

State Damage Prevention Law Summary
State: Rhode Island
(Link to State law provided in Law & Regulation section below)
Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Rhode Island General Laws § 39-1.2-1. (5) "Demolition" means the wrecking, razing, rending, moving, or removing of any structure. (6) "Excavation" means an operation for the purpose of movement or removal of earth, rock, or other materials in or on the ground, or otherwise disturbing the subsurface of the earth, by the use of powered or mechanized equipment, including but not limited to digging, blasting, auguring, back filling, test boring, drilling, pile driving, grading, plowing in, hammering, pulling in, trenching, and tunneling; excluding the movement of earth by tools manipulated only by human or animal power and the tilling of soil for agricultural purposes.
Excavator: Definition	Excavator not defined.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	3
Excavator Notice (Specific Language)	RI Laws § 39-1.2-2. No person, public agency, or public utility shall engage in excavation in approximate location of public utility facilities or discharge explosives or demolish a structure containing a public utility facility without having first ascertained in the manner prescribed in this chapter the location of a public utility facilities or public utilities in the area or the absence thereof. § 39-1.2-5. (a) Except as provided in § 39-1.2-9, any person, public agency or public utility responsible for excavating within one hundred feet (100') or for discharging explosives within one hundred feet (100') of a public utility facility shall notify the association of the proposed excavation or discharge by telephone at least seventy-two (72) hours, excluding Saturdays, Sundays, and holidays, but not more than thirty (30) days before commencing the excavation or discharge of explosives.... (c) ... Where an excavation is to be made by a contractor as part of the work required by a contract with the state or with any political subdivision thereof or other public agency for the construction, reconstruction, relocation, or improvement of a public way or for the installation of a railway track, conduit, sewer, or water main, the contractor shall be deemed to have complied with the requirements of this section by giving one such notice as required by this section, except when unanticipated obstructions are encountered, setting forth the location and the approximate time required to perform the work involved to the association. In addition, the initial notice shall indicate whether the excavation is anticipated to involve blasting and, if so, the date on which and specific location at which the blasting is to occur. ... If after the commencement of an excavation it is found there is an unanticipated obstruction requiring blasting, the excavator shall give at least four (4) hours notice to the association before commencing the blasting. When demolition of a building containing a public utility facility is proposed, the public utility or utilities involved will be given written notice by registered mail at least ten (10) days prior to the commencement of the demolition ...
Ticket Life (# of days)	60 (RI Laws § 39-1.2-5. (a))
White-Line Required (Yes / No)	Yes. (RI Laws § 39-1.2-7. (b))
Tolerance Zone	18" (RI Laws § 39-1.2-1. (2))
Special Digging Requirements Within Tolerance Zone (Specific Language)	RI Laws § 39-1.2-10: Any person or public agency excavating, tunneling, or discharging explosives shall exercise reasonable care when working in close proximity to the underground public utility facilities of any public utility. Further, when the facilities are to be exposed, only nonmechanical means shall be employed to locate the facility and such support, as may be reasonably necessary for the protection of the facilities, shall be provided in and near the work area.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (RI Laws § 39-1.2-10)
Preserve / Maintain Marks Required (Yes / No)	Yes. (RI Laws § 39-1.2-12)
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No (However, reference RI Laws § 39-1.2-5. (c) If an excavator determines that a public utility facility has been mismarked, the excavator may notify the association ...
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes. (RI Laws § 39-1.2-12)

Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (RI Laws § 39-1.2-12-5. (b))
Notify Operator of Damage (Yes / No)	Yes. (RI Laws § 39-1.2-11)
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	No
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	RI Laws § 39-1.2-1. As used in this chapter: ... (6) Excavation means...; excluding the movement of earth by tools manipulated only by human or animal power and the tilling of soil for agricultural purposes. § 39-1.2-5. (c) ... Where an excavation is to be made by a contractor as part of the work required by a contract with the state or with any political subdivision thereof or other public agency for the construction, reconstruction, relocation, or improvement of a public way or for the installation of a railway track, conduit, sewer, or water main, the contractor shall be deemed to have complied with the requirements of this section by giving one such notice to the association as required by this section, except when unanticipated obstructions are encountered, setting forth the location and the approximate time required to perform the work involved.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	3 (RI Laws § 39-1.2-7. (a))
Operator Requirements to Respond to Locate Notification (Specific Language)	RI Laws § 39-1.2-5. (a) ...Each public utility shall, upon receipt of each notice of excavation, mark within seventy-two (72) hours or, where applicable in accordance with § 39-1.2-12, re-mark within forty-eight (48) hours, the location of all underground facilities. § 39-1.2-7: (a) A public utility served with the notice in accordance with § 39-1.2-5 shall, within seventy-two (72) hours, exclusive of Saturdays, Sundays, and legal holidays, of the receipt of the notice, unless otherwise agreed between the person or public agency performing the work and the public utility, mark the approximate location of the underground utility facilities. ... (c) A public utility shall mark any of their underground utility facilities that are located within fifteen feet (15') of the exterior limits of the premarked excavation area. § 39-1.2-12. ... the utility shall, within forty-eight (48) hours following the receipt of a request, remark the location of its facilities.
Minimum Standards for Locator Qualifications (Yes / No)	No
Minimum Standards for Locator Qualifications (Specific Language)	Not Addressed
Law Specifies Marking Standards Other Than Color (Yes / No)	No
Law Specifies Marking Standards Other Than Color (Specific Language)	Not addressed.
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No (Reference RI Laws §§ 45-14-1.1 and 46-24-19.1)
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes

Operator Must Locate Abandoned Facilities (Specific Language)	RI Laws § 39-1.2-1: As used in this chapter: ... (11) ... Utility facilities shall include active, newly installed and inactive or abandoned, utility facilities. (12) Abandoned utility facilities means any known underground or submerged utility line or facility that has been permanently taken out of service. For excavation purposes the abandoned underground utility facilities should always be considered to be active utility service. § 39-1.2-7. (a) A public utility served with the notice in accordance with § 39-1.2-5 shall ... mark the approximate location of the underground utility facilities.
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not Addressed
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not Addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not addressed
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not addressed
New Facilities Must Be Locatable Electronically (Yes / No)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Not Addressed
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (RI Laws § 39-1.2-4)
One Call Membership Exemptions (Yes / No)	Yes

One Call Membership Exemptions (Specific Language)	<p>RI Laws § 39-1.2-1. (10) does not include "sewers" in the definition for "public utility", nor does § 39-1.2-1. (11) include "sewers" in the definition for "public utility facilities". Whereas, § 39-1.2-4 notes that "All public utilities of the state, owning and operating underground facilities, shall ... jointly participate in an association providing for mutual receipt of notification required by §§ 39-1.2-2 and 39-1.2-5.</p> <p>§ 39-1.2. (10) "Public utility" means the owner or operator of underground facilities for furnishing electric, gas, telephone, or water service as defined in section 39-1-2(20). Rhode Island PUC has stated that only public utilities are required to mark their underground utilities (i.e., those that provide "service"); thus, Rhode Island D.O.T. does not mark their underground electric lines on highways, and non-regulated water companies do not have to mark their lines (see "public utility" as defined by § 39-1-2 (20) (see http://webserver.rilin.state.ri.us/Statutes/TITLE39/39-1/39-1-2.HTM)).</p>
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not Addressed
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not Addressed
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	<p>RI Laws § 39-1.2-13. (a) Any person or utility who violates any provision of this chapter shall be subject to a civil penalty of no more than three hundred fifty dollars (\$350) for the first offense and not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for any subsequent offense within a twelve (12) month period. ... (b) Any contractor found in violation of this chapter who, after due process of law, fails to satisfy any such fines levied pursuant to this chapter shall be ineligible to bid on or be awarded any municipal, quasi-municipal, state, state funded, state regulated or state subsidized construction and/or public works contracts.</p>
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	<p>RI Laws § 39-1.2-13. (a) Any person or utility who violates any provision of this chapter shall be subject to a civil penalty of no more than three hundred fifty dollars (\$350) for the first offense and not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for any subsequent offense within a twelve (12) month period.</p>
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	<p>RI Laws § 39-1.2-13. (a) Any person or utility who violates any provision of this chapter shall be subject to a civil penalty of no more than three hundred fifty dollars (\$350) for the first offense and not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for any subsequent offense within a twelve (12) month period. ... (b) Any contractor found in violation of this chapter who, after due process of law, fails to satisfy any such fines levied pursuant to this chapter shall be ineligible to bid on or be awarded any municipal, quasi-municipal, state, state funded, state regulated or state subsidized construction and/or public works contracts.</p>
Enforcement Authority Identified	Administrator of the Rhode Island Division of Public Utilities and Carriers
Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes. (RI Laws § 39-1.2-11. (b))
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes. (RI Laws § 39-1.2-11. (b))
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	

Statute / Law (Name & Link)	Rhode Island General Laws (RI Laws) Chapter 39-1.2, Excavation Near Underground Utility Facilities http://webserver.rilin.state.ri.us/Statutes/title39/39-1.2/INDEX.HTM Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	July 1, 2014
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	Dig Safe Systems http://www.digsafe.com/
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0