

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

Excavator Requirements	
Excavation: Definition	Vermont Statutes Annotated, Title 30 (30 V.S.A.), § 7001. (4) "Excavation activities" means activities involving the removal of earth, rock, or other materials in the ground, disturbing the subsurface of the earth, or the demolition of any structure, by the discharge of explosives or the use of powered or mechanized equipment, including digging, trenching, blasting, boring, drilling, hammering, post driving, wrecking, razing, or tunneling, within 100 feet of an underground utility facility. Excavation activities shall not include the tilling of the soil for agricultural purposes, routine home gardening with hand tools outside easement areas and public rights-of-way, activities relating to routine public highway maintenance, or the use of hand tools by a company, or the company's agent or a contractor working under the agent's direction, to locate or service the company's facilities, provided the company has a written damage prevention program.
Excavator: Definition	30 V.S.A. § 7001. (2) "Company" means any public utility company which supplies gas, electricity, or telecommunications service and which maintains underground utility facilities, and any cable television company operating a cable television system as defined in section 501 of this title and which maintains underground utility facilities. ... (5) "Person" means any individual, trust, firm, joint stock company, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of the state, or any interstate body.
Excavator Notice to One Call Required (Yes / No)	Yes.(30 V.S.A. § 7004)
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	30 V.S.A. § 7004. (a) No person or company shall engage in excavation activities, except in an emergency situation as defined by the board, without premarking the proposed area of excavation activities and giving notice as required by this section. (b) At least 48 hours, excluding Saturdays, Sundays and legal holidays, but not more than 30 days before commencing excavation activities, each person required to give notice of excavation activities shall notify the system referred to in section 7002 of this title. Such notice shall set forth a reasonably accurate and readily identifiable description of the geographical location of the proposed excavation activities. (c) Notice to the system may be in writing or by telephone. For purposes of this section, the system shall provide a toll-free telephone number.
Ticket Life (# of days)	30 (30 V.S.A. § 7004 (e))
White-Line Required (Yes / No)	Yes. (30 V.S.A. § 7004. (d))
Tolerance Zone	18" (30 V.S.A. § 7001. (7))
Special Digging Requirements Within Tolerance Zone (Specific Language)	30 V.S.A. § 7001. (13) "Verified" means the location and depth have been physically determined by hand digging. § 7006b. Any person engaged in excavating activities in the approximate location of underground utility facilities marked pursuant to section 7006 of this title shall take reasonable precautions to avoid damage to underground utility facilities, including but not limited to any substantial weakening of the structural or lateral support of such facilities or penetration, severance or destruction of such facilities. When excavation activities involve horizontal or directional boring, the person engaged in excavation activities shall expose underground facilities to verify their location and depth, in a safe manner, at each location where the work will cross a facility and at reasonable intervals when paralleling an underground facility. Powered or mechanized equipment may only be used within the approximate location where the facilities have been verified.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (30 V.S.A. § 7006b)
Preserve / Maintain Marks Required (Yes / No)	Yes. (30 V.S.A. § 7006a)
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes. (30 V.S.A. § 7006a)

