



Violations of MCA 69-4-5 - Civil Penalties Summary

Infractions of Sections 502, 503 and 529 that may lead to Civil Penalties

Know what's below.
Tap, Click, or Call
811 Before you dig.

An *incident* is “the violation of 69-4-502 or 69-4-503 at single location, on a single day, resulting in a damage to an underground facility (ugf).” Below is a summary of violations by excavator and ugf owner intended to help you determine if you need to file a report.

Excavators who:

- Began an excavation without first obtaining information concerning the possible location of an underground facility from each underground facility owner that has the right to bury their underground facility and is a member of a notification center. [502(1)]
- Did not notify a notification center before beginning excavation. [503(1)]
- Did not commence work within 10 days and completed within 30 days of the notification (the date of an executed ticket). [503(1)]
- Did not provide adequate information for the person completing the locate to determine excavation area. [503(2)]
- Did not get a relocate of ugf marks that were affected by weather, time or other factors. [503(4)(a)]
- Did not request a relocate after 30 days (of the date of an executed ticket), before excavating. [503(4)(b)]
- Did not preserve the ugf marks while excavating. [503(5)]
- Did not notify the ugf owner or notification center of an ugf that was not located. [503(6)]
- Did not excavate in a careful and prudent manner or was negligent. [503(8)]

Underground Facility Owners who:

- Did not locate and mark the location within 2 business days (of the date of an executed excavation ticket). Or 5 business days (of the date of an executed ticket) or within 5 days of a date agreed to after a meeting between the person conducting the locate and the excavator, if a locate is an engineering locate request. [503(3)]
- Did not respond as soon as practicable, if it was an emergency locate request. [503(3)]
- Marks were not reasonably accurate. (not within 18” of the outside lateral dimensions of both sides of the ugf.) [503(3) & 503(5)]
- Did not provide best available information as to the location of their ugf if they are un-locatable. [503(3) & 503(5)]
- Did not advise the excavator of any prior existing oil and gas development. [503(3) & 503(5)]
- Failed to file an incident report. [529(5)]

Notes:

- 1) 69-4-529(6) states if damage to a ugf, that is not a jurisdictional pipeline, the ugf owner may determine the violation is an *event* and not an *incident* and do not need to report them.
- 2) At this time there are no guidelines or requirements to report an *event*.



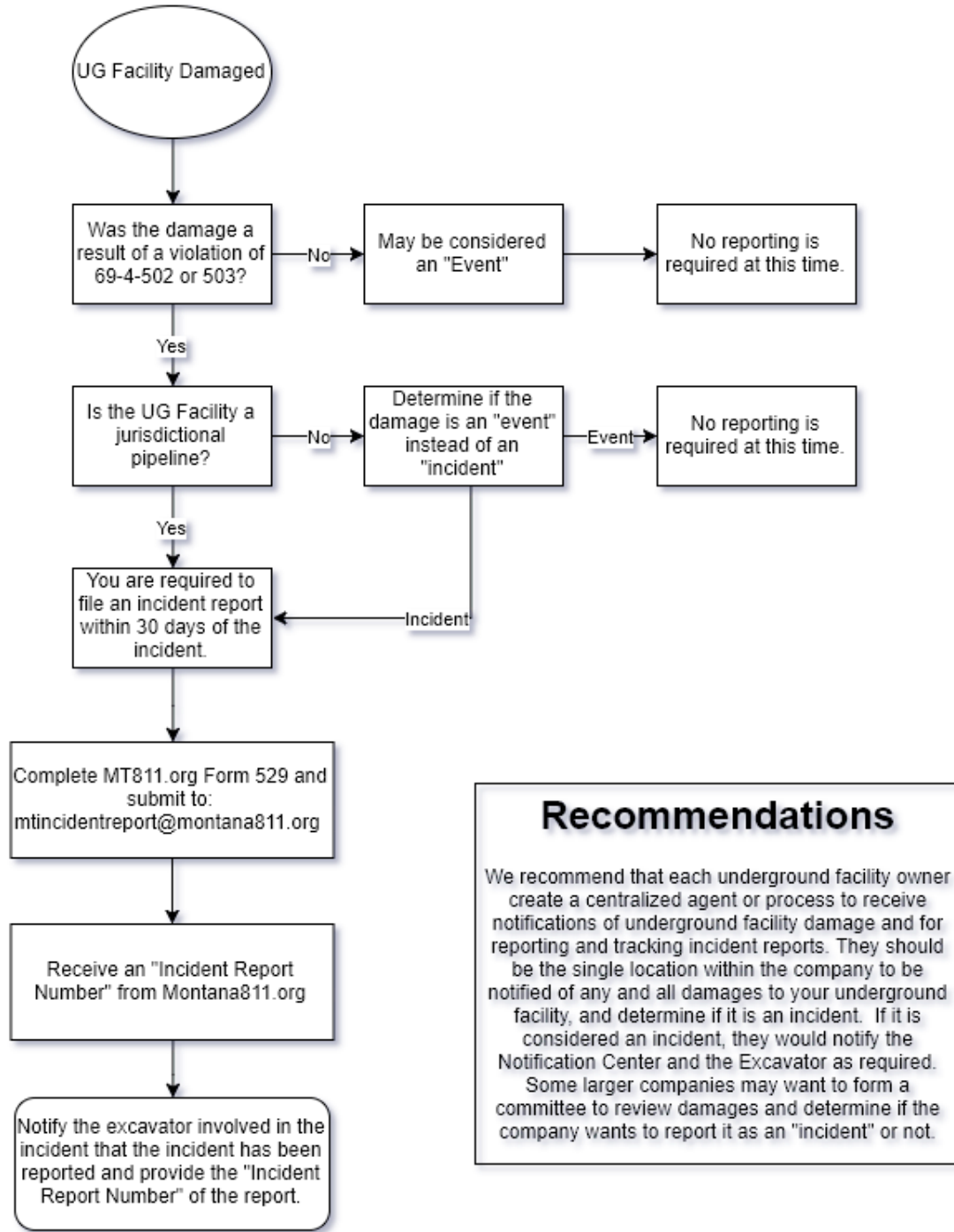
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MCA 69-4-501 Incident Reporting Matrix

For use by the Damaged Underground Facility Owner



Recommendations

We recommend that each underground facility owner create a centralized agent or process to receive notifications of underground facility damage and for reporting and tracking incident reports. They should be the single location within the company to be notified of any and all damages to your underground facility, and determine if it is an incident. If it is considered an incident, they would notify the Notification Center and the Excavator as required. Some larger companies may want to form a committee to review damages and determine if the company wants to report it as an "incident" or not.