

# ENCROACHMENT GUIDELINES



# ENCROACHMENT GUIDELINES

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## 1.0 Purpose and Scope

The purpose of this specification is to outline the standards and procedures to be followed when planning land use, development, or construction on or near easements or rights-of-way owned or operated by Enterprise Products Company and its affiliates, subsidiaries and holdings (hereinafter called "Enterprise"). It is intended for use by federal, state, city, county, and local planners, landowners, utility owners, developers, engineers, contractors, land surveyors, or anyone involved in the initial stages of land development near pipeline systems. If Enterprise is included in the initial planning stages of the project, delays can often be avoided and safe development practices near pipelines can be employed.

These specifications define the minimum standards of safety and quality for addressing encroachments to pipeline corridors and rights-of-way; however, each situation is evaluated on a case-by-case basis. Pipelines and their related rights-of-way are extremely valuable assets, and it is Enterprise's responsibility to maintain the value of its assets and protect its rights-of-way, while working with the communities in which it operates. Enterprise is also responsible for ensuring public safety and protecting the environment when activities are taking place near its pipeline facilities.

Enterprise facilities include, but are not limited to, pipelines, metering stations, pigging assembly sites, rights-of-way and easements. Government entities play a major role in regulating land use by means of comprehensive planning, zoning, and other regulations.

All activities and projects that are performed near Enterprise's facilities are subject to formal review by Enterprise prior to the issuance of a Letter of No Objection or Encroachment Agreement, whichever is applicable. Depending on the scope of the project and its impact on Enterprise's facilities, additional engineering requirements and protective measures may also be required. Enterprise's policy is to comply with the standards and regulations set forth by the United States Department of Transportation Pipeline Safety Regulations (Title 49 CFR Parts 192 and 195), and applicable State regulations where Enterprise operates to assure the safety of the public and to protect its facilities.

Please become familiar with the contents of these encroachment specifications and their impact on your proposed project. If you have further questions or need assistance, please contact your local Enterprise office or the Land Department office at 2727 North Loop West, Houston, TX 77008-1044.

## 2.0 General Guidelines

- 2.1** Submit an encroachment notification with detailed construction/development plans to your local Enterprise office or to Enterprise Products Attention: Land Department – Encroachments, PO Box 4324, Houston, TX 77210-4324. Enterprise normally requires 30 days lead-time to review proposed development or construction plans for impacts to its pipeline rights-of-way, and 90 days lead-time for roadway crossing plans, in case Enterprise pipelines or other Enterprise facilities require adjustments. When plans are submitted, the project description, pipeline conflict location(s) and depth of cover and/or clearance between facilities should be provided. A location map should also be submitted, showing the project site area including sufficient geographical references such as legal property lines and roadways. Please refer to Section 3.0 for details.
- 2.2** All costs associated with pipeline modification, replacement, lowering, and/or protection, including engineering evaluation and design, are to be paid by the encroaching entity, unless stated otherwise.

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- 2.3** A Letter of No Objection, or a fully executed Encroachment Agreement, should be in place prior to any encroachment to the existing Enterprise right-of-way. An encroachment shall include, but not be limited to, any proposed or ongoing work activities or construction of aboveground and underground structures, roads, driveways, sidewalks, and parking areas, foreign utility crossings, electrical and communication cables, heavy equipment crossings, railroad and waterway crossings. Any disturbance to the existing pipeline right-of-way shall not occur without prior review by Enterprise. A disturbance shall include, but not be limited to, adding dirt, rock, or any other debris, or removing dirt, rock, or vegetation. All rights-of-way granted to third parties on Enterprise-owned land or easements shall contain relocation, indemnity and damage provisions in favor of Enterprise along with other conditions deemed necessary by Enterprise.
- 2.4** The maximum amount of fill that is permitted to be placed over a pipeline, including existing soil cover, is 8 feet. Any additional cover should not prevent Enterprise from maintaining or operating its facilities along the right-of-way. Only clean fill dirt will be allowed on Enterprise's right-of-way. Erosion control materials will be allowed.
- Note: Special authorization must be given in the event soil cover exceeds 8 feet after study of external loads and resulting pipe stresses.
- 2.5** Pipeline markers will be installed at all public roadway crossings, railroad crossings, waterway crossings, and in sufficient number along the right-of-way, as deemed necessary by Enterprise personnel, so that pipeline locations are accurately identified.
- 2.6** Guidelines and regulations outlined in governing industry codes and standards, as well as Enterprise policies, will be strictly adhered to.
- 2.7** Enterprise may require proof of current ownership in the form of a Title Commitment, Title Policy, or a copy of a recorded Warranty Deed.
- 2.8** Enterprise requires a copy of the Subdivision Plat, if applicable. If the plat has been recorded, Enterprise requires a copy indicating the book and the page of the recording.
- 2.9** No work shall be performed on Enterprise rights-of-way without prior consent of Enterprise.

