

Digsafe – Surveyors Beware!

by

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In the early part of the 1970s, the legislature in Maine and almost all other states enacted laws to protect underground utilities from damage by excavation. The legislation was universally known as “digsafe.” The purpose of the legislation was to provide notice to utilities and markings to excavators to prevent damage to underground utilities such as gas lines, electric lines, etc. The current Maine digsafe statute is found at 23 M. R. S. A. § 3360-A.

Digsafe requires that an excavator give notice to the digsafe system no less than three business days but not more than thirty calendar days prior to excavation. In providing the notice, the excavator must acquire and keep a record of the receipt of the notice. Though notice to digsafe can be done by other methods, most excavators provide notice to digsafe using the toll-free telephone number (1-888-DIGSAFE). The excavator will be required to pre-mark the location of their proposed excavation prior to the digsafe marking. Failure to comply with the notice provisions can result in fines up to \$5,000 in addition to damages caused as a result of harm to underground utilities.

When notice is provided to the underground utility company, the underground utility company shall locate the utilities for the requesting party no later than two full business days after receipt of the notice. The utility company shall communicate to the excavator by marking both the location and size of the utilities. The markings of the utilities within the excavation area may be done with stakes, paint or by other identifiable markings. The marking must identify a strip of land not more than three feet wide directly over the utility. For utilities wider than three feet, a strip shall be marked not more than one and a half feet on each side of the underground utility. The utility company must also indicate the depth of the underground utility.

Of particular interest to surveyors, engineers, and architects are recent changes in the law directed toward these professions. The changes in the law have pushed the responsibility for gathering information about underground facilities on to architects, engineers or other persons designing or requiring excavation. The last category would include

surveyors under certain conditions. Furthermore, engineers and architects will be subcontracting mapping work to surveyors and require the surveyor to gather the appropriate information required by digsafe.

The information required by digsafe includes “the nature and location of underground facilities.” 23 M. R. S. A. § 3360-A(2) Information required includes water and sewer laterals to private homes. The information and location on the underground utilities must be made a part of the plan that the contractor will be using. The difficulty in complying with this requirement arises with the knowledge that not all underground utility owners are members of the Digsafe system. Non-members often include public sewer and water utilities. Consequently, meeting the requirements is not as simple as calling Digsafe and locating the resulting markings. In fact, designers should not call Digsafe to comply with the provisions of the law. They will be told to call individual utilities directly for location information on their utility systems.

Additional information can be obtained at www.digsafe.com or www.state.me.us/mpuc Even where excavation is not contemplated, a note should be placed on all survey plans such as “Call 1-888-DIGSAFE at least three business days before performing ANY excavation.”