



# STATE OF CONNECTICUT

## PUBLIC UTILITIES REGULATORY AUTHORITY

Date: January 30, 2024

To: All excavation permit issuing agencies in Connecticut  
From: Daniel Nivison, Public Utilities Engineer

Subject: Call Before You Dig (CBYD) Compliance in Permit Issuance

Connecticut regulations have consistently mandated that agencies issuing permits for excavation, demolition, or discharge of explosives require proof of adherence to the Call Before You Dig (CBYD) rules. This is achieved by requesting a CBYD ticket number. This practice is beneficial as it ensures that underground utilities are identified and located before any excavation activities begin.

However, an unintended consequence of this regulation has emerged. In the planning phase of projects, many utility companies secure all necessary permits, only to have subcontractors complete the work at a later date, often months later. As a result, employees from utility companies obtain CBYD tickets for entire large projects for the sole purpose of obtaining the permit. They are including the text “For Permit Only” on the CBYD request. Most utilities, upon receiving these tickets, decide not to send locators to mark underground facilities, as no immediate excavation will occur. Legally, this practice of not responding to tickets violates regulations, as no exemptions are given for such situations.

Similarly, some parties are obtaining “For Permit Only” tickets for large and complicated projects where the permit approval process will take longer than 30 days. Utilities are once again obligated to mark all facilities in the project scope when no imminent excavation activity will be taking place.

To address this issue, Section 16-345-6 in the Regulations of Connecticut State Agencies (Conn. Agencies Regs.) was modified several years ago to allow permit issuing agencies to forgo the requirement of requiring proof of CBYD compliance in certain situations. The added language states *“Satisfactory evidence shall not be required when the permit is requested by a public utility that will not be performing the actual excavation nor shall it be required when the permitting agency determines that the permit approval process will take longer than thirty (30) days.”* PURA strongly encourages permit issuing agencies to understand and implement this modification.

Permit applications should have three options for complying with the CBYD regulations.

1. Requiring a CBYD number for situations where a contractor applies for a permit for work within the next 30 days, with a genuine need for immediate utility marking.
2. If a utility company is obtaining permits for a project that will be completed by subcontractors, no CBYD number is required to issue the permit
3. If the permit issuing agency determines that it will take longer than 30 days to issue a permit, no CBYD number is required to issue the permit

In practice, permit applications could have the following block to show compliance with Conn. Agencies Regs. §16-345-6

- CBYD # \_\_\_\_\_

Utility obtaining permits: CBYD #'s to be obtained by subcontractors as appropriate as work proceeds

Large project: Permit process will take more than 30 days

Incorporating these changes in the permit application process will eliminate the need for obtaining "For Permit Only" CBYD tickets.

If you have any questions, please contact me at (860) 827-2780 or [Daniel.Nivison@ct.gov](mailto:Daniel.Nivison@ct.gov).

Regards,



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