### 3.0 Project Plans

Project plans to be submitted for consideration will need to contain the following information:

- 3.1** Vicinity map and project location.
- 3.2** A legal description of the project location.
- 3.3** The Enterprise pipeline location, depth and right-of-way width clearly depicted.
- 3.4** The plan and profile view of the encroachments and crossing locations.
- 3.5** A profile view of the existing surface elevations, the proposed surface elevations and the elevation of the Enterprise pipeline, including cross-sections.
- 3.6** The pipeline labeled appropriately as "Enterprise Products Pipeline" including the pipe diameter size.

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- 3.7 A standard warning statement will need to be conspicuously displayed on all prints that depict the pipeline(s). The statement will need to contain the following language:

**WARNING**  
**HIGH-PRESSURE PIPELINE(S)**  
**Excavation and/or Construction Prohibited Without Written Permission From**  
**Enterprise Products Company**

Note: Submission of incomplete plans could delay the engineering impact study and/or result in increased costs.

### 4.0 Pipeline Location and Depth Verification

- 4.1 As required by law, the encroaching party shall contact the appropriate State One Call Center to arrange for field staking of the exact pipeline location and verification of pipeline depth by an Enterprise representative prior to any excavation activity.
- 4.2 An Enterprise representative is typically available within 48 hours to determine the exact location and depth of the pipeline(s). No excavation on the right-of-way shall take place without approval from Enterprise and verification by Enterprise of the pipeline location and depth. To coordinate this activity, please contact our local Field Operations personnel at Enterprise office nearest to your proposed project.
- 4.3 The encroaching party or the developer shall prepare for a site survey to accurately determine the location of the pipeline, determine pipeline depths, and accurately depict the location of the pipeline on the project plans.

### 5.0 Excavation, Construction and Right-Of-Way Restrictions

- 5.1 Plans for excavation within the right-of-way must be approved by Enterprise prior to construction commencement.
- 5.2 Excavation operations shall be performed in accordance with appropriate State "One-Call" utility locating system requirements. No excavation shall occur in the vicinity of Enterprise facilities or within its rights-of-way until proper telephone notification has been made to the appropriate "One-Call" system and an Enterprise representative is on-site to monitor excavation activities. Please refer to Section 18.0 for further details.
- 5.3 No equipment shall work directly over the pipeline. The encroaching party shall install temporary fencing or white line along Enterprise's right-of-way boundaries so that equipment will not inadvertently pass over the pipeline at any locations other than those established for crossing.
- 5.4 When excavating within the right-of-way, the encroaching party's excavator shall have a plate welded over the teeth of the excavator bucket, and the side cutters must be removed prior to excavation to help prevent pipeline damage.
- 5.5 Any excavation taking place within 24 inches of the outer edge of the pipe shall be done by hand excavation only; air cutting and vacuum excavation are permitted with the approval of an Enterprise representative.
- 5.6 Excavators must work/dig parallel to Enterprise's pipeline facilities as practically possible.

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- 5.7** If conditions require, the crossing party shall be directed by Enterprise to install sand bags or other suitable insulating material to maintain proper vertical clearance from the pipeline.
- 5.8** At any location where the pipeline is exposed, the crossing party shall provide Enterprise personnel the opportunity to inspect the pipeline condition, install cathodic protection test leads, and/or install underground warning tapes/mesh.
- 5.9** If a pipeline right-of-way width is not defined, Enterprise will clarify said width to reasonably allow for operation and maintenance of its lines and allow for construction of future pipelines as necessary. The Partial Release and Grant of Rights-of-Ways will not result in the right-of-way being restricted to less than the following:
- 5.9.1** On a multi-line right-of-way, a strip of land extending a minimum of 25' outward from the centerline of each outermost pipeline, not to be less than a total minimum width of 100'.
  - 5.9.2** On single-line right-of-way, a strip of land extending a minimum of 45' outward from the centerline of the pipeline not to be less than a total minimum width of 90'.
- 5.10** Multi-line, above ground appurtenance, and ingress and egress rights will be retained.
- 5.11** Enterprise shall maintain the right of reasonable access across a landowner's property for maintenance and for the installation, operation and maintenance of utilities required for appurtenances.

