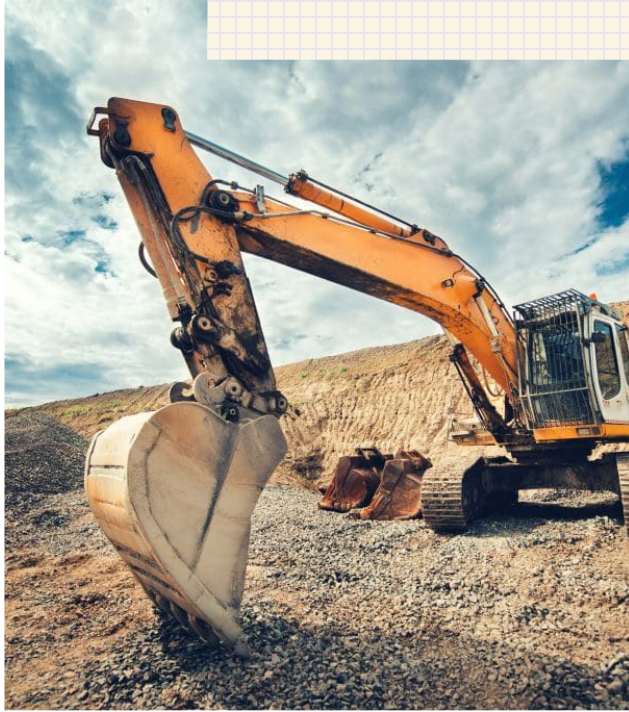




Nebraska One Call Notification System Act

DEPUTY CHRIS GRAY



Who Am I?

- I am Deputy Fire Marshal
- I work in the Fuels Safety Division as a Pipeline / Underground Safety Deputy.
- What is my role?
- 811 Enforcement – My primary focus is to investigate violation and or complaints of the Nebraska One Call Act. As well as educating the public on laws and best practices of excavation.

Nebraska 811

**Know what's below.
811 before you dig.**



Recent Changes

As of September 1, 2024 all complaints will be submitted to the Nebraska State Fire Marshal Agency (NSFM). The One-Call Notification Act outlines certain legal requirements for excavators and underground facility operators to protect the public from injury and protect facilities from damage during excavation. Violations of the Act may be subject to civil penalties of up to \$10,000.00 per day per event for pipeline and fiber optics related violations not to exceed \$500,000. All other utilities up to \$5,000.00 per day per event not to exceed \$50,000



Continued

Upon receiving a complaint, the NSFM investigates the complaint and conducts additional investigation if necessary. In the event that the NSFM determines that a violation has occurred, the violation will be referred to the Underground Safety Committee appointed by the board for determination of civil penalties. Both the person being investigated and the person who submitted the information to the NSFM will receive notice of the investigation via first class mail or electronic mail.

76-2333 Underground Excavation Safety Committee; created; members; appointment; expenses; duties.

As of September 1, 2024, the Underground Excavation Safety Committee is created. The committee shall consist of the following members:

(a) The State Fire Marshal or the State Fire Marshal's designee,

(b) three representatives of operators,

(c) three representatives of excavators, and

(d) one alternate representative of operators and one alternate representative of excavators.



One-Call Notification System Act.

NEBRASKA STATUTES [76-2301](#) TO [76-2334](#)

Definition

Excavation:

- **Excavation shall mean any activity in which earth, rock, or other material in or on the ground is moved or otherwise displaced by means of tools, equipment, or explosives and shall include grading, trenching, digging, ditching, drilling, auguring, tunneling, scraping, and cable or pipe plowing or driving but shall not include.**
- **(1) normal maintenance of roads if the maintenance does not change the original road grade and does not involve the road ditch,**
- **(2) tilling of soil and gardening for seeding and other agricultural purposes,**
- **(3) digging of graves or in landfills in planned locations,**
- **(4) maintenance or rebuilding of railroad track or facilities located on a railroad right-of-way by the railroad company or its contractors when such maintenance or rebuilding does not change the track grade, or**
- **(5) hand digging around the base of a pole for pole inspection as part of routine maintenance or replacement of a pole when the replacement pole is similarly sized and is installed in the existing hole.**

