

PHMSA PUBLIC FORUM
ON STATE ONE CALL
EXEMPTIONS
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NY Part 753

Exemptions to “excavation”

- ▣ Movement of earth by tools manipulated by human or animal power
- ▣ Tilling of soil for agricultural purposes
- ▣ Vacuum excavation

NY Part 753

Exemptions to “excavation”

- ▣ Saw cutting and jack-hammering in connection with pavement restoration of a previous excavation where only the pavement is involved.
 - Sometimes misunderstood to exempt all jack-hammering. Temporary pavement patches are made over excavations with intent to come back later for permanent repair. If only removing temporary pavement patch – no need to re-notify One Call. This assumes One Call notice was made during original excavation work

NY Part 753 Exemptions to “underground facility”

- ▣ Oil and gas production and gathering pipeline systems used primarily to collect oil or gas from wells
 - Rationale was that they're in rural areas, poor records of location, no tracer wire on plastic pipelines, etc.
 - For new pipelines that need approval to construct at high-pressure (300 psig), NY PSC requires One Call participation.

NY Part 753

Exemptions to “excavator”

- ▣ NY Law defines “Excavator” as “person engaged in a trade or business which includes the carrying out of excavation or demolition”
 - Effect is to exempt homeowners

NY Part 753

“Hidden” Exemptions

- ▣ Definition of “Underground Facility” specifies “installed by an operator to furnish its services...”
 - operators of some systems (ex: electric, sewer, water) do not install all the way to building - electrician or plumber does that, so utilities do not mark out to building.
 - This causes complaints over who is responsible for damages, how can contractor get these lines marked, etc.

NY Part 753

“Mythical” Exemptions

Private Property

- ▣ Some excavators believe no 811 notice is required on private property.
 - Compounded by some facility operators not marking on private property

NY Part 753

“Mythical” Exemptions Breaking Pavement

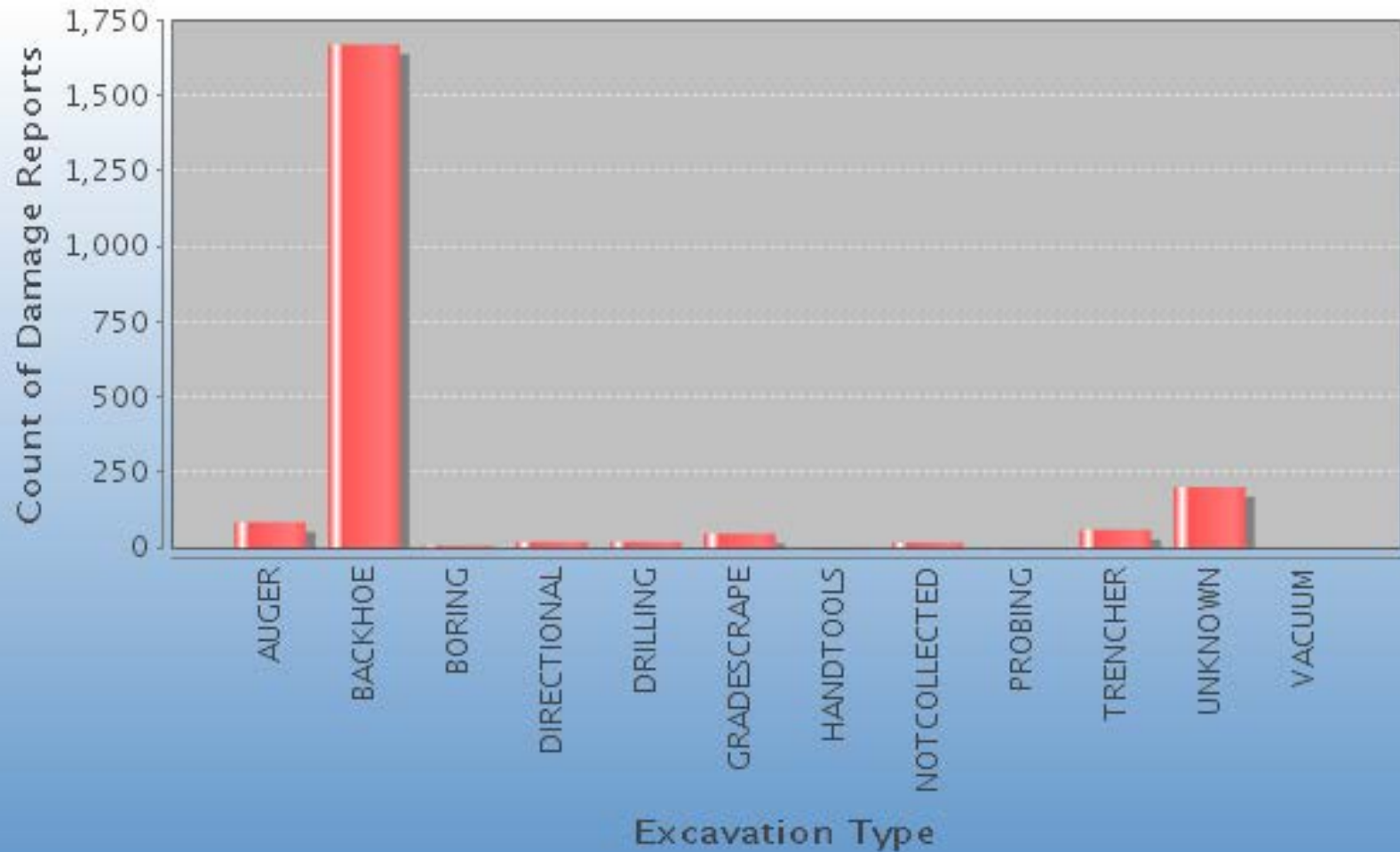
- ▣ NY code allows use of powered machinery to break pavement (only to the depth of pavement) for purposes of verifying accuracy of marks.
 - This leads some excavators to believe no 811 notice is required if only breaking pavement.

