
“Pay Attention Now, or Pay Much More Later”

Best Practices in Utility Strike Electronic Documentation

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Overview:

With the annual estimate of Utility Strikes currently exceeding 532,000, and an annual total societal cost greater than \$30 billion¹, it's easy to project that the pressure for cost participation placed upon the excavating entity will only increase in time, regardless of the entity's culpability. And as regional and national “Call 811” campaigns bear fruit, the overall percentage of Underground Utility Strikes resulting from a variety of Facility owner and Locator Errors, currently around 20%, is certain to rise.

By the nature of industry and economy, the vast majority of Facility Owners tend to be very large, deep-pocketed corporations, with significant resources, while most Excavating Contractors are typically local or regional actors. While this does not necessarily imply an adversarial relationship, Excavators may be well-served by taking some basic, low-cost steps, to best defend themselves against improper, unfounded damage claims downstream.

At the heart of the discussed topic lies the Contractor's ability to effectively

¹ Common Ground Alliance, 2019 DIRT Report

evidence no fault in a Utility Strike, to the detriment of unjustified legal and financial actions. We shall examine opportunities and best-practices in electronic documentation, in support of this objective.

Site Protocols:

By both nature and definition, Utility Strikes are unplanned and unexpected. However, when they do occur, they may cause great stress and confusion onsite. It behooves each and every contractor to establish advance protocols and guidelines to facilitate a proper, timely response to the event. A lack of planning may lead to insufficient or inaccurate data collection, hindering the capability of refuting a future unjustified claim. In some cases, the repair crew may tell the excavator that they are not responsible so that they will let the repair continue uninterrupted. The excavator leaves without documenting the site only to receive an invoice for the repairs months later. Because they did not collect any data, they are stuck paying a bill that they should not have received.

An important part of the preparation and planning involves deployment of tools and solutions which will enable

streamlined execution of on-site documentation, focusing on three core tenets: Timeliness, Completeness, and Integrity.

Timeliness:

It is an Article of the Faith that when dealing with reporting of jobsite incidents, delays equal dollars.² This is especially true with Utility Strikes, where even the slightest time lag in collecting event data can cause significant deficiencies in reporting accuracy, specifically due to the fact that the repair process will destroy evidence that may support the excavator's claim. There is also the possibility that marks may be placed after the incident, creating a false narrative of the scene.

Implementing electronic data-collection solutions support real time Utility Strike recording, in three meaningful ways: First, handheld devices such as tablets and smartphones lend themselves to point-of-occurrence usage, facilitating "live" documentation, as opposed to paper forms, which are typically filled-out much later, post-event. Second, these devices are instrumental in rapidly intaking evidence at close proximity to the Utility Strike event, such as digital

² Makana, L, Metje, N, Jefferson, I, Sackey, M & Rogers, C 2019, 'Cost Estimation of Utility Strikes: Towards

Proactive Management of Street Works', Infrastructure Asset Management.

images, witness statements, and audio recordings. Finally, electronic data collection solutions can instantly upload data to the Cloud (and thus to the office), facilitating immediate event notifications driving rapid stakeholder responses to the event at hand. As an example, after a fiber optic strike, the excavator immediately took photos and videos of the scene. When the repair crew arrived, more data was collected, and interviews took place as well. The crew left the site confident that the site had been effectively documented. Six months later when the bill arrived, all the data was in one place and the claim was easily refuted, saving the company over \$100,000.

Completeness:

A well-documented Utility Strike file has many components: pre-excavation documentation, documentation during excavation and post-incident data including: Images and video, witness statements, 811 ticket information, and repair data. A core capability of electronic documentation solutions (and, indeed, of all software solutions) is the imposition of a procedure, and a data-collection workflow. This method is key to fostering the proper organization of information, in a manner that is both comprehensive and clear. It is not

sufficient to merely “collect” all data, in a hodgepodge manner; it is equally vital that lucid, coherent reports which accurately reflect the exact nature of the event may be produced, for internal and third-party purposes alike.

Having a complete investigation with all data in one location is critical to effectively refuting a damage claim. Utility damage claims don’t typically arrive in a week or two. Sometimes, they arrive six months to a year after the incident. Companies that do not have a proven process often struggle to find their documentation when these late invoices arrive.

Integrity:

For Utility Strike reports to project credibility and defensibility, they must evidence integrity across the entire range of assembled data: All entries and statements must be attributed to known persons, every datapoint entered must be dated, event locations must be accurately geolocated, and all images and videos must be time-stamped. Anything less than this standard will open the door to the rejection of what might otherwise be an accurate reflection of the event, as unsubstantiated or unverifiable. This is a key advantage of electronic point-of-occurrence recording solutions, in

that they track and stamp all of the above examples (and many more), by design. In numerous occasions photos have been rejected during litigation because the date and time of the photos could not be determined or verified.

Recommendations:

Implementing a mobile device-based app, focused on Supervisors, Forepersons, Superintendents, and other team leaders, combined with proper training and well-defined procedures is a key step towards attaining the recording, documentation, and reporting objectives described hitherto. The best way to encourage (and enforce) comprehensive Utility Strike data collection is by empowering key on-site personnel with meaningful, yet easy-to-use technological solutions facilitating rapid, accurate collection of all presented information.

Once the data is collected, dedicated software solutions can validate, assemble, and collate the various recordings into cohesive, integrated, non-repudiable reports which can successfully defend contractors from improper, unwarranted damage claims.

Conclusion:

The ubiquity and low cost of technology, across all strata: hardware, software, storage, and mobile networking, lend themselves to improved site documentation efficiencies and an exit from inaccurate, disorganized, and contestable paper-based reporting. Contractors who embrace the new technologies and modalities will find themselves benefiting from reduced exposure and risk, increased fiscal predictability, and an enhanced reputation for accuracy and quality.

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