### **6.0 Structures, Fencing and Landscaping**

- 6.1** No buildings, houses, barns, garages, patios, swimming pools, reinforced concrete slabs, light poles, masonry, retaining walls or other permanent structures will be permitted on the right-of-way.
- 6.2** Large debris, such as old cars, trailers, scrap metal, boulders, etc., will not be permitted on the right-of-way. The right-of-way must be kept clear for maintenance and inspection.
- 6.3** Enterprise must approve fence crossings prior to any fence construction on or over an Enterprise pipeline and/or associated right-of-way. Fences may not be allowed to parallel the pipeline within associated right-of-way. Fence posts will not be allowed within 5 feet of the centerline of the pipeline. The landowner accepts full responsibility for any and all future damage to the fence in the event that Enterprise or its designee must access the pipeline and/or associated right-of-way to perform routine or emergency maintenance. No fences shall be constructed of any type material that obstructs the line of sight between the pipeline marker signs. No fencing shall prevent access by pipeline personnel at any time. Drive-through gates (14-foot-wide minimum) may be required to provide access to the right-of-way.
- 6.4** Trees are not permitted on the right-of-way. Mature shrubs with an untrimmed height exceeding 18" and/or obstructing the view of the marker posts are not permitted on the right-of-way.
- 6.5** Irrigation systems, field drain lines, and sidewalks will cross Enterprise pipelines at an angle as close to 90 degrees as possible, but not less than 45 degrees. No septic system lateral lines are permitted on the right-of-way.

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- 6.6 Retaining walls are not permitted.
- 6.7 Surface grade or elevation changes require review by Enterprise, but in general, no cover may be removed from the right-of-way. No construction will be allowed that could result in the erosion of surface cover from the right-of-way.

### 7.0 Right-Of-Way Clearing

- 7.1 Enterprise may at any time elect to remove obstructions, including, but not limited to, trees, brush, crops, and other vegetation from all or part of its right-of-way. Existing trees and/or shrubs may be cleared or side-trimmed by Enterprise at its sole discretion.

### 8.0 Change of Land Use

- 8.1 The landowner or tenant shall notify Enterprise if land use will be changed from pasture to cultivation, or if tilling depth will increase, or if terraces will be cut or re-cut. Enterprise will confirm the depth of cover over the pipeline, and then determine the appropriate action required to protect the pipeline.
- 8.2 Livestock ponds, lakes, retention ponds, or wetlands are not allowed on the pipeline right-of-way.
- 8.3 As the rural environment is altered and land developments are proposed, Enterprise prefers to amend the existing right-of-way agreement to reflect the changing land use. Enterprise will work with developers to incorporate its existing right-of-way into the project design, including consent to the use of right-of-way as a "greenway" or open space area within the development.

### 9.0 Foreign Pipeline/Utility Crossings

- 9.1 All buried utility lines crossing Enterprise's right-of-way shall be installed in accordance with all applicable codes and requirements governing such installations.
- 9.2 All foreign lines shall cross Enterprise's right-of-way at an angle as close to 90 degrees as possible, but not less than 45 degrees. Parallel occupancy of an existing right-of-way requires permission from Enterprise.
- 9.3 Foreign pipelines and utilities should cross Enterprise pipelines with at least 24 inches of separation. Special authorization must be given in the event separation is less than 24 inches. Exceptions for farm field drainage tile may be made at the discretion of Enterprise supervisors. The preferred method is to have foreign lines cross below Enterprise pipelines.
- 9.4 Metallic pipe crossing Enterprise pipelines will be subject to a cathodic protection interference study. Should remediation be necessary, Enterprise will require full cooperation to ensure that the cathodic protection system is operating properly. If interference is detected, the encroaching party shall work diligently towards remediation. Foreign metallic pipe crossings shall be coated with a non-conductive coating for the full width of Enterprise's right-of-way.
- 9.5 Buried electrical cables shall be installed in accordance with the National Electrical Safety code and shall cross below Enterprise pipelines with minimum clearances of 24 inches for 0 – 440 volts; 30 inches for 441 volts to 22,000 volts; 36 inches for 22,001 to 40,000 volts; and 42 inches for 40,001 volts and above. All power cables shall be installed in non-

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metallic or high impact PVC conduit. In the event the power cable crosses over an Enterprise pipeline, it shall be encased in a 6-inch envelope of red concrete for the full width of the right-of-way.

