

Before you dig, contact MISS DIG 811. Member utilities will mark the approximate location of their underground public facilities free of charge.



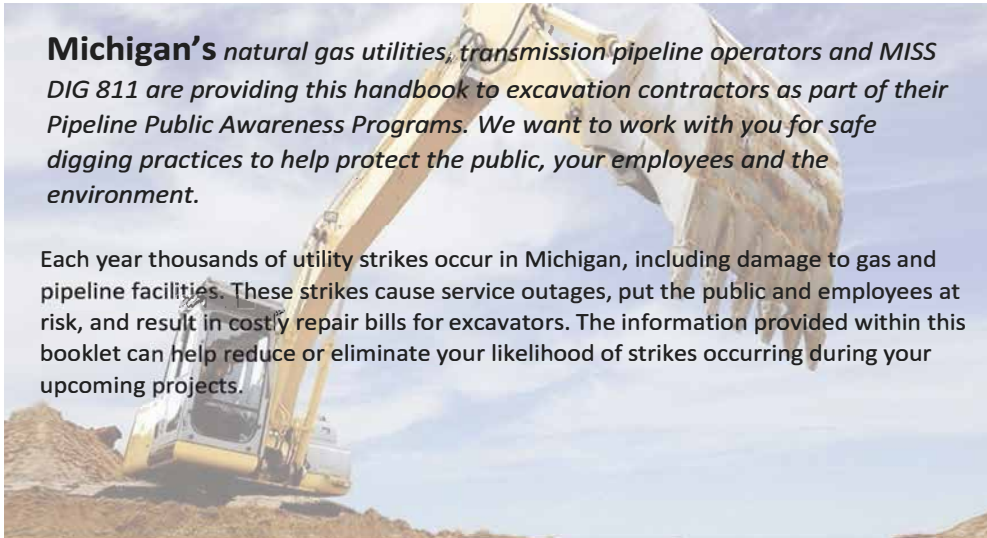
# Excavator Education Program (EEP) Handbook

**Gas & Liquid Pipeline  
With Public Act 174**



**MISS DIG 811**





**Michigan's** natural gas utilities, transmission pipeline operators and MISS DIG 811 are providing this handbook to excavation contractors as part of their Pipeline Public Awareness Programs. We want to work with you for safe digging practices to help protect the public, your employees and the environment.

Each year thousands of utility strikes occur in Michigan, including damage to gas and pipeline facilities. These strikes cause service outages, put the public and employees at risk, and result in costly repair bills for excavators. The information provided within this booklet can help reduce or eliminate your likelihood of strikes occurring during your upcoming projects.

## GAS AND PERMANENT PIPELINE MARKERS

All pipeline companies, distribution and transmission, are required to use permanent markers to indicate the presence of gas lines in the area. Pipeline markers are yellow or white and red signs that identify the material being transported, an emergency number, and the name of the pipeline operator.

### Important Reminder: Underground facility markers

- ▼ Are not usually set directly over the pipeline.
- ▼ Do not specify the facility depth.
- ▼ Do not indicate a straight line between markers.
- ▼ Do not identify the number of pipelines or facilities in an area.
- ▼ Are found where pipelines and facilities cross a street, railroad, or waterway.



### PIPELINE PURPOSE, RELIABILITY, INTEGRITY, AND PREVENTION MEASUREMENTS

Pipelines are the safest method for transporting:

- Natural Gas
- Natural Gas liquids (NGLs) such as propane, butane, ethane
- Crude Oil
- Petroleum Gas
- Refined Products

To protect pipelines, they are:

- Inspected by operators
- Maintained for corrosion-control
- Surveyed for leaks
- Replaced when necessary

Did you know that low voltage is used to reduce or prevent corrosion?

Smart pigs are run inside transmission pipelines to locate wall weaknesses or dents. Gas flow is monitored by pipeline employees to alert them to any abnormal pressure, flow, temperature or quality to allow them to respond quickly to an emergency.



### FACILITY MARKERS ALWAYS INCLUDE:

- ▼ The words Warning, Danger or Caution
- ▼ IMPORTANT: The federal code specifies that either "Gas (or the name of the gas transported) Pipeline" and "Petroleum (or the name of the hazardous liquid transported) Pipeline" must be on the line marker.
- ▼ An emergency phone number
- ▼ The name of the pipeline operator

HOW TO RECOGNIZE A GAS OR PETROLEUM LEAK					
You might see	Natural Gas	Natural Gas Liquids	Petroleum Gas (Heavier than air)	Crude Oil (combustible and may be toxic)	Refined Products (combustible and may be toxic)
Brown patches in vegetation on or near a right-of-way	X	X	X	X	X
Apparent or non-apparent damage to pipes that have been broken, pulled, dislodged, or gouged	X	X	X	X	X
Oily sheen on water surfaces		X		X	X
Liquid on the ground	X	X		X	X
Continuous bubbling in a wet area	X		X	X	X
A white vapor stream or mist-like cloud over the pipeline			X	X	X
Dirt being blown or appearing to be thrown into the air	X		X	X	X
Fire coming from the ground or burning above the ground	X	X	X	X	X
Unexpected frost or ice on the ground	X		X	X	X
An unusual area of melted snow in winter	X	X	X	X	X
Dry spots in moist earth			X		
<b>You might smell</b>					
An odor like gasoline		X	X	X	X
Sulfur or rotten egg odor *	X*		X	X	
<b>You might hear</b>					
A roaring, blowing, or hissing	X	X	X	X	X

Notify the gas/liquid FACILITY owner if you experience any of the above.

\*Natural gas is odorless in its natural state. It can have an added smell that if released into the atmosphere may give off the acidic or unpleasant smell. Some gas gathering pipelines contain a condensate, or "petroleum-like odor." However, some natural gas pipelines in Michigan do not carry odorized gas.

