

ARLINGTON COUNTY CODE

Chapter 55

UNDERGROUND UTILITY PROTECTION

- § 55-1. Short Title.**
- § 55-2. Authorization and Declaration of Policy.**
- § 55-3. Definitions.**
- § 55-4. Administration and Enforcement.**
- § 55-5. Responsibilities of the Contractor.**
- § 55-6. Responsibilities of the Operator.**
- § 55-7. Procedures for Hazards and Emergencies.**
- § 55-8. Violations.**
- § 55-9. Severability.**

§ 55-1. Short Title.

This chapter shall be known and may be cited as the "Underground Utility Protection Ordinance of Arlington County."
(10-26-76)

§ 55-2. Authorization and Declaration of Policy.

There are hereby established in the County of Arlington, Virginia, procedures intended to prevent damage to underground utility lines for the purpose of protecting the health, safety and welfare of persons within the County. It is the intent of the County Board that this chapter shall be interpreted so that procedures established herein shall be consistent to the maximum extent possible with similar procedures of other local Metropolitan Washington jurisdictions and of the Virginia and federal government.
(10-26-76)

§ 55-3. Definitions.

For the purpose of this chapter, the words used in the present tense include the future; words in the singular number include the plural number and vice-versa; the word "shall" is mandatory and not directory; the following phrases and terms shall have the following meanings unless the context clearly indicates otherwise.

“Contractor” means any person, including a subcontractor, who contracts with an operator or property owner, public or private, for the purpose or engaging in, at least, excavation, demolition or blasting.

“County Manager” means the County Manager of Arlington County or any of his designees.

“Emergency” means any imminent threat of interruption or interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines. (An emergency is classified as less severe than a hazard.)

“Excavate” means the movement or removal of earth, using mechanized equipment or blasting, and includes auguring, backfilling, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scrapping, trenching and tunneling.

“Hazard” means any imminent threat of interruption or interruption of essential services which includes a severe risk of death or injury to persons or property due to destruction of, disruption of, or damage to underground utility lines. (A hazard is classified as more severe than an emergency.)

“Operator” means any person who furnishes or transports any of the following materials or services by means of a utility line:

- (a) Flammable, natural, toxic or corrosive gas.
- (b) Petroleum, petroleum products and hazardous liquids.
- (c) Electricity.
- (d) Sanitary sewer.
- (e) Communications.
- (f) Water.

“Person” means any individual, partnership, association, corporation, state, subdivision or instrumentality of a state, or the legal representative thereof.

“Property owner” means any person who owns fee title to or leases a given area of land, excluding, however, any recorded easement or right-of-way.

“Utility line” means any underground conduit and its related facilities including pipe or cable, by which an operator furnishes or transports materials or services.

“Working hours” means 7:30 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.
(10-26-76)

§ 55-4. Administration and Enforcement.

The administrative authority of this chapter shall be the County Manager and his designees, any one of whom may perform the tasks and may make inspections required by this chapter and may take such steps as may be reasonably necessary to enforce its provisions.
(10-26-76)

§ 55-5. Responsibilities of the Contractor.

- A. *Exceptions.*
 - 1. The requirements of this section shall not apply to any property owner who, without the aid of a contractor, is performing work within the boundaries of his property which does not require the acquisition of any permit issued by Arlington County.
 - 2. The requirements of § 55-5.B of this chapter shall not apply to any person acting as/or for the operator of a damaged line in making emergency repairs to its own underground facilities, streets, or alleys when such repairs must be made within a shorter period of time than that provided for in § 55-5.B.1 of this chapter, provided, however, that this exemption from obtaining information shall not excuse the person making the excavation from any liability for damages caused by his negligence.
 - 3. The requirements of this chapter shall not apply to persons and operators excavating for routine maintenance including concrete repairs, "patch" type paving, sign erection, if working on the traveled way, shoulder, sidewalks or drainage features of a public road, street, or highway when the excavation does not exceed eighteen (18) inches in depth below the grade existing prior to such excavation.

