

# Utility Contractors of Washington (UCAW)

A contractor/excavators perspective  
on the “ONE-CALL” Law

RCW 19.122

# Presentation by:

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# UCAW History

UCAW was responsible for the passage of the Underground Facility "dig" law (RCW 19.122) back in the 1980's. Since then UCAW has been very protective of the statute and scrutinizes attempts to revise or modify the law.

The National Utility Contractors Association (NUCA) works at a national level to promote safe digging practices and sponsors damage prevention seminars and training.

# How It Works

- Excavators are required to call “811” at least two business days before excavation is to begin.
- The “One-Call” center records the location request and distributes the information to the affected utility owners.

# How It Works (Cont')

- The utility owners identify the location of their utilities by using spray paint marks on the ground
  - The utility can contract out this service or self-perform this work
  - The marks must be accurate to within 2-feet of the outside edge of the facility-Excavators rely on this accuracy to determine when to begin hand digging or use other non-destructive exposure methods to find buried facilities
- A universal color code is applied to all buried utilities

# Universal Color Scheme

- **RED**- Electric Power
- **BLUE**- Potable Water
- **GREEN**- Sanitary Sewer and Drain Lines
- **ORANGE**-Telephone/Communication
- **YELLOW**- Gas, oil, steam
- **PINK**- Temporary Survey Markings
- **PURPLE**-Reclaimed water and irrigation
- **WHITE**-Proposed Excavation

# How It Works (Cont')

- The excavator is required to “maintain” the paint marks that are installed by the utility
  - The law does not define what proper maintenance is
  - Some markings cannot be “refreshed” without proper authority
- Service lines need to be marked unless their location can be determined by the presence of physical features on the surface.

# UCAW Efforts

- UCAW sponsors damage prevention training for members at the State level
- UCAW provides information to the entire industry regarding “safe-digging” practices
- UCAW, in conjunction with UULC provides free training in the proper interpretation and application of the “one-call” statute to members and other interested parties.

# UCAW Efforts

- UCAW is aligned with the Common Ground Alliance to create and promote general industry practice to safely expose buried utilities.
- UCAW implemented a Dispute Resolution Panel (DRP) to assist excavators and utility owners resolve disputes arising from utility “hits”.

# Dispute Review Panel

- A panel of industry experts are available to assist in resolving disputes between excavators and utility owners
- The panel consists of 3 industry professionals versed in excavation and utility work
- Excavators or Utility owners can request the DRP be utilized after other efforts to resolve the dispute has failed
- The DRP hears the positions of each party and renders a written non-binding decision. The parties can abide by the decision or rely on the judicial system to resolve the dispute.
- The DRP's written decision is admissible in court or other proceedings

# Contractor/Excavator Incentives

- Promote safe digging practices to employees and subcontractors
- Respect for and protection of buried facilities
- Safety concerns for employees, utility employees and general public
- Economic incentives-
  - Productivity losses
  - Efficiency losses
- Threat of a “Treble damage” charge for “willful” violations

# Obstacles in the current system

- No penalty for utility companies who fail to provide locate marks within the prescribed 2 business day limit
- No follow up notification of when locate marks are actually provided which leads to confusion

# Obstacles in the current system

- No information is provided regarding the depth of the buried utility
- No industry accepted practice of maintaining the paint marks
- Unclear language related to the requirement to mark “service laterals” (service laterals are damaged more often than mainline facilities)

# Potential Improvements

- Encourage utility companies to adopt a “positive response” approach to locate requests
- Strengthen and clarify “service lateral” marking language to clearly define each parties responsibilities
- Require some type of locating devices be placed in trenches when new facilities are being installed or existing facilities are relocated or upgraded
- Come up with industry accepted paint mark maintenance program