TYPES OF PIPELINES
<p><b>Gathering lines</b> collect oil and gas from areas of production. Are small pipelines, usually 2 to 8 inches in diameter, that move crude oil or gas mixtures from individual wellheads and production locations to processing facilities.</p> <p><b>Distribution pipelines</b> deliver natural gas to people's homes or businesses. Are used to move natural gas from the transmission system and storage facilities directly to residential and industrial consumers.</p> <p><b>Transmission pipelines</b> transport material to and from storage, refining facilities, manufacturing centers, and places of distribution. Are large crosscountry pipelines, usually 20 to 42 inches in diameter, that are used to move product from production and processing facilities to distribution companies and large volume customers.</p> <p><b>Trunk Lines</b> are larger pipelines, usually 8 to 24 inches in diameter, that bring crude oil from gathering centers, oil producing areas, pumping stations and ports.</p>



**IF YOU MAKE CONTACT WITH A PIPELINE**

Stop your excavation and contact the facility company immediately, even if there is no apparent damage. Contacting the facility owner allows the gas or liquid pipeline company the opportunity to investigate and remediate if needed.

A pipeline that is pulled or bumped could break at a location away from the actual excavation site.

## EVACUATION

- DO leave the damaged area Upwind, Uphill or Upstream cautiously.
- DO call 911, if damages resulted in the escape of any gas or liquid.
- DO evacuate/ alert others near the scene.
- DO stay away from the scene.
- DO wait for an all clear signal to return to the area.
- DO contact the facility company.
- DO NOT touch any liquid or vapor that may have come from the pipeline.
- DO NOT initiate any open flame or other potential source of ignition such as an electrical switch or vehicle ignition or lighting a match.
- DO NOT smoke.
- DO NOT start motor vehicles or electrical equipment.
- DO NOT ring doorbells to notify others of the leak. Knock with your hand to avoid potential sparks from knockers.
- DO NOT drive into a leak or vapor cloud while leaving the area.
- DO NOT attempt to operate any pipeline valves yourself. You may inadvertently route more product to the leak or cause a secondary incident.
- DO NOT attempt to extinguish a petroleum product or natural gas fire. Wait for local firefighters and other professionals trained to deal with such emergencies. Burning gas will NOT explode.
- DO NOT cover the damaged pipe with dirt as a means of stopping the leak.
- DO NOT crimp plastic gas facilities.
- DO NOT attempt to plug damaged pipes.

## DAMAGE REPAIRS

When a pipeline or pipeline coating has been damaged, an experienced crew will be dispatched to make repairs. Only facility company personnel, using proper safety equipment and materials, shall repair or replace damaged gas or liquid facilities.

## AWARENESS OF HAZARDS

Liquid and gas pipelines are built with safety and reliability as top priorities while following state and federal guidelines, regulations, and specifications.

However, you should know that strikes to underground facilities can create these potential consequences:

- Fire.
  - Environmental Damage.
  - Explosion.
  - Loss of service.
  - Fines & Penalties.
  - Asphyxiation.
- (Natural gas displaces oxygen in confined spaces)

## THESE HAZARDS CAN BE CAUSED BY:

- Rupturing, nicking or puncturing a pipeline.
- Uncontrolled escaping gas or fuel.
- Extreme natural events such as floods, tornadoes and earthquakes.
- Heavy ice on outside meters or other facilities.
- Fire or explosion near or directly involving a pipeline facility.
- Collapsed buildings and trees that break or damage pipelines.
- Civil disturbances such as riots.
- Water main breaks weaken roadways and pavement, damaging pipelines.
- Under-pressure or over-pressure in the pipeline system.
- Equipment failure.
- Human error.

## FACTS ABOUT NATURAL GAS & LIQUEFIED PETROLEUM GAS (LPG)

Natural gas is almost 40 percent lighter than air. Natural gas rises and quickly spreads out in open areas. However, inside, natural gas displaces air first at ceiling level, then moves down towards the floor.

LPG (propane and butane) is much heavier than air. LPG sinks and quickly spreads out in open areas. However, inside a room or building, LPG will displace air first at the floor level, then moves up toward the ceiling.

Natural and propane gas is not toxic. However, it can displace the air in enclosed spaces and suffocation can occur.

Natural propane gas can ignite from sources such as a pilot light, a lighted match, or an electric arc from a light switch, motor, doorbell or telephone.

If natural or propane gas does ignite, let it burn. Do not attempt to put out the flame, until the source of gas is eliminated.

## EVACUATION

In an emergency of gas escaping, an excavator needs to:

- Contact 9-1-1 to notify emergency officials.
- Evacuate the occupants and leave the doors open.
- Tell people they must not return to the building for any reason.
- DO NOT operate light switches, doorbells, or use telephones in the building.
- PROHIBIT smoking in the area.
- Keep people away from the leak area.
- PROHIBIT the operation of machinery.
- Notify the utility owner.

Prompt action may save lives!



## EXCESS FLOW VALVE NOTICE

Beginning in February 1999, gas distribution facilities owners in Michigan began installing excess flow valves (EFVs) in new and replacement residential services. EFVs close when gas flow exceeds the valve's design limits. This might occur when a gas service line is severed by damage or by a natural disaster. These valves are typically installed near the connection of the gas service to the gas main.

## WHAT IS MISS DIG 811?

The MISS DIG System (MISS DIG 811) is a statewide, one-call notification system, which was formed in 1970 in Oakland County by four major Michigan facility companies. The MISS DIG System was created to provide excavators and the general public with the ability to inform multiple owners of underground facilities of intended non-emergency and emergency excavation with a single telephone call.

MISS DIG 811's members are responsible for maintaining their underground public facilities, maintaining all records of their facility locations and marking the approximate location of their underground public lines, free of charge.

MISS DIG 811 is available 24 hours a day, 7 days a week by dialing 8-1-1

to process emergency and non-emergency location requests. Requests can also be made online by clicking Submit Locate Request from the home page of the MISS DIG 811 website at MISSDIG811.ORG.

**MISS DIG 811 does not mark underground utility lines.**

## WHEN TO USE MISS DIG 811

Michigan law requires anyone who is responsible for the planning or performing of any type of excavation e.g.; grading, demolition, cultivating, auguring, blasting, or boring to provide advance notice of at least three full working days. MISS DIG 811 must be contacted prior to excavation.

## RESPONSE TIMES

**Normal Dig Notice:** Three (3) business days after ticket is submitted.

**Request for additional assistance:** Three (3) business hours.

**Destroyed Markings:** 24 hours or later, as indicated on ticket.

*\*Timeframes exclude weekends and holidays observed by MISS DIG 811.*

**Remember:** Every Digging project requires contacting MISS DIG 811, even if you have contacted MISS DIG 811 previously for a similar project.