Special Language Regarding Trenchless Technology (Yes / No)	Yes. (30 V.S.A. § 7006b)
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (30 V.S.A. § 7004 (a))
Notify Operator of Damage (Yes / No)	Yes. (30 V.S.A. § 7007)
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)	<p>30 V.S.A. § 7001. In this chapter: ... (4) ... Excavation activities shall not include the tilling of the soil for agricultural purposes, routine home gardening with hand tools outside easement areas and public rights-of-way, activities relating to routine public highway maintenance, or the use of hand tools by a company, or the company's agent or a contractor working under the agent's direction, to locate or service the company's facilities, provided the company has a written damage prevention program.</p> <p>Code of Vermont Rules (CVR), § 30-000-008 Rule 3.804 (A) In the event of a situation which poses a threat to life, health, property, continued utility service, or the operation of a major industrial plant or public facility, excavation may begin as soon as notice thereof is given to the damage prevention system. Such notice must be given by telephone. If the threat is of such an immediate nature that the delay caused by notifying the damage prevention system would itself increase the threat, excavation may begin at once. The excavator shall thereafter use due care to ensure that the underground plant of utilities in the area of said excavation is not damaged. (B) A utility may agree with an excavator, in advance, on conditions in which notice is waived or upon provisions for notice not consistent with this rule.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	<p>30 V.S.A. §7006. A company notified in accordance with section 7005 of this title shall, within 48 hours, exclusive of Saturdays, Sundays and legal holidays, of the receipt of the notice, mark the approximate location of its underground utility facilities in the area of the proposed excavation activities; provided, however, if the company advises the person that the proposed excavation area is of such length or size that the company cannot reasonably mark all of the underground utility facilities within 48 hours, the person shall notify the company of the specific locations in which the excavation activities will first occur and the company shall mark facilities in those locations within 48 hours and the remaining facilities within a reasonable time thereafter. A company and an excavator may by agreement fix a later time for the company's marking of the facilities, provided the marking is made prior to excavation activities. For the purposes of this chapter, the approximate location of underground facilities shall be marked with stakes, paint or other physical means as designated by the board.</p> <p>Also see CVR § 30-000-008 Rule 3.803.</p>
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)	<p>CVR § 30-000-008 Rule 3.803 (C) Within forty eight hours of the receipt of notice from the damage prevention system pursuant to 30 V.S.A. § 7005, each utility concerned shall determine whether it has facilities in place and, if so, shall mark or cause to be marked their approximate location, as required by law (D) Such markings shall be with stakes or waterproof paint, using colors prescribed by the American Public Works Association or the American Society of Mechanical Engineers to identify the type of utility facility in place, or by other means acceptable to the company and the excavator.</p>
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No

Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not Addressed
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. (For related reference, see CVR § 30-000-008 Rule 3.806 (F))
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)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	CVR § 30-000-008 Rule 3.806 (E) In the case of electric or gas facilities, a subsurface marker shall be placed above the entire length of each line or conduit to alert an excavator of the presence of such facility. If the line or conduit is not metallic or otherwise detectable from the surface using a locating device, the subsurface marker shall be of a material so detectable.
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (CVR § 30-000-008 Rule 3.802)
One Call Membership Exemptions (Yes / No)	No

