



**MASTER FILE**  
**DEPARTMENT OF THE NAVY**  
NAVAL AMPHIBIOUS BASE LITTLE CREEK  
2600 TARAWA COURT SUITE 100  
NORFOLK, VIRGINIA 23521-3297

IN REPLY REFER TO:

NAVPHIBASELCREEKINST 11300.1A  
N01PWC  
AUG 17 2000

NAVPHIBASELCREEK INSTRUCTION 11300.1A

Subj: EXCAVATION PERMITS

Encl: (1) Underground Utility Damage Prevention Act  
(2) Excavation Clearance Certificate (Government Activities)

1. Purpose. To provide adequate control of personnel performing excavations and to promulgate instructions for obtaining excavation permits. Changes to this instruction constitute a major revision, therefore; additions, deletions, or changes are not individually marked.

2. Cancellation. NAVPHIBASELCREEKINST 11300.1 is hereby cancelled.

3. Scope. This instruction is applicable to all areas within Naval Amphibious Base Little Creek (NAVPHIBASE LCREEK). Per enclosure (1), excavation permits are required by all military, civilian, and contractor personnel prior to excavating any area under NAVPHIBASE LCREEK control.

4. Responsibility

a. Public Works Storefront, Utilities Division.  
Responsible for issuing excavation clearance certificate for the following utilities: electrical, steam, water, sewage, storm drains, and fire alarms.

b. Miss Utilities. Responsible for issuing a clearance certificate for natural gas, telephones, Hampton Roads Sanitation District sewage, and cable television.

c. Contractors. Responsible for contacting Public Works Utilities prior to excavation, including calling Miss Utilities.

d. Individuals. Personnel operating the excavation equipment have the ultimate responsibility for having in their possession the required excavation certificate. The certificate shall be kept on site until all excavation is completed.

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5. Action. No excavation by NAVPHIBASE LCREEK departments/storefronts or tenant activities, shall take place without a fully executed excavation permit having been issued.

a. Personnel or activities contemplating excavation shall apply to the Public Works Storefront Utilities Division and Miss Utilities for an excavation permit. The requestor shall complete Part I of enclosure (2), attach a map or sketch of the area, and shall forward to Public Works Storefront Utilities Division for approval.

b. Requests for permits shall be submitted sufficiently in advance of the excavation (at least 48 hours) to allow research of existing utility drawings, to locate and identify underground utilities, both at the site and on the sketch or map attached to the excavation permit request.

c. A map shall be provided by the requestor indicating the excavation path and showing the dimensions of the proposed excavation. At the time of the submittal, an excavation for vertical construction shall be marked with stakes 20' beyond the limits of construction, and at every 50' interval for trenches exceeding 100' in length. Trenches less than 100' shall be staked at both ends. Stakes shall be of sufficient height and shall have colored flagging for greater visibility.

d. Following the staking of the excavation area by the requesting activity, Public Works Storefront Utilities Division shall identify all government owned utilities on the excavation permit, and if possible, mark the ground with the appropriate color spray paint at the points where known utilities enter or leave the proposed excavation. Public Works Storefront Utilities Division personnel shall mark utility drawings to indicate all new underground installations. Upon completion of the excavation, the excavation permit shall be returned to Public Works Storefront with a description of any conditions uncovered which are not shown on the utility drawing and any changes from the original scope of the project.

e. Miss Utilities (1-800-552-7001) must be contacted to locate underground utilities not owned by the government.

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Arrangements shall be made by the party excavating/digging to have Miss Utilities check and mark excavation areas. Miss Utilities requires a minimum of 48 hours notice. See enclosure (1) for further guidance.

6. Forms. Excavation Clearance Certificate may be obtained by reproducing enclosure (2) as required.



W. C. WRIGHT, Sr.

Distribution:

NAVPHIBASELCREEK/REGPUBSAFETYINST 5216.2P  
List IA, IB (1, 1A, 2, 2A, 3, 3A, only), IC, ID - Case A  
List II

Stocked:

Commanding Officer  
Naval Amphibious Base Little Creek  
2600 Tarawa Court, Suite 100  
Norfolk, VA 23521-3297

§ 56-265.14

Short title

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

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§ 56-265.15

Definitions; calculation of time periods

A. As used in this chapter:

"Commission" means the State Corporation Commission.

