



Agent's Kit: Utility and Excavation Contractors

Association Information

NUCA was founded in 1964 to unify utility and excavating contractors in order to effectively address and improve problems within the industry. Today, with its strong membership and state and local chapters, NUCA maintains a wide range of benefits, educational opportunities, safety programs & products, training and other services designed specifically for utility and excavating contractors. Most importantly, NUCA promotes utility and excavating construction interests before Congress and federal agencies, including OSHA and the EPA.

NUCA provides information, networking and business opportunities for utility and excavating construction professionals, provides a forum for continuing education and promotes effective public policy to protect and enhance the industry. Members get involved on a national level by attending seminars and the NUCA Annual Convention and participating on national committees that function to advance legislative initiatives important to the utility and excavating contracting industry at the Federal level.

NUCA has endorsed the CNA insurance program since 1988.

NOTE: Membership in the association is not required to be insured in this program.

Program Eligibility

Operations

This program is intended for utility and excavating contractors. The risk must meet the following eligibility criteria before you may quote, bind or write it in this program.

An account must meet both eligibility criteria (1) and (2) below to be eligible for this program:

1. All utility and excavating contractor risks must communicate with the One-Call Service Center and area utility owners that are not members of the One-Call Service Center prior to all scheduled excavations.
2. 75% of the insured's general liability payroll must emanate from the following operations, either singly or in combination:
 - Conduit construction for cables and wires
 - Gas mains or connections construction
 - Sewer mains or connections construction
 - Water mains or connections construction
 - Telephone, telegraph or cable television line construction. NOTE: These operations are for underground exposures only; accounts with overhead exposures or work at heights are not eligible for the NUCA program.
 - Tunneling operations for the installation, service or repair of underground utility lines. NOTE: only operations not performed under air pressure (pneumatic) and using a trenchless excavation construction (TEC) method are eligible for the NUCA program (See the definition of pneumatic tunneling under Ineligible Operations)
 - Utility line inspections and crack sealing operations
 - Sewer/manhole rehabilitation
 - Excavation work such as ditch digging, non-residential foundation excavation, and excavation of small ponds for farms

One or more of the CNA companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes only. It is not intended to constitute a binding contract. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions for an insured. All products and services may not be available in all states and may be subject to change without notice. Use of the term "partnership" and/or "partner" should not be construed to represent a legally binding partnership. CNA is a registered trademark of CNA Financial Corporation. Copyright © 2014 CNA. All rights reserved.

Eligible Classifications

SIC Code	SIC Classification	WC Code	WC Classification	GL Code	GL Classification
1622	Tunneling Construction	6251	Tunneling-Not Pneumatic-All Operations	99798	Tunneling
1623	Gas Main Construction	6319	Gas Main or Connection Construction & Drivers	95310	Gas Mains or Connections Construction
1623	Sewer Main Construction	6306	Sewer Construction—All Operations	98820	Sewer Mains or Connections Construction
1623	Water Main Construction	6319	Water Main or Connection Construction	99946	Water Mains or Connections Construction
1623	Conduit Construction	6325	Conduit Construction-For Cables or Wires-& Drivers	91577	Conduit Construction for Cables or Wires
1623	Telephone, Telegraph or Cable Television Line	7611	Telephone or cable television line installation – Contractors, Underground and Drivers	99613	Telephone, Telegraph or Cable Television Line Construction

Trenchless Excavation Construction (TEC)

Except for pipeline rehabilitation, all non-man entry methods of trenchless excavation construction (TEC) should be classified as follows:

- Workers' Compensation - according to the type of utility work (gas, sewer, water main or conduit construction)
- General Liability - according to the type of utility work (gas, sewer, water main or conduit construction)

All man entry methods of TEC (such as pipe jacking) should be classified as tunneling.

Ineligible Operations

- Barge work or work from any other type of flotation vessel
- Blasting for others
- Contractors who *specialize* in backflow prevention work
- Crane rental to others
- Dam construction, including cofferdams and caisson building
- Environmental Remediation, which is the construction of a utility line to remove hydrocarbons, leachate, or other environmental impairments
- Flood control prevention
- Garbage or refuse dumps

