

**BYLAWS  
OF  
THE STATE CORPORATION COMMISSION  
UNDERGROUND UTILITY DAMAGE PREVENTION ADVISORY  
COMMITTEE**

**ARTICLE I – NAME**

The name of this Committee shall be the “Damage Prevention Advisory Committee.”

**ARTICLE II – PURPOSE**

The Damage Prevention Advisory Committee is established by the Virginia State Corporation Commission (“Commission”) pursuant to § 56-265.31 A of the Code of Virginia. The purpose of this Committee is to perform duties assigned by the Commission. Such duties may include, but are not limited to, reviewing reports of probable violations of the Underground Utility Damage Prevention Act (“Act”) and the Commission’s Rules for Enforcement of the Underground Utility Damage Prevention Act (“Damage Prevention Rules”); making recommendations to the Commission relative to such reports; making recommendations with regard to Public Education and Awareness Programs that further public safety by the reduction of damage to the underground utility facilities in the Commonwealth; and improving, monitoring, analyzing, influencing, proposing, and supporting or opposing programs or regulations that directly affect damage to underground facilities serving the citizens of the Commonwealth.

**ARTICLE III – COMMITTEE MEMBERSHIP**

The Advisory Committee shall consist of thirteen (13) voting members representing the following entities:

- (2) Underground Utility Operators
- (2) Underground Utility Locators
- (2) Local Governments
- (3) Excavators
- (1) Notification Center
- (1) Commission Staff
- (1) Virginia Department of Transportation (VDOT)
- (1) Virginia Board for Contractors

The Advisory Committee members shall be appointed by the Commission in accordance with § 56-265.31 A of the Code of Virginia. The Advisory Committee shall be empowered to establish one or more subcommittees to assist in performing its tasks.

#### **ARTICLE IV – QUALIFICATION TO SERVE**

Membership on the Advisory Committee shall be by Commission appointment. Candidates for membership, representing the Virginia Department of Transportation, Board for Contractors, and the Commission Staff, shall be nominated from each of their respective organizations. Persons appointed to the Advisory Committee shall have expertise with operations covered by the Act and the Damage Prevention Rules.

#### **ARTICLE V – TERM OF APPOINTMENT**

All terms shall be for a period of one (1) or two (2) years. A member in good standing may, upon recommendation, be re-appointed for an additional term. There is no limit on the number of additional terms. Appointments shall be made in the months of December or January to be effective with the first regular meeting of the new year.

#### **ARTICLE VI – OFFICERS**

The Commission will appoint a Chairperson, and any other officer positions that the Commission chooses to establish. The Commission will specify the term of the Chairperson and of any additional appointed officer. The nominations for individuals willing to serve on the Advisory Committee may specify to the Commission whether the nominated individual is willing to serve as Chairperson or as any additional appointed officer. The Chairperson shall preside at all meetings of the Committee except that in his/her absence the Commission may appoint a Substitute Chairperson. The Chairperson may from time to time appoint members to head subcommittees.

#### **ARTICLE VII – REMOVAL**

Any member of the Advisory Committee may resign. Once the Committee member has notified the Commission of his/her resignation, the Commission shall appoint a replacement as soon as practicable.

A member may be removed for unexcused absence from 25 percent or more of the regularly scheduled meetings in a calendar year. Excused absences may include medical appointments or sickness, and unavoidable travel complications. Other absences, including business conflicts, must be excused in advance of any regularly scheduled meeting. The Committee Chairperson shall notify the Commission if a member of its Advisory Committee has failed to attend a majority of the Committee's regularly scheduled meetings for the Commission to evaluate whether removal and replacement is warranted.

### **ARTICLE VIII – VACANCIES**

Any vacancy occurring on the Advisory Committee shall be filled as soon as practicable by appointment by the Commission. Should a list of candidates for the position be unavailable, the Commission may appoint a person to fill the vacancy based on a recommendation by the remaining Advisory Committee members and consistent with Article III of these Bylaws.

### **ARTICLE IX – COMPENSATION**

Members of the Advisory Committee and any subcommittee members shall serve without compensation. Nothing contained in this section shall be construed to prevent any sponsoring organization from compensating their employee representative for salary, expenses, or other compensation considered as a condition of their employment.

### **ARTICLE X – MEETINGS**

Meetings of the Advisory Committee shall be held monthly, or as needed. Regularly scheduled meetings shall be held on the first Tuesday of each month unless that day is a state or federal holiday. In such cases, the meeting shall be the next business day or a day agreed upon by the majority of the Committee. Alternatively, meetings may be scheduled within the Commonwealth at a time and place selected by the Chairperson and a majority vote. If a scheduled meeting is canceled due to weather or other reasons, the meeting may be rescheduled or combined with the next regularly scheduled meeting.

Meetings shall follow the current version of Robert's Rules of Order. The Commission's Office of General Counsel shall provide an individual to assist the Advisory Committee as the parliamentarian. The sole purpose of this individual is to, upon adjournment, recess, or tabling of a motion, resolve procedural disputes consistent with the current version of Robert's Rules of Order. Minutes of each meeting shall be recorded by Commission Staff and approved by the majority vote of the Committee at the subsequent meeting.

Meetings of the Advisory Committee shall be open to the public, however, those attending who are not members or who have not been called by the Committee shall be allowed to speak only at the discretion of the Chairperson.

#### **ARTICLE XI – SPECIAL MEETINGS**

The Commission or the Chairperson may upon notice to the Committee members call special meetings of the Advisory Committee. Such notice may be provided electronically and shall be provided not less than three (3) business days prior to the meeting. Such meetings may be held at a time and place established by the notice. Special meetings may be by conference call or by other telecommunications means approved by the Committee.

#### **ARTICLE XII – ATTENDANCE**

A roll call shall be taken by Staff at the beginning of each meeting and a record of those members in attendance shall be kept as part of the records of the actions of the Committee. To remain in good standing a member must attend 75 percent of all meetings conducted in a calendar year, not including excused absences as defined in Article VII.

#### **ARTICLE XIII – AMENDMENTS**

These Bylaws may be amended by a two-thirds (2/3) majority vote of the members of the Advisory Committee. Such voting may occur electronically.

#### **ARTICLE XIV – QUORUM**

At any meeting of the Advisory Committee, seven (7) members present shall constitute a quorum for the transaction of business other than voting on reports of probable violations of the Act. Actions by a quorum shall be deemed to represent the actions of the entire Advisory Committee.

## **ARTICLE XV – ACTIONS AND POWERS**

Enforcement action recommendations by the Advisory Committee relative to the reports of probable violations of the Act shall be reported to the Commission by roll call vote of those members present. A simple majority vote of those voting shall be deemed to be the position of the Advisory Committee. A tie vote is a lost vote. Members who cannot attend meetings shall not be allowed to send an alternate representative. When an enforcement recommendation is brought before the Advisory Committee that directly involves the employer or sponsor of a Committee member, that member shall have the right to speak on the issue before the Committee and the Committee shall consider the views of the member; however, the member must speak on the issue from behind the podium and the member shall abstain from voting. Such abstention shall be reported in the roll call vote. Each member shall vote in person. No person shall vote by proxy or allow his/her vote to be cast by another.

The Advisory Committee may vote on and adopt policies to be used as guidelines to the Committee during its review and recommendation process relative to reports of probable violations of the Act. Such policies may serve as guidelines to the Committee as described above, but do not represent a general order, rule, or regulation of the State Corporation Commission.