## TYPES OF REQUESTS HANDLED BY MISS DIG 811

MISS DIG 811 processes several types of requests

- Normal Notice - 72 hours but not more than 14 calendar days prior to excavation.
- Emergency Notice - Sudden or unforeseen occurrence.
- Re-Marking Requests - Markings damaged/removed.
- Additional Assistance - Unmarked facilities on job site or unable to find marked line when soft excavating.

## TICKET LIFE

Normal Jobs - 21 days.

Long Term jobs - 180 days.

Excavation must commence within 14 calendar days.

## PREPARING FOR A LOCATE REQUEST FROM MISS DIG 811

- Pertinent information is gathered.
- The system software looks for overlap between the defined work site and a facility owner operator's defined facility location which generates a ticket.
- Facility owner operators in the areas of the work location receive a ticket electronically and ticket is reviewed by trained personnel.

## INFORMATION REQUESTED BY MISS DIG 811 FOR A TICKET WILL INCLUDE:

- ▼ The name and phone number of the caller.
- ▼ The name of the company doing the work.
- ▼ The type of work being done.
- ▼ The field contact.
- ▼ The date & time when the contractor will begin working.
- ▼ The geographic location-city, village or township and county-of the work area.
- ▼ The exact location where digging will be done; GPS coordinates, address, lot number, subdivision name, pole numbers.

## MAPPING ACCURACY IS IMPORTANT

When mapping, it's extremely important to encompass the entire work location on the MISS DIG 811 map. The MISS DIG 811 system software looks for overlap between the defined work site and a facility owner operator's defined facility location. If the entire work site is not encompassed on the MISS DIG 811 mapping system, it is possible that a member facility owner/operator may not be notified.

When precisely drawn, the polygon is used as a description of the dig site in place of written instructions. This is referred to as electronic or virtual white lining.

## WHAT HAPPENS AFTER THE REQUEST IS MADE?

Members will be notified if their facilities are in the area of the request. A field locator will locate and mark the excavation site with paint, stakes and/or flags using the Uniform Color Code.

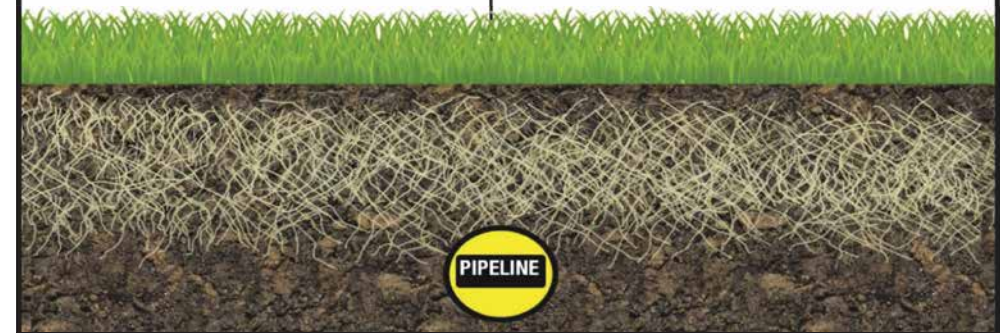
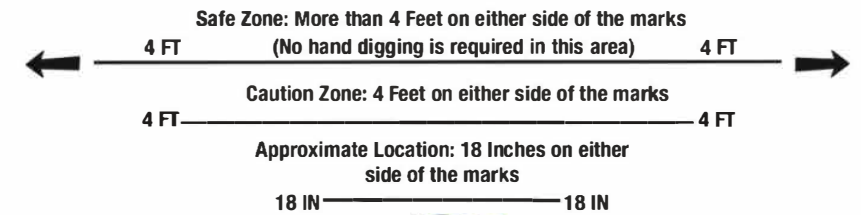
The facility owner operator must provide a Positive Response noting the status of the markings.

No digging can occur until after facilities have been marked or underground facility operators indicate "001-No Conflict" in Positive Response.

## RESPONSIBILITIES OF THE EXCAVATOR REGARDING THE REQUEST

1. Contact MISS DIG 811 online or by phone
2. Wait at least 3 business days for utilities to be marked.
3. Check status online to confirm all utilities have been marked
4. Hand dig when digging within 4ft. of paint or flags
5. Dig with care.

**Do not dig until the Work Legal Start Date on the ticket has arrived.**



### CAUTION ZONE:

The Caution zone is an area which is at least 48 inches on either side of the facility markings. An excavator shall expose all marked facilities in the caution zone by soft excavation. If conditions make complete exposure of the facility impractical, an excavator shall consult with the facility owner or facility operator to reach agreement on how to protect the facility.

### APPROXIMATE LOCATION:

Approximate location means a strip of land at least 36 inches wide, but not wider than the width of the marked facility plus 18 inches on either side of the facility marks.

### SAFE ZONE:

The Safe zone is an area which is more than 4 feet on either side of the facility markings. No hand digging is required. An excavator can use mechanical equipment in this area.

### WHITE LINING:

If your project cannot be sufficiently described on a one call ticket, the area must be white lined prior to contacting MISS DIG 811 to clarify the scope of the excavation area.

## Know The Colors...

The nationally adopted Uniform Color Code is used to mark the approximate location of underground facilities. The markings appear as flags, paint, or both.



Proposed Excavation



Potable Water



Sewer And Drain Lines



Temporary Survey Markings



Electric Power Lines, Cables, Conduit, And Lighting Cable



Gas, Oil, Steam, Petroleum, Or Gaseous Materials



Communication, Alarm, Or Signal Lines, Cables, Or Conduit



Reclaimed Water, Irrigation, Brine And Slurry Lines, And Hazardous Waste



## DEPTH OF FACILITIES

The facility owners themselves generally will not provide depth information. While it is true that the facility owners follow certain depth requirements or guidelines when installing lines, they have no control over depth variations caused by human intervention.

In addition to human intervention, the effects of weather (i.e. erosion, changes in the frost line, etc.) can affect the depth of underground facilities. Staking equipment depth readout information is not accurate enough to rely on. Therefore, the facility owner will not provide depth information.

## DAMAGE AND SAFETY ALLIANCES

Excavators can support damage prevention efforts by reporting any suspicious activities they may witness on or near facilities or pipeline rights-of-way and by reporting any signs of damage to facilities or any observed conditions that could threaten the integrity of such facilities. Examples are sinkholes, dead vegetation, or unstable soils.