One Call Membership Exemptions (Specific Language)	<p>30 V.S.A. § 7002. Each company shall be a member of and participate in a Public Utility Underground Facility Damage Prevention System as designated by the Board unless granted an exemption by the Board after opportunity for hearing.</p> <p>§ 7003. The Board shall adopt rules, pursuant to 3 V.S.A. chapter 25 relative to: ... (6) standards for the granting of exemptions under section 7002 of this title.</p> <p>CVR § 30-000-008 Rule 3.802 (E) No company shall be exempt from membership in the damage prevention system unless it can show that the cost of such membership outweighs the benefit, both to such company and to other affected persons. In ruling on a company's request for exemption, the Board shall consider the following factors</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)	Yes
Separate Body Designated to Advise Enforcement Authority (Specific Language)	<p>CVR § 30-000-008 Rule 3.805 ... (D) Following receipt of an Underground Facility Damage Prevention Report or annual report, the Board [Vermont Public Service Board] may request the Department of Public Service to investigate the facts and make a report.</p> <p>§ 30-000-008 Rule:3.807 (A) The Department may investigate any Underground Facility Damage Prevention Report. (I) In addition to the procedures set forth in this section, the Board, on its own initiative or in response to a petition, may initiate an investigation into a possible violation of any statute, rule, regulation, or order issued thereunder related to Underground Utility Damage Prevention.</p>
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	<p>30 V.S.A. § 7008. (a) Any person or company who violates any provisions of sections 7004, 7006, 7006a, 7006b, or 7007 of this title shall be subject to a civil penalty of not more than \$ 500.00 for the first offense, not more than \$ 1,000.00 for the second offense within one year of the date of the first offense, not more than \$ 1,500.00 for the third offense within one year of the first offense, and not more than \$ 5,000.00 for the fourth or subsequent offense within one year of the date of a previous offense, in addition to any other remedies or penalties provided by law or any liability for actual damages. For the purposes of this subsection, "the date of the first offense" means the date on which the violation occurred, not the date on which the adjudication of the offense resulted. ... (e) Any person who violates any provisions of sections 7004 through 7007 of this title as to an underground gas distribution or transmission facility shall also be subject to the civil penalties described in section 2816 of this title. However, a person who has been assessed a civil penalty pursuant to section 2816 of this title shall not be subject to the payment of an assessed penalty under the provisions of this section for the same violation.</p> <p>30 V.S.A. § 2816 (a) Gas pipeline safety program. -- Any person who violates any statute, rule, regulation, or order of the Public Service Board relating to safety standards or safety practices applicable to transportation of gas through gas pipeline facilities subject to the jurisdiction of the Public Service Board is subject to a civil penalty of not more than \$ 200,000.00 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$ 2,000,000.00 for any related series of violations. The penalty may be imposed by the Board after notice to the offending person of the alleged violations and opportunity for hearing.</p>
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	<p>30 V.S.A. § 7008. (a) Any person or company who violates any provisions of sections 7004, 7006, 7006a, 7006b, or 7007 of this title shall be subject to a civil penalty of not more than \$ 500.00 for the first offense, not more than \$ 1,000.00 for the second offense within one year of the date of the first offense, not more than \$ 1,500.00 for the third offense within one year of the first offense, and not more than \$ 5,000.00 for the fourth or subsequent offense within one year of the date of a previous offense, in addition to any other remedies or penalties provided by law or any liability for actual damages. For the purposes of this subsection, "the date of the first offense" means the date on which the violation occurred, not the date on which the adjudication of the offense resulted. ... (e) Any person who violates any provisions of sections 7004 through 7007 of this title as to an underground gas distribution or transmission facility shall also be subject to the civil penalties described in section 2816 of this title. However, a person who has been assessed a civil penalty pursuant to section 2816 of this title shall not be subject to the payment of an assessed penalty under the provisions of this section for the same violation.</p> <p>30 V.S.A. § 2816 (a) Gas pipeline safety program. -- Any person who violates any statute, rule, regulation, or order of the Public Service Board relating to safety standards or safety practices applicable to transportation of gas through gas pipeline facilities subject to the jurisdiction of the Public Service Board is subject to a civil penalty of not more than \$ 200,000.00 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$ 2,000,000.00 for any related series of violations. The penalty may be imposed by the Board after notice to the offending person of the alleged violations and opportunity for hearing.</p>
Penalties / Fines Other (Yes / No)	No

Penalties / Fines Other (Specific Language)	Not addressed.
Enforcement Authority Identified	Vermont Public Service Board Department of Public Service
Damage Investigation Required by Enforcement Authority (Yes / No)	Yes. (Reference 30 V.S.A. § 207, as referenced by CVR § 30-000-008 Rule:3.805 (E)).
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes. (CVR § 30-000-008 Rule:3.805 (C). Also reference 30 V.S.A. § 207, as referenced by CVR § 30-000-008 Rule:3.805 (E)).
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Vermont Statutes Title 30 (30 V.S.A.), Part 3, Chapter 86, §§ 7001 to 7008, Underground Utility Damage Prevention System (http://www.lexisnexis.com/hottopics/vtstatutesconstcrules/) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	May 16, 2008
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Code of Vermont Rules (CVR), Agency 30, Sub-Agency 000, Chapter 008, Rule 3.800 - Underground Utility Damage Prevention (http://www.lexisnexis.com/hottopics/codeofvrules/)
State One Call Center(s) (Name & Link)	Dig Safe - Vermont(http://www.digsafe.com/)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0