

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

Excavator Requirements	
Excavation: Definition	Revised Code of Washington (RCW) § 19.122.020 (8) "Excavation" and "excavate" means any operation, including the installation of signs, in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means.
Excavator: Definition	RCW 19.122.020 (10) "Excavator" means any person who engages directly in excavation.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	<p>RCW 19.122.030 – (1)(a) Unless exempted under RCW 19.122.031, before commencing any excavation, an excavator must mark the boundary of the excavation area with white paint applied on the ground of the worksite, then provide notice of the scheduled commencement of excavation to all facility operators through a one-number locator service. (b) If boundary marking required by (a) of this subsection is infeasible, an excavator must communicate directly with affected facility operators to ensure that the boundary of the excavation area is accurately identified. (2) An excavator must provide the notice required by subsection (1) of this section to a one-number locator service not less than two business days and not more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the excavator and facility operators. If an excavator intends to work at multiple sites or at a large project, the excavator must take reasonable steps to confer with facility operators to enable them to locate underground facilities reasonably in advance of the start of excavation for each phase of the work.</p> <p>§ 19.122.033 – (1) Before commencing any excavation, an excavator must notify pipeline companies of the scheduled commencement of excavation through a one-number locator service in the same manner as required for notifying facility operators of excavation under RCW 19.122.030. ... (3) The state and any subdivision or instrumentality of the state, including any unit of local government, must, when planning construction or excavation within one hundred feet, or greater distance if required by local ordinance, of a right-of-way or utility easement containing a transmission pipeline, notify the pipeline company of the scheduled commencement of work. (4) Any unit of local government that issues permits under codes adopted pursuant to chapter 19.27 RCW must, when permitting construction or excavation within one hundred feet, or greater distance if required by local ordinance, of a right-of-way or utility easement containing a transmission pipeline: (a) Notify the pipeline company of the permitted activity when it issues the permit; or (b) Require, as a condition of issuing the permit, that the applicant consult with the pipeline company. (5) The commission must assist local governments in obtaining hazardous liquid and gas pipeline location information and maps, as provided in RCW 81.88.080.</p>
Ticket Life (# of days)	45 (RCW 19.122.030 (6)(c))
White-Line Required (Yes / No)	Yes, (RCW 19.122.030 (1)(a))
Tolerance Zone	24" (RCW 19.122.020 (23))
Special Digging Requirements Within Tolerance Zone (Specific Language)	Not addressed. (Reference RCW 19.122.040 (2))
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	No
Preserve / Maintain Marks Required (Yes / No)	Yes. (RCW 19.122.030 (6)(a))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes. (RCW 19.122.030 (10))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No; not an explicit requirement but is implied. (Reference RCW 19.122.030 (6))

Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (RCW 19.122.030 (1)(a), and RCW 19.122.030 (1))
Notify Operator of Damage (Yes / No)	Yes. (RCW 19.122.050 (1))
Notify One Call Center of Damage (Yes / No)	Yes. (RCW 19.122.050 (1))
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (RCW 19.122.050 (1))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	RCW 19.122.031 (1) The requirements specified in RCW 19.122.030 do not apply to any of the following activities: (a) An emergency excavation, but only with respect to boundary marking and notice requirements specified in RCW 19.122.030 (1) and (2), and provided that the excavator provides notice to a one-number locator service at the earliest practicable opportunity; (b) An excavation of less than twelve inches in depth on private noncommercial property, if the excavation is performed by the person or an employee of the person who owns or occupies the property on which the excavation is being performed; (c) The tilling of soil for agricultural purposes less than: (i) Twelve inches in depth within a utility easement; and (ii) Twenty inches in depth outside of a utility easement; (d) The replacement of an official traffic sign installed prior to January 1, 2013, no deeper than the depth at which it was installed; (e) Road maintenance activities involving excavation less than six inches in depth below the original road grade and ditch maintenance activities involving excavation less than six inches in depth below the original ditch flowline, or alteration of the original ditch horizontal alignment; (f) The creation of bar holes less than twelve inches in depth, or of any depth during emergency leak investigations, provided that the excavator takes reasonable measures to eliminate electrical arc hazards; or (g) Construction, operation, or maintenance activities by an irrigation district on rights-of-way, easements, or facilities owned by the federal bureau of reclamation in federal reclamation projects. (2) Any activity described in subsection (1) of this section is subject to the requirements specified in RCW 19.122.050.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	RCW 19.122.030 (3) Upon receipt of the notice provided for in subsection (1) of this section, a facility operator must, with respect to: (a) The facility operator's locatable underground facilities, provide the excavator with reasonably accurate information by marking their location; (b) The facility operator's unlocatable or identified but unlocatable underground facilities, provide the excavator with available information as to their location; and (c) Service laterals designate their presence or location, if the service laterals: (i) Connect end users to the facility operator's main utility line; and (ii) Are within a public right-of-way or utility easement and the boundary of the excavation area identified under subsection (1) of this section. (4)(a) A facility operator must provide information to an excavator pursuant to subsection (3) of this section no later than two business days after the receipt of the notice provided for in subsection (1) of this section or before excavation commences, at the option of the facility operator, unless otherwise agreed by the parties. (b) A facility operator complying with subsection (3)(b) and (c) of this section may do so in a manner that includes any of the following methods: (i) Placing within a proposed excavation area a triangular mark at the main utility line pointing at the building, structure, or property in question, indicating the presence of an unlocatable or identified but unlocatable underground facility, including a service lateral; (ii) Arranging to meet an excavator at a worksite to provide available information about the location of service laterals; or (iii) Providing copies of the best reasonably available records by electronic message, mail, facsimile, or other delivery method. § 19.122.033 – (1) Before commencing any excavation, an excavator must notify pipeline companies of the scheduled commencement of excavation through a one-number locator service in the same manner as required for notifying facility operators of excavation under RCW 19.122.030.
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)	Yes

Law Specifies Marking Standards Other Than Color (Specific Language)	RCW 19.122.020 (17) Marking means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	Yes. (RCW 19.122.030 (3)(c))
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes. (RCW 19.122.030 (3)(b))
Operator Must Locate Abandoned Facilities (Specific Language)	RCW 19.122.030 (3) Upon receipt of the notice provided for in subsection (1) of this section, a facility operator must, with respect to: ... (b) The facility operator's unlocatable or identified but unlocatable underground facilities, provide the excavator with available information as to their location;
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed. (Reference RCW 19.122.030 (3))
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. (RCW 19.122.027(4))

One Call Membership Exemptions (Yes / No)	No
One Call Membership Exemptions (Specific Language)	Not addressed
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>RCW 19.122.130 (expires December 31, 2020.) (1) By January 1, 2013, the commission must contract with a statewide, nonprofit entity whose purpose is to reduce damages to underground and above ground facilities, promote safe excavation practices, and review complaints of alleged violations of this chapter....</p> <p>(2) By January 1, 2013, the contracting entity must create a safety committee to: (a) Advise the commission and other state agencies, the legislature, and local governments on best practices and training to prevent damage to underground utilities, and policies to enhance worker and public safety; and (b) Review complaints alleging violations of this chapter involving practices related to underground facilities. (3)(a) The safety committee will consist of thirteen members, who must be nominated by represented groups and appointed by the contracting entity to staggered three-year terms. By January 1, 2013, the safety committee must include representatives of: (i) Local governments; (ii) A natural gas utility subject to regulation under Titles 80 and 81 RCW; (iii) Contractors; (iv) Excavators; (v) An electric utility subject to regulation under Title 80 RCW; (vi) A consumer-owned utility, as defined in RCW 19.27A.140; (vii) A pipeline company; (viii) The insurance industry; (ix) The commission; and (x) A telecommunications company.... (5) After January 1, 2013, the safety committee may review complaints of alleged violations of this chapter involving practices related to underground facilities. Any person may bring a complaint to the safety committee regarding an alleged violation occurring on or after January 1, 2013. (6) To review complaints of alleged violations, the safety committee must appoint at least three and not more than five members as a review committee. The review committee must include the same number of members representing excavators and facility operators. One member representing facility operators must also be a representative of a pipeline company or a natural gas utility subject to regulation under Titles 80 and 81 RCW. The review committee must also include a member representing the insurance industry.... (8) After January 1, 2013, the safety committee may provide written notification to the commission, with supporting documentation, that a person has likely committed a violation of this chapter, and recommend remedial action that may include a penalty amount, training, or education to improve public safety, or some combination thereof.</p>
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	<p>RCW 19.122.055 (1)(a) Any excavator who fails to notify a one-number locator service and causes damage to a hazardous liquid or gas underground facility is subject to a civil penalty of not more than ten thousand dollars for each violation. (b) The civil penalty in this subsection may also be imposed on any excavator who violates RCW 19.122.090.</p> <p>§ 19.122.070 (1) Any person who violates any provision of this chapter not amounting to a violation of RCW 19.122.055 is subject to a civil penalty of not more than one thousand dollars for an initial violation, and not more than five thousand dollars for each subsequent violation within a three-year period....</p> <p>(2) Any excavator who willfully or maliciously damages a marked underground facility is liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known facility operators or a one-number locator service, any damage to the underground facility is deemed willful and malicious and is subject to treble damages for costs incurred in repairing or relocating the facility.</p> <p>§ 19.122.090 Any excavator who excavates, without a valid excavation confirmation code when required under this chapter, within thirty-five feet of a transmission pipeline is guilty of a misdemeanor.</p>
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	<p>RCW 19.122.070 (1) Any person who violates any provision of this chapter not amounting to a violation of RCW 19.122.055 is subject to a civil penalty of not more than one thousand dollars for an initial violation, and not more than five thousand dollars for each subsequent violation within a three-year period.</p> <p>§ 19.122.075 Any person who willfully damages or removes a permanent marking used to identify an underground facility or pipeline, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for an initial violation, and not more than five thousand dollars for each subsequent violation within a three-year period.</p> <p>19.122.110 Any person who intentionally provides an equipment operator with a false excavation confirmation code is guilty of a misdemeanor.</p>

Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	RCW 19.122.070 (1) Any person who violates any provision of this chapter not amounting to a violation of RCW 19.122.055 is subject to a civil penalty of not more than one thousand dollars for an initial violation, and not more than five thousand dollars for each subsequent violation within a three-year period. § 19.122.075 Any person who willfully damages or removes a permanent marking used to identify an underground facility or pipeline, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for an initial violation, and not more than five thousand dollars for each subsequent violation within a three-year period. 19.122.110 Any person who intentionally provides an equipment operator with a false excavation confirmation code is guilty of a misdemeanor.
Enforcement Authority Identified	Washington Utilities and Transportation Commission and Washington State Attorney General (RCW 19.122.150)
Damage Investigation Required by Enforcement Authority (Yes / No)	No. (Reference RCW 19.122.130)
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes. (RCW 19.122.153) (Also for pipeline operators, WAC 480-93-200 and WAC 480-93-630)
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes. (RCW 19.122.153)
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Revised Code of Washington (RCW), Title 19, Chapter 19.122, Underground Utilities, §§ 19.122.010 to -19.122.901 (http://apps.leg.wa.gov/rcw/default.aspx?Cite=19) Also see One-Call Center Website for Information on State Law .
Date of Last Revision to Statute / Law	January 1, 2013
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Washington Administrative Code (WAC) § 480-93-200 for gas pipeline incident reporting (http://app.leg.wa.gov/WAC/default.aspx?cite=480-93-200), and § 480-75-630 for hazardous liquid pipeline incident reporting (http://app.leg.wa.gov/WAC/default.aspx?cite=480-75-630)
State One Call Center(s) (Name & Link)	Utility Notification Center - Washington (http://www.callbeforeyoudig.org)
Miscellaneous Notes	
Notes	Related References: House Bill Report E2SHB 1634 (https://www.utc.wa.gov/publicSafety/Documents/ESSHB%201634-House%20Bill%20Report.pdf) WSR 13-03-099, PERMANENT RULES, UTILITIES AND TRANSPORTATION COMMISSION (http://apps.leg.wa.gov/documents/laws/wsr/2013/03/13-03-099.htm) WSR 13-03-098, PERMANENT RULES, UTILITIES AND TRANSPORTATION COMMISSION (http://apps.leg.wa.gov/documents/laws/wsr/2013/03/13-03-098.htm)
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0