

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

| Excavator Requirements | |
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| Excavation: Definition | West Virginia (WV) Code § 24C-1-1 (b) "Demolish" or "demolition" means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment or discharge of explosives which could damage underground facilities: Provided, That "demolish" and "demolition" do not include earth-disturbing activities authorized pursuant to the provisions of article three, chapter twenty-two of this code or article two, chapter twenty-two-a of this code. ... (e) "Excavate" or "excavation" means any operation in which earth, rock or other material in the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives, and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, auguring, tunneling, moleing, scraping, cable or pipe plowing and driving, wrecking, razing, rendering, moving or removing any structure or mass of material, but does not include underground or surface mining operations or related activities or the tilling of soil for agricultural purposes or for domestic gardening. Further, for purposes of this article, the terms "excavate" and "excavation" do not include routine maintenance of paved public roads or highways by employees of state, county or municipal entities or authorities which: (1) Perform all work within the confines of the traveled portion of the paved public way; and (2) Do not excavate to a depth greater than twelve inches measured from the top of the paved road surface. |
| Excavator: Definition | WV Code § 24C-1-1 (f) "Excavator" means any person intending to engage or engaged in excavation or demolition work. |
| Excavator Notice to One Call Required (Yes / No) | Yes |
| Excavator Notice Minimum # Working Days Before Digging | 2 |
| Excavator Notice (Specific Language) | WV Code § 24C-1-5. (a) Except as provided in section seven of this article, any person who intends to perform excavation or demolition work shall: (1) Not less than forty-eight hours, excluding Saturdays, Sundays and federal or state legal holidays, nor more than ten work days prior to the beginning of such work, notify the one-call system of the intended excavation or demolition ... |
| Ticket Life (# of days) | Not addressed |
| White-Line Required (Yes / No) | No |
| Tolerance Zone | 24" (WV Code § 24C-1-3. (d)(1)) |
| Special Digging Requirements Within Tolerance Zone (Specific Language) | WV Code § 24C-1-5. (a) Except as provided in section seven of this article, any person who intends to perform excavation or demolition work shall: ... (3) Instruct each equipment operator involved in the intended work: (A) To perform all excavation or demolition work in such a manner as to avoid damage to underground facilities in the vicinity of the intended work site, including hand digging, when necessary; ... (E) To maintain a clearance between each underground facility and the cutting edge or point of any powered equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary for the protection of such facility |
| Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No) | Yes. (WV Code § 24C-1-5. (a)(3)(A)) |
| Preserve / Maintain Marks Required (Yes / No) | Yes. (WV Code § 24C-1-5. (a)(3)(F)) |
| 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) | No |
| Special Language Regarding Trenchless Technology (Yes / No) | No |
| Separate Locate Request Required for Each Excavator (Yes / No) | Yes. (WV Code § 24C-1-5. (a)) |
| Notify Operator of Damage (Yes / No) | Yes. (WV Code § 24C-1-5. (a)(3)(B)) [Implied but not explicitly stated.] |

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| Notify One Call Center of Damage (Yes / No) | Yes. (WV Code § 24C-1-5. (a)(3)(D)(ii)) |
| Call 911 if Hazardous Materials Released (Yes / No) | Yes. (WV Code § 24C-1-5. (a)(3)(D)(i)) |
| Notice Exemptions (Yes / No) | Yes |
| Notice Exemptions (Specific Language) | <p>WV Code § 24C-1-2. As used in this chapter, unless the context clearly requires a different meaning: ... (b) Demolish or demolition ... do not include earth-disturbing activities authorized pursuant to the provisions of article three, chapter twenty-two of this code or article two, chapter twenty-two-a of this code.... (e) Excavate or excavation ... does not include underground or surface mining operations or related activities or the tilling of soil for agricultural purposes or for domestic gardening. Further, for purposes of this article, the terms excavate and excavation do not include routine maintenance of paved public roads or highways by employees of state, county or municipal entities or authorities which: (1) Perform all work within the confines of the traveled portion of the paved public way; and (2) Do not excavate to a depth greater than twelve inches measured from the top of the paved road surface.</p> <p>§ 24C-1-7. (a) Compliance with the notification requirements of section five of this article is not required of any person engaging in excavation or demolition in the event of an emergency: Provided, That the person gives oral notification of the emergency work as soon as reasonably practicable to the one-call system.</p> |
| Operator Response | |
| Minimum # Days for Operator to Respond After Receiving Notice (Generally) | 2 |
| Operator Requirements to Respond to Locate Notification (Specific Language) | WV Code § 24C-1-3. (d) Within forty-eight hours, excluding Saturdays, Sundays and legal federal or state holidays, after receipt of a notification by the one-call system from an excavator of a specific area where excavation or demolition will be performed, the operator of underground facilities shall: (1) Respond to such notification by providing to the excavator the approximate location, within two feet horizontally from the outside walls of such facilities, and type of underground facilities at the site; and (2) Use the color code prescribed in section six of this article when providing temporary marking of the approximate location of underground facilities; or (3) Notify the excavator that the operator did not leave a temporary marking of the location of underground facilities because there are no lines in the area of the proposed excavation or demolition. |
| 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. (Reference WV Code § 24C-1-6.) |
| 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) | Yes |