There are several regional associations dedicated to promoting utility damage prevention and safety. More information can be found at [MISSDIG811.org](http://MISSDIG811.org). Select Excavation Pros ^ Excavator Training scroll to Damage and Safety Alliance.

Establish a DSA in your area

If you are interested in establishing a DSA meeting in your local area, please feel free to contact the Education Department at [education@missdig811.org](mailto:education@missdig811.org) for suggestions. A member of the Education Team will participate in several of your DSA meetings throughout the year to provide educational information, updates, and helpful material. We will also promote your efforts on our website, through emails, and in our newsletters.

## DISPUTE RESOLUTION BETWEEN STAKEHOLDERS

A person seeking to file a complaint with the Michigan Public Service Commission (MPSC) must contact and provide relevant background information on an adverse party to begin the settlement process. This is a requirement of the MISS DIG 811 Underground Facility Damage Prevention and Safety Act, 2003 PA 174; MCL 460.731(2) MISS DIG 811 has no role or responsibility in the settlement. However, MISS DIG 811 will assist the excavator with facility owner contact information.

Planning to perform any type of excavation such as grading, demolition, cultivating, auguring, blasting, or boring? MISS DIG 811 must be contacted prior to excavation in order to comply with the state statute.



## THE NATIONAL PIPELINE MAPPING SYSTEM (NPMS)

NPMS provides information regarding the general location of transmission pipelines

Step 1... Visit: [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov).

Step 2 ... Click on: "Use Public Map Viewer."

Step 3 ... Search by State and County.

Step 4 ... Search by State, County, or Zip Code.

You still need to contact 811 before starting any projects that involve digging.

### YOU MUST CONTACT MISS DIG 811 AGAIN IF:

- ▼ Excavation does not begin within 14 days of the dig start date on the ticket.
- ▼ No Positive Response has been received.
- ▼ There is evidence of a facility with no visible marks.
- ▼ There is positive response from a facility owner or the operator that indicates the presence of a facility with no visible marks.
- ▼ The location of a marked facility within the approximate location cannot be determined.
- ▼ The markings are destroyed or covered.
- ▼ Excavation activity is not complete by the Ticket Life/ expiration date noted on the ticket.

*\*Allow at least 3 business days to renew a ticket and 24 hours for a destroyed markings request on an existing ticket. (Not including weekends and holidays)*

## ADDITIONAL RESOURCES

### One Call Notification Center in Michigan:

#### MISS DIG 811 (MISS DIG System, Inc.):

Dial 811 or 1-800-482-7171 • [www.missdig811.org](http://www.missdig811.org)

### Enforcement Agencies & Resources:

#### Michigan Public Service Commission:

1-517-284-8100 • [www.michigan.gov/mpsc](http://www.michigan.gov/mpsc)

### Pipeline & Hazardous Materials Safety Administration (PHMSA):

<https://www.npms.phmsa.dot.gov/>



### NOTICE TO EXCAVATORS

This information is being provided to Michigan excavators in part to fulfill certain requirements of Pipeline Operator Members of the MISS DIG System as outlined in the Michigan Gas Safety Code R460.14614 and U.S.D.O.T. 49 CFR 192-614.

The complete mailing list of excavators receiving this publication will be kept on file by the MISS DIG System, Inc.

This construction safety information is part of MISS DIG System, Inc.'s Excavators Education Program, as outlined in the Michigan Gas Safety Code R460.14616 and U.S.D.O.T. 49 CFR 192-616, and the enclosed material is distributed free as an information service only. MISS DIG 811 makes no warranties, expressed or implied, with regard to these materials.

AmeriGas (LPG)	<a href="http://www.amerigas.com">www.amerigas.com</a>
BP Pipelines (North America)	<a href="http://www.bppipelines.com">www.bppipelines.com</a>
BreitBurn Operating, LP	<a href="http://www.breitburn.com">www.breitburn.com</a>
Buckeye Partners, LP	<a href="http://www.buckeye.com">www.buckeye.com</a>
Citizens Gas Fuel Company	<a href="http://www.citizensgasfuel.com">www.citizensgasfuel.com</a>
Consumers Energy	<a href="http://www.consumersenergy.com/pipelinesafety">www.consumersenergy.com/pipelinesafety</a>
DCP Midstream, LLC	<a href="http://www.dcpmidstream.com">www.dcpmidstream.com</a>
DTE Energy Gas	<a href="http://www.dteenergy.com">www.dteenergy.com</a>
Enbridge Energy	<a href="http://www.enbridge.com">www.enbridge.com</a>
Marathon Pipe Line LLC	<a href="http://www.marathonpipeline.com">www.marathonpipeline.com</a>
Marysville Hydrocarbons LLC	<a href="http://www.dcpmidstream.com">www.dcpmidstream.com</a>
Merit Energy Company	<a href="http://www.meritenergy.com">www.meritenergy.com</a>
Michigan Gas Utilities	<a href="http://www.michigangasutilities.com">www.michigangasutilities.com</a>
Northern Natural Gas Company	<a href="http://www.northernnaturalgas.com">www.northernnaturalgas.com</a>
Omimex Energy/ Basin Pipeline	<a href="http://www.omimex.com">www.omimex.com</a>
SEMCO Energy Gas Company	<a href="http://www.semcoenergygas.com">www.semcoenergygas.com</a>
TC Energy/ANR Pipeline Co	<a href="http://www.tcenergy.com">www.tcenergy.com</a>
TC Energy/Great Lakes Transmission	<a href="http://www.tcenergy.com">www.tcenergy.com</a>
Vector Pipeline	<a href="http://www.vector-pipeline.com">http://www.vector-pipeline.com</a>
Wisconsin Public Service	<a href="http://www.wisconsinpublicservice.com">www.wisconsinpublicservice.com</a>
Wolverine Pipe Line Company	<a href="http://wplco.com">http://wplco.com</a>



In the event of an Emergency Please Contact:

AmeriGas (LPG)	1-866-453-4271
BP Pipelines (North America)	1-800-548-6482
BreitBurn Operating, LP	1-888-250-1681
Buckeye Partners, LP	1-800-331-4115
Citizens Gas Fuel Company	1-800-982-2831
Consumers Energy	1-800-4 77-5050
DCP Midstream, LLC	1-888-233-8360
DTE Energy Gas	1-800-477-4747
Enbridge Energy	1-800-858-5253
Marathon Pipe Line LLC	1-800-537-6644
Marysville Hydrocarbons LLC	1-888-233-8360
Merit Energy Company	1-972-701-8377
Michigan Gas Utilities	1-800-401-6451
Northern Natural Gas Company	1-888-367-6671
Omimex Energy/ Basin Pipeline	1-231-845-7358
SEMCO Energy Gas Company	1-888-427-1427
TC Energy/ANR Pipeline Co	1-800-44 7-8066
TC Energy/Great Lakes Transmission	1-800-44 7-8066
Vector Pipeline	1-888-427-7777
Wisconsin Public Service	1-800-450-7280
Wolverine Pipe Line Company	1-888-337-5004

Please participate in a survey to provide feedback by going on line to submit at:  
<https://fs30.formsite.com/missdig/xr8fuzhs4o/index.html>





**MICHIGAN PUBLIC ACT 174 OF 2013**

Act No. 174 Public Acts of  
2013 Approved by the  
Governor November 26, 2013  
Filed with the Secretary of State  
November 26, 2013

EFFECTIVE DATE: April 1, 2014  
STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013  
Introduced by Senator Nots  
ENROLLED SENATE BILL No. 540

AN ACT to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; to provide for immunity for certain individuals; to allow claims for damages against certain governmental entities in certain circumstances and to repeal acts and parts of acts.

The People of the State of Michigan enact:

**460.721 Short title.**

**Sec. 1.** This act shall be known and may be cited as the "MISS DIG underground facility damage prevention and safety act".

**460.723 Definitions.**

**Sec. 3.** As used in this act:

- (a) "Additional assistance" means a response by a facility owner or facility operator to a request made by an excavator during business hours, for help in locating a facility.
- (b) "Approximate location" means a strip of land at least 36 inches wide, but not wider than the width of the marked facility plus 18 inches on either side of the facility marks.
- (c) "Blasting" means changing the level or grade of land or rendering, tearing, demolishing, moving, or removing earth, rock, buildings, structures, or other masses or materials by seismic blasting or the detonation of dynamite or any other explosive agent.
- (d) "Business day" means Monday through Friday, excluding holidays observed by the notification system and posted on the notification system website.
- (e) "Business hours" means from 7 a.m. to 5 p.m., eastern standard time, on business days.



- (f) "Caution zone" means the area within 48 inches of either side of the facility marks provided by a facility owner or facility operator.
- (g) "Commission" means the Michigan public service commission created in section 1 of 1939 PA 3, MCL460.1.
- (h) "Damage" means any impact upon or exposure of an underground facility requiring its repair or replacement due to weakening, partial destruction, or complete destruction of the facility, including, but not limited to, the protective coating, lateral support, cathodic protection, or housing of the facility.
- (i) "Design ticket" means a communication to the notification system in which a request for information regarding underground facilities for predesign, design, or advance planning purposes, but not marking for excavation or blasting, is made under the procedures described in section 6a.
- (j) "Dig notice" means a communication to the notification system by an excavator providing notice of intended excavation or blasting activity as required by this act.
- (k) "Emergency" means a sudden or unforeseen occurrence, including a government-declared emergency, involving a clear and imminent danger to life, health, or property, or imminent danger to the environment, that requires immediate correction in order to restore or to prevent the interruption of essential governmental services, utility services, or the blockage of public transportation and that requires immediate excavation or blasting.
- (l) "Emergency notice" means a communication to the notification system to alert the facility owners or facility operators of the urgent need for marking the location of a facility due to an emergency.
- (m) "Excavation" means moving, removing, or otherwise displacing earth, rock, or other material below existing surface grade with power tools or power equipment, including, but not limited to, grading, trenching, tilling, digging, drilling, boring, augering, tunneling, scraping, cable or pipe plowing, and pile driving; and wrecking, razing, rending, moving, or removing a structure or mass of materials. Excavation does not include any of the following:
  - (i) Any of the following activities performed in the course of farming operations:
    - (A) Any farming operation performed in the public right-of-way to a depth of not more than 12 inches below the existing surface grade if the farming operation is not performed within 6 feet of any above ground structure that is part of a facility.
    - (B) Any farming operation performed outside a public right-of-way and within 25 yards of an existing petroleum or natural gas pipeline to a depth of not more than 18 inches below the existing surface grade if the farming operation is not performed within 6 feet of any above ground structure that is part of a facility.

(C) Any farming operation performed outside a public right-of-way and not within 25 yards of an existing petroleum or natural gas pipeline if the farming operation is not performed within 6 feet of any above ground structure that is part of a facility.

(ii) Replacing a fence post, signpost, or guardrail in its existing location.

(iii) Any excavation performed at a grave site in a cemetery.

(iv) Any excavation performed within a landfill unit as defined in R 299.4103 of the Michigan administrative code during its active life as defined in R 299.4101 of the Michigan administrative code or during its post closure period as set forth in R 299.4101 to R 299.4922 of the Michigan administrative code.

(v) Any of the following activities if those activities are conducted by railroad employees or railroad contractors and are carried out with reasonable care to protect any installed facilities placed in the railroad right-of-way by agreement with the railroad:

(A) Any routine railroad maintenance activities performed in the public right-of-way as follows:

(I) Within the track area, either to the bottom of the ballast or to a depth of not more than 12 inches below the bottom of the railroad tie, whichever is deeper, if the routine railroad maintenance activity is not performed within 6 feet of any above ground structure that is part of a facility that is not owned or operated by that railroad.

(II) Outside the track area, not more than 12 inches below the ground surface, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad.

(B) Any routine railroad maintenance activities performed to a depth of not more than 18 inches below the flow line of a ditch or the ground surface in the railroad right-of-way, excluding the public right-of-way, if the routine railroad maintenance activity is not performed within 6 feet of any aboveground structure that is part of a facility that is not owned or operated by that railroad.

(vi) Routine maintenance or preventative maintenance as those terms are defined in section 10c of 1951 PA 51, MCL 247.660c, to a depth of not more than 12 inches below the roadway and any shoulder of a street, county road, or highway.

(n) "Excavator" means any person performing excavation or blasting.

