failure to report damage to Indiana 811, especially where gas is leaking
- Failure to report release of gas to Indiana 811 and local police and fire departments having jurisdiction
- Attempts to temporarily repair the damage or stop the flow of gas
- Recklessness
- Physical injury
- Property damage of over \$10,000
- Failure to pay previous civil penalties or take required corrective action
- Other factors the Advisory Committee deems appropriate

“Recklessness” means actions marked by lack of proper caution, careless of consequences, or irresponsible. It would also include intentional disregard of the law.



Approximate Location vs. Tolerance Zone

Approximate Location a strip of land at least 4 feet wide, plus the size of the underground facility

Tolerance Zone is the area the diameter of the underground facility plus two feet from the outside edge of the underground facility.



Association Defined

Association = Indiana 811



Damage Defined

“Damage” means:

1. The substantial weakening of structural or lateral support of an underground facility;
2. The penetration or destruction of a protective coating, a housing, or another protective device of an underground facility;
3. The partial or complete severance of an underground facility; or
4. Rendering any underground facility inaccessible.



Demolish Defined

Just a reminder, during the training we will talk about “excavations” because that is more common, but all of this applies to **demolitions** as well.



Excavate Defined

“**Excavate**” means an operation for the movement, placement, or removal of earth, rock, or other materials in or on the ground by use of tools or mechanized equipment or by discharge of explosives, including auguring, backfilling, boring, digging, ditching, drilling, driving, grading, jacking, plowing in, pulling in, ripping, scraping, trenching, and tunneling.



Facility Defined

“Facility” basically means an underground utility line.



Mechanized Equipment Defined

“Mechanized Equipment” means equipment operated by means of mechanical power:

Augers	Backhoe s	Bulldozers
Cable & Pipe Plows	Drills	Hydraulic Excavators
“Other Equipment That May Cause Damage to Underground Facilities.”		



Operator Defined

“Operator” refers to the entity, generally a utility, that has the underground facilities.