NY Part 753

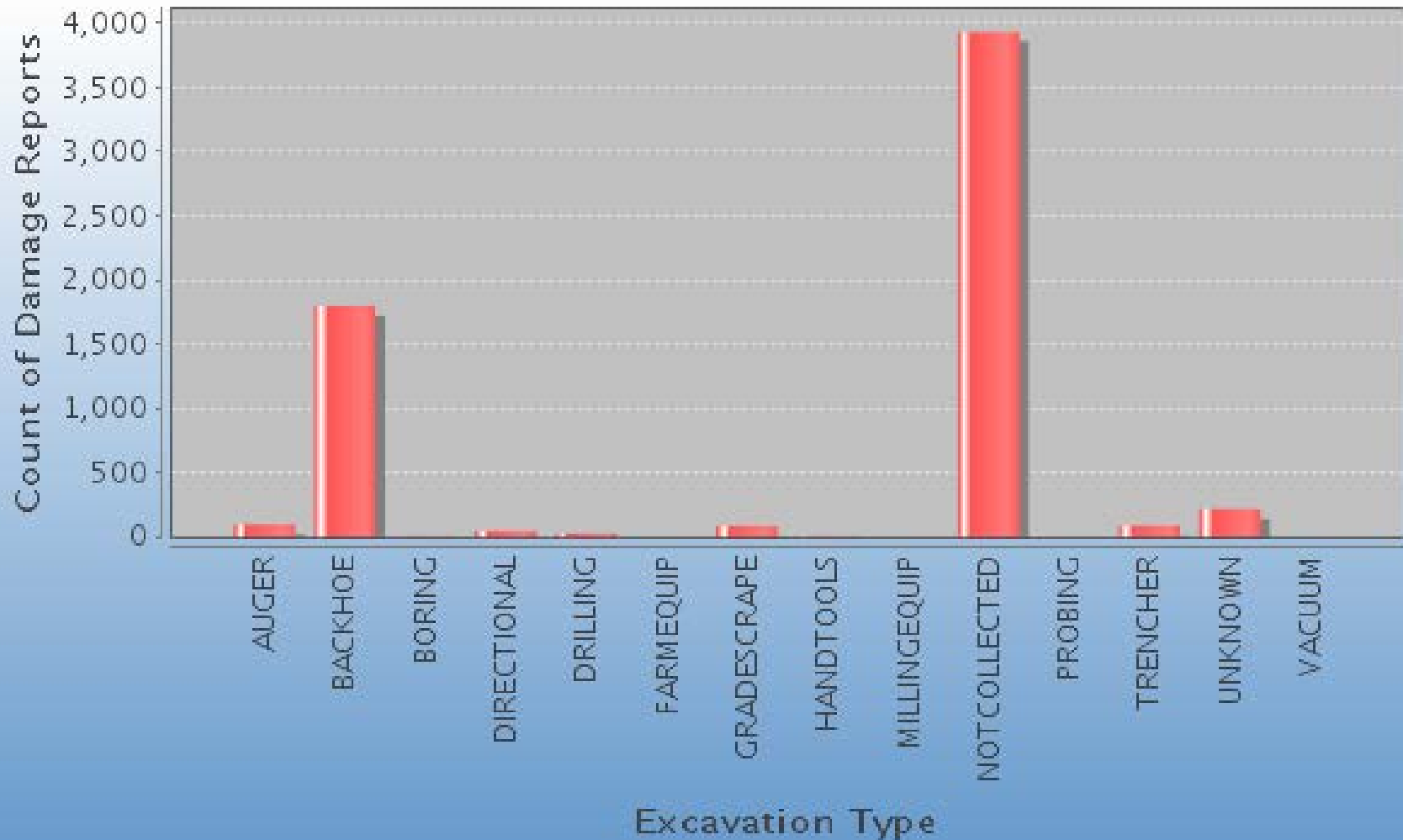
“Mythical” Exemptions Tree/Stump Removal