(o) "Facility" or "underground facility" means an underground or submerged conductor, pipe, or structure, including, but not limited to, a conduit, duct, line, pipe, wire, or other device and its appurtenances used to produce, store, transmit, or distribute a utility service, including communications, data, cable television, electricity, heat, natural or manufactured gas, oil, petroleum products, steam, sewage, video, water, and other similar substances, including environmental contaminants or hazardous waste.

(p) "Facility operator" means a person that controls the operation of a facility.

(q) "Facility owner" means a person that owns a facility.

(r) "Farm" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(s) "Farming operations" means plowing, cultivating, planting, harvesting, and similar operations routine to most farms and that are performed on a farm. Farming operations do not include installation of drainage tile, underground irrigation lines, or the drilling of a well.

(t) "Governmental agency" means the state and its political subdivisions, including counties, townships, cities, villages, or any other governmental entity.

(u) "Mark", "marks", or "marking" means the temporary identification on the surface grade of the location of a facility in response to a ticket as described in section 7.

(v) "Notification system" means MISS DIG System, Inc., a Michigan nonprofit corporation formed and operated by each facility owner and facility operator to administer a 1-call system for the location of facilities, or any successor to this corporation.

(w) "Person" means an individual, firm, joint venture, partnership, corporation, association, governmental agency, department or agency, utility cooperative, or joint stock association, including any trustee, receiver, assignee, or personal representative thereof.

(x) "Positive response" means the procedure administered by the notification system to allow excavators to determine whether all facility owners or facility operators contacted under a ticket have responded in accordance with this act.

(y) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, alley, easement, or waterway.

(z) "Railroad" means that term as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.

(aa) "Safe zone" means an area 48 inches or more from either side of the facility marks provided by a facility owner or facility operator.

(bb) "Soft excavation" means a method and technique designed to prevent contact damage to underground facilities, including, but not limited to, hand-digging, cautious digging with nonmechanical tools, vacuum excavation methods, or use of pneumatic hand tools.

(cc) "Start date" means the date that a proposed excavation or blasting is expected to begin as indicated on a ticket.

(dd) "Ticket" means a communication from the notification system to a facility owner or facility operator requesting the marking of underground facilities, based on information provided by an excavator in a dig notice.

(ee) "White lining" means marking by an excavator of the area of a proposed excavation or blasting, with white paint or flags, or both, before giving notice to the notification system.

**460.724 MISS DIG Systems, Inc.; operation and membership; notification system; duties and responsibilities; funding; fees; farm operation; tax exemption.**

**Sec. 4.** (1) Facility owners and facility operators shall continue to operate and be members of MISS DIG Systems, Inc., a Michigan nonprofit corporation, that shall have the duties and undertake the responsibilities of the notification system under this act on and after the effective date of this act. The notification system responsibilities and duties do not include the physical marking of facilities, which is the responsibility of a facility owner or facility operator upon notification under this act.

(2) The notification system and its procedures shall be governed by its board of directors and in accordance with its current articles of incorporation and bylaws as of the effective date of this act, with any future changes made in accordance with the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, and the notification system's articles, bylaws, and board procedures. The notification system shall request input regarding its policies from all interested persons, including facility owners and facility operators, excavators, marking service providers, and governmental agencies.

(3) Funding for the notification system operations shall be established by the notification system, including through fees based on a reasonable assessment of operating costs among facility owners or facility operators. A facility owner or facility operator shall not charge a fee to excavators for marking facilities under this act.

(4) Facility owners and facility operators shall be members of and participate in the notification system and pay the fees levied by the notification system under this section. This obligation and the requirements of this act for facility owners and facility operators do not apply to persons owning or operating a facility located on real property the person owns or occupies if the facility is operated solely for the benefit of that person.

(5) Owners of real property on which there is a farm operation, as that term is defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472, may become a nonvoting member of the notification system, known as a farm member, upon providing the notification system with the information necessary to send the farm member a ticket for purposes of notification under section 6(1). A farm member is not subject to any fees levied under subsection (3).

(6) The notification system is exempt from taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

**460.725 Duty of excavator to provide dig notice to notification system; contents of notice; validity of ticket; compliance with procedures and requirements; exposure of facility; notice requirements; excavation using power equipment.**

**Sec. 5.** (1) An excavator shall provide a dig notice to the notification system at least 72 hours, but not more than 14 calendar days, before the start of any blasting or excavation. If the dig notice is given during business hours, the 72-hour period shall be measured from the time the dig notice is made to the notification system. If a dig notice is given before 7 a.m. on a business day, the 72-hour period begins at 7 a.m. on that day. If a dig notice is given on a non business day or after 5 p.m. on a business day, the 72-hour period begins at 7 a.m. on the next business day. All hours of nonbusiness days are excluded in counting the 72-hour period. If there are multiple excavators on the same site, each excavator shall provide its own dig notice.

(2) A dig notice shall contain at least all of the following:

- (a) The name, address, and telephone number of the excavator.
- (b) A description of the proposed area of blasting or excavation, including the street address and a property description.
- (c) The specific type of work to be performed.
- (d) The start date and time of blasting or excavation.
- (e) Whether the proposed blasting or excavation will be completed within 21 days after the start date.

(3) A ticket is valid for 21 days from the start date of the excavation or blasting on the ticket as identified by the excavator, except that a ticket is valid for 180 days from the start date if the dig notice indicates that the proposed excavation or blasting will not be completed within 21 days from the start date.

(4) An excavator shall comply with the notification system procedures and all requirements of this act.

(5) Except as otherwise provided in this subsection, before blasting or excavating in a caution zone, an excavator shall expose all marked facilities in the caution zone by soft excavation. If conditions make complete exposure of the facility impractical, an excavator shall consult with the facility owner or facility operator to reach agreement on how to protect the facility. For excavations in a caution zone parallel to a facility, an excavator shall use soft excavation at intervals as often as reasonably necessary to establish the precise location of the facility. An excavator may use power tools and power equipment in a caution zone only after the facilities are exposed or the precise location of the facilities is established.

(6) An excavator shall provide support or bracing of facilities or excavation walls in an excavation or blasting area that are reasonably necessary for protection of the facilities.

(7) An excavator shall provide notification to the notification system if facility markings are destroyed or covered by excavation or blasting activities or if a ticket expires before the commencement of excavation. If a ticket expires before the commencement of excavation, an excavator shall provide a new dig notice to the notification system, and comply with subsection (1).