"Contract locator" means any person contracted by an operator specifically to determine the approximate horizontal location of the operator's utility lines that may exist within the area specified by a notice served on a notification center.

"Damage" means any impact upon or removal of support from an underground facility as a result of excavation or demolition which according to the operating practices of the operator would necessitate the repair of such facility.

"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 which could damage underground utility lines.

"Emergency" means a sudden or unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

"Excavate" or "excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, augering, tunneling, scraping, cable or pipe plowing and driving, wrecking, razing, rendering, moving, or removing any structure or mass of material.

"Extraordinary circumstances" means floods, snow, ice storms, tornadoes, earthquakes, or other natural disasters.

"Hand digging" means any excavation involving nonmechanized tools or equipment. Hand digging includes, but is not limited to, digging with shovels, picks, and manual post hole diggers.

"Notify," "notice" or "notification" means the completed delivery of information to the person to be notified, and the receipt of same by such person in accordance with this chapter. The delivery of information includes, but is not limited to, the use of any electronic or technological means of data transfer.

"Notification center" means an organization whose membership is open to all operators of underground facilities located within the notification center's designated service area, which maintains a data base, provided by its member operators, that includes the geographic areas in which its member operators desire transmissions of notices of proposed excavation, and which has the capability to transmit, within one hour of receipt, notices of proposed excavation to member operators by teletype, telecopy, personal computer, or telephone.

"Operator" means any person who owns, furnishes or transports materials or services by means of a utility line.

"Person" means any individual, operator, firm, joint venture, partnership, corporation, association, municipality, or other political subdivision, governmental unit, department or agency, and includes any trustee, receiver, assignee, or personal representative thereof.

"Utility line" means any item of public or private property which is buried or placed below ground or submerged for use in connection with the storage or conveyance of water, sewage, telecommunications, electric energy, cable television, oil, petroleum products, gas, or other substances, and includes but is not limited to pipes, sewers, combination storm/sanitary sewer systems, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground. The term "sewage" as used herein does not include any gravity storm drainage systems. Except for any publicly owned gravity sewer system within a county which has adopted the urban county executive form of government, the term "utility line" does not include any gravity sewer system or any combination gravity storm/sanitary sewer system within any counties, cities, towns or political subdivisions constructed or replaced prior to January 1, 1995. No excavator shall be held liable for the cost to repair damage to any such systems constructed or replaced prior to January 1, 1995, unless such systems are located in accordance with § 56-265.19.

"Willful" means an act done intentionally, knowingly, and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently.

"Working day" means every day, except Saturdays, Sundays, and legal state and national holidays.

B. Unless otherwise specified, all time periods used in this chapter shall be calculated from the time of the original notification to the notification center as provided in § 56-265.17. In addition, all time periods exclude Saturdays, Sundays, and legal state and national holidays.

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§ 56-265.15:1

Exemptions; routine maintenance

Nothing in this chapter shall apply to:

1. Any hand digging performed by an owner or occupant of a property.

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- 2. The tilling of soil for agricultural purposes.
- 3. Any excavation done by a railroad when the excavation is made entirely on the land which the railroad owns and on which the railroad operates, provided there is no encroachment on any operator's rights-of-way or easements.
- 4. An excavation or demolition during an emergency, as defined in § 56-265.15, provided all reasonable precaution has been taken to protect the underground utility lines.

In the case of the state highway systems or streets and roads maintained by political subdivisions, officials of the Department of Transportation or the political subdivision where the use of such highways, roads, streets or other public way is impaired by an unforeseen occurrence shall determine the necessity of repair beginning immediately after the occurrence.

- 5. Any excavation for routine pavement maintenance, including patch type paving or the milling of pavement surfaces, upon the paved portion of any street, road, or highway of the Commonwealth provided that any such excavation does not exceed a depth of twelve inches (0.3 meter).
- 6. Any excavation for the purpose of mining pursuant to and in accordance with the requirements of a permit issued by the Department of Mines, Minerals and Energy.

§ 56-265.16

Repealed by Acts 1989, c. 448, effective July 1, 1990.

