

CBYD News & Events SUMMARY OF CHANGES TO CBYD REGULATIONS (EFFECTIVE 8/02/2016)

2016-08-02 00:00:00 -

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The following is a summary of the substantive changes to the regulations, broken down by the stakeholder group affected. These are the changes where there is an actual change to the way things should be done, or areas where there is more clarifying language as to the expectations. Attached to this document is the complete set of revisions to the regulations. Please note that in the revised regulations attached, words in brackets are deleted, and words that are underlined are added.

If there are any questions on the changes, please contact Daniel Nivison of the Public Utilities Regulatory Authority at (860) 827-2780.

Excavators:

- “Area of continual excavation” is defined as a location where excavation is part of the normal business of that location, including, but not limited to, cemeteries, quarries, and farms. If any party does excavation at an area such as this, they will have the option to notify CBYD of its existence, they will be provided maps of any utilities that are in the area, and are then obligated to use the same level of care if any excavation is in the approximate location of underground facilities. The excavator will not need to notify CBYD every 30 days, but only once per year. The utilities will not mark facilities in the area, but will provide maps of where facilities are.
- When excavating in the approximate location of hazardous fuel lines (gas, petroleum, steam) excavators will now have the option to perform soft digging instead of hand digging. “Soft digging” means a nonmechanical and nondestructive process used to excavate and evacuate soils at a controlled rate, using high pressure water or air jet to break up the soil, often in conjunction with a high power vacuum unit to extract the soil without damaging the facilities.
- Concept of “Responsible Party”; The regulations now allow for the party who is responsible for the excavation (such as a general contractor or utility company) obtain CBYD tickets for the work being done for them but by a different excavator (subcontractor). If this is done, the responsible party has specific things they must do such as (as spelled out in 16-345-4(b)):

(1) Provide the name and phone number of the excavator to any public utility requesting such information;

(2) provide the information contained in the ticket to the excavator prior to excavation;
and

(3) in the event that any information or special conditions regarding the location of excavation is received by any responsible party, transmit such information to the excavator prior to the commencement of any excavation.

- The Responsible Party can also perform the premarks.
- There are more requirements when using trenchless excavation, especially when there is the potential conflict with privately owned sewer laterals. When crossing a utility using trenchless excavation, you must:
 - Determine the actual location of such underground facilities expected to be so crossed or encroached prior to crossing or encroaching the underground facilities by:
 - ♣ excavating and exposing the utility at the location of the crossing or encroachment; or
 - ♣ if the trenchless excavation is crossing a sanitary or storm drain, performing a visual inspection of adjacent manholes or catch basins to measure the depth of the facilities and determine the actual location of the facilities. The crossing or encroachment can be made without exposing the utility if the crossing or encroachment is expected to have a clearance of at least three (3) feet;
- If the trenchless excavation has the possibility of crossing privately owned sanitary sewer laterals, take reasonable steps to identify the location of such laterals before proceeding with the trenchless excavation. Reasonable steps shall include, but not be limited to, inspecting the structure served by the lateral to identify the location of the sewer lateral connection, inspecting manholes to identify the discharge point of the lateral, or the use of locating sondes. The use of trenchless excavation around privately owned sewer laterals shall follow the same amount of care as required for public utilities in this subsection.
- There is more language about how to maintain marks in 16-345-4(c)(7). It clarifies that the marks shall be somehow maintained for the duration of the excavation. The exact new text is as follows:
 - If such surface markings, flags or stakes are to be covered or removed during the excavation or demolition activity, the excavator shall make all reasonable efforts to maintain the location of the underground facilities by use of offset marks or maps. If surface markings, flags or stakes are disturbed to the extent that the excavator cannot identify the approximate location of underground utility facilities, the excavator shall contact the utilities to request that the utilities re-mark the approximate location of the underground utility facilities.
- There is a new requirement, in 16-345-4(c)(8), that excavators **MUST** contact a utility if they believe that a utility has not marked facilities that are in the designated excavation area.
- There is a new requirement, in 16-345-4(e)(3), that if the pre-mark for the designated area of excavation is not clearly visible from a public street, directions to the designated area from the nearest street **MUST** be given in the ticket.

- **CRITICAL NEW REQUIREMENT** in 16-345-4(f)(2): If there is a damaged utility line that causes a serious electrical short circuit or the escaping of combustible or hazardous gases, the excavator **MUST** alert police, fire, or other emergency personnel. The previous regulation made it optional.
- The civil penalty for tampering with or attempting to repair a damage utility can now be the maximum allowed by Statute (currently \$40,000)

Utilities:

- “Area of continual excavation” is defined as a location where excavation is part of the normal business of that location, including, but not limited to, cemeteries, quarries, and farms. Utilities will need to have a process to respond to these types of requests by contacting the requestor and providing information and/or maps showing the location of utilities.
- Utilities must maintain current and accurate information with the central clearinghouse as spelled out in 16-345-2(e), 16-345-2(f) and emergency contact information for the purposes of providing it to excavators requesting emergency tickets.
- Utilities must mark the approximate location of new facilities as they are backfilled or installed.
- For non-metallic utility facilities being installed, means for locating using electronic locating equipment must be installed (tracer wire).
- All markout people shall be trained in locating standards and practices equal or superior to the National Utility Locating Contractors Association’s (NULCA) locator training standards and practices. Utilities must document such training. Utilities should review their current training programs to ensure that it meets the NULCA requirements.
- All language that refers to a ‘renewal’ ticket has been removed. Tickets are valid for 30 days. If an excavator calls in another ticket for the same work, it must be treated as a new ticket (marked out)

Permit issuing agencies:

- A permit issuing agency shall still require evidence of a proper CBYD notification prior to granting a permit, but there is a new exception. 16-345-6 now states that this is not required if the permit is being requested by a public utility that won’t be performing the actual excavation or if the permitting agency determines that the permit approval process will take longer than 30 days.

Call Before You Dig:

- “Area of continual excavation” is defined as a location where excavation is part of the normal business of that location, including, but not limited to, cemeteries, quarries, and farms. CBYD will need to have a procedure to process these types of requests.
- Any changes to the certificate of incorporation, bylaws or written operating procedures must be submitted to the Authority prior to their implementation.

- CBYD needs to make emergency contact information available to callers when they request emergency locate tickets
- CBYD needs to maintain a list of utility contacts for engineering and design purposes, and make that information available to those who need it.
- The Central Clearinghouse could be fined for violation of regulations

Surface Markings (Utilities to do; Excavators to understand):

- Incorporation of flags into the regulations
- In areas of grass or dirt, stakes or flags must be used unless prevented by frost
- In active construction sites, stakes and flags appropriate to withstand conditions must be used
- Maximum distance between marks of 20'
- All new diagrams for how markouts should look – refer to the revised regulations
- On all facilities marked, there must be indications of size, material and special descriptors where applicable.

Here is a link to the final version of the regulations with all changes incorporated:

<https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7B487FC87C-F0ED-4E86-BE6A-79ECB098DF09%7D>