



Missouri One Call Law

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MISSOURI ONE CALL SYSTEM

Call or Click 3 Working Days Before You Dig!
1-800-DIG-RITE, 811 or mo1call.com

The banner features a background of green grass and a cross-section of soil. A blue pipe is shown running horizontally through the soil. The Missouri state outline is visible in the background, with a shovel icon positioned over it. The text is prominently displayed in the foreground.



Disclaimer:
The following presentation is for educational
purposes only.

A banner for the Missouri One Call System. The background shows a cross-section of the ground with green grass on top, a blue pipe, and a green pipe below. On the left, there is a logo featuring a red outline of Missouri with a shovel and a pickaxe, and the text "MISSOURI ONE CALL SYSTEM". On the right, there is text in red and yellow: "Call or Click 3 Working Days Before You Dig!" and "1-800-DIG-RITE, 811 or mo1call.com".

**Call or Click 3 Working Days
Before You Dig!**
1-800-DIG-RITE, 811 or mo1call.com

**MISSOURI
ONE CALL SYSTEM**



Missouri One Call: What is it?

- “Missouri Underground Facility Safety and Damage Prevention Act”
(Sections 319.010 to 319.050 RSMo)
- First enacted into law in 1976
- Missouri One Call System, Inc. (MOCS), was created in 1986
- Single point of contact for excavators and underground facilities owners to ensure facilities are located and marked prior to any person digging.



One Call Law: The Key Sections

- Section 319.015 Definitions
- Section 319.022 Participation
- Section 319.025 Notice of Intent to Excavate (Request a Locate)
- Section 319.026 Form of Notice of Intent (How to Request a Locate)
- Section 319.030 Facility Owner Responsibilities (Marking Facilities)



Key Sections: Section 319.015

- Section 319.015(4): “Excavation” Defined
 - “Any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation....”



Key Sections: Section 319.015

- Section 319.015(15): “Underground Facility” Defined
- “Any item of personal property which shall be buried or placed below ground for use in connection with the ... conveyance of water,”



Key Sections: Section 319.015

Section 319.015(7): “Notification Center”

= The One Call Center, or

Missouri One Call System, Inc.



Key Sections: Section 319.015

- Section 319.015(15): “Underground Facility”
EXCEPTION:
 - “Water and sanitary sewer lines providing service to private property that are owned solely by the owner of such property shall not be considered underground facilities at any location.”



Key Sections: Section 319.022

- 2015 Edition
- Section 319.022.1: “Any person, except a railroad regulated by the Federal Railroad Administration, who installs or otherwise owns or operates an underground facility shall become a participant in a notification center upon first acquiring or owning or operating such underground facility.”



Key Sections: Section 319.025

- Section 319.025.1: “A person shall not make or begin any excavation...without first giving notice to the notification center...”
- Notice has to comply with the requirements of 319.026



Key Sections: Section 319.026

- .026.1: When and How to Provide a “Notice of Intent to Excavate”
 - Make a Locate Request



Key Sections: Section 319.026

- “At least two working days but not more than ten working days” before excavation starts
 - 319.015(17) defines “working day”



	Date of call – does not count.
	Two working days waiting period for locates.
	Date digging may begin. See "No Response" below

Call Timeline:

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu
Mon		1	2								
Tue			1	2							
Wed				1	2						
Thu					1			2			
Fri								1	2		
Sat								1	2		
Sun								1	2		



Key Sections: Section 319.026

- When can you start digging?
- .026.6: “When markings have been provided in response to a notice”



Key Sections: Section 319.026

- NEW to 2015
- .026.6: “If an excavator is unable to begin the excavation within ten working days as described in the request, the excavator shall make a relocate request before beginning the excavation.”



Key Sections: Section 319.026

- Revised in 2015
 - .026.7: Before starting, you have to determine how you are going to confirm horizontal and vertical location of the facility



Key Sections: Section 319.026

- Revised in 2015
 - .026.8: If facility is damaged, dislocated or disturbed, excavator must call notification center to report.