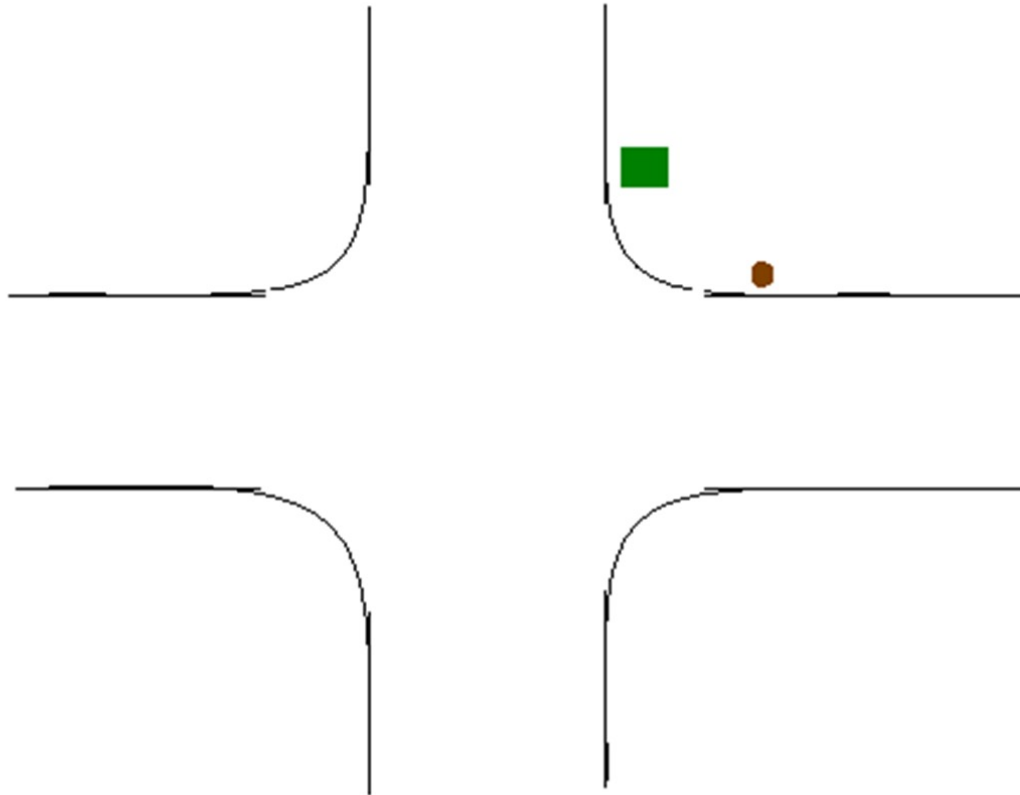


White Lining Defined

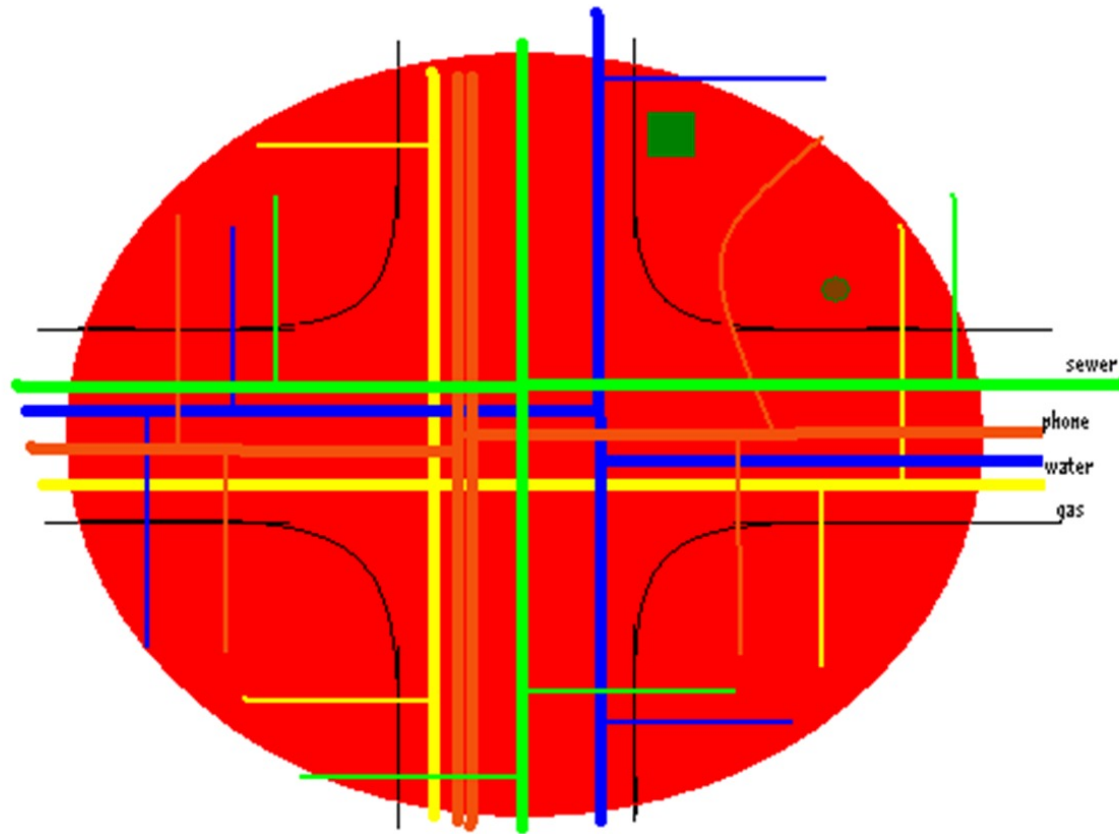
“**White Lining**” means the act of marking the route or boundary of a proposed excavation or demolition with white paint, flags, or stakes, or a combination of white paint, flags, and stakes.