Definitions

Business Days

- **Business day shall mean any day other than a Saturday, Sunday, or state or nationally observed legal holiday.**

Underground Facility

- **any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic communications, telephonic communications, telegraphic communications, cable television, electric energy, oil, gas, hazardous liquids, or other substances.**

Operator

- **Operator shall mean a person who manages or controls the functions of an underground facility but shall not include a person who is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on the real property.**

Violations 76-2325

Enforceable Violations

- **76-2020 – Operators of any underground facility must inform the center of the location of their underground services.**
- **76-2020.01 – Locators are required to undergo training in locating standards and practices applicable to their respective industry. The board of directors may review locator training materials provided by operators, locators, and excavators and may make recommendations regarding best practices for locators**
- **76-2321 – Any Excavation cannot be commenced without first notifying the 811 call center. And allowing for the locating the underground facilities**
- **76-2322 – The center shall issue a ticket once an intent to excavate is served. The center must notify every operator in area of proposed excavation. So they are aware and can come locate their utilities.**

Enforceable Violations 76-2323. Underground facilities; mark or identify; excavator; violations.

- **(1) Upon receipt of a Dig ticket, an operator shall advise the excavator of the approximate location of underground facilities in the area of the proposed excavation by marking or identifying the location of the underground facilities with stakes, flags, paint, or any other clearly identifiable marking, they shall also indicate if the underground facilities are Underground natural gas transmission line.**
- **Location of the facility must be within 18 inches on either side of the marking, plus one half of the width of the underground facility**
- **If the operator cannot determine the precise location of a facility the operator shall provide all pertinent information and field locating assistance to the excavator at a mutually agreed to time.**
- **The operator shall respond no later than two business days after receipt of a dig ticket or at a time mutually agreed to by the parties.**
- **(2) The marking or identification shall be done in a manner that will last for a minimum of five business days on any nonpermanent surface and a minimum of ten business days on any permanent surface.**

Enforceable Violations 76-2323. Underground facilities; mark or identify; excavator; violations.

- **(4) An operator who determines that such operator does not have any underground facility located in the area of the proposed excavation shall notify the center of the determination prior to the date of commencement of the excavation, or prior to two full business days after transmittal of the ticket, whichever occurs sooner. All ticket responses made under this subsection shall be transmitted to the operator and excavator by the center.**

Ticket Life

According to 76-2323 (3)(a)

- **Beginning September 1, 2024, it shall be a violation of the One-Call Notification System Act for an excavator to notify the center of intent to excavate, for an area in which the excavation cannot be reasonably be started within seventeen calendar days after the ticket start date - or request remarking or reidentification for any area in which the excavation cannot be reasonably be started or continued within fourteen calendar days after the date remarking or reidentification is completed.**
- **Regular Tickets - 17 calendar days**
- **Refresh Tickets - 14 calendar days**

Enforceable Violations

76-2326 Damages

- **If any underground facility is damaged, dislocated, or disturbed before or during excavation, the excavator shall immediately notify the center. An excavator shall not conceal or attempt to conceal damage, dislocation, or disturbance of an underground facility and shall not repair or attempt to repair the underground facility unless authorized by the operator of the underground facility.**

Enforceable Violations

76-2331. Underground natural gas transmission line; representative present; excavation; duties.

- Unless otherwise agreed by the operator and excavator **in writing**, no excavation shall be performed within **twenty-five feet** of an underground natural gas transmission line as defined in 49 C.F.R. 192.3 unless a representative of the operator of the underground natural gas transmission line is present at the planned excavation area. If the representative of the operator fails to appear at the proposed excavation area at the time work is scheduled to commence, the excavator shall notify the operator that the representative failed to appear and excavation operations can begin if reasonable precautions are taken to protect the underground facility. This section does not prohibit an operator from either voluntarily having its representative present during excavation or from entering into an agreement voluntarily with an excavator that allows an operator representative to be present during excavation.

How To Submit a Complaint?

<https://nebraska811.com/>



ONE-CALL NOTIFICATION ACT COMPLAINT

NEB. REV. STAT. § 76-2301 et seq.

The Nebraska State Fire Marshal Agency receives complaints alleging violations of Nebraska's One-Call Notification Act. The One-Call Notification Act outlines certain legal requirements for excavators and underground facility operators in order to protect the public from injury and protect facilities from damage that may occur during excavation. Violations of the Act may be subject to civil penalties of up to \$10,000.00 per violation.

Person/company against whom complaint is being filed:

Name of Person/Company: Eddy Excavation

Street Address: 123 Main St

City: Omaha State: NE Zip: 68100

Email: eddy@excavation.org Phone: 402-123-4567

Complaint reported by:

Your First Name: Chris

Your Last Name: Gray

Street Address: 4545 Main St

City: Omaha State: NE Zip: 68100

Email: chris.gray@nebraska.gov Phone: 402-686-0621

Contact information of person(s) with most knowledge of the violation, if different from person filing complaint:

First Name: George

Last Name: Gusher

Street Address: 1234 S Main St

City: Omaha State: NE Zip: 68100

Email: George@Gusherpipeline.org Phone: 402-001-0001

Reason for complaint:

1) Nature of violation

Eddy Excavation Damaged Gusher Pipeline 6" service main. When the Excavator notified Gusher Pipeline of the damaged Service. It was discovered that they failed to notify 811 prior to excavating. No dig ticket was ever submitted.

2) Date or dates of violation:

02/01/2024
@ 1330 hrs

3) Location of violation (street address and/or legal description):

1212 W 68th street. Front yard of property.

4) Damage caused? If so, type of underground facility affected by the violation:

Yes, Natural Gas.

5) Any other relevant details? Ticket #s involved?

No Locate Ticket.

Damage Ticket# 12345678

No Injuries

911 notified

6) List history of violations by this company/individual, if known (attach supporting documentation, if any, including previous warning letters from underground facilities):

N/a

7) Attach supporting documentation

Additional Evidence

Attach documents, which may include but are not limited to, the following:

- Photographs taken post-locate and post-excavation, including pictures that show facility markings
- Photographs that show the damaged line and indicate the size and type of the line
- Photographs that verify the utility company/excavator, such as business cards, and branded vehicles
- Photographs that verify equipment used such as shovels, backhoes, and other equipment
- Photographs that includes measurements or otherwise indicate depth and tolerance zone distance
- Excavator's dig ticket and/or ticket(s) excavator was working from (Normal Ticket, Refresh Ticket, Emergency Ticket)
- Damage dig ticket, Incorrect Locate Ticket, No Response Ticket

******NOTE:** It is the responsibility of utility operators to locate their utilities, regardless of whether they hire a second party (contracted) locating company to do so.

This complaint should be submitted via email to: sfm.pipelinesafety@nebraska.gov or mailed to: Nebraska State Fire Marshal, Pipeline Safety Section, Attn: One-Call Notification Complaint, 246 South 14th Street, Suite 1 Lincoln, NE 68508-1804

The Nebraska State Fire Marshal Pipeline Safety Section will review the Complaint and may contact you for additional information. The allegations in the Complaint will be shared with the party against whom it is filed. For questions, please call the Nebraska State Fire Marshal Agency, Pipeline Safety Section at 402-471-9664.

Photos



Side View of Property, with street signs in the back left corner of photo. No markings shown expect for the sewer line marked on the street.

Photos



Side walk in front of house, only marking seen is the since green flag placed ' [REDACTED]

Photos



Right side of the residence, green flags and spray paint showing sewer line was located.

Photos



Images of the Excavation and hole in the ground.



Thank you

DEPUTY CHRIS GRAY | CHRIS.GRAY@NEBRASKA.GOV | 402-686-0621