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- Landfill operations, construction or closure operations – past, present or future
- Levee or breakwater construction
- Local trucking for hire (other than sand/gravel hauling <25% of total shipments)
- Oil or gas pipeline transmission work (natural gas main work is acceptable)
- One-man operation with no employees
- Onsite waste treatment
- Operations conducted in an oil, petroleum or natural gas producing field
- Pile driving; sheet or I-beam piling which is used for trench or excavation protection as opposed to structure foundation **is** acceptable - this piling may be up to 30 feet high
- Railroad construction
- Septic system installation in excess of 10% of total operations.
- Subway construction
- Telephone, telegraph or cable line construction involving overhead exposures or work at heights
- Tunneling where employees are working under air pressure (pneumatic); Pneumatic tunneling involves the construction of tunnels under air pressure below waterways, through mountains and other structures, to permit passage of pedestrians, vehicles, trains or water; Work starts at each end in steel caissons and proceeds until both sections meet; Work under air pressure is necessary to keep water, sand or mud from flooding the excavation - NOTE: The use of pneumatic (air powered) tools is not considered pneumatic tunneling; the employees themselves must be working under air pressure (usually in caissons)
- Underground storage tank removal over 5% of total revenue or more than 12 tanks per year, or if the risk is involved in hauling tanks or contaminated soil away from the job site or cutting/breakdown of the tanks
- Underpinning buildings
- Utility locating companies
- Wrecking/demolition work over 10% of operations

Specialized Coverages

(PLEASE QUOTE ALL APPLICABLE ENHANCED COVERAGES WITH EVERY PROPOSAL)

GENERAL LIABILITY

Contractors General Liability Extension Endorsement — This endorsement provides numerous enhancements to the general liability coverage part, including but not limited to: aggregate limits per project; blanket waiver of subrogation; excess and “difference in conditions” coverage for the Named Insured for work performed under non-residential wrap-ups; contractual liability coverage for work done within 50 feet of railroad tracks; contingent coverage for the insured’s interest in past joint ventures, partnerships and LLCs (except those that were insured under a wrap-up insurance program); liberalization clause for coverages provided by the GLEE.

Contractor’s Blanket Additional Insured Endorsements — provides coverage when written contracts or agreements require you to name others as additional insureds.

Broadened Liability Coverage For Damage to “Your Product” and “Your Work” — Provides coverage for “property damage” to the insured’s product and work when that “property damage” arises out of the insured’s product or work and is caused by or results from fire, smoke, collapse or explosion (subject to a deductible).

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AUTOMOBILE

Business Auto Plus – Extended Coverage Endorsement — provides numerous enhancements to the business auto policy, including but not limited to: Drive Other Car coverage for executive officers, Fellow Employee Liability coverage, extended coverage for Newly Acquired or Formed Organizations (except joint ventures, partnerships and LLCs), and expanded definition of “bodily injury” to include mental anguish and mental injury.

INLAND MARINE

Contractors’ Equipment Special Causes of Loss Coverage Form — this endorsement includes coverage for flood and earthquake. While many firms choose not to insure their permanent processing equipment (i.e. conveyors, crushers, screens, hoppers, etc.), they will want coverage for any portable crushing units as well as their mobile equipment (i.e. front-end loaders, power shovels, dump trucks, etc.).

“Down the Hole Coverage” — Contractor’s Equipment Special Causes of Loss Coverage Form provides protection for contractors equipment lost underground during trenchless construction activities (coverage is provided to the extent that there is no exclusion for “property while underground” in the coverage form).

Contractor’s Equipment Deductible Waiver for Pre-Loss Risk Protection — Waives the contractor’s equipment deductible (up to \$10,000) on theft claims involving equipment that is protected by the **LoJack® Brand Protection System** or that is registered with the **National Equipment Register (NER)**.

Contractors Equipment Loss of Income Coverage — Covers loss of revenue resulting from loss of use of equipment that is necessary to complete the work in progress.

Batch Plant Loss of Income — Protects the contractor from excessive costs related to the replacement of batch plant equipment. This is often difficult due to lack of availability, or not practical due to the specialized nature of the equipment.

POLLUTION

The **Earth Movers Limited Pollution Coverage – Work Site** endorsement to the Commercial General Liability (CGL) policy provides coverage for loss from a covered work site pollution incident. There is no longer a time restriction on this coverage (previously coverage was limited to pollution incidents that began and ended within 72 hours). Coverage is also provided for the accidental transporting of “contaminated soil” at a work site.

The **Earth Movers – Limited Pollution Liability Coverage** endorsement to the CGL policy provides coverage for third party damages caused by a release of pollutants both 1) from premises owned, rented to, or occupied by the insured contractor (72 hour restriction still applies), as well as 2) at or from work sites where the insured is performing operations. Coverage at a work site is identical to that provided by the Work Sites endorsement described above.

Coverage for both endorsements above is on an occurrence basis. A separate set of limits up to \$1,000,000/1,000,000 is provided for this coverage in addition to the limits provided by the CGL. Defense costs are covered in addition to the policy limits.

Transportation of Designated Pollutants — this endorsement to the Business Auto policy provides third party coverage for bodily injury, property damage and clean up costs resulting from a collision or overturn of a

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covered auto and involving pollutants that are named in the endorsement. "All pollutants transported by the Insured" is acceptable wording.