**9.6** Communication cables (telephone, cable TV, and other data lines) shall cross below Enterprise pipelines with at least 12 inches of separation. Such cables shall be encased in a rigid, non-metallic conduit when crossing Enterprise pipelines.

**9.7** Warning tape, in accordance with American Public Works Association (APWA) Uniform Color Code, shall be placed above the foreign utility, 12 inches below ground and shall extend at least 20 feet in such a manner that it would be unearthed before damage could result to the pipeline.

Note: The placement of warning tape on each side of Enterprise's pipelines will not be required for utility cables that are installed using the directional drill or jacking method.

**9.8** Utility poles and guy anchors shall not be placed within the pipeline right-of-way. Utility poles are permitted on the right-of-way edge, as long as they do not interfere with future maintenance. An Encroachment Agreement must be executed prior to installation if the pole is to be located on Enterprise's right-of-way.

**9.9** A minimum of 30 feet of vertical clearance shall be maintained from the natural ground elevation above the Enterprise pipeline to the lowest point of all aerial utility crossings.

### **10.0 Roadways, Driveways, Sidewalks and Parking Lots**

**10.1** New roadways, driveways, sidewalks or parking lots shall not be constructed across the right-of-way without Enterprise's written approval. All plans for roadway, driveway and sidewalk crossings shall be designed to be as close to perpendicular to the pipeline as possible, but no less than 45 degrees.

**10.2** Road construction may require adjustments to Enterprise pipelines for compliance with current pipeline construction standards and local, state, and federal regulations. It may also require a specific encroachment agreement from Enterprise and plans for such crossings shall be submitted 90 days prior to work commencement to allow time for project impact review by Enterprise.

**10.3** Resurfacing of existing roadways or driveways may not require adjustments to Enterprise's pipeline if widening and/or changes to the depth of cover are not planned.

**10.4** Prior to road construction, Enterprise must inspect the pipeline coating for integrity.

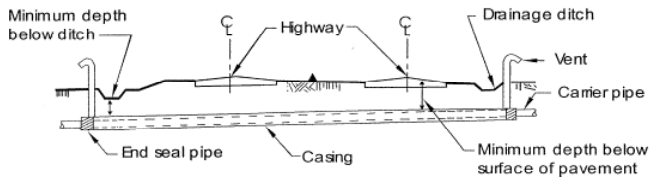
**10.5** Paved surfaces will not be allowed to cross a pipeline bend.

**10.6** Roadways, including driveways, shall be installed with a minimum compacted cover over the carrier pipe, as measured from the top of the roadway surface to the top of the pipe, as follows (see Fig.1 and 2):

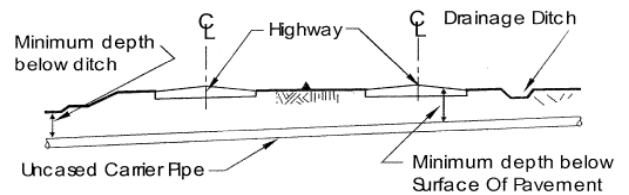
<u>Location</u>	<u>Minimum Compacted Cover</u>
<ul style="list-style-type: none"> <li>• Under roadway surface proper</li> </ul>	5 feet
<ul style="list-style-type: none"> <li>• Under all other surfaces within the right-of-way or from the bottoms of ditches</li> </ul>	4 feet



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**Figure 1: Cased Highway Crossing**