(8) An excavator shall provide notification to the notification system requesting additional assistance if the location of a marked facility within the approximate location cannot be determined.

(9) An excavator shall provide immediate additional notice to the notification system and stop excavation in the immediate vicinity if the excavator has reason to suspect the presence of an unmarked facility due to any 1 of the following:

- (a) Visible evidence of a facility with no marks visible.
- (b) Lack of a positive response to a ticket.
- (c) A positive response from a facility owner or facility operator indicating the presence of a facility with no marks visible.

(10) If an excavator contacts or damages a facility, the excavator shall provide immediate notice to the facility owner or facility operator.

(11) If an excavator damages a facility resulting in the escape of any flammable, toxic, or corrosive gas or liquid, or endangering life, health, or property, the excavator shall call 9-1-1 and provide immediate notice to the facility owner or facility operator. The excavator shall also take reasonable measures to protect the excavator, those in immediate danger, the general public, and the environment until the facility owner or facility operator, or emergency first responders, have arrived and taken control of the site

(12) An excavator shall provide prompt emergency notice to the notification system for any proposed excavation or blasting in an emergency. In an emergency, blasting or excavation required to address the conditions of the emergency may be performed as the emergency conditions reasonably require, subject to the provisions in this act for emergency notice and marking facilities in response to an emergency notice.

(13) If the location of a proposed excavation or blasting cannot be described in a manner sufficient to enable the facility owner or facility operator to ascertain the precise tract or parcel involved, an excavator shall provide white lining in advance of submitting a ticket or additional assistance to the facility owner or facility operator on reasonable request to identify the area of the proposed excavation or blasting.

(14) For purposes of this section, notice to the notification system constitutes notice to all facility owners or facility operators regarding facilities located in the area of the proposed excavation or blasting.

(15) Except as otherwise provided in this act, an excavator may conduct excavation in a safe zone using power equipment without establishing the precise location of any facilities

**460.726 Notification system; transmission of ticket to facility owners or operators; availability; positive response system; maintenance of records; emergency notice; design tickets.**

**Sec. 6.** (1) The notification system shall receive dig notice notification of proposed excavation and blasting activities and promptly transmit a ticket to facility owners or facility operators of facilities in the area of the proposed excavation or blasting. The notification system shall provide alternative means of access and notification to the system. Except for shutdowns caused by acts of nature, war, or terrorism, the notification system shall be available 24 hours per day, 7 days per week.

(2) The notification system shall publicize the availability and use of the notification system and educate the public, governmental agencies, excavators, farm operators, facility owners, and facility operators regarding the practices and procedures of the notification system, the requirements of this act, and practices to protect underground facilities from damage.

(3) The notification system shall administer a positive response system to allow excavators to determine whether all of the facility owners or facility operators in the area have responded to a ticket and whether a particular facility owner or facility operator does not have facilities in the area of a proposed excavation or blasting.

(4) The notification system shall maintain adequate records of its notification activity for a period of 6 years after the date of the notice, including voice recordings of calls. The notification system shall provide copies of those records to any interested person upon written request and payment of a reasonable charge for reproduction and handling as determined by the notification system.

(5) The notification system shall expedite the processing of any emergency notice it receives under this act.

(6) The notification system shall receive design tickets under the procedures described in section Ga and transmit them to facility owners or facility operators.

**460.726a Project design or planning services; fees; procedures; design ticket response; marking facility location.**

**Sec. 6a.** (1) The notification system shall establish reasonable procedures, including marking response times, for design ticket notification to facility owners or facility operators of requests for project design or planning services to determine the type, size, and general location of facilities during the planning and design stage of a construction or demolition project. Facility owners or operators may charge the person requesting project design or planning services separate fees for design or planning services.

(2) Procedures under this section do not affect or alter the obligation of excavators to provide notice of blasting or excavation under sections.

(3) The response to a design ticket is to provide general information regarding the location of underground facilities, not to mark any facilities. However, if a facility owner or operator does not have drawings or records that show the location of a facility, the facility owner or operator shall mark that facility under the procedures described in section 7. A design ticket or information provided in response to a design ticket does not satisfy the requirement under this act for excavation or blasting notice to the notification system or marking the approximate location of facilities for blasting or excavation.

**460.727 Marking facility location; positive response; additional assistance of facility owner or operator upon request by excavator; damage to facility; emergency response; construction of new facility.**

**Sec. 7.** (1) A facility owner or facility operator shall respond to a ticket by the start date and time for the excavation or blasting under section 5(1) by marking its facilities in the area of the proposed excavation or blasting in a manner that permits the excavator to employ soft excavation to establish the precise location of the facilities.

(2) A facility owner or facility operator shall mark the location of each facility with paint, stakes, flags, or other customary methods using the uniform color code of the American national standards institute as follows:

- (a) White - used by excavators to mark a proposed excavation or blasting area.
- (b) Pink - temporary survey markings.
- (c) Red - electric power lines, cables, conduit, and lighting cables.
- (d) Yellow- gas, oil, steam, petroleum, or gaseous materials.
- (e) Orange - communication, cable television, alarm or signal lines, cables, or conduit.
- (f) Blue - potable water.
- (g) Purple - reclaimed water, irrigation, and slurry lines.
- (h) Green - sewers and drain lines.

(3) A facility owner or facility operator shall provide notification to the notification system using positive response.

(4) Upon receiving a notification during business hours from an excavator through the notification system of previous marks being covered or destroyed, a facility owner or facility operator shall mark the location of a facility within 24 hours, excluding all hours on nonbusiness days.

(5) If a facility owner or facility operator receives a request under section 5(8) or (9), that facility owner or facility operator shall provide additional assistance to an excavator within 3 hours of a request made by the excavator during business hours. An excavator and a facility owner or facility operator may agree to an extension of the time for additional assistance. If a request for additional assistance is made at a time when the additional assistance cannot be provided during normal business hours or assistance is required at a remote rural location, the response time shall be no later than 3 hours after the start of the next business day or a time based on mutual agreement.

(6) If a facility owner or facility operator receives notice that a facility has been damaged, that facility owner or facility operator shall promptly dispatch personnel to the area.

(7) A facility owner or facility operator shall respond within 3 hours to an emergency notice, or before the start day and time provided in an emergency notice if that start day and time is more than 3 hours from the time of notice.

