

Michigan Damage Prevention Board

Best Practice 2015-03

Facilities and Appurtenances

MDPB Best Practices

Facility owners/operators are subject to the requirements of PA 174, specifically sections 460.724 and 460.727. An appurtenance to a facility is subject to the same requirements of that facility. For example, most municipal sewer systems consist of a main in public right of way and sewer leads on private property. The main and the leads are separate facilities as defined in 460.723 (o). The connection between the main and leads, the stub, would be considered an appurtenance to the sewer main and would fall under the responsibilities of the owner/operator of the main. Further, any facility/utility up to the edge of the public right-of-way are considered owned and operated by the facility owner and are subject to the requirements of PA 174.

Public Act 174 References

Section 3(o)

“Facility” or “underground facility” means an underground or submerged conductor, pipe, or structure, including, but not limited to, a conduit, duct, line, pipe, wire, or other device and its appurtenances used to produce, store, transmit, or distribute a utility service including communications, data, cable, television, electricity, heat, natural or manufactured gas, oil, petroleum products, steam, sewage, video, water, and other similar substances, including environmental contaminants or hazardous waste.

Appurtenances- as defined by Webster’s New College Dictionary

1. And incidental right (as a right-of-way) attached to a principal property and passing in possession with it.
2. A subordinate part or adjunct

Discussion

Unmarked appurtenances are a threat to safety because the excavator is not aware of the presence of the facility or does not have enough information to define a caution zone for safe excavation. Excavation activity can lead to damage to the unmarked appurtenance. In the case of unmarked appurtenances, the excavator might be unaware of the damage, resulting in damage or a cross bore through the facility.

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The MDPB Best Practices are presented as a general guide. The MDPB encourages all users to consult and consider not only the MDPB Best Practices, but also (i) employer practices, (ii) industry practices, (iii) federal and state statutes and regulations, (iv) building and fire codes, and (v) local laws, regulations, and ordinances.