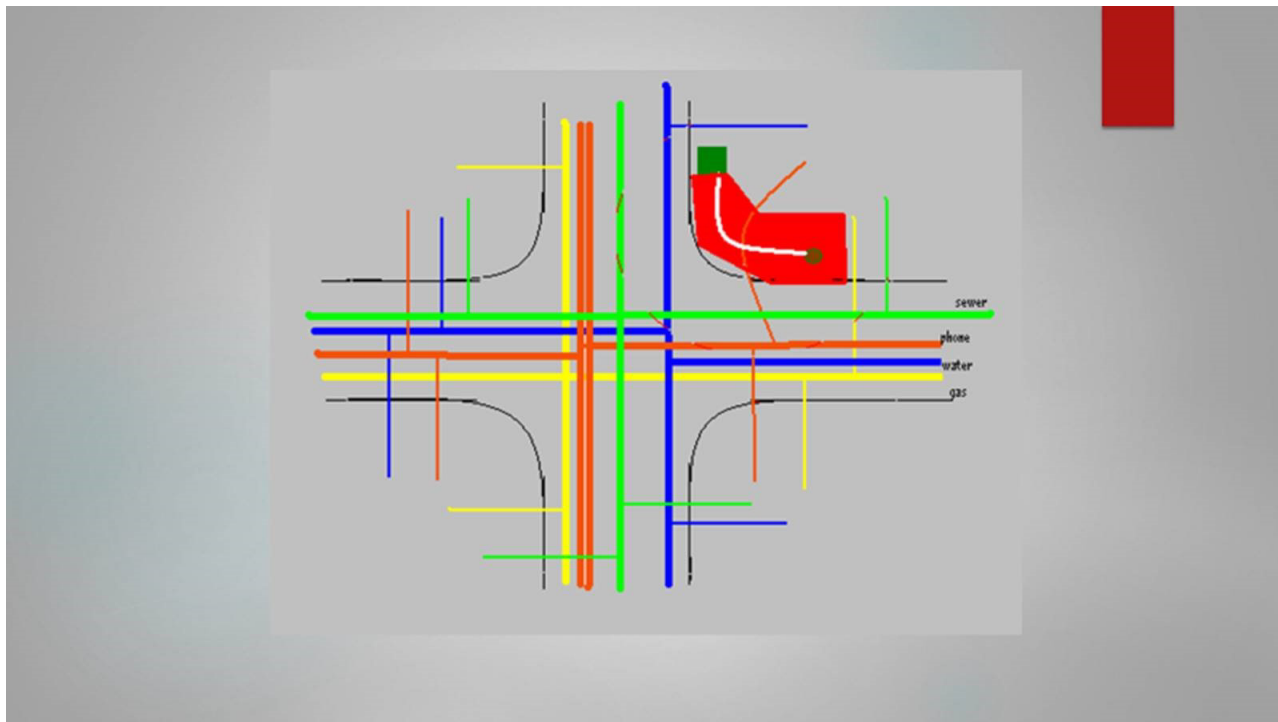
White Lining



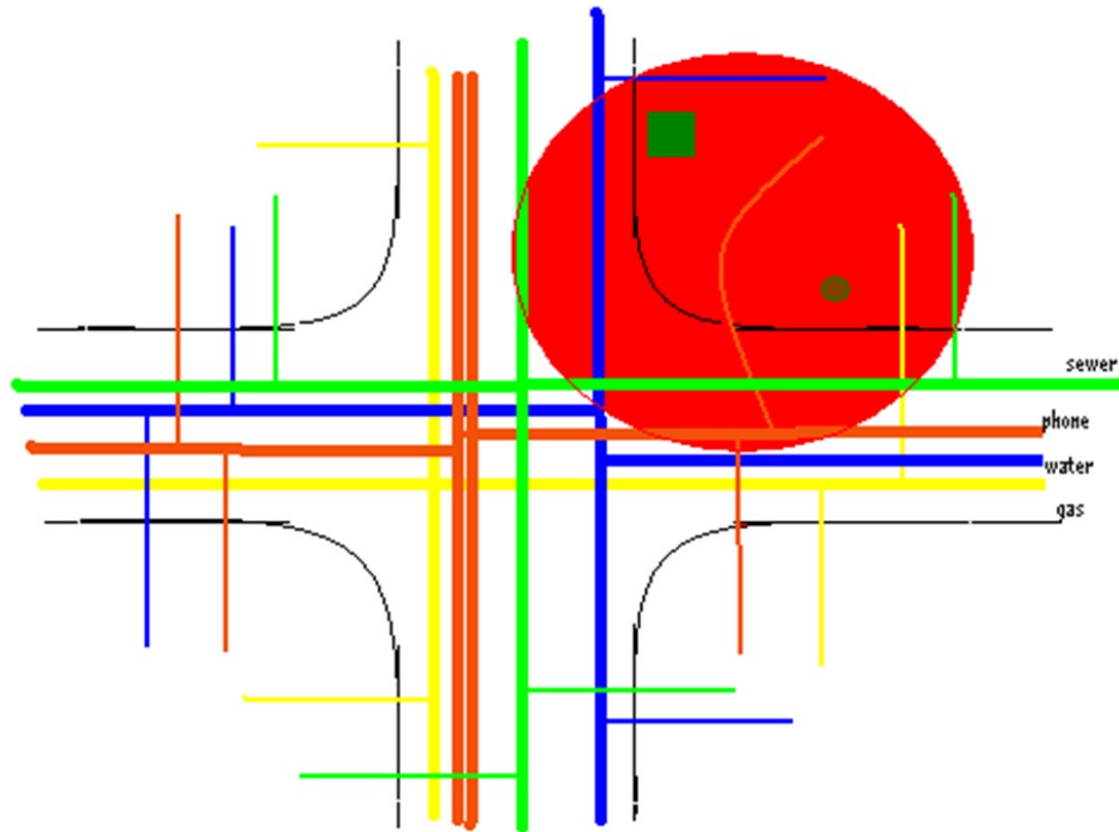
White Lining



White Lining



White Lining



Working Day Defined

“**Working Day**” means every day except Saturday, Sunday, and state and national legal holidays.

1. For a notice that is received between the hours of 7 a.m. and 6 p.m. on a working day, at the time of receipt.
2. For a notice that is received after 6 p.m. on a working day and before 7 a.m. on the following working day, 7 a.m. on the following working day.



Requesting a Dig Ticket

Before commencing an excavation, each person responsible for the excavation shall:

1. Notify Indiana 811 of the person's intent to excavate or demolish; and
2. Perform white lining at the excavation site if unable to provide the physical location of the proposed excavation by one of the following means:
 - Street address.
 - Legal description of the location.
 - Highway location using highway mile markers or cross streets.



Dig Tickets

- The notice must be received at least **2 full working days (from date/time called in)** before the commencement of the work.
- Upon receiving the notice, **Indiana 811 notifies each operator** that has underground facilities in the area.
- A person responsible for excavation or demolition may commence work **before 2 full working days** if all affected operators notified the person of the facilities location or that there are no facilities there.
- The ticket expires **20 calendar days (from date/time called in)** after it is requested.



Ticket Management

- Call in only amount of tickets for a work area you can do in a reasonable amount of time.
- Ensure the site description is accurate and not overly broad. If possible, visit the jobsite and white line.
- Generally, don't renew tickets before the 16th day unless the marks have become illegible or there is evidence of unmarked facilities.



Notice to Excavate or Demolish

- Within an **incorporated area** (generally inside the city limits), for each **1,500 linear feet** of proposed excavation.
- In an **unincorporated area** (generally outside the city limits), for each 2,640 linear feet (**½-mile**) of proposed excavation.



Failure to Provide Notice

You may be subject to a penalty of **up to \$10,000** if you:

- **Damage** an underground pipeline facility while excavating,
- Were required to **properly use a dig ticket**, and
- **Failed to properly use a dig ticket**. This includes:
 - **Didn't obtain** a dig ticket – (1) at all or (2) in your name.
 - **Didn't white line** for a ticket where it was required.
 - Your ticket was for the **wrong area** or **expired**.
 - Had a ticket but **didn't wait 2 full working days** or until all facilities were marked before working.