§ 56-265.16:1

Operators to join notification centers; certification

- A. Every operator, including counties, cities and towns, but excluding the Department of Transportation, having the right to bury underground utility lines shall join the notification center for the area.
- B. Every notification center shall be certified by the State Corporation Commission. Any corporation desiring to serve as the notification center for an area of the Commonwealth may apply to the State Corporation Commission to be certified as the notification center for that area. The State Corporation Commission shall have authority to grant, amend, or revoke certificates under regulations which it may adopt relating to certification. A notification center shall maintain an excavator-operator information exchange system in accordance with notification center certification regulations promulgated by the State Corporation Commission. The members of a notification center shall be responsible for developing and implementing a public awareness program to ensure that all parties affected by this chapter shall be aware of their responsibilities. There shall be only one notification center certified for each geographic area defined by the State Corporation Commission.

§ 56-265.17

Notification required prior to excavation or demolition; waiting periods; marking of proposed site

- A. No person, including operators, shall make or begin any excavation or demolition without first notifying the notification center for that area. Notice to the notification center shall be deemed to be notice to each operator who is a member of that notification center. The notification center shall provide the excavator with the identity of utilities that will be notified of the proposed excavation or demolition. Except for counties, cities, and towns, an excavator who willfully fails to notify the notification center of proposed excavation or demolition shall be liable to the operator whose facilities are damaged by that excavator, for three times the cost to repair the damaged property, provided the operator is a member of the notification center. The total amount of punitive damages awarded under this section, as distinguished from actual damages, shall not exceed \$10,000 in any single cause of action.
- B. Except in the case of an emergency as defined in § 56-265.15, or if informed by the notification center that no operators are to be notified, the excavator shall wait at least forty-eight hours following notification before commencing work. The excavator may commence work after forty-eight hours only if the excavator contacts the notification center's excavator-operator information exchange system and confirms that all applicable utilities have either marked their underground line locations or reported that no lines are present in the vicinity of the excavation or demolition.

If any utilities fail to respond to the excavator-operator information exchange system by the end of the forty-eight hours after the excavator's notification, the excavator shall wait an additional twenty-four hours before commencing work. In addition, the notification center shall renotify any operator who has failed to respond to the excavator-operator information exchange system within forty-eight hours from the original notification. Operators so notified shall mark all applicable utility lines or report that no lines are present and confirm the marking or the absence of lines to the excavator-operator information exchange system within twenty-four hours of renotification.

The excavator shall exercise due care at all times to protect underground utility lines.

If, upon arrival at the site of a proposed excavation, the excavator observes clear evidence of the presence of an unmarked utility line in the area of the proposed excavation, the excavator shall not begin excavating until three

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hours after an additional call is made to the notification center for the area. The operator of the utility line shall respond within three hours of the excavator's call to the notification center.

C. The excavator's notification shall be valid for fifteen working days from the time of notification to the notification center. Two working days before the end of the fifteen-working-day period, or at any time when line-location markings on the ground become illegible, the excavator shall contact the notification center and request the re-marking of lines. The operator shall re-mark the lines as soon as possible; however, the re-marking of the lines shall be completed within forty-eight hours from the request for the re-mark. Such re-marking shall be valid for an additional fifteen working days from the time of request.

D. In the event a specific location of the excavation cannot be given as required by subdivision 2 of § 56-265.18, prior to notifying the notification center pursuant to subsection A of this section, the person proposing to excavate or demolish shall mark the route or boundary of the site of the proposed excavation or demolition by means of white paint, if practical.

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#### § 56-265.18

##### Notification requirements

Every notice served by any person on a notification center shall contain the following information:

1. The name of the individual serving such notice.
2. The specific location of the proposed work. In the event a specific description of the location of the excavation cannot be given, the person proposing to excavate or demolish shall comply with subsection D of § 56-265.17.
3. The name, address, telephone number, and telefacsimile number if available, of the excavator or demolisher, to whom notification can be given.
4. The excavator's or demolisher's field telephone number, if one is available.
5. The type and extent of the proposed work.
6. The name of the person for whom the proposed work is being performed.

