

**Dredging Contractors of America**  
SUPPORTING AMERICA'S PORTS, WATERWAYS, WETLANDS & BEACHES



# **PIPELINE/UTILITY CROSSINGS A PATH FORWARD**

**National Dredging Meeting  
May 11, 2016**

# Pipeline/Utility Crossing Issues

- **Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a permit must be issued by the Corps of Engineers for work in, over, or under navigable waters of the United States.**
- **Contractors undertaking Corps dredging projects have been experiencing safety and operational problems causing unnecessary hazards, property damage, expense and delays due to inaccurate and undocumented utility line locations.**
- **Pipeline/cable crossings & ownership data in contracts and permits are often inaccurate creating hazards for crews, vessels, environment, local communities and increasing project costs**
- **Utility company cooperation on safety is inconsistent and unreliable.**



# Dredging Contractor Vulnerability

Contractor cannot hold utility company responsible for economic damages (project delay and labor/material downtime) resulting from faulty markings or a lack thereof (Excavation Tech. v. Columbia Gas of PA, 2009).

**Contractor turns to Corps for assistance...**

**What happens next?**

- Corps issuing contractor an “incomplete” or “unsatisfactory” for refusing to dredge over an active or inactive line w/o all safety precautions in place = not Partnering
- Corps suspending a utility’s permit because their line was placed too shallow and is a safety hazard & navigation impediment = Partnering



# What Needs to Be Done!

**Ensure utility crossings are properly identified in the water, in the permit, and in the contract prior to dredging**

- Develop an accurate and updated National Underwater Utility Database
- Owner as-built data verified by USACE reconnaissance and/or USACE-approved contractor
- Include “Toe” data, in addition to centerline data
- Create Pipeline Safety Checklist for Project Managers
- Verify ownership and markings
- Modify all current and future USACE pipeline permits to:

Require utility owners to provide accurate as-built data and be held accountable  
Require a utility representative to be onboard or onsite while dredging is being performed near the utility.

Corps rep witness contractors physical locating of pipeline to certify data and include in next dredging specifications.

- Indemnify contractors if unmarked utilities are struck
- Include utility owners in pre-solicitation meetings
- Establish national guidance or contractual language, describing what Industry and USACE will do if utility owners cannot be located or will not mark their lines
- Encourage Industry/District Partnering !!



# RECOMMENDED GUIDANCE TO DISTRICTS

Each District Commander will establish an internal process and a Pipeline Safety Checklist to ensure that Navigation Project Managers, Regulatory Branch personnel, personnel responsible for development of contract plans and specifications, contract management personnel, and any other District organizational elements that may have a role involving the Federal navigation channels properly coordinate their respective actions to ensure all utility line locations are properly identified, and that all contractors are informed of all utility line locations. Prior to issuance of all new permits for pipeline crossings, regulatory personnel will coordinate with the Navigation Project Manager to ensure proper depths and documentation is established. All data will be included in the National Underwater Utility Database.



# District Project Manager's Role

Each District Project Manager will be responsible for ensuring that all pipeline/cable crossings and ownership data in contracts and permits are accurate for their respective projects. Where there may be potential crossings that are not properly documented or verified, the Project Manager will collect the necessary information to verify all pipeline/cable crossings, either by separate contract or as a line item in the dredging contract. Sufficient time will be included in the contract to ensure this work can be accomplished prior to undertaking the dredging. Project Managers will ensure utility owners or their representatives attend preconstruction conferences.



# A Path Forward Together

- **The Dredging Industry is very concerned about this issue!**
- **We want to help solve this very dangerous problem.**
- **Industry/Corps Partnering is part of the solution.**
- **We can not put this off any longer!**