Key Sections: Section 319.030

- .030.1 Facility Owners shall inform the excavator as promptly as practical, but not in excess of two working days, the approximate location of underground facilities in or near the area of excavation
 - “unless the excavator agrees to extend the start date and time”



Key Sections: Section 319.030

NEW to 2015

- 1) Unless utility makes a request through the locate status system and the excavator affirmatively agrees, OR
- 2) You put in a later start date for the excavation



White	PROPOSED EXCAVATION
Fluorescent Pink	TEMPORARY SURVEY MARKINGS
Red	ELECTRIC POWER LINES, CABLES, CONDUIT AND LIGHTING CABLES
Yellow	GAS, OIL, STEAM, PETROLEUM OR GASEOUS MATERIALS
Orange	COMMUNICATION, ALARM OR SIGNAL LINES, CABLES OR CONDUIT
Blue	POTABLE WATER
Purple	RECLAIMED WATER, IRRIGATION AND SLURRY LINES
Green	SEWERS AND DRAIN LINES



Key Sections: Section 319.030

- .030.4: No Responses
 - “the excavator, prior to commencing the excavation, shall give a second notice to the notification center ... stating there has been a no response...”
 - No Response request should go to the One Call Center,
NOT the Utility or the Locator
- *Cannot* immediately start excavating.



Key Sections: Section 319.030

- .030.4: No Responses – Continued
 - Call in No Response before 2:00 pm, markings must be completed the same day.
 - Call in No Response after 2:00 pm, markings must be completed by 10:00 am the next day.
 - Remember: Document the No Response



Key Sections: Section 319.035

Revised in 2015

- Presumptions of negligence



What does the AGO have to do with One Call?

- Educate
- Investigate
- Enforce



What does the AGO have to do with One Call?

- Section 319.045 authorizes the MO AGO to go after:
 - Up to \$10,000.00 dollars per violation in civil penalties, and
 - Court Ordered Injunction, either Temporary or Permanent



What We Do

Level 0: (rare) Send a Warning Letter, explain the possible violation

Level 1: Settlement agreement (SA)- Resolve the violation by for civil penalties and training



Level 2: Consent Judgments - Resolve the violation by (a joint Court Order)

Level 3: Go to Court: Resolve violations by asking Judge for heavy civil penalties & permanent injunction



How do we get cases?

All referrals come from outside of the AGO

- Vast majority come from utilities, facility owners, and management districts
- Others are concerned citizens and other excavators
- Can come from MOCS, or from the Public Service Commission (PSC)



How we work a case

- Review the Referral for hard facts
- Investigate to verify and flesh out facts
- Apply facts to law
- Conduct further investigation, if needed
- Send a demand for compliance



2014 Enforcement Statistics

- Received 130 complaints
- Sent out 116 Settlement Agreements
- 89 SAs were signed and sent back to us
- Filed 5 matters in Circuit Court
- Sent out 5 warning letters



The Takeaways:

- MUST wait to excavate until the given start date
- A Precise Description of the Excavation Area is KEY
- Right before beginning an excavation, DOUBLE CHECK all Utilities have responded
- Document Everything



Most Common Violations

- .025.1 & .026.1: Performing an Excavation without making a (sufficient) locate request
- .026.1: Excavating in advance of the Two Working Days deadline
- .030.1: Failing to Mark Facilities within two working days.



Most Common Violations

- .025.1 & .026.1:
Excavating Without Locates
- Two Types
 - No Locates
 - Bad Locate Request



Most Common Violations

- .026.1:
Excavating Before Two
Working Days
- Scenarios:
 - Some markings but not all
 - Assume that other markings
(not yours) are yours



Most Common Violations

- .030.1:
Failing to mark facilities within two working days
- Scenarios:
 - Lines aren't marked by start date
 - Locator may call to say, "can't get to it"



What the AGO needs to Build a Case

- We want three things:
 - Witness
 - Records
 - Pictures



What the AGO needs to Build a Case

- Witness or witnesses
 - Someone who was actually there
 - Reliable
 - Who saw and can recall what happened



What the AGO needs to Build a Case

- Records
 - Incident Reports, Log books, time sheets, etc.
 - Made at or near the time of the event/incident
 - Kept in the regular course of your business
 - Made by the people who know (a.k.a. the Witness)



What the AGO needs to Build a Case

- Pictures
 - Taken at the time the incident happened
 - Accurately depicts the issue
 - Taken by the witness or depicts what your witness actually saw
 - Preferably Date/Time Stamped



Questions?



Thanks!

Please feel free to call/email us!

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