- B. *Demolition or excavation, prior notice.*
1. Contractors doing work which does or does not require permits and property owners doing work requiring permits shall notify all operators who maintain underground utility lines in the area of the proposed excavation or blasting, at least two (2) working days, but not more than ten (10) working days prior to commencement of said excavation or demolition. This notification shall consist, at least, of the following:
 - a. The contractor's name and telephone number.
 - b. The name of the person for whom the proposed work is being done.
 - c. The date and approximate time work is to commence.
 - d. The location and approximate depth of proposed work.
 - e. The nature of work to be done.
 - f. The contractor's field representative or filed contact, if any.
 - g. Any special remarks.
 2. The telephone number(s) to be used for giving notice to operators as required in § 55-5.B.1 above shall be located on the approved site plan, subdivision plan, or engineering plan which is to be at the site during excavation or demolition as required in § 55-5.C.3 of this chapter.
 3. It shall be unlawful for any contractor to commence excavation or demolition on any property without first receiving clearance for excavation from each operator as provided in § 55-6.A.1 of this chapter.
- C. *Demolition or excavation, performance.*
1. Verification that rough grading is to within six (6) inches or finished grade must be provided to the operator in writing by the contractor or property owner before such operator shall commence excavation for the installation of its utility lines.
 2. Any person excavating within two (2) feet of any side of the staked or marked location of an operator's underground utility line or blasting which has any effect within the same distance of the underground utility line, shall take all reasonable steps necessary to properly protect, support and backfill underground utility lines. This protection shall include but not be limited to hand digging within the limits of the planned excavation or demolition, starting two (2) feet of either side of the extremities of the underground utility line for other than parallel type excavations and at reasonable distances along the line of excavation for parallel excavations.
 3. Any contractor performing excavation or demolition is required to have an approved site plan, subdivision plan or engineering plan indicating the plan view of all known existing and proposed utility lines (with exception of house service laterals) at the site during excavation or demolition.
 4. Any person who is designated to operate mechanized equipment for the purpose of excavation or demolition shall not perform such excavation or demolition until he has examined the plan(s) provided in § 55-5.C.3 and written the time and date of that examination followed by his signature on the plan.
 5. It is not the intent of this section to make the act of obtaining information as required by this

chapter an excuse for any person making an excavation or demolition from doing so in a careful and prudent manner nor an excuse for such person from liability for any damage resulting from his negligence.

(10-26-76; Ord. No. 84-7, 4-7-84)

§ 55-6. Responsibilities of the Operator.

A. *Excavation.*

1. An operator who receives notification of a proposed excavation pursuant to § 55-5.B.1 of this chapter and who has received, if applicable, verification of site grading pursuant to § 55-5.C.1 of this chapter, shall provide clearance for excavation to the contractor before such excavation may commence by:
 - a. Providing to designing engineers horizontal location data on its utility lines prior to field survey for designing new work so that such information on existing utility lines may be included in survey notes.
 - b. At least one (1) hour prior to the commencement of the proposed excavation through its own employees or the employees of another operator it has designated in writing for this purpose, horizontally locating its utility lines and notifying the contractor that the proposed excavation will not affect its existing utility lines. Horizontal location means marking on the surface of the ground above the utility line a surface line which is in the same vertical plane as the center line of the utility line over which the surface line is being marked.
 - c. Indicating the horizontal location of their utility lines on a site map if requested by the contractor.
2. Horizontal location of utility lines at the site of excavation shall consist of a durable marking system approved by the Office of Pipeline Safety or the U.S. Department of Transportation or the State Corporation Commission of Virginia; or a locating system approved by the County Manager clearly and definitely indicating the horizontal location of the operator's facilities.
3. When trenches excavated for the installation or repair of gas pipelines are backfilled, a continuous tape, or similarly effective device, shall be installed after tampering eighteen (18) inches above all direct burial plastic mains and twelve (12) inches above services, stubs and stub extensions. The tape shall be not less than three (3) inches wide, brilliant in color and imprinted with words clearly defining the utility line as "GAS." The tape shall be impregnated with metal so that locating equipment can readily pick it up. The remainder of the backfill may then be placed.

B. *Demolition.*

1. An operator who receives notification of a proposed demolition pursuant to § 55-5.B.1 of this chapter shall ensure clearance for demolition by:
 - a. Disconnecting, or capping all of its utility lines to the structure to be demolished by 5:00 p.m. of the day before demolition is to begin.
 - b. Advising the contractor of the means of assuring adequate protection for its other utility lines in the vicinity.
 - c. Notifying the contractor that such disconnection has been completed or that its utility lines will not be affected by such demolition.

C. *Standards and procedures.*

1. The horizontal location of all existing underground utility lines and those underground utility lines proposed by any operator shall be indicated on all site plans, subdivision plans, or engineering plans prior to County approval.
2. Wherever it is necessary for safe excavation or demolition for a person with expert knowledge of an operator's utility lines to be present during any work, the affected operator shall provide such a person during the time the work is being done.

