



Reciprocal News

Digging, Excavating and Underground Locates

According to the ESA, there have been a number of incidents in which excavation, boring or auguring activities have led to damage of underground services. Over the past five years for the MEARIE Liability program; DX – Digging & Excavating type losses, have shown a downward trend. However, in April 2011 an incident occurred where a contractor providing road and sidewalk replacement services for a municipality struck an underground cable and the resulting fire destroyed an adjoining building. MEARIE was put on notice for a potential claim.

Background

The LDC provided a locate service that indicated the closest LDC owned underground service was more than 30 meters away from the excavation site. While digging up the sidewalk the contractor came in contact with an underground wire, pulled the wire, causing sparks, resulting in a fire in the basement of the building which totally destroyed the building. The locate did not indicate there may be privately owned services in the area.

Risk Management Locate Practices

- 1. Industry best practices** should be followed such as the Ontario Regional Common Ground Alliance – Underground Infrastructure Damage Prevention.
- 2. Include warnings on your locate form** indicating you are only responsible for locating cables which are owned and maintained by you. This should be part of your locate form not added as a stamp or label.
- 3. Indicate the excavator** should be aware of possible private and/or customer installed cables i.e. Parking lot lights, outlets, sub-service to a garage, etc. which are not part of the locate. Services beyond the demarcation point belong to the property owner and are not included on your locate.
- 4. Reminder to the excavator** that it is the responsibility of the private facility owner to locate their services.
- 5. Obtain sign off acknowledging receipt** of a copy of the locate report and the locate requestor has read and understand the warnings and conditions.
- 6. Locate Report Form disclaimer** and warnings should be reviewed by your legal counsel to ensure compliance with your corporate legal guidelines.



The following is a sample wording that may be used on your locate report:

Warning: Hand digging near marking is advised. “your company name” is only responsible for cables which are owned and maintained by “your company name”. The excavator or his agent must not work outside the area shown on this locate form without further cable locates by “your company name”

Please be aware of possible private and/or customer installed cables which are not included in this locate.

This Underground Cable Locate is valid for 30 days from the date shown on “this form”. Be aware new cables can or may be installed at any time after the locate is completed. It is the excavator’s responsibility to call for a new locate if any changes are known or suspected.

Any person who interferes with or damages underground electrical cables without having obtained a location/clearance from “your company name” shall be liable for all costs incurred during repair of the cables as well as any resulting legal actions.

Continuing to follow these risk management locate practices and taking these few simple steps will ensure Digging and Excavating claims against MEARIE Members continue to decline.

Gary Durie, Manager, Risk Management & Underwriting Services
T:905.265.5355 or 1.800.668.9979
3700 Steeles Ave West, Suite 1100, Vaughan, Ontario L4L 8K8
gdurie@mearie.ca www.mearie.ca