

ORDINANCE NO. 2007

AN ORDINANCE to amend Chapter 39A of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new article numbered III; which Chapter 39A relates to UNDERGROUND UTILITIES and which new article relates to and adopts regulations for EXCAVATION AND UTILITY LINE INSTALLATION and establishes PENALTIES FOR VIOLATIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 39A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended, by adding thereto a new article numbered III to read as follows:

ARTICLE III. EXCAVATION AND  
UTILITY LINE INSTALLATION.

Division 1. Generally.

Sec. 39A-16. Definitions.

The following words and phrases, when used in this article, shall for the purpose of this article have the meaning ascribed to them in this section, except for those instances where otherwise expressly provided.

(a) Blasting. The use of an explosive to excavate, loosen or otherwise disturb existing soil or earth.

(b) Contractor. Any person, including a subcontractor, who contracts with an operator or property owner, public or private, for the purpose of engaging in, at least, excavation, demolition or blasting.

(c) Demolition. The razing of any structure above the existing grade or the demolition of any structure below the existing grade.

(d) Emergency. Any condition which may cause an interruption of essential services resulting from the destruction of, disruption of, or damage to underground utility lines. (Emergency is classified as less severe than Hazardous.)

(e) Excavate. The movement or removal of earth, using mechanized equipment or blasting, and includes auguring, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, tunnelling and pile driving.

(f) Excavator. Any person, contractor or operator engaging in, at least, excavation, demolition, blasting, fence building or landscaping.

(g) Hazardous. Any condition which may cause an interruption of essential services and, in addition, may result in death or injury to persons or property due to destruction of, disruption of, or damage to underground utility lines. (Hazardous is classified as more severe than Emergency.)

(h) Mechanized equipment. Powered equipment used to excavate, and includes equipment used for plowing-in or pulling-in cable or pipe.

(i) Operator. Any person who furnishes or transports any of the following materials or services by means of a utility line:

- (1) Flammable, natural, toxic or corrosive gas.
- (2) Petroleum, petroleum products and hazardous liquids.
- (3) Electricity.
- (4) Communications.
- (5) Water.

(j) Person. Any individual, partnership, association, corporation, state, subdivision or instrumentality of a state, or the legal representative thereof.

(k) Property owner. Any person who owns fee title to or leases a given area of land, excluding, however, any recorded easement or right-of-way.

(l) Site plan. Any plan submitted in compliance with the provisions of Chapter 30 of the City Code or a plot plan or other plan showing existing identifiable features and/or legal subdivision, property or easement lines.

(m) Utility line. Any underground conduit and its related facilities including pipe or cable, by which an operator furnishes or transports material or services.

(n) Working days. Monday through Friday, excluding, however, any public and legal holidays.

Sec. 39A-17. Administration and enforcement.

The city manager or his designated representative shall be charged with administering and enforcing the provisions of this article.

Sec. 39A-18. Relation of article to other laws.

The provisions contained in this article shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this Code or other city ordinances. Nothing contained in this article shall excuse any person from compliance with all other applicable provisions of this Code or other city ordinances. In the event of a conflict between any provisions of this article and any provisions of this Code or other city ordinances, the provisions of this article shall control. Notwithstanding the above, nothing herein shall be construed to amend any provisions of any franchise granted by the City.

Division 2. The Excavator.

Sec. 39A-19. Exceptions.

(a) The requirements of Division 2 shall not apply to any property owner who is performing work without the aid of a contractor to a depth less than 18" within the boundaries of his property, and which does not require the acquisition of any permit issued by the City of Alexandria.

(b) The requirements of Section 39A-20 of this article shall not apply to any person acting as or for the operator of a damaged line in making repairs to its own underground facilities or repairs to the streets or alleys themselves in a condition of emergency when such repairs must be made within a shorter period of time than that provided for in Section 39A-20(a) of this article, provided, however, that his exemption from obtaining information shall not excuse the person making the excavation from any liability for damages caused by his negligence.

Sec. 39A-20. Demolition or excavation--Prior notice.

(a) Excavators shall notify all operators who maintain underground utility lines in the area of the proposed excavation or blasting, and the city manager or his designated representative, at least two working days, but not more than ten working days prior to commencement of said excavation or demolition. This notification shall consist, at least, of the following:

- (1) The excavator's name and telephone number.
- (2) The name of the person for whom the proposed work is being done.
- (3) The date and approximate time work is to commence.
- (4) The location and approximate depth of proposed work.
- (5) The nature of work to be done.
- (6) The excavator's field representative or field contact, if any.
- (7) Any special remarks.

(b) Notwithstanding the preceding subsection, where operators participate in a one-call notification system known as "Miss Utility", one call shall serve to notify all participating operators. It shall be the responsibility of the excavator to know which operators participate in the "Miss Utility" system within the city.

(c) It shall be unlawful for any excavator to commence excavation or demolition on any property without first receiving clearance for excavation from each operator as provided in Section 39A-22(a) of this article.

Sec. 39A-21. Demolition or excavation--Performance.

(a) Verification that rough grading is to within six inches of finished grade must be provided to the operator in writing by the excavator or property owner before such operator shall commence excavation for the installation of its utility lines.

(b) When excavation approaches the location of any existing utility line(s), which shall have been previously located horizontally as provided in Section 39A-22(a) of this article, the exact location of such existing utility line(s) must be determined by adequately exposing same by hand digging within the proposed limits of excavation before excavation may resume. To prevent damage to such exposed existing utility line(s) or the protective coating thereof, proper supports shall be provided where required.