**Figure 2: Uncased Highway Crossing**

- 10.7** If the minimum coverage set forth in 10.6 cannot be provided, mechanical protection shall be installed, such as a 6" thick (minimum), steel-reinforced concrete slab along entire right-of-way width.
- 10.8** Enterprise prefers that cased roadway crossings no longer be installed. The carrier pipe under roadways will consist of extra strength material or heavier wall thickness to accommodate the additional longitudinal stress due to external loads. Casing pipe on an existing crossing may be extended to accommodate additional road surface or newly acquired right-of-way widths.
- 10.9** Sidewalks and parking lots will not be permitted without a fully executed Encroachment Agreement releasing Enterprise from any and all future damages to the sidewalks and parking lot due to pipeline maintenance and repair. A minimum cover of 4 feet from the top of the pipeline must be maintained at all points. All parking lots installed on the right-of-way shall consist of a flexible surface, such as asphalt. Concrete parking lots will be considered in some cases, if the area covered is limited to 50 feet or less. If approved, concrete surfaces shall include vent holes every 10 feet to allow for periodic leak surveys, and/or expansion joints every 10 feet along the pipeline right-of-way.
- 10.10** All parking lots planned within the Company's right-of-way are to incorporate green areas (areas where surface access is not impeded by improvements) over the pipeline such that no more than 50 feet, measured along the pipeline centerline, may be covered by the paved parking surface. Green areas constructed at said 50 feet intervals shall be a minimum of 20 feet wide, extending 10' on each side of the pipeline, for a minimum distance of 30 feet in length. Casing or heavy wall pipe may be required for all areas covered by the parking area if stress calculations so dictate. Above-ground vent posts and/or pipeline markers are to be installed as necessary.
- 10.11** A close interval cathodic protection survey and a coating inspection will be performed prior to the parking lot being installed to evaluate the integrity of the pipeline coating.

### 11.0 Railroad Crossings

- 11.1** Railroads shall be installed with a minimum compacted cover over the carrier pipe, as measured from the base of the rail to the top of the pipe, as follows (see Fig.3 and 4):

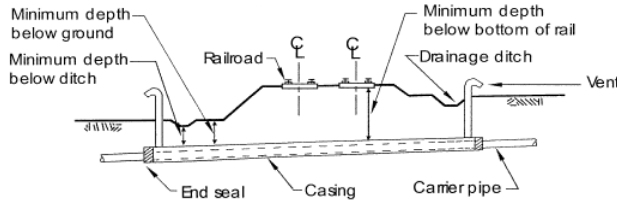
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## Location

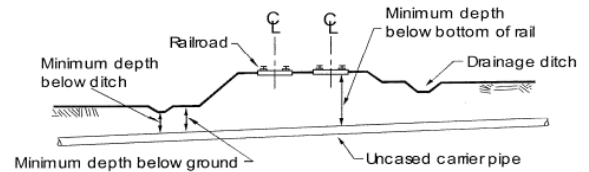
- Under track structure proper
- Under all other surfaces within the right-of-way or from the bottoms of ditches

## Minimum Compacted Cover

- 6 feet (cased); 10 feet (uncased)  
 4 feet (cased); 6 feet (uncased)



**Figure 3: Cased Railroad Crossing**



**Figure 4: Uncased Railroad Crossing**

- 11.2** If the minimum coverage set forth in 11.1 cannot be provided, mechanical protection shall be installed, such as an 8" thick (minimum) steel-reinforced concrete slab along entire right-of-way width.
- 11.3** Rail beds shall not be allowed to cross a pipeline bend.

## **12.0 Temporary Access Roads and Heavy Equipment Crossings**

- 12.1** Plans for the construction of temporary access roads, field roads, and unimproved roads must be submitted to Enterprise for review and approval. The crossing party must provide adequate protection to maintain minimum cover requirements, to limit erosion, and to limit stress on the pipeline. All temporary construction roads must meet stress requirements as determined by Enterprise.
- 12.2** Heavy Equipment Crossings - A representative from Enterprise must approve the crossing at any location where heavy equipment will be crossing the pipeline. The crossing party shall furnish the type, size, weight and maximum axle load for any vehicle or heavy equipment proposing to cross Enterprise's right-of-way. Enterprise must be notified a minimum of 3 working days prior to any work commencing so that stress calculations may be performed to ensure the safety of the crossing.
- 12.3** Heavy Equipment/Trucks carrying a maximum axle load of 15,000 lbs. may cross the right-of-way after Enterprise has confirmed a minimum cover of 4 feet over the pipeline.
- 12.4** An Enterprise representative will be present during construction of a temporary access road or heavy equipment crossing.
- 12.5** Construction equipment must cross the pipeline at approved crossing locations only where the cover has been checked by Enterprise and determined to be safe.
- 12.6** Additional cover and/or stabilization (timber mats, steel plate, crushed rock, concrete slab, etc.) may be required, depending on weather, line depth, and type of vehicles proposing to cross the pipeline.

