



# West Virginia 811



*Protecting Lives and Property  
in the Mountain State  
every day for 35 Years!*



**CALL BEFORE  
YOU DIG!**

**Dial 811 or  
800.245.4848**  
Miss Utility of West Virginia

# West Virginia 811

## Who are we?

We are a not-for profit One Call System Incorporated in 1980 as Miss Utility of West Virginia; Rebranded as West Virginia 811.

We are governed by a Board of Directors elected from our membership.

We are responsible for ensuring our members receive notification of all underground locate requests.

Our membership is more than 500 underground facility owners.



# History

- ▶ 1980 - Miss Utility of West Virginia, Inc., was Incorporated
- ▶ 1981 – Miss Utility of West Virginia, Inc., became operational
- ▶ 1996 – Chapter 24-C, Underground Facility Damage Prevention Act became Law
- ▶ 2006 – The law was modified to provide for monetary penalties for non - compliance



# What is our goal?

## Our Goal is ***SAFETY!***

1. Safety for the Public
2. Safety for Excavators
3. Safety for Utility Employees
4. Safety for Underground Facilities



NO DIGGING



# Our Members

We currently have more than 500 members consisting of all major utility companies within the state, City and Towns, PSD's and more. Over 360 of our Members are voluntary.

100+ Oil & Gas

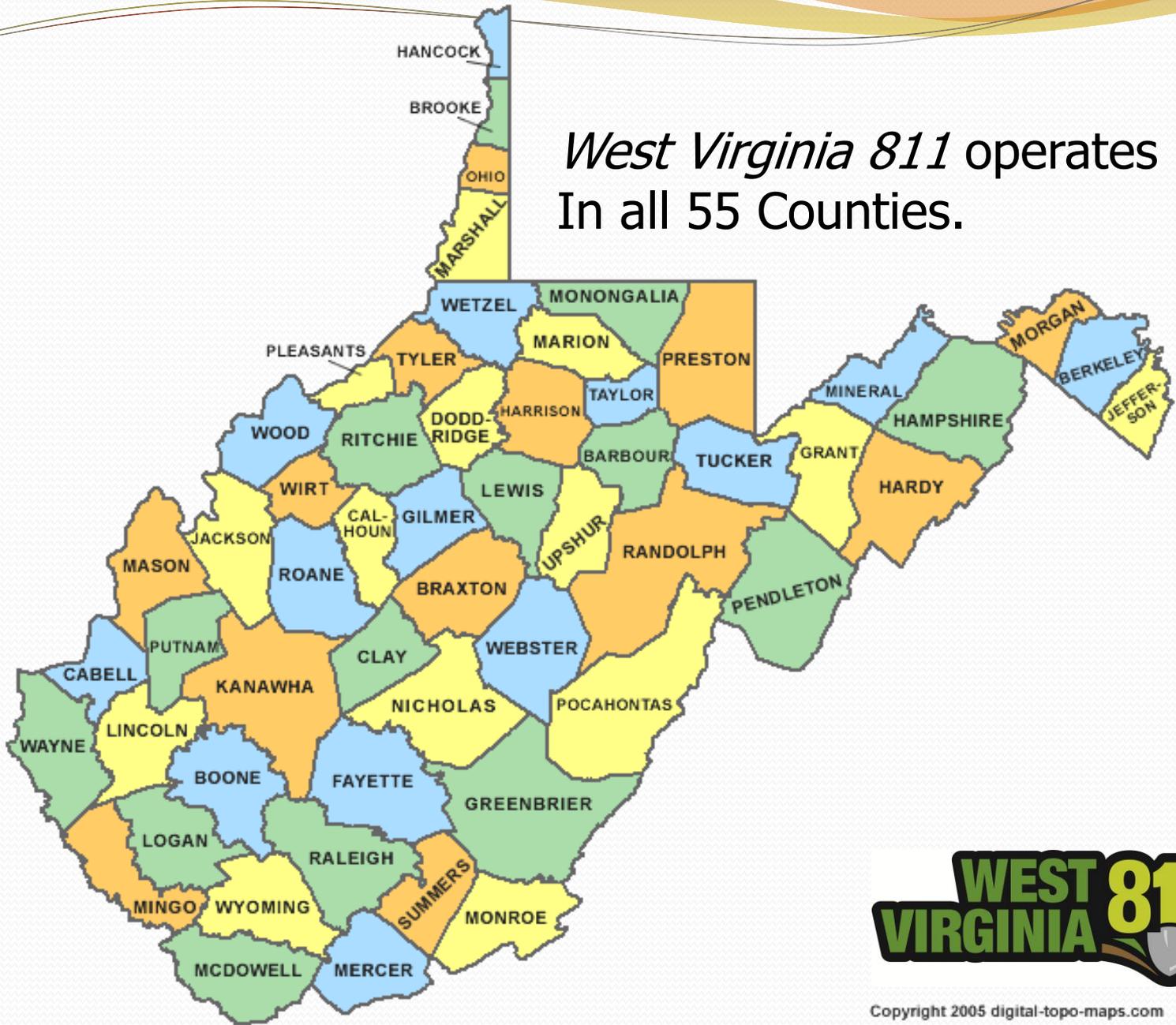
40+ Telecom/Electric/CATV

160+ Public Service Districts

200+ Cities & Towns



*West Virginia 811 operates  
In all 55 Counties.*



## 2014 Statewide Locate Requests

Total incoming calls

100,000

Total outgoing notifications

523,000



# WV 811 is Directed by the Law

Chapter 24C of the West Virginia State Code is the

UNDERGROUND FACILITIES DAMAGE PREVENTION LAW

Definitions – 24C-1-2

Duties and responsibilities of Operators – 24C-1-3

Duties and responsibilities of Excavators – 24C-1-5



# Who Must Belong to WV 811?

Chapter 24C states that:

“Each operator of an underground facility in this state, except any privately owned public water utility regulated by the public service commission, any state agency, any municipality or county, or any municipal or county agency, shall be a member of a one-call system for the area in which the underground facility is located.

Privately owned public water utilities regulated by the public service commission, state agencies, municipalities and counties and municipal and county agencies may be voluntary members of such a one-call system.”



# Who Must Belong to WV 811?

Additionally, Chapter 24C defines an Underground Facility (in part) as:

““Underground facility” means any underground pipeline facility owned by a utility and regulated by the public service commission, which is used in the transportation or distribution of gas, oil or a hazardous liquid; any underground pipeline facility, owned by a company subject to the jurisdiction of the Federal Energy Regulatory Commission, which is used in the gathering, transportation or distribution of gas, oil or a hazardous liquid;...”



