

OAR/ORS Committee Minutes

May 5, 2017

Held via conference call

Board Members attending: Micah Brown and Jeff Daniels.

Guests Attending: Greg Snyder, Scott Gallegos, Jarrod Morrison, Travis Flowers, Kirk Johnson, and Russell Rubrecht.

Agenda

1. Announcements and Introductions

- a. Micah Brown called the meeting to order at 1:10 p.m. and introductions were made.
- b. Micah Brown moved to accept the minutes and Jeff Daniels seconded the motion. The minutes were accepted.

2. Chair Statement

- a. Micah opened the meeting by bringing attention to the importance of the committee's job and time spent on what items. The proper vetting of all issues or concerns brought to the board or committee needed to adhere to the current process on file. Micah asked that all members of the committee if asked to present an issue from a stakeholder for OAR consideration that they take an active role in the vetting of said issue.

3. OAR Committee Items

a. Tolerance Zone

- i. Revisit the OPUC lasted revised proposal for Tolerance Zone and the need for clarity or provide exception to non-invasive methods for excavation when working within the Reasonable Accuracy Zone of an underground facility. (See attachment 1)

Micah explained that the committee did not fully address the target issues the OPUC was intending to capture during the last committee meeting. A discussion took place as to what the OPUC's goal was and how the need for the change came to the committee. Jarrod, Scott and Micah agreed that the OPUC initially brought the issue to the committee to address a vertical element to the reasonable accuracy zone as well as the need to address restrictions concerning how excavators were to dig while in the vicinity of an underground facility. After discussing the Tolerance Zone definition the committee agreed not to approve the addition as it was already addressed in the definition for Reasonable Accuracy Zone; adding another definition with such similar wording would bring confusion to the excavator. The verbiage added to include extremities protruding from or connected to existing facility was also believed to be unnecessary in the redefining of the original Reasonable Accuracy Zone definition proposed by the OPUC. (See attachment 1)

When reviewing the OPUC's additional explanation and extension of OAR 952-001-0090 (C): Proposed (i), (ii), (iii). Micah addressed the ODOJ's original question to (ii) and Jeff concurred that changing the verbiage to provide a clearer confirmation between operators and excavators would allow excavators to conclude the safest and more cost reasonable approach to proceed with excavation for facilities of great depth. Jarrod stated that regardless of an agreement, it put too much burden on the excavator as it reads now for trenchless excavation. There was further discussion surrounding the rest of the proposal but Micah stated that it would be best the committee conclude the discussion with the OPUC present as the item was consuming too much time. (See attachment 1)

Micah then asked Jarrod to present his drafted proposal for "Vertical Tolerance Zone" and Greg Snyder stated

that sounded more reasonable than the OPUC's proposal for excavation through non-invasive means near the reasonable accuracy zone of an underground facility. Micah stated that the committee will table further discussions until the OPUC can be present. (See attachment 2)

4. Due Date Exemption

- a. Micah presented the verbiage Scott provided concerning the need for flexibility to the Two Business Day rule under certain circumstances.

After discussions clarifying how the rule is enforced based on the current verbiage in OAR 952-001-0070, it was agreed upon that locates should not systematically default to a two business day technicality within the call center for excavators who request a later than two business days (advanced) "work to begin date". Also such mutual arrangements or agreements made between excavators and operator (locator) concerning marking response should be accepted as an extension of the due date. The committee discussed the "real world" practices of positive response and the communication that takes place between operators and excavators. The committee agreed that the rule discourages effective coordination between both parties when enforced strictly as two business days.

Scott had asked why in section 1 of OAR 952-001-0070 does it first provide an exception to the rule. The committee agreed that it should not be there as marking an "A" within a circle does not exempt an operator from responding within two business days. The committee agreed to remove from rule. Scott asked if it would not be feasible to just add in verbiage to acknowledge advanced work to begin dates in its place and the committee agreed. Micah asked that if the rule should keep its exception language and redirect the section

reference to address proposed due date expectations. The majority of the committee agreed that it should be stated in rule. (See attachment 3 section 2)

Micah made a motion to remove the current exception regarding abandoned facilities and accept the updated verbiage to change the systematic default of a due date when an excavator gives a later (advanced) start date, to acknowledge agreements made between parties that extend past the two business days and present to the board, Jeff seconded the motion; motion passed.

5. Notification of Damage to a Hazardous Pipeline.

- b. OPUC proposed the need to change the verbiage concerning what constituted an emergency when there is damage to a hazardous pipeline and the need for immediate notification.

Micah stated that Scott had been asked to draft the language for OAR 952-001 and presented Scott's proposal. Scott stated that he took language from Federal Code § 196.107; *what must an excavator do if a pipeline is damaged by excavation activity?* (See attachment 3 Section 1) Jarrod stated that we should remove unnecessary language to better accommodate the verbiage within the current rule; a few words were removed and the committee agreed to the updated verbiage. Micah made a motion to accept the updated verbiage and present to the board, Jeff seconded the motion; motion passed.

6. Positive Response (Ticket Check)

- a. Micah asked Greg to walk us through the questions but first asked the committee for their feedback on response codes.

Jarrold stated that he had chosen Marked, Clear- No conflict, Standby required, and No Access. Greg mentioned that a good idea would be for the default response for operators be Do Not Participate. Scott added the need for Ongoing. Committee decided in favor of all.

i. Decided Responses

1. Marked
2. Clear
3. Standby Required
4. Not Marked – Unclear Marking Instructions
5. Not Marked – No Access
6. Ongoing – Large Project
7. Do Not Participate

Micah asked Greg to walk the committee through the due date for response, when tickets lock, and if all tickets will be treated the same. After the committee agreed that all tickets will be treated the same and a five day late and lock timeframe, Micah asked Greg to present the ticket check package to the board.

7. Old Business

- a. None

8. New Business

- a. A brief discussion was brought up to address the possible need for mandatory white paint for proposed excavation. Jeff mentioned that there was some discussion at the last board meeting and that it may be a good idea to revisit this. Micah stated that he would like to first get the boards thoughts regarding the idea as California as well as Washington both have it written in rule by there had been a differing of opinion in the past.

9. For the Good of the Order

- a. None

Micah adjourned the meeting at 3:45pm