

Thanks to the Common Ground Alliance (CGA), the 811 processes has become more, efficient, effective and productive. However, there is always room for improvement and all stakeholders can do more to better the process. Underground utility safety and damage prevention is truly a, "shared responsibility," as set forth by the CGA. Only when all stakeholders fulfill their inherent and assigned responsibilities in the process can damages be kept to an ultimate minimum. The burden of protecting underground infrastructure belongs to all involved in the process.

Calling 811 before commencing excavation activities allows facility operators to locate and mark their facilities, helping ensure public safety and the integrity of vital facilities. Universal participation in the process by excavators, and facility operators is a prerequisite to an effective program. Timely, accurate locates are the linchpin to the process, followed by safe digging practices and an efficient One Call center. All damages are avoidable if each stakeholder executes their prescribed responsibilities with the utmost attention to detail and consideration of each other's part in the process.

The process is fairly straightforward, but along the way there are areas that cause division, exasperation and a measure of finger pointing. Stakeholder misinterpretation of overriding One Call laws, regulations, processes and procedures often cause disagreements and confusion in the field. It is imperative each stakeholder understand their responsibilities and fulfill them as prescribed. More importantly, stakeholders must accept responsibly for a damage when it is the result of failing to fulfill their responsibilities. Things sometime fall apart in the aftermath of a damage. Determining who is responsible for a damage often leads to disagreement and polarization of stakeholders. In states that have a mechanism and process for determining damage responsibility, stakeholders have a place to go to have their culpability (or lack thereof) determined fairly. In states that do not have such mechanisms, stakeholders are left to their own devices to settle disagreements.

In some cases, these devices poison the One Call processes, particularly when aggressive billing and questionable collection practices are involved. Some stakeholders attempt to collect on damages regardless of who is responsible. Intimidation, misrepresenting laws, and frivolous, inflated charges associated with addressing a damage are practices that destroy faith in the process and divides stakeholders. This is an area of particular concern to the construction industry.

We have numerous examples where an excavator fulfilled their responsibilities in the process while a responding utility failed to locate, or mis-located their plant, leading to a facility damage. The parties agree in the field that the damage was the result of a poor locate then, sometime later, often years, the excavator receives a bill for the damage. In some instances, contracted collection services misrepresent laws to justify the claim, wreaking havoc on the process. Under these circumstances, excavators are forced to spend enormous amounts of time and money fighting unfounded, frivolous claims. Operators have been known to bill the excavator, the project owner, the General Contractor and the insurance carrier apparently expecting to be paid as many as four times for a single damage.

Although, it is unfortunate we must deal with these unnecessary issues, excavators are forced to keep detailed records of damages, their root cause and any costs incurred because of the damage; including, lost time, repair, and damage to equipment in anticipation of a future unfounded claim. Recovering costs associated with a damage is the right of all stakeholders.

However, stakeholders who file unfounded claims waste valuable time, erodes the process and insults the notion of “shared responsibility.” The CGA has come a long way in bringing all stakeholders together to better our One Call programs. The promise of the CGA has undoubtedly saved lives, protected valuable infrastructure, and helped ensure public/workforce safety. All stakeholders must take the spirit of the CGA into the field, respect one another, fulfill their responsibilities, and treat each other honestly. Allen Gray is AGC Utility Infrastructure Division Director. He can be reached at Allen.Gray@AGC.org.