**Oregon Administrative Rules Committee Minutes**
Wednesday, December 14, 2022, 2 p.m. |
Hybrid Meeting at Grand Hotel in Salem (Zoom recorded)

**Members:** Micah Brown, Melanie Lewis, Alba Vogland, Connor Toney, Paul Schmidt, Jaimie Lemke, Mitch Burghelea, Kevin Hennessy, Lee Tuminello, *Josh Thomas, and *Kitty O'Keefe.
**Guests:** Frank Planton from One Call Concepts and Jim Walton from Linescape.

1. Announcements and Introductions

    a. Micah called the meeting to order at 2:07 p.m. and introductions were made.
    b. A motion was made by Melanie to approve the minutes with one edit from November 9, 2022 and 2nd by Paul. Kitty to post on website.
    c. Micah thanked guests and members for attending. Micah announced that he will step down as Chair of the Oregon Administrative Rules Committee, and Jessica Epley will take over as Chair at the 1st of the year in 2023.

2. OAR Current Committee Item
    a. Design Information Request/Design Locate Request Revision
        i. Micah briefed members on Design Information Requests (DIR) and Design Locate Requests (DLR).
        ii. Micah reminded members, if no marks, can we follow WA without changing rules?
        iii. Micah wants to meet with Jessica to pass off verbiage he has been working on.
        iv. Frank shared with members that OCC can implement this operationally and he will work with Scott on alternatives to survey/design tickets that do not yet require excavation/paint.
        v. Frank said OCC can help promote this online, with free format messages and with no extra costs. He will work internally with staff to help OUNC with education.
        vi. Kevin would like to see a flow chart from OCC; what options do we have?
3. OAR Language or Definition to Clarify/Expand on "Underground Facility"
    a. Discuss alternative approach to rule change
        i. Micah will get Jessica up to speed.
        ii. Committee could review some of Common Ground Alliance's Best Practices for marking standards.
        iii. We don't have to change the definition in rules; there are a few options.

    b. Discuss changes to OAR 952-001-0070(11) to include above ground utility structures.
        i. We have a rule that addresses what is locatable and what is not. Kevin referenced language from the November meeting.
        ii. You can't remove from rule, but we could ask DOJ for guidance if needed. Micah expressed that we have what we need.

4. Active OAR Tabled Item Updates
    a. Length of a Ticket (Ticket Length)
        i. Micah referenced examples of 5-20 mile long locates.
        ii. Do we have enough information to bring to the board for the 750-foot maximum ticket length discussion?
        iii. If we make this in rule, can it be enforceable? It is outside of scope to require?
        iv. OCC system can accommodate with requests/tickets as a business rule, delineators/system parameters for long tickets.
        v. Is this economically beneficial/detrimental?
        vi. Have we looked at other states? Yes.

vii. What's the effect? Uncertain – there could be unanticipated impacts from the decision. Intent is to protect facilities and more efficient and accurate locates.
viii. Some feel if we use white paint more effectively the ticket length issue will go away.
ix. Trends, turnover and the great resignation … how do we keep current? Is Oregon an outlier?
x. 75% are doing it correctly. Does OCC have data?

b. Mandatory White Paint
   i. We are not there with virtual white lining. ITICnxt can help when used properly.
   ii. Frank mentioned Washington has mandatory white paint but there are loopholes, and it is not enforceable.
   iii. Micah asked if we should separate this? Include homeowners? Just excavators?
   iv. Is meeting onsite better than the white paint?
   v. The law is there; we need to encourage it.
   vi. Let's look at raw data from OCC, comparison with other states.
   vii. Micah will brief Jessica. Do we need to schedule a public meeting?

5. New Business
   i. Members continued the discussion of notification requirements to the locate. Do we need to continue this discussion? No, all members agreed.

6. Old Business

7. For the Good of the Order

8. Next Meeting: tbd

*Meeting adjourned at 3:50 pm.*
*Minutes submitted by Kitty O'Keefe 12.21.22*