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| Positive Response Required - Operator Contact Excavator (Specific Language) | WV Code § 24C-1-3. (d) Within forty-eight hours ... after receipt of a notification by the one-call system from an excavator of a specific area where excavation or demolition will be performed, the operator of underground facilities shall: (1) Respond to such notification by providing to the excavator the approximate location, within two feet horizontally from the outside walls of such facilities, and type of underground facilities at the site; and (2) Use the color code prescribed in section six of this article when providing temporary marking of the approximate location of underground facilities; or (3) Notify the excavator that the operator did not leave a temporary marking of the location of underground facilities because there are no lines in the area of the proposed excavation or demolition. |
| 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) | Yes |
| Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language) | WV Code § 24C-1-3. (a) Each operator of an underground facility in this state ... shall be a member of a one-call system.... (b) Each member shall provide the following information to the one-call system on forms developed and provided for that purpose by the one-call system: ... (2) The geographic location of the member's underground facilities as prescribed by the one-call system; |
| Operator Must Update Information On Locations of Buried Facilities (Yes / No) | Yes |
| Operator Must Update Information On Locations of Buried Facilities (Specific Language) | WV Code § 24C-1-3. (a) Each operator of an underground facility in this state ... shall be a member of a one-call system.... (b) Each member shall provide the following information to the one-call system on forms developed and provided for that purpose by the one-call system: ... (2) The geographic location of the member's underground facilities as prescribed by the one-call system; ... (c) Each member shall revise in writing the information required by subsection (b) of this section as soon as reasonably practicable, but not to exceed one hundred eighty days, after any change. |
| 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. (WV Code § 24C-1-3. (a)) |
| One Call Membership Exemptions (Yes / No) | Yes |
| One Call Membership Exemptions (Specific Language) | WV Code § 24C-1-2. As used in this chapter, unless the context clearly requires a different meaning: ... (i) "Operator" means any person who owns or operates an underground facility used in the providing or transmission of any of the goods or services described in subsection (1) of this section. ... (l) Underground facility ... does not include underground or surface coal mine operations. § 24C-1-3. (a) Each operator of an underground facility in this state, except any privately owned public water utility regulated by the Public Service Commission, any state agency, any municipality or county, or any municipal or county agency, shall be a member of a one-call system for the area in which the underground facility is located. Privately owned public water utilities regulated by the Public Service Commission, state agencies, municipalities and counties and municipal and county agencies may be voluntary members of such a one-call system. |
| One-Call Law Addresses Board Make-Up (Yes / No) | No |
| One-Call Law Addresses Board Make-Up (Specific Language) | Not Addressed |

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| 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) | WV Code §24C-1-5. (e) Any person who fails to notify the one-call system prior to performing any excavation or demolition, or fails to follow the reporting provisions of this section, or who violates any other provision of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five thousand dollars. |
| Penalties / Fines Operators (Yes / No) | Yes |
| Penalties / Fines Operators (Specific Language) | WV Code §24C-1-5. (e) Any person who fails to notify the one-call system prior to performing any excavation or demolition, or fails to follow the reporting provisions of this section, or who violates any other provision of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five thousand dollars. |
| Penalties / Fines Other (Yes / No) | Yes |
| Penalties / Fines Other (Specific Language) | WV Code §24C-1-5. (e) Any person who fails to notify the one-call system prior to performing any excavation or demolition, or fails to follow the reporting provisions of this section, or who violates any other provision of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five thousand dollars. |
| Enforcement Authority Identified | Not addressed |
| 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) | No |
| 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) | West Virginia (WV) Code, Chapter 24C. Underground Facilities Damage Prevention, Article 1. One Call System. §§ 24C-1-1 to -8 (http://www.legis.state.wv.us/WVCODE/code.cfm?chap=24c) Also see One-Call Center Website for Information on State Law. |
| Date of Last Revision to Statute / Law | March 16, 2016 |
| Administrative Rules / Regulations (Yes / No) | No |
| Administrative Rules / Regulations (Name & Link) | None |
| State One Call Center(s) (Name & Link) | West Virginia 811 (http://www.wv811.com) |
| Miscellaneous Notes | |
| Notes | 0 |

State Damage Prevention / One-
Call Law Recently Revised With
Future Implementation Dates

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