# What is an Excavation?

Chapter 24C defines an excavation as;

“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”



# Are There Exceptions?

## **Chapter 24C defines exceptions as;**

- Underground or surface mining activities
- Tilling of the soil or domestic gardening
- Routine maintenance of paved public roads or highways by employees of state, county or municipal entities or authorities which;

perform all work within the confines of travelled portion of the paved public way and;

And you do not excavate to a depth greater than twelve inches measured from the top of the paved road surfaces



# Calling 811 Is The Law!

Other than in the stated exceptions,  
State Law requires Everyone to call the  
One Call Center prior to beginning any  
digging project.



# Excavator Responsibilities?

- ▶ Notify WV811 48 hours prior to beginning any excavation or demolition work, not counting weekends and holidays
- ▶ Instruct all equipment operators to perform all work carefully to avoid damage including hand digging when necessary, maintaining clearance of all power equipment
- ▶ Report immediately to 911 any damage causing a serious situation; evacuate the area if necessary
- ▶ Cease work in the area of damage
- ▶ Allow facility owner access to the damage



## What if the Excavator fails to call ?

“If any underground facility is damaged by a person who has failed to comply with any provision of the law that person is liable to the operator of the underground facility for the total cost to repair the damage in an amount equal to that as is normally computed by the operator,” and

“any person who fails to notify a One Call Center prior to performing any excavation work shall be guilty of a misdemeanor, and, upon conviction, be fined not more than \$5000”



# What are the underground owner's responsibilities?

With some exemptions, owners must belong to a one call system, and

Within 48 hour notice of a locate request they must -

- ▶ Mark facilities by color as required by the code
- ▶ Mark Within 2' of outside wall
- ▶ Mark the type of facility
- ▶ Must notify the excavator if no lines are in the area of the proposed excavation or demolition



## What happens if the underground owner (member) fails to comply?

“The owner is prohibited from recovery of any costs associated with damage to its facilities resulting from such failure, except for damage caused by the willful or intentional act of the excavator.”



## WV 811 Process:

A Locate Request is received by WV 811.

WV 811 notifies our utility Members.

Utility Members locate their facilities.

Work may safely begin.



Uniform Color Code:  
Established nationally by  
CGA & ANSI.

