

June 26, 2017 – by Wendy Schaefer

Sunshine 811 provides tools to reduce likelihood of damages and max federal fines up to \$2 million



Effective July 1, 2017, Florida excavators will be required to call 911 to report any contact with an underground facility that results in the release of a natural gas or other hazardous material or substance regulated by the [Pipeline and Hazardous Materials Safety Administration \(PHMSA\)](#) of the United States Department of Transportation.

The 911 provision was one of five specific [amendments](#) to the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes, effective July 1, 2017.

“You’re still required to stop excavation or demolition activities that may further damage the underground facility until the repair is complete,” explains Sunshine 811 Executive Director Mark Sweet. “It also does not change the existing requirement to notify member utilities immediately when you contact or damage a pipe, cable or its protective covering.”

Protect yourself

Avoid damaging underground facilities by always notifying 811 before you dig to request locate marks and then following the special procedures for [High Priority Subsurface Installations \(HPSI\)](#).

These are underground transmission or distribution pipelines used to transport any gas, refined petroleum product or hazardous/highly volatile liquid such as anhydrous ammonia or carbon dioxide that are deemed critical and identified as HPSI by the facility operator.

Check the Sunshine 811 [Positive Response System](#) early and when you're at the job site. Use it online or access it through the new Sunshine 811 app available in the [Apple](#) and [Google Play](#) stores.

When you see positive response code 2C: "Marked with Exceptions – High Priority subsurface installations in conflict" this is what you need to know:

1. The pipeline operator has determined that your proposed dig site is within 15 feet of their HPSI pipeline. They know what they're talking about!
2. You MUST contact the pipeline operator/member utility with the start date and time for the excavation or demolition so that they may be present during the excavation. This is important and required by Florida law.

Protect your business

Damaging pipelines carries its own set of risks. But now, PHMSA may place maximum civil penalties of \$209,002 per violation per day with a maximum of \$2,090,022 for any related series of violations on any Florida excavators who damage their regulated pipelines.

PHMSA has developed a Federal Standard for Excavators (49 CFR Part 196) consisting of six elements that mirror what we teach online and during in-person sessions:

1. Call 811 before digging.
2. Wait for pipelines to be marked.
3. Dig with proper regard for the marks and take steps to avoid digging damage.
4. Use one-call as necessary.
5. Report any contact with pipelines to operator at earliest practical time.
6. Call 911 if there is a release.

Persistence counts even when you don't get the 2C code

All jobs should be visually inspected before digging. That means compare the codes on your positive response summary to what you see in the field. Look for pipeline and other buried permanent utility markers. These could be a sign that there may be more at your jobsite than you think. If something doesn't look right, contact 811 or the utility. Remember, your safety and \$2 million are on the line!

June 20, 2017

Florida Governor Scott Signs Sunshine 811 Bill into Law

Law establishes mandatory damage reporting for stakeholders

Gov. Scott signed [House Bill 379](#) into law June 14, 2017. The language, now part of the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes, goes into effect July 1, 2017.

This legislation establishes a framework for gathering damage data to gain a broader understanding of why underground utility damages occur in Florida.

“We will use the data to evaluate the effectiveness of our current damage prevention program, develop targeted education campaigns to increase awareness of the need to dig safely, and support further legislation to prevent damage to Florida’s underground infrastructure if necessary,” explains Sunshine 811 Executive Director Mark Sweet.

Sunshine 811 recommends that the Common Ground Alliance’s Damage Information Reporting Tool be used to report damages. We will provide more information on how to comply with this recommendation in the coming weeks.

The law also satisfies the Pipeline and Hazardous Materials Safety Administration requirement to call 911 following damage to a buried pipeline.

Sunshine 811 is currently revising its English Damage Prevention Guide and Spanish GUÍA DE PREVENCIÓN DE DAÑOS. The new guides will be posted to our online store as soon as they are available.

The specific sections within Chapter 556, F.S., are as follows:

- s. 556.107(1)(c) Allows State enforcement authorities to retain 80 percent of the civil penalty collected by the clerk of the court from citations issued for violation of Chapter 556 (as currently granted to local enforcement authorities as an incentive to enforce the law);
- s. 556.105(12) Requires excavators to call 911 to report any contact with an underground pipeline that results in a release of a hazardous material or substance (as directed by US DOT PHMSA for consistency with federal law);
- s. 556.105(12) Requires that member operators report to the system at least annually by March 31 of each year a report of the damages to their underground facilities for the preceding year (to build a database of damages

to underground facilities in Florida to include if known, the cause, nature and location of the damage);

- s. 556.103(5) Authorizes the system to analyze damage data reported to the system as authorized by the Board of Directors (to support future legislation needed to reduce damages to critical underground facilities and assist in developing targeted public awareness campaigns);
- s. 556.103(5) Requires the system to annually send a summary of damages reported to the system for the preceding year to Florida's Governor, President of the Senate, and Speaker of the House of Representatives pursuant to s. 556.103.