- ▣ NY Code defines “excavation” as “any operation for the removal of earth, rock, pavement ... in or on the ground by use of mechanized equipment, including...grading, tree root removal...”
 - *“I wasn’t excavating, I was only grading!”*
 - Grinding a tree stump is Excavation
 - So is pulling out a tree by attaching chain and pulling with backhoe

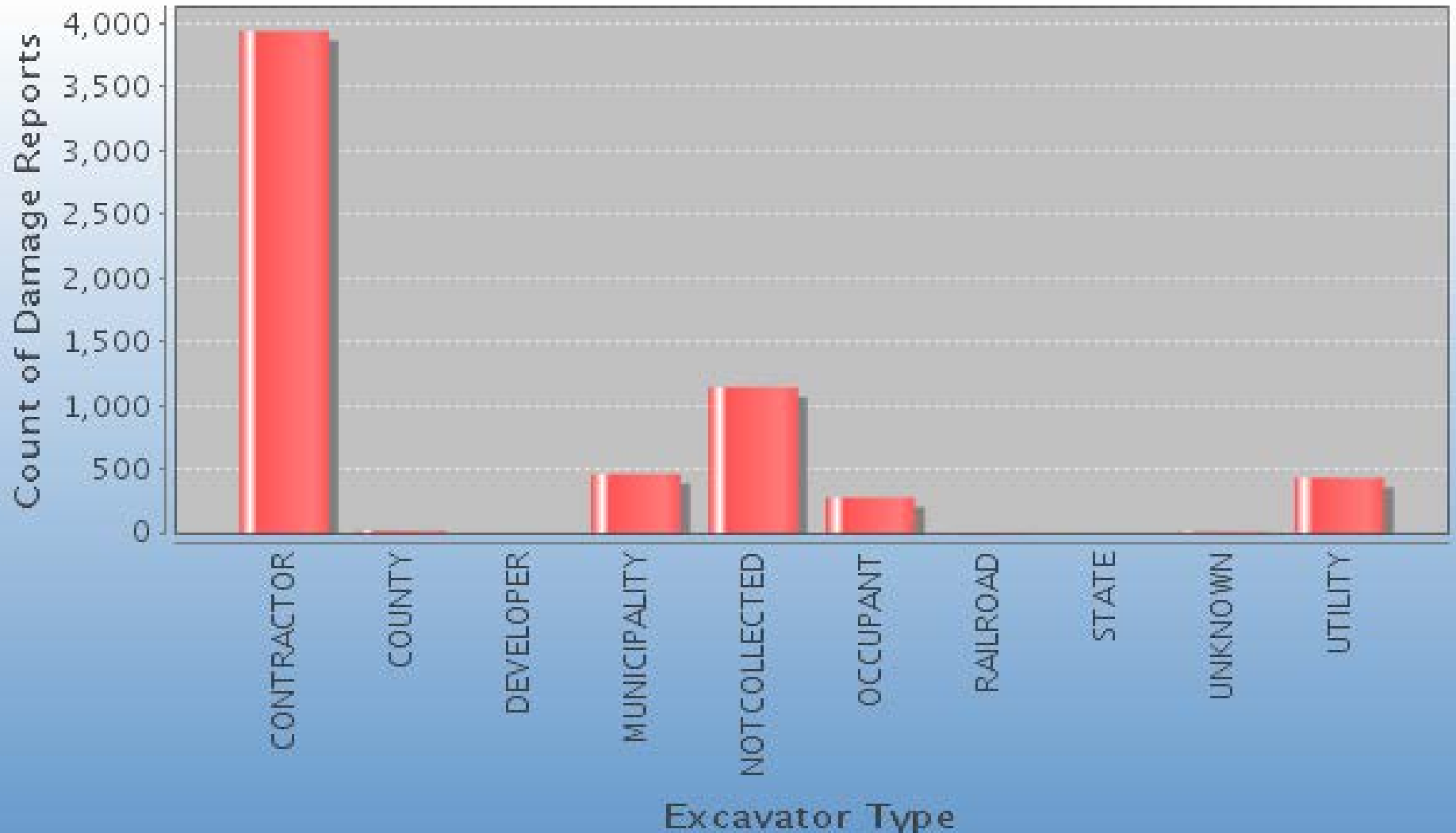
NY DPS DIRT Data 2005 - 2012



NY DPS + data grant DIRT Data 2005 - 2012



NY DPS + data grant DIRT Data 2005 - 2012



DIRT North America Annual Report

Was the One Call Center Notified?