CONTRACTORS ERRORS & OMISSIONS AND POLLUTION INCIDENT LIABILITY

Contractors Errors & Omissions and Pollution Liability Policy: This claims-made/non-admitted policy form combines the coverage features of both the Contractors Errors & Omissions and Contractors Pollution Liability Policy into a single policy form (specific coverage features for each offering is below).

Placing both the professional and pollution liability coverage under a single policy form mitigates potential conflict when pollution claims arise which may be caused by a combination of both "professional services" and the job site activities of the contractor.

Additional information may be obtained by visiting www.cna.com.

NOTE: Contractors Errors & Omissions and Contractors Pollution Liability are non-admitted, claims made. Agents accessing these programs must have their E&S license.

Contractors Errors & Omissions Policy: This claims-made/non-admitted policy form may be available in conjunction with the LICA Program, and/or as a stand-alone coverage. Coverage is provided for "Errors and Omissions" (as defined within the policy) and includes the following:

- Claims alleging faulty workmanship, design errors & omissions, and the use of defective materials or products
- Use of Building Information Modeling (BIM) systems
- Alleged negligent acts, errors or omissions by the insured or a person acting on its behalf in the performance of design services
- Worldwide coverage for claims brought in the U.S.
- Optional extended reporting period for one to five years

Contractors Pollution Liability Policy: This claims-made/non-admitted policy form may be available in conjunction with the LICA Program, and/or as a stand-alone coverage. Coverage is provided for "pollution incidents" (as defined within the policy) including:

- Proactive coverage for mold
- No exclusion for asbestos, respirable dust or silica arising from jobsite activities of the contractor or anyone for whom they are legally liable.

This policy form provides coverage for both gradual and sudden and accidental "pollution incidents" on the job site, as well as pollution migrating to adjacent properties, up to the full policy limit, including government-mandated clean-up costs.

Risk Control

A Risk Control survey is required before quoting or binding any account.

The following best practices for **risk transfer** must be followed by all risks written:

- Certificates of insurance are obtained from all sub-contractors with limits of liability equal to our contractor's policy
- The contractor is named as an additional insured on all sub-contractors' general liability policies on a primary and non-contributory basis

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- Written agreements contain hold harmless/indemnity clauses that are in favor of the contractor
- The contractor verifies that all sub-contractors follow all industry requirements and applicable state and local codes.

To complement our coverages, we provide tools that can help utility and excavating contractors minimize the likelihood of a loss. This comprehensive set of services includes:

School of Risk Control Excellence — this year-round series of risk control educational courses are instructed by experienced CNA Risk Control consultants and are complimentary to our clients and agents. These courses offer tools needed to help businesses increase their profit potential by cutting costs and controlling risk exposures in day-to-day operations. Available courses include Construction Boot Camp, OSHA 10 Hour for Construction, Flagger Training for Instructors — and much more.

Excavation Safety — information and training to help construction firms protect employees who work in and around excavations and trenches – from soil analysis and OSHA safety requirements to identification of hazards and critical protective safety systems.

Fleet Safety — a step-by-step process that provides the essential elements contracting firms can adopt to improve their automobile fleet safety and accident prevention program.

Work Zone Safety — information and training to help contractor employees learn and understand how to work safely in roadway work zones – from DOT standards and hazard identification to common traffic control devices and the basics of how to set up a work zone traffic control system.

Ergonomics — information and training that can help contractors develop self sustaining ergonomic processes, enabling them to identify, evaluate and correct conditions that can lead to Musculoskeletal Disorders (MSDs) and other work-related injuries, as well as enhance profitability through increased production, efficiency and quality.

Cross Marketing Opportunities

Employment Practices Liability: This stand-alone claims made policy is available to CNA insureds. It provides the insured with coverage for wrongful termination, sexual harassment, and discrimination, as well as a number of other employment related coverages. Contact your local CNA branch office for further information, including underwriting and submission contacts.

Directors & Officers Liability — Provides coverage to directors & officers for claims alleging misstatements, misrepresentation, and errors and omissions.

Miscellaneous Professional Liability: Provides coverage to professionals for claims alleging business decision or professional services errors and omissions.

Commercial Crime & Fiduciary Liability: Covers businesses for property loss resulting from crime and fiduciaries from liabilities that arise from overseeing health and benefit plans.

CNA Surety — Utility contracting firms need competent and reliable surety bond relationships to survive and thrive. Contractors want a surety that's profitable, stable and financially strong. CNA Surety combines all those

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qualities and has provided bonding services to all types of sizes of contractors from coast to coast. Contact your local CNA Surety branch manager for more details.

Marketing Materials

For additional program-related materials, please visit CNA's [Agent Center](#).

Commission Structure

Standard commissions apply.

Submission Procedure

Complete the NUCA Supplemental Application and requisite ACORD forms and submit account to your local CNA branch office.

Resources

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