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### 13.0 Waterway Crossings

- 13.1 Rivers, streams, creeks, canals, and drainage ditches crossing over pipelines shall meet or exceed the minimum depth of cover for compliance with current pipeline construction standards and federal, state, and local regulations.
- 13.2 Streams or ditches must have a minimum of 4 feet of cover from the top of the pipe to the bottom of the stream or ditch. Streams and ditches having less than 4 feet of cover must be lined using an approved method and material.
- 13.3 River, creeks and canals shall have a minimum cover of 5 feet, as measured from the top of the pipeline to the waterway bottom/flowline.
- 13.4 Crossings should be at an angle as close to 90 degrees to Enterprise pipelines as possible, but not less than 45 degrees.
- 13.5 Pipelines shall have sufficient weight added to create negative buoyancy, if necessary. This can be achieved by using concrete coating, bolt-on concrete anchors, or mechanical auger anchors.
- 13.6 Enterprise may require that erosion control measures be placed over the pipeline right-of-way to protect the pipeline and control erosion of the pipeline right-of-way.

### 14.0 Logging Operations

- 14.1 No trees shall be felled on, over, or across Enterprise's right-of-way. No trees or timber shall be stored on said right-of-way. No trees shall be trucked or skidded over or down the right-of-way without first gaining the approval from Enterprise.
- 14.2 The same requirements for heavy equipment crossings as defined in Sections 10, 11, and 12 above shall be followed for any logging operations proposing to work on Enterprise's right-of-way.

### 15.0 Construction-Induced Vibrations

- 15.1 Construction activities that generate ground vibrations, including pile driving, sheet driving, soil compaction work, jack hammering, or ramming, shall be reviewed by Enterprise on a case-by-case basis.
- 15.2 If the encroaching party anticipates an activity within 250 feet of the pipeline, then continuous testing monitored by a seismograph located directly over the pipeline at its closest point to the activity must be conducted. The encroaching party shall provide, at their expense, the monitoring service, which must be approved by Enterprise.
- 15.3 The encroaching party shall determine and limit the maximum peak force allowed under continuous seismographic vibration monitoring such that the peak particle velocity will not exceed 2.0 inches per second.

### 16.0 Blasting and Seismic Vibrating Operations

- 16.1 Any outside party proposing blasting or seismic vibrating operation within 250 feet of the pipeline right-of-way, shall submit a comprehensive blasting plan to Enterprise for review and approval. For safety and preservation of Enterprise assets, all blasting or seismic vibrating activity shall be in accordance with federal, state, and local governing agencies

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and Enterprise Specifications. For blasting operations, refer to Enterprise Blasting Specification EPCO.STD.9005; for seismic vibrating operations, refer to EPCO.STD.xxxx. Where discrepancies occur between Enterprise specifications and federal, state, and local governing agencies, the more stringent application shall apply.

### 17.0 Deviations and Exceptions

- 17.1 Where special circumstances dictate, deviation from these requirements must be formally approved by Enterprise in writing prior to commencement of any excavation, directional drilling, boring, tunneling or other construction activity that may impact the pipeline. Any such deviation must be explained, documented and provided to Enterprise for review and approval.

### 18.0 One-Call Numbers/National “Call Before You Dig”

- 18.1 Enterprise pipeline systems operate at very high pressures. For safety reasons, qualified company personnel or qualified company representatives need to be on-site, as frequently as necessary, to verify the integrity of the pipeline(s) while work is being performed on company’s rights-of-way. No excavation shall occur in the vicinity of Enterprise facilities or within its rights-of-way until proper telephone notification has been made to the appropriate “One-Call” system and an Enterprise representative is on-site to monitor excavation activities. All of the states in which Enterprise conducts pipeline operations have “One-Call” laws, which require 48 to 72 hour notification prior to any construction or maintenance activities across, on, or in the vicinity of certain facilities.
- 18.2 The Secretary of the Department of Transportation has prescribed minimum requirements for establishing and operating a One-Call Notification System for a State to adopt that will notify an operator of a pipeline facility of activity in the vicinity of the facility that could threaten the safety of the facility. Upon notification by an operator of a damage prevention program or by a person planning to carry out demolition, excavation, tunneling, or construction in the vicinity of a pipeline facility, the operator of the facility shall mark accurately, in a reasonable and timely manner, the location of the pipeline facility in the vicinity of the demolition, excavation, tunneling, or construction.
- 18.3 The penalty for not using One-Call Notification System or not heeding location information or markings could result in fine or imprisonment up to five (5) years, or both. The Federally-established phone number for One-Call notification, valid in all 50 States, is **811**.

**ONE-CALL NOTIFICATION IS FEDERAL LAW.**  
**VIOLATION CAN RESULT IN FINES AND IMPRISONMENT.**