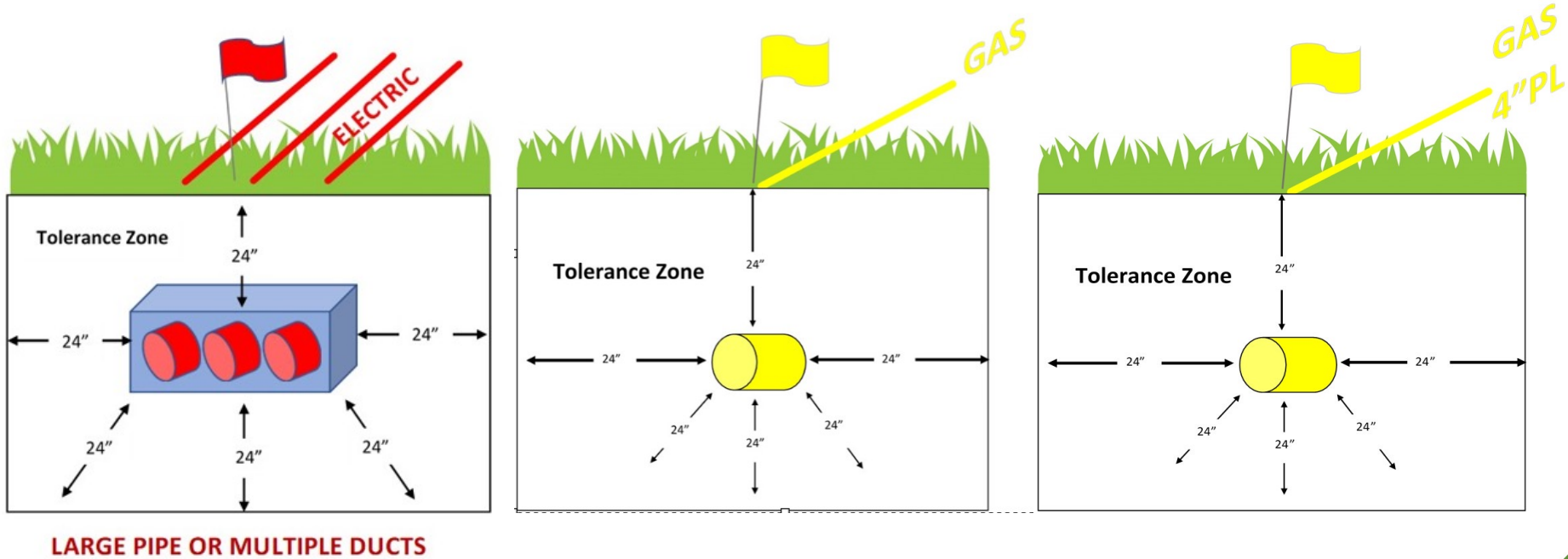
Operator Responsibility

Operators that have facilities in the area of the dig ticket shall provide the following **within 2 full working days**:

- The **approximate location** and a **description** of the facilities.
 - Paint, flags, or stakes or any combination.
 - The marking method must be appropriate to facility location.
- The location and description of **all facility markers**.
- **Maps**, when appropriate.
- Any other information that would assist that person in locating and avoiding damage to the underground facilities.