(10-26-76)

§ 55-7. Procedures for Hazards and Emergencies.A. *The contractor.*

1. Communication between the job site and the contractor's base office shall be maintained at all times through the use of a two-way radio system or some other means approved by the Chief Fire Marshal of Arlington County.
2. When any person damages a utility line, or the protective coating thereof, or accidentally exposes or severs a utility line during excavation or demolition, an emergency shall be deemed to exist and the operator of such utility line shall be directly notified at that time.
3. When any gas or flammable liquid utility line is severed, or damaged to the extent that there is escapement of its contents, a hazard shall be deemed to exist and the operator of such utility line and the Arlington County Fire Alarm Headquarters shall be immediately notified.
4. Contractors shall display in plain sight on the instrument or control panel, or dash of all trucks and mechanized equipment operated by them, the current telephone number(s) which is to be utilized to give notice as required in subsection A.3 above.
5. The telephone numbers to be utilized in giving notice as required in subsection A.2 above shall be located on the approved site plan, subdivision plan, or engineering plan which is to be at the site during excavation or demolition as required by § 55-5.C.3 of this chapter.
6. It shall be unlawful to backfill around a damaged utility line, as described in subsections A.2 and A.3 above, until the operator of that utility line has been notified of such incident, has repaired the damage and/or has given clearance to backfill in writing.
7. During an emergency or hazard, prudent work to relieve the emergency or hazard may be undertaken by the contractor with the permission of the operator, after notice has given as required in subsections A.2 and A.3.

B. *The operator.*

1. All operators shall make available on a twenty-four (24) hour basis adequate emergency response crew(s) including answering personnel, radio dispatchers, appliance servicemen and utility repair crews capable of performing all work tasks necessary to cope with emergencies or hazards. The number of emergency work crews shall be determined by the operator based upon the number and frequency of experiences recorded and a reasonable response time to the site of the emergency during other than working hours as determined by the County Manager.
2. All hazards reported to operators shall be reported by them immediately to Arlington County Fire Alarm Headquarters.

3. Emergency shut-off valves shall be provided for all new gas service line installations such that:
 - a. All gas services supplying inside meters shall be equipped with an easily accessible outside shut-off.
 - b. Steel or copper services to outside meters shall be equipped with an outside shut-off as provided in subsection B.3 of this section or an above ground shut-off at the meter.
 - c. Plastic services to outside meters shall be equipped with an outside shut-off at the meter.
4. The decision to shut off a utility main line during a hazard shall be vested in an appropriate representative of the utility company concerned.
5. When adequate operator emergency response crews are not available during a hazard, the operator involved shall notify the Arlington County Fire Department to take necessary safety precautions to protect the area affected until the utility operator can respond.
6. Only the appropriate utility line representatives shall be permitted to reopen any valve or breaker which was closed during such a hazard and only after a thorough investigation has indicated that it is safe to place the affected lines back into service.
7. During any emergency or hazard, prudent work to relieve the emergency or hazard may be undertaken by the contractor with permission of the operator (after notice has been given as required in §§ 55-7.A.2 and A.3).

(10-26-76)

§ 55-8. Violations.

A. Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punishable by a fine not to exceed two thousand five hundred dollars (\$2,500.00). If the unlawful act resulted in injury to any person or property then the act shall be punishable by a criminal penalty not to exceed thirty (30) days in jail and a fine not to exceed two thousand five hundred dollars (\$2,500.00), or both. Each day a violation of this chapter shall continue shall constitute a separate offense.

B. If, during excavation or demolition, an underground utility line is damaged by any person who has failed to comply with any provision of this chapter, it is the policy of the Arlington County Board, and the Building Official shall take such action with respect to permits issued by Arlington County as provided in the Virginia Uniform Statewide Building Code.

C. The County Manager or the Building Official shall temporarily suspend the license(s) issued by Arlington County to any person who is convicted of violating any provision of this chapter two (2) or more times within any twelve (12) month period. They shall further recommend the suspension of such license(s) for a period not to exceed one (1) year to the appropriate licensing board of Arlington County.

(10-26-76; Ord. No. 91-34, 9-18-91)

§ 55-9. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the chapter in its entirety or of any part thereof other than that so declared to be invalid.

(10-26-76)