



## New Law. New Rules.

*Pennsylvania's Underground Utility Line Protection (UULP) Law adds new obligations*

What's new with PA Act 287, as amended? PA Act 287, the Underground Utility Line Protection Law, or better known as the "One Call Law" (73 P. S. § 176 et. seq.), has been amended seven times since 1974, most recently with PA Act 50 of 2017. This article describes the changes that Act 50 made to the One Call Law and what the changes mean to municipalities, townships, boroughs, authorities and cities that own or operate underground utilities.

PA Act 50 of 2017 was signed by Governor Wolf on October 30, 2017 and went into effect on April 30, 2018.

**History.** PA Act 287 of 1974 went into effect in April 1975 and required excavators to call before digging. Coverage began in Allegheny County with six utilities, and expanded statewide by 1977. Calling before digging was an important first step in damage prevention, but did not work unless underground utilities participated. PA Act 172 of 1986 obligated owners or operators of underground utilities to become members of the One Call System.



The One Call law went through a series of enhancements in 1991, 1996, 2004, 2006 and 2008. Although the system was working to prevent damage and enhance the safety of Commonwealth workers and citizens, enforcement of the law was becoming more and more important.

The passage of PA Act 50 of 2017 brought four major enhancements to the UULP Law: A change in the enforcement authority; new obligations for utility owners to respond to excavators; new obligations for facility owners to provide maps of their facilities; and new obligations for reporting Alleged Violations of the law.



**Change in the Enforcement authority.** The biggest change in the One Call Law was the change in enforcement authority. Enforcement of the One Call Law moved from the Department of Labor and Industry to the Pennsylvania Public Utility Commission. The Commission has enforcement authority for regulated public utilities in Pennsylvania, and the One Call Law involves safety related to underground utilities. The Commission was involved in writing the language referencing enforcement in PA Act 50.

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**Obligations for responding.** Facility owners must respond to all notifications through the One Call System by the response due date. There has been a change when a response is due on a renotify.

Excavators renotify facility owners when locate request issues arise. The timing of the renotify request determines the response required of a facility owner:

- Scenario 1:
  - On a correctly submitted *non-emergency* Locate request from an excavator, who, upon their initial arrival at the work site determines that “clear evidence of facilities” exists which are not marked or may be mismarked, and initiates a renotify through the one call system.
  - The facility owner is required to make “direct contact” with the excavator within two hours.
  - If the facility owner fails to provide sufficient information to the excavator within three hours after the renotify call to POCS, the Act does allow the excavator to begin work as scheduled, but not earlier than the first lawful dig date, provided the excavator exercises due care and uses prudent techniques while working.
- Scenario 2:
  - An excavator disagrees with a response a facility owner made through the one call system, but it is not their initial arrival at the work site. The one call system will capture the locate issue in the text of the renotify.
  - The facility owner must respond as soon as practicable.

**Obligations to map facilities.** Every facility owner must participate in the One Call System’s Member Mapping Solutions. Mapped members receive fewer notifications and municipal level mapping members receive ALL notifications.

- The One Call System can accept shape files of facility centerlines for upload into the mapping system.
- These files can be generated from your GIS system or a member can draw their facilities via the Member Mapping web application.
- The Facility Owner has control of the buffer size of the centerline information.

**Obligations for reporting.** Here are four things you should know:

1. **“Alleged Violation”** is a term you should know. An alleged violation means an instance when a person by action or inaction fails to fulfill an obligation of PA Act 287, as amended. Examples of an alleged violation include line damage, failure to place a One Call in advance of excavation or failure to respond to One Call notifications. There are many other types of alleged violations.
2. **“Alleged Violation Report”** is another term you should know. An alleged violation report is the completion of an online form by a stakeholder to record the instance of an alleged violation to the PUC. The form is located here:  
[www.paonecall.org/enforcement](http://www.paonecall.org/enforcement).

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3. **Who reports alleged violations, and when?** All One Call stakeholders are obligated to report violations of PA Act 287, as amended. Timeframes are as follows:

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|--------------------------------|--|
| Project Owners and Excavators: | Not more than ten (10) business days.    |
| Facility Owners and Designers: | Not more than thirty (30) business days. |

In other words, if an excavator damages a line, they have ten (10) business days to report the damage to the PUC by completing an Alleged Violation Report at [www.paonecall.org/enforcement](http://www.paonecall.org/enforcement). The facility owner who owns or operates the damaged line has thirty (30) business days to report the incident, too. The Project Owner who hired the excavator to do the work is also obligated to report the damage to the PUC within ten (10) business days.

4. **How do I report an Alleged Violation?** If you are an excavator, or a facility owner, or a project owner, or a designer, and believe a violation of PA Act 287, as amended, has occurred, you are **obligated** to report. You can do so with these 4 steps:
1. Go to this page: [www.paonecall.org/enforcement](http://www.paonecall.org/enforcement)
  2. Click on this link: [Report an Alleged Violation](#)
  3. Log in to the site. If you do not have a user id and password, create one first.
  4. Complete the form and click **<Submit>**.

**Complex Projects Update.** Although not a new requirement of the law, as a result of the enforcement change, more complex project tickets are being created by excavators. Facility owners are required to attend and participate in complex project preconstruction meetings and work with excavators on a schedule to mark the underground lines reasonably in advance of the actual start of excavation or demolition work for each phase of the work.

The maximum geographic area for a single locate request has been set at: 1,000' or intersection to intersection whichever is greater, along the same street, within the same political subdivision" by the POCS Board of Directors. Anything larger than a single locate request requires a complex project ticket.

If you have any questions regarding the obligations under the new UULP law you can contact our liaison in your area. You can find each of our liaisons and the region they cover on the POCS website, [www.paonecall.org/liaisons](http://www.paonecall.org/liaisons). Some additional resources we have posted on the website are: Act 50 of 2017, Act 50 FAQ, A Summary of Changes to UULPA, and The Users Guide.

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