Tolerance Zone



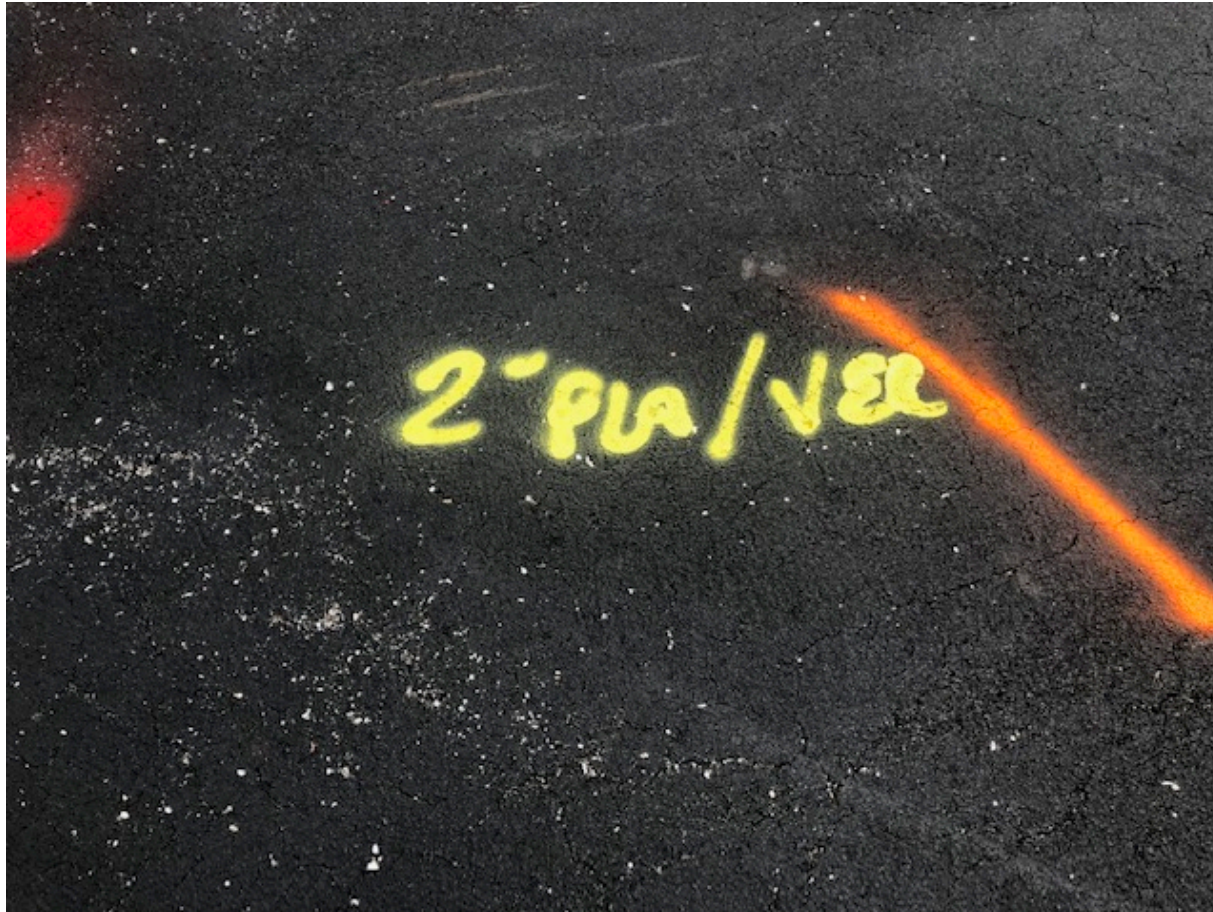
Approximate Location & Description



Approximate Location & Description



Approximate Location & Description



Operator Responsibility

If an operator **cannot timely or accurately** mark its facilities within the ticket, the operator shall:

- **Notify** the person responsible for the excavation
- **Provide** to the person:
 - additional information,
 - if requested, **onsite assistance**.



Color Codes Required by Law

Red	ELECTRIC
Yellow	GAS-OIL-STEAM
Orange	COMMUNICATION-CATV
Blue	WATER
Green	SEWER
Pink	TEMPORARY SURVEY MARKINGS
White	PROPOSED EXCAVATION
Purple	RECLAIMED WATER



Notifying 811 of Bad/Missing Marks

An excavator must notify Indiana 811 if there is **evidence of an unmarked pipeline facility** in the area of the excavation or the **markings have become illegible**.

It is a **violation** if you fail to notify 811 and cause a damage. You may be subject to a fine of **up to \$10,000**.



Alteration of Facility Locate Markings

An excavator may alter locate markings as part of the excavation.

Otherwise, a person (the excavator or a third party) that knowingly moves, removes, damages, or otherwise alters a locate marking may be subject to a civil penalty of up to \$10,000.



Emergency Excavation or Demolition

A person responsible for emergency excavation to stop or reduce the risk of an **imminent danger to life, health, property, or loss of service** does not have to have a valid dig ticket.

1. Notify Indiana 811, as soon as you are capable.
2. Request emergency assistance from operators
Indiana 811 says has facilities in the area to locate and provide immediate protection to the operator's facilities.



Imminent Danger to Life, Health, Property or Loss of Service Defined

“Imminent danger to life, health, property, or **loss of service**” means there is a substantial likelihood that loss of life, health, property, or service will result before the procedures of this chapter can be completed.



False Emergencies

A person that knowingly provides **false notice** of an **emergency excavation or demolition** to Indiana 811 may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed **\$1,000**, even if there is no damage.



Working in the Tolerance Zone

You must maintain a **2-foot clearance between the facility and the cutting edge or point** of mechanized equipment. You can excavate with:

Hand Excavation	Vacuum Excavation
Air Cutting	Hydro Vacuum Excavation

Exception – within the 2-foot zone, the facility is within or under pavement or another manmade hard surface



Tolerance Zone & Mechanized Equipment

Mechanized equipment may only be used in the tolerance zone if the excavator does the following:

- **Visually** identifies the “**precise location**” of the facilities or **visually confirms no facility** is present **within the depth of the excavation**.
- Takes “**reasonable precautions**” to avoid **damaging** the facilities or **substantially weakening** their structural or lateral **support**
- Uses a **spotter** other than the equipment operator



Tolerance Zone & Hard Surfaces

Mechanized equipment may be used for the **initial penetration and removal of the pavement or other manmade hard surfaces** if an underground facility is located or contained in or under it or extending up to 2 feet from either side.