**WEST VIRGINIA 811**  
[www.WV811.com](http://www.WV811.com)

**CALL BEFORE YOU DIG!**

**UNIFORM COLOR CODE  
FOR MARKING  
UNDERGROUND UTILITY LINES**

PROPOSED EXCAVATION

TEMPORARY SURVEY MARKING

ELECTRIC POWER LINES, CABLES,  
CONDUIT AND LIGHTING CABLES

GAS, OIL, STEAM, PETROLEUM  
OR GASEOUS MATERIALS

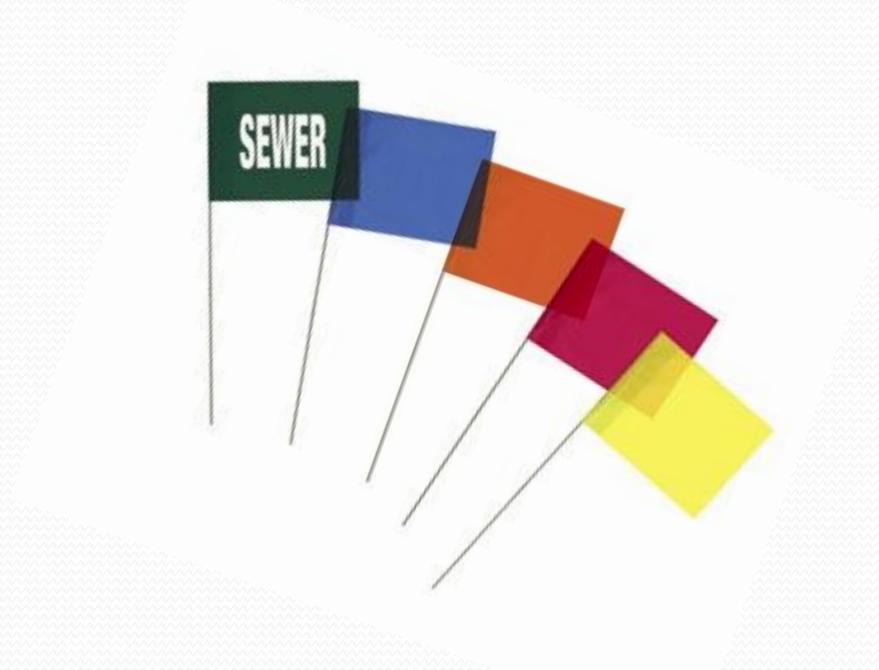
COMMUNICATION, ALARM OR SIGNAL  
LINES, CABLE OR CONDUIT

POTABLE WATER

RECLAIMED WATER, IRRIGATION  
AND SLURRY LINES

SEWERS AND DRAIN LINES

**Dial 811**  
Miss Utility of West Virginia





- Call 811 Before You Dig
- Wait the 48 hours
- Make sure the marks are there or
- the locate was cleared
- Dig Carefully
- *Go Home Safely*



# West Virginia 811

## Damage Prevention Groups:

Improving Worker & Public Safety  
Reducing Damages to Facilities  
Increase Productivity

Utilities – Contractors – Local Government  
Excavators – Other Facility Operators – WV811

Four currently active Damage Prevention Groups,  
With two additional proposed locations.



# You Can Call, or ....

- ▶ Our Website: [www.WV811.com](http://www.WV811.com) and our new Web Portal
- ▶ West Virginia 811 is also on Facebook & Twitter!
- ▶ And now....we have a smartphone App!



# www.WV811.com

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Home  
Owners



Excavators



Members

35<sup>th</sup>

1980 - 2015

Anniversary

**Welcome to the New  
WEST VIRGINIA 811  
Website!**



Portal



Dig Law



Calendar



PDF Library



Hits and  
Misses

# Yes, But What Does It Cost?

- ▶ Startup cost: \$0.00
- ▶ New Member supplies mapping information of their buried facilities.
- ▶ West Virginia 811 bills our Members \$1.40 for each locate ticket.
- ▶ Members receiving less than eight tickets are billed \$10.00 monthly.



# Enforcement ....

- ▶ Enforcement of the One Call Law exists: by our State Police, Sheriffs & Deputies, & municipal Officers.
- ▶ Payment of all repair costs, plus up to a \$5000 fine.
- ▶ Practically, enforcement seldom occurs.
- ▶ Need enforcement of the existing Law.



## Status of Current Law

Based upon PHMSA's analysis of the current West Virginia State law and the new Federal statutory mandate, we are no longer eligible for the One Call and State Damage Prevention grants effective January 3, 2014.

The Pipeline Safety, Regulatory, Certainty, and Job Creation Act of 2011 mandates that, to qualify for these grants, a State's laws may not exempt municipalities, State agencies or their contractors from the One Call Notification System.

**West Virginia is currently one of six remaining states that is not in compliance with these requirements.**



## Previous Grants

- 2010 Grant Fund of \$95,247 - Approved
- 2011 Grant Fund of \$100,000 - Approved
- 2012 Grant Fund of \$50,000 - Approved
- 2013 Grant Fund of \$70,000 – Denied
- 2014 No longer eligible to apply



## Previous Grants Usage

The grant funding was used to promote Safety and Damage Prevention throughout the State to facility owners / operators, excavators, state, county and city entities, business and residential property owners using radio, TV, newspaper and industrial newsletter campaign and face to face presentations.

We also presented our Safety and Damage Prevention campaign of enforcement of the current law at State, County and City law enforcement facilities throughout the state.



# Enforcement May Come From the Federal Government.

## **49 CFR 196**

- Final rule published July 23, 2015
- Effective January 1, 2016
- Comprised of 3 subparts
  
- Reduce pipeline accidents and failures resulting from excavation damage
- Better, more effective enforcement of damage prevention laws





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# Safety is a Shared Responsibility



## What Needs To Change?

Universal Membership would require an owner/operator with underground facilities to become a fully participating Member of WV 811.

Only through Universal Membership can WV 811 provide a **full and complete report** to homeowners and excavators on the potential hazards of damaging underground lines.

In addition, appropriate enforcement of the One Call Law is needed.



# WV811 Contacts

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**WV 811 Board Member, Past President**

**President of Canaan Valley Gas**

**Arden Swecker**

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