

TOOLBOX TALKS

Enforcement

Company Name _____

Date _____

Presenter Name _____

Job Site/Project _____

The Vermont Public Service Department vigorously enforces all aspects of the damage prevention laws as described in the Vermont State Statutes Title 30 Chapter 86 and Public Service Board Rule 3.800. Violation of any part of these laws can result in fines as well as any other reparative or restorative actions such as attendance at an underground utility damage prevention training seminar. This is in addition to any repair costs or bills for outages or other costs submitted by the utility.

- The Public Service Department uses an escalating fine system for violation of the damage prevention laws. The maximum penalties provided by this schedule is as follows:
 - Up to \$500.00 for the first offence
 - Up to \$1000.00 for the second offence within one year.
 - Up to \$1500.00 for the third offence within one year.
 - Up to \$5000.00 for the fourth offence within one year.
- Damage to a natural gas line has a maximum penalty of \$100,000.00/day until the facility is repaired for a total maximum of \$1,000,000.00.
- All underground facility operators are required to submit an Underground Facility Damage Report (UFDR) form to the Public Service Department within 30 days of the incident.
- Excavators are encouraged to submit a UFDR to the Public Service Department and any additional evidence such as photographs and eyewitness reports at the time of damage.
- Submission of a UFDR triggers the damage investigation process in which evidence is gathered and responsibility for the damage is assigned. If it is determined a violation of the damage prevention law has occurred, a Notice of Probable Violation (NOPV) is sent to the responsible party.
- The damage investigation process can take up to 12 months to complete. Often damages are investigated long after they have occurred. For this reason it is in your best interest to document the damage at the time of incidence to protect yourself and your company's interests
- Upon receipt of a NOPV you are encouraged to contact the Public Service Department to present any additional evidence you have or to contest the charges.
- Currently all cases, even those which are not contested, must be heard by the Public Service Board before a final penalty can be assigned.
- Once a ruling has been made by the Public Service Board, any appeal must be taken to the Vermont Supreme Court.