(8) New facilities built after the effective date of this act shall be constructed in a manner that allows their detection when in use.

(9) This section does not apply to the state transportation department or to the marking of a county or inter county drain by a county drain commissioner's office or drainage board.

**460.728 Damages or equitable relief.**

**Sec. 8.** This act does not limit the right of an excavator, facility owner, or facility operator to seek legal relief and recovery of actual damages incurred and equitable relief in a civil action arising out of a violation of the requirements of this act, or to enforce the provisions of this act, nor shall this act determine the level of damages or injunctive relief in any such civil action. This section does not affect or limit the availability of any contractual or legal remedy that may be available to an excavator, facility owner, or facility operator arising under any contract to which they may be a party.

**460.729 Liability of officers, agents, or employees of notification system; liability of excavator or farmer engaged in farming operations or owner of farm.**

**Sec. 9.** (1) The notification system and its officers, agents, or employees are not liable for any damages, including damages for injuries or death to persons or damage to property, caused by its acts or omissions in carrying out the provisions of this act. The notification system is not responsible for assuring performance by a facility owner or facility operator of its obligation to participate in the notification system under section 4(4).

(2) An excavator or a farmer engaged in farming operations that complies with this act is not responsible for damages that occur to a facility that is improperly marked, not marked, or determined to be within the safe zone.

(3) An owner of a farm who complies with this act is not liable for any damages to a facility if the damage occurred in the course of farming operations, except in those lands within the public right-of-way, unless the owner intentionally damaged the underground facility or acted with wanton disregard or recklessness in damaging the facility. As used in this subsection, "owner" includes a family member, employee, or tenant of the owner.

**460.730 Ordinances, charters, or other laws requiring permits.**

**Sec. 10.** This act does not authorize, affect, or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating or tunneling in a public street or highway or to construct or demolish buildings or other structures on private property. A permit issued by a governmental agency does not relieve a person from the responsibility of complying with this act. The failure of any person who has been granted a permit to comply with this act does not impose any liability upon the governmental agency issuing the permit.

**460.731 Prohibited conduct; violations as misdemeanor; penalty; civil fine; use of commission determination in court action or proceeding; instruction forms; rules; incident reports; maintenance and availability of information.**

**Sec. 11.** (1) A person who engages in any of the following conduct is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both:

- (a) Knowingly damages an underground facility and fails to promptly notify the facility owner or facility operator.
- (b) Knowingly damages an underground facility and backfills the excavation or otherwise acts to conceal the damage.
- (c) Willfully removes or otherwise destroys stakes or other physical markings used to mark the approximate location of underground facilities unless that removal or destruction occurs after the excavation or blasting is completed or as an expected consequence of the excavation or blasting activity.

(2) Upon complaint filed with the commission or upon the commission's own motion, following notice and hearing, a person, other than a governmental agency, who violates any of the provisions of this act may be ordered to pay a civil fine of not more than \$5,000.00 for each violation. In addition to or as an alternative to any fine, the commission may require the person to obtain reasonable training to assure future compliance with this act. Before filing a complaint under this subsection, a person shall attempt to settle the dispute with the adverse party or parties using any reasonable means of attempted resolution acceptable to the involved parties. In determining the amount of any fine, the commission shall consider all of the following:

- (a) The ability of the person charged to pay or continue in business.
- (b) The nature, circumstances, and gravity of the violation.
- (c) Good-faith efforts by the person charged to comply with this act.
- (d) The degree of culpability of the person charged and of the complainant.
- (e) The history of prior violations of the person charged.

(3) A commission determination under subsection (2) shall not be used against a party in any action or proceeding before any court. A complaint filed under subsection (2) does not limit a person's right to bring a civil action to recover damages that person incurred arising out of a violation of the requirements of this act.

(4) The commission shall develop forms with instructions and may promulgate administrative rules for processing complaints under this act, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) Not later than October 1, 2014, the commission shall establish requirements for reporting incidents involving damage to underground facilities.

(6) Beginning April 1, 2015, the commission shall maintain information on damaged facilities reported under subsection (5), including, but not limited to, any damage that occurs during excavation, digging, or blasting that is excluded from the definition of excavation under section 3(m). The commission shall make any information maintained under this subsection publicly available on its website.

**460.732 Governmental liability.**

**Sec. 12.** (1) Except as provided in this section, this act does not affect the liability of a governmental agency for damages for tort or the application of 1964 PA 170, MCL 691.1401 to 691.1419.

(2) A facility owner or a facility operator may file a complaint with the commission seeking a civil fine and, if applicable, damages from a governmental agency under this section for any violation of this act.

(3) After notice and a hearing on a complaint under subsection (2), the commission may order the following, as applicable:

- (a) If the commission has not issued an order against the governmental agency under this section within the preceding 12 months, a civil fine of not more than \$5,000.00. In determining the amount of the fine, the commission shall consider the factors in section 11(2).
- (b) If the commission has issued an order under subdivision (a) against the governmental agency within the preceding 12 months, both of the following:
  - (i) A civil fine of not more than \$10,000.00. In determining the amount of the fine, the commission shall consider the factors in section 11(2).
  - (ii) That the governmental agency provide at its expense underground facility safety training to all its personnel involved in underground utility work or excavating.
- (c) If the commission has issued an order under subdivision (b) against the governmental agency within the preceding 12 months, both of the following:
  - (i) A civil fine of not more than \$15,000.00. In determining the amount of the fine, the commission shall consider the factors in section 11(2).
  - (ii) If the violation of this act by the governmental agency caused damage to the facilities of the facility owner or facility operator, that the governmental agency pay to the owner or operator the cost of repair of the facilities.

(4) A party to a complaint filed under this section or section 11 may file an appeal of a commission order issued under this section or section 11 in the Ingham county circuit court.

(5) This section does not apply if the violation of this act was a result of action taken in response to an emergency.

(6) A finding by the commission under this section is not admissible in any other proceeding or action.

(7) A civil fine ordered under this act shall be paid to the commission and used for underground facilities safety education and training.

(8) Each day upon which a violation described in this act occurs is a separate offense.

**460.733 Compliance by individual engaged in farming operation.**

**Sec. 13.** An individual engaged in a farming operation on a farm shall comply with this act beginning May 1, 2014.

**MISS DIG System, Inc.**  
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