- Take into account the known limits of control of the mechanized equipment's **cutting edge or point**.
- Use the equipment **only to the depth necessary** to remove the pavement or other manmade hard surface.



Duties of Persons Responsible for Excavation or Demolition

You must plan the excavation to **avoid damage** to or **minimize interference** with facilities in and near the construction area.

- Support exposed facilities.
- Use care when you have not visually identified the facility.



If You Damage A Facility

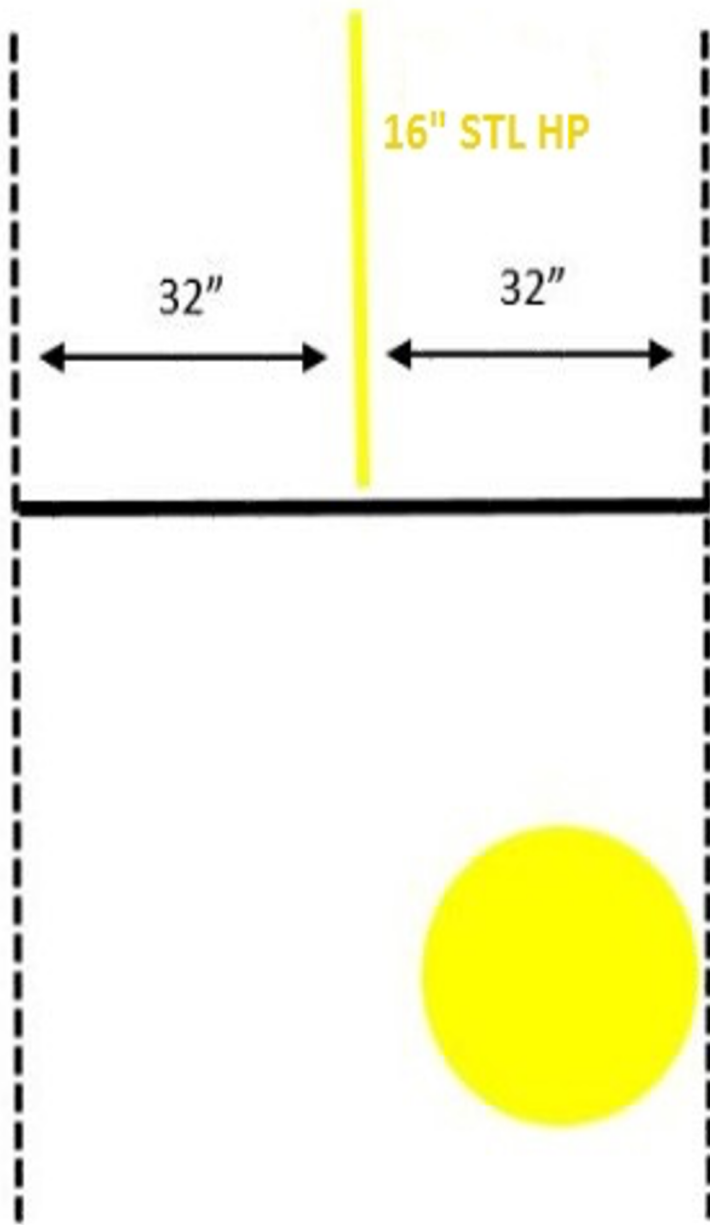
1. **Immediately** upon discovery of the damage, **notify** the **operator** of the facility, **Indiana 811**, and **911** of the location and nature of the damage.
2. Take other action necessary to **protect persons and property and to minimize the hazards** until arrival of the operator's personnel or police and fire personnel.
3. Allow the operator of the facility **reasonable time to accomplish necessary repairs** before completing the excavation in the immediate area of the facility.



