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To all DCA Members

Ihre Nachricht
Your letter

Ihr Zeichen
Your ref.

Unser Zeichen
Our ref.

Durchwahl
Ext.

Datum
Date

Sc/Re/Qu

9019290

04.04.2023

Member info 06/2023

HDD-Drillings - obligation to explore existing pipelines

Dear Ladies and Gentlemen,

At the beginning of January 2023, a tragic accident occurred in the Ruhr area in Germany in which a residential building was completely destroyed by a gas explosion. A 61-year-old woman was killed in the explosion. In the street of the affected house, civil engineering work had previously been carried out by an HDD drilling company for the laying of fibre optic cables. In the course of the drilling work, the drilling company hit a gas pipe belonging to the Stadtwerke Bochum and drilled through it completely. According to the current state of affairs, the gas that subsequently escaped was the cause of the subsequent explosion of the residential building in the immediate vicinity. The house itself did not have its own gas connection.

The public prosecutor's office has taken up the investigation!

Regardless of the outcome of the investigation and the question of who is responsible, we would like to take this tragic accident as an opportunity to once again point out the obligation to explore existing pipelines by HDD drilling companies.

Due to the proven competence as HDD specialist companies in the industry, we assume that our Regular Members (HDD drilling companies) are aware of the duties in this regard. However, as a professional association for horizontal directional drilling technology, we see it as our duty to constantly draw attention to this type of duty of care, which is actually obligatory for companies in the civil engineering sector which are actually obligatory for companies in the civil engineering



sector. Below we have compiled an excerpt of important points on this topic. In the course of the DCA newsletter issue 01/2023, we will shed further light on this topic in the form of a technical article.

Obligation to investigate existing pipelines

When carrying out construction work on public or private land, HDD drilling contractors must, according to the general legal situation, expect the presence of underground pipelines. In order to prevent damage to these lines and to exclude hazards to persons, the necessary care must be taken. Civil engineering companies as well as HDD drilling companies must explore these pipelines, i.e. determine the location and depth of the pipelines located in the construction area.

The following refers to Germany with its specific legislation. There are similar rules and regulations in other countries.

This duty of investigation arises from (referring to Germany):

- legal (BGB, occupational health and safety, etc.),
- professional associations (DGUV regulations),
- contractual (BGB work contract, VOB) and
- technical (instructions of the pipeline operator, recognised rules of technology).

requirements.

Accordingly, civil engineering companies must acquire the knowledge that is required for the safe management of the work. In this context, contractors are obliged to obtain the necessary degree of certainty about the course and depth of supply lines, and to do so where reliable documentation is available.

Every contractor working in the area of supply lines is obliged to

- himself,
- by reconnaissance,



- with the competent authorities,
- the necessary degree of certainty

about the course of underground lines. If you fail to do so, you may be liable for any damage caused (§ 823 para. 1 BGB) and may be prosecuted for personal injury.

These and other regulations serve as a basic protection for oneself, one's employees and ultimately the general public. The article in the DCA-Newsletter will deal with the following topics

- Responsibilities/obligations of HDD drilling companies towards third parties
 - Responsibility towards employees
 - Responsibility towards the general public
 - Responsibility towards the authorities responsible for construction and water management
 - Responsibility towards residents, property owners, passers-by and other road users
 - Responsibility towards pipeline operators
- Duty to investigate existing pipelines
- Can the HDD drilling company delegate the duty to explore?

The Vice President of the DCA, Marco Reinhard, will be happy to answer any questions you may have on the topic of "Duty to explore existing pipelines".

With kind regards

Jorn Stoelinga
President

Marco Reinhard
Vicepresident

Dietmar Quante
Executive Secretary