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#### § 56-265.19

##### Duties of operator upon notification

A. If a proposed excavation or demolition is planned in such proximity to the underground utility line that the utility line may be destroyed, damaged, dislocated, or disturbed, the operator shall mark the approximate horizontal location of the underground utility line on the ground to within two feet of either side of the underground utility line by means of stakes, paint, or flags no later than forty-eight hours after receiving notice from the notification center and shall report no later than forty-eight hours that the location of the lines has been marked to the notification center's excavator-operator information exchange system. If the operator is unable to mark the location within seventy-two hours due to extraordinary circumstances, the operator shall notify directly the person who proposes to excavate or demolish and shall, in addition, notify the person of the date and time when the location will be marked. Such notification of inability to mark location shall be within seventy-two hours from the original notification, and the deferral to mark for extraordinary circumstances shall be no longer than ninety-six hours, unless a longer time is otherwise agreed upon by the operator and excavator. The operator shall also inform the notification center of any deferral.

B. If a proposed excavation or demolition is not planned in such proximity to the operator's underground utility lines that the utility line may be damaged, the operator shall so report to the notification center's excavator-operator information exchange system within forty-eight hours of receiving notice from the notification center.

C. An operator shall participate in all preplanning and preconstruction meetings originated by state, county or municipal authorities relating to proposed construction projects which may affect the operator's existing or future utility lines and shall cooperate in implementing decisions reached in such preplanning and preconstruction meetings.

D. Any contract locator acting on behalf of an operator and failing to perform the duties imposed by this chapter shall be subject to the liabilities in § 56-265.25 and the civil penalties in § 56-265.32.

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#### § 56-265.20

Repealed by Acts 1994, c. 890, effective January 1, 1995.

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#### § 56-265.21

##### Marking by color

In marking the approximate location of underground utility lines or proposed excavation if required pursuant to subsection D of § 56-265.17 the following color coding shall be used:

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UTILITY AND TYPE OF PRODUCT	IDENTIFYING COLOR OR EQUIVALENT
Electric Power Distribution & Transmission Municipal Electric Systems Gas Distribution & Transmission	Safety Red Safety Red High Visibility Safety Yellow
Oil & Petroleum Products Distribution & Transmission	High Visibility Safety Yellow
Dangerous Materials, Product Lines, Steam Lines	High Visibility Safety Yellow
Telecommunications Systems Police & Fire Communications Cable Television Water Systems Slurry Systems Sewer Systems Proposed Excavation	Safety Alert Orange Safety Alert Orange Safety Alert Orange Safety Precaution Blue Safety Precaution Blue Safety Green White

§ 56-265.22

Duties of notification center upon notification by person intending to excavate; record of notification made by telephone required

A. The notification center shall, upon receiving notice by a person intending excavation or demolition, notify all member operators whose underground lines are located in the area of the proposed excavation or demolition. The notification center shall also indicate the names of those operators being notified to the person intending excavation or demolition.

B. If the notification required by this chapter is made by telephone, a record of such notification shall be maintained by the operators or notification center notified to document compliance with the requirements of this chapter, and such records shall be maintained in compliance with the applicable statute of limitations.

§ 56-265.23

Exemption for roadway maintenance operations by the Virginia Department of Transportation and certain counties, cities, and towns

Employees of the Virginia Department of Transportation acting within the scope of their employment, and certain employees of those counties, cities, and towns which maintain their streets or roads in accordance with § 33.1-23.5:1 or § 33.1-41.1 performing street or roadway maintenance operations and acting within the scope of their employment, excavating entirely within the right-of-way of a public road, street or highway of the Commonwealth shall not be required to comply with the provisions of this chapter if reasonable care is taken to protect the utility lines placed in the right-of-way by permit and if they:

1. Excavate within the limits of the original excavation; on the traveled way, shoulders or drainage features of a public road, street, or highway and any excavation does not exceed eighteen inches (0.45 meter) in depth below the grade existing prior to such excavation; or
2. Are replacing previously existing structures in their previous locations.

§ 56-265.24

Duties of excavator

A. Any person excavating within two feet of either side of the staked or marked location of an operator's underground utility line or demolishing in such proximity to the underground utility line that the utility line may be destroyed, damaged, dislocated or disturbed, shall take all reasonable steps necessary to properly protect, support and backfill underground utility lines. This protection shall include but may not be limited to hand digging, within the limits of the planned excavation or demolition, starting two feet of either side of the extremities of the underground utility line for other than parallel type excavations and at reasonable distances along the line of excavation for parallel type excavations.

B. If the markings locating the underground lines become illegible due to time, weather, construction, or any other cause, the person performing the excavation or demolition shall so notify the notification center for the area. Such notification shall constitute an extension under subsection C of § 56-265.17.

Enclosure (1)

C. If, upon arrival at the site of a proposed excavation, the excavator observes clear evidence of the presence of an unmarked utility line in the area of the proposed excavation, the excavator shall not begin excavating until an additional call is made to the notification center for the area pursuant to subsection B of § 56-265.17.

D. In the event of any damage to, or dislocation, or disturbance of any underground utility line including its appurtenances, covering, and coating, in connection with any excavation or demolition, the person responsible for the excavation or demolition operations shall immediately notify the operator of the underground utility line and shall not backfill around the underground utility line until the operator has repaired the damage or has given clearance to backfill. The operator shall either commence repair of the damage or give clearance to backfill within twenty-four hours, and upon his failure to commence or prosecute with diligence such repair or give clearance, the giving of clearance shall be presumed.

E. If the damage, dislocation, or disturbance of the underground utility line creates an emergency, the person responsible for the excavation or demolition shall, in addition to complying with subsection D of this section, take immediate steps reasonably calculated to safeguard life, health and property.

F. No person, including operators, shall request marking of a site through a notification center unless excavation is scheduled to commence; nor make repeated requests for remarking, unless the repeated request is due to circumstances not reasonably within the control of such person. Except for counties, cities, and towns, any person who willfully fails to comply with this subsection shall be liable to the operator for three times the cost of marking its utility line, not to exceed \$1,000.

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§ 56-265.25

Liability of operator and excavator; penalties

A. 1. If any underground utility line is damaged as a proximate result of a person's failure to comply with any provision of this chapter, that person shall be liable to the operator of the underground utility line for the total cost to repair the damaged facilities as that cost is normally computed by the operator, provided the operator is a member of the notification center covering the area in which the damage to the utility line takes place. The liability of such a person for such damage shall not be limited by reason of this chapter.

2. Any person who willfully fails to notify the notification center of proposed excavation or demolition shall be liable to the operator as provided in subsection A of § 56-265.17.

3. If, after receiving proper notice, an operator fails to discharge a duty imposed by any provision of this chapter and an underground utility line of such operator is damaged, as a proximate result of the operator's failure to discharge such duty, by any person who has complied with all of the provisions of this chapter, such person shall not be so liable.

B. If an underground utility line of an operator is damaged, as the proximate result of the operator's failure to comply with any provision of this chapter, by any person who has complied with the provisions of this chapter, the operator shall be liable to such person for the total cost to repair any damage to the equipment or facilities of such person resulting from such damage to the operator's underground utility line.

C. Except as specifically set forth herein, the provisions of this chapter shall not be construed to either abrogate any rights, duties, or remedies existing under law or create any rights, duties, defenses, or remedies in addition to any rights, duties, or remedies existing under law.

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§ 56-265.26

Repealed by Acts 1994, c. 890, effective January 1, 1995.

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§ 56-265.27

Not set out.

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§ 56-265.28

Sovereign immunity

Nothing in this chapter shall be construed to abrogate the immunity from suit accruing to the Commonwealth, her political subdivisions, agencies, officers or employees, or the officers or employees of her political subdivisions and agencies, as exists prior to July 1, 1980.

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§ 56-265.29

Other similar laws

Compliance with the provisions of this chapter shall not exempt any operator or person from the operation of any other applicable laws, ordinances, regulations, or rules of governmental and regulatory authorities having jurisdiction, unless exempted by such other laws, ordinances, regulations, or rules as a result of such compliance.

**EXCAVATION CLEARANCE CERTIFICATE**  
(Government Activities)

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Job Order Number: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Date of Excavation: \_\_\_\_\_

Location of Excavation: \_\_\_\_\_

Type of Work at Location: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

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MISS UTILITIES CALLED: 1-800-552-7001 (Date & Time): \_\_\_\_\_

PERMIT #: \_\_\_\_\_

UTILITIES AT SITE:

\_\_\_ Natural Gas    \_\_\_ Telephone    \_\_\_ Cable TV    \_\_\_ Sewage

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PART 3 (TO BE COMPLETED BY PUBLIC WORKS STOREFRONT UTILITIES  
DIVISION)

Utilities at Site:

HV Electric	Steam	Sewage
Electric	Water	Storm
Fire Alarm		No PWC
		Utilities Found

Notes: \_\_\_\_\_

Public Works Storefront Site Check, Marked by: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_