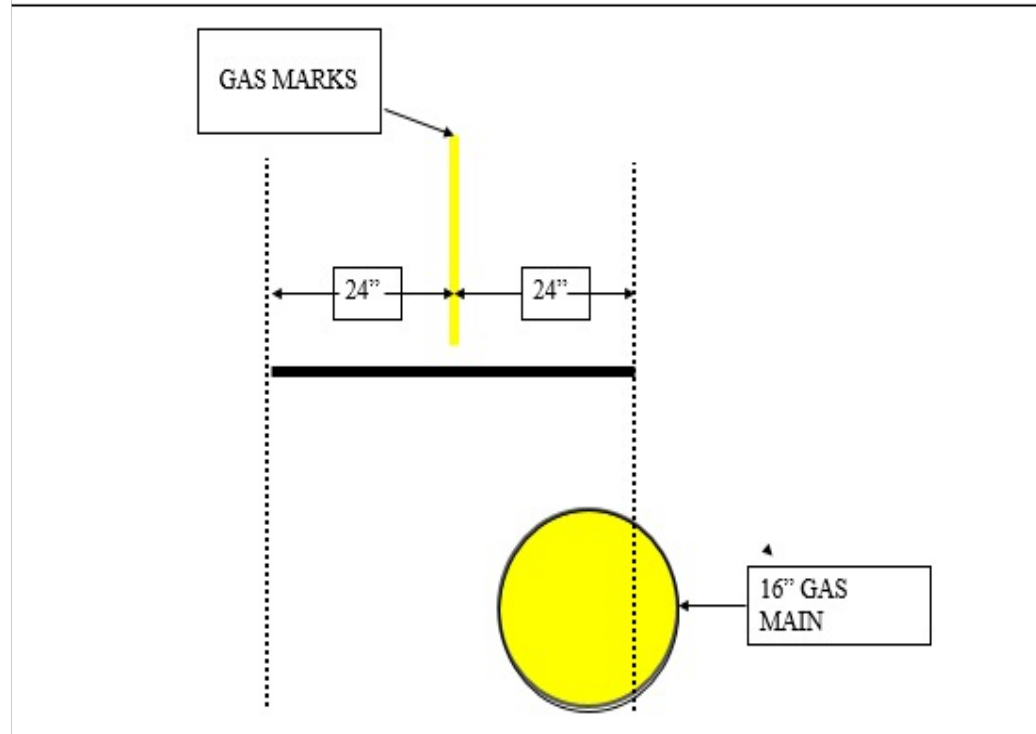
A View Underground



Tolerance Zone



Approximate Location = 24"
+ ½ diameter of the pipe (32")



Tolerance Zone = 24"



Damage to Underground Facilities

Characteristics of Natural Gas

- Flammable range is 4% - 15%
- 40% Lighter Than Air
- Will Rise And Dissipate
- Colorless
- Odorless in natural state (Odorant Added In Distribution Systems)
- Has 1100° Fahrenheit Ignition
- Non-Toxic



Near Miss



Remember, what you do is important!
JJ's restaurant before...



JJ's Restaurant . . . After . . .

Always think Safety!



Final Thoughts

Expect the best, but plan for the worst

- Call for a locate every time you excavate or demolish
- Pre-dig and post-dig photographs are crucial
- Successful and complete documentation is critical for your safety as well as reporting to the IURC
- Communication is the key!



Helpful Tools

Important links:

IURC Excavation Damages FAQ

<http://www.in.gov/iurc/2791.htm>

IURC Request for Information Form

<http://www.in.gov/iurc/2796.htm>

Information about UPPAC Meetings

<http://www.in.gov/iurc/2640.htm>

UPP Account Information

<http://www.in.gov/iurc/2847.htm>

If you have any questions regarding a damage case call
(317) 232-2778 or email pipelinedamagecase@iurc.in.gov



Helpful Tools

- Indiana Dig Law Website <http://indiana811.org>
 - Online ticket requests
 - Excavator Handbook
 - Indiana State Dig Law
 - Member Utilities
- Damage Prevention Council Meetings
<http://indiana811.org/dpc>
- Common Ground Alliance (CGA)
<http://commongroundalliance.com/>



Resources – Damage Prevention Councils

Damage Prevention Council Chapters meet monthly:

- Northern Chapter meets the last Wednesday
- Central Chapter meets the first Wednesday
- Southwest Chapter meets the fourth Thursday
- Southeast Chapter meets the third Thursday



Information is available
through Indiana 811's website
at <http://indiana811.org/dpc>



Resources – Training

IURC Training Page

<https://www.in.gov/iurc/3075.htm>

Safe Dig Indiana free online training

<https://safedigindiana.com/>

Safety Days free in-person training

<http://indianasafetyday.com/events/>



Thank YOU for your Participation!

Please, Travel Home Safely!



Insight into what's underground



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Indiana

Kansas

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Oklahoma

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