

OAR/ORS Committee Minutes

Friday, October 1, 2021, 10 a.m. to Noon | Zoom Meeting

Members: Micah Brown, Melanie Lewis, Mitch Burghlea, Kitty O'Keefe, Josh Thomas

Guests: Kevin Hennessy (pending appointment to board); Dominique Cortez and Jonathan Rodrigues from USIC

1. Announcements and Introductions

- a. Micah Brown called the meeting to order at 10:03 a.m. and introductions were made.
- b. A motion from Mitch was made to approve minutes from 8/6/21 and seconded by Micah. Kitty to post on website.
- c. Chair Statement: Micah welcomed members and guests. He shared that the ticket extension tool is being developed with One Call Concepts. Hopes to see results soon. Kevin Hennessy asked if we record these meetings. Not currently. Micah will bring up at the next OUNC board meeting. Micah would like to target one topic at a time, with a primary focus on Design Locate Parameters.

2. OAR Committee Items

- a. 'Ticket Length' language
 - i. Micah recapped that Michelle Tyree had worked on language as members were in favor of the 750 feet per ticket per day.
 - ii. Language will reflect the need to work with operators. Board resolution 03-10-21-04: pursue language around 750 feet maximum length.
 - iii. Item tabled for ITICnxt education efforts.
 - iv. ITICnxt discussion developed and is noted under New Business.
- b. Mandatory White Paint
 - i. Kevin shared Pipeline and Hazardous Materials Safety Administration has an interest in the topic of Digital/Virtual White Lining. They've seen vast improvement; better locates.
 - ii. Kevin feels the ITICnxt tool will address this issue and other line items on the agenda.
 - iii. Item tabled for ITICnxt education efforts.
- c. Design Locate Parameters (OAR 952-001-0080)
 - i. See Attachment #1 - Micah's draft verbiage for Design Information Requests (DIR) and Design Locate Requests (DLR).
 - ii. Micah shared the DIR time frame is 5 days. After 5 days a DLR can be submitted.
 - iii. Kevin asked if the Call Center could provide data? Is there an impact from volume?
 - iv. Micah shared that Frank Planton has provided the committee data from other states that support the need. He will share this with Kevin after meeting.
 - v. See Attachment #2 – Scott Gallegos draft verbiage for DIR and DLR.
 - vi. Title of rule changed: Design Information Requests and Design Locate Requests.
 - vii. Nothing in language binds the operators to do this. Do we ask for written agreement, voice recording or shared texting?
 - viii. Kevin shared a link in chat with best practices from Common Ground Alliance:
<https://bestpractices.commongroundalliance.com/2-Planning-and-Design/201-Plat-Designation-of-Existing-Underground-Facility-Easements#mainContentAnchor>
 - ix. Discussion on reprint of OUNCs Standards Manual: consider creating a 3-4 page brochure as a field tool with links/QR codes to relevant ORS and OAR rather than inclusion in the manual.
 - x. CGA has a disclaimer about information being subject to change. OUNC to consider.

- d. Mandatory Damage Reporting
 - i. Micah recapped and asked if this needs to be in rule?
 - ii. Scott Gallegos to review damage tickets.
 - iii. Discussion turned to DIRT and DATA Committee and how to utilize available information.
 - iv. Josh will take over the DIRT Report, working with Lynsay Demko. He's open to new ideas; wants reporting to be useful and informative.
 - v. Decision was made to move this line item to the DIRT Committee (needs new chair).
- e. Paint Remediation
 - i. Micah recapped how Oregon House Bill 3181 came about (regarding removal of paint) Josh will monitor legislature and report back if the matter is reintroduced.
 - ii. Kevin asked if this is appropriate to put in rule? Is this outside of the OUNCs work? Josh and Micah explained that the bill directly referenced the OUNC to adopt a rule so it was being discussed in committee.
 - iii. Members hope this issue declines once virtual white lining is in place.

3. Old Business

- a. 'Large Area' definition Revision to Include Survey Design Language to include 952-001-0080. Keep this action item tabled.
- b. Review definition for "Underground Facility" in ORS 757.542(6) and OAR 952-001-0