(c) Any excavator performing excavation or demolition is required to have an approved site plan, subdivision plan or engineering plan indicating the existence of all known existing and proposed utility lines (with exception of house service laterals) at the site during excavation or demolition.

(d) 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 Section 39A-21(c) of this article.

(e) The act of obtaining information as required by this article shall not excuse any person making any excavation or demolition from doing so in a careful and prudent manner nor shall it excuse such person from liability for any damage resulting from his negligence.

#### Division 3. The Operator.

##### Sec. 39A-22. Excavation.

(a) An operator who receives notification of a proposed excavation pursuant to Section 39A-20(a) of this article and who has received, if applicable, verification of site grading pursuant to Section 39A-21(a) of this article shall provide clearance for excavation to the excavator before such excavation may commence by:

(1) At least one hour prior to the commencement of the proposed excavation, horizontally locating its utility lines at the site, and notifying the excavator that this marking has been accomplished, or

(2) Notifying the excavator that the proposed excavation will not affect its existing utility lines.

(b) Failure of the operator to respond to notification within 48 hours of notification may be construed by the excavator to mean that the proposed excavation will not affect its existing utility lines, except where a line is shown to exist under the provisions of Section 39A-21(c) a second notification is required at least one hour before proceeding to excavate.

(c) Horizontal location of utility lines at the site of excavation shall consist of a permanent marking system approved by the Office of Pipeline Safety of the Department of Transportation of Virginia, or the State Corporation Commission of Virginia, or a temporary marking system approved by the city manager or his designated representative clearly and definitely indicating the horizontal location of the operator's facilities.

(d) In order to expedite horizontal location of utility lines, each operator shall:

(1) Provide locating services to mark all facilities including house service laterals affected by the excavation.

(2) Provide 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.

(3) Have the option to allow the locating crew of another operator to horizontally locate said facilities provided clearance to do so has been given in writing.

(4) Indicate the horizontal location of operator utility lines on a site map if requested by the excavator.

(e) When trenches excavated for the installation of gas pipelines are backfilled a continuous tape, or similarly effective device, shall be installed after tamping 18 inches above all direct burial plastic mains and 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.

(f) When repairs are made to underground gas pipelines, and the device provided in compliance with Section 39A-22(e) above has been disrupted or severed during excavation, such device shall be installed or replaced at the completion of repairs prior to backfilling.

#### Sec. 39A-23. Demolition.

(a) An operator who receives notification of a proposed demolition pursuant to Section 39A-20(a) of this article shall ensure clearance for demolition by:

(1) Disconnecting, or causing to be disconnected, as agreed upon by the operator and excavator, all of its utility lines to the structure to be demolished, as well as capping where necessary.

(2) Advising the excavator of the appropriate means of assuring adequate protection for its other utility lines in the vicinity which might be subject to unusual stress during the demolition.

(3) Notifying, or causing to be notified, the excavator that such disconnection has been accomplished or that its utility lines will not be affected by such demolition.

#### Sec. 39A-24. Standards and procedures.

(a) 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 approval.

(b) Depending upon the size and importance of the utility line to be affected, the affected operator shall determine whether or not an inspection by its representative at the site of excavation is necessary during the crossing of its utility lines.

(c) Pre-construction meetings between excavators and utility operators shall be scheduled prior to all excavation projects whenever considered necessary by the city manager or his designated representative.

#### Division 4. Hazardous and Emergency Procedures.

#### Sec. 39A-25. The excavator.

(a) Communication between the job site and the excavator'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 of the Alexandria Fire Department.

(b) 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 condition shall be deemed to exist and the operator of such utility line shall be directly notified at that time.

(c) When any gas or flammable liquid utility line is severed, or damaged to the extent that there is escapement of its contents, a hazardous condition shall be deemed to exist and the operator of such utility line and the Alexandria Fire Department shall be immediately notified.

(d) Excavators 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 serve hazardous-condition notice as required in Section 39A-25(c) above.

(e) The telephone number(s) to be utilized in serving emergency-condition notice as required in Section 39A-25(b) above shall be kept at the site during excavation or demolition.

(f) It shall be unlawful to backfill around a damaged utility line, as described in Section 39A-25(b) or (c) above until the operator of said utility line has been notified of such incident and has repaired the damage and/or has give written clearance to backfill.

(g) During an emergency or hazardous condition, it shall be lawful to excavate, without using blasting, if notification as required in Section 39A-20(a) of this article is given as soon as possible.

#### Sec. 39A-26. The operator.

(a) All operators shall make available on a 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 emergency or hazardous situations. The number of emergency work crews shall be determined by the operator based upon reasonable response time (one hour maximum to emergency scene during other than work hours) and the number and frequency of experiences recorded.

(b) All reports of hazardous conditions received by operators shall be reported immediately to the Alexandria Fire Department and all reports of hazardous conditions received by the Fire Department shall be reported immediately to the appropriate operator.

(c) Emergency shut-off valves shall be provided for all new gas service line installations such that:

(1) All gas services supplying inside meters shall be equipped with an outside shut-off.

(2) Services to outside meters shall be equipped with an outside shut-off at the meter.

(d) The decision to shut off a utility line during a hazardous condition shall be vested in an appropriate representative of the utility company concerned.

(e) Only the appropriate utility line representatives shall be permitted to reopen any valve or breaker which was closed during such a hazardous condition and only after a thorough check has indicated that it is safe to place the affected lines back into service.

Sec. 39A-27. Penalty for violation of article.

Any person or public service company violating the provisions of this article shall upon conviction thereof be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding six months, or both, for each violation. Each day that prohibited conditions are maintained or allowed to be maintained shall constitute a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.  
Mayor

FINAL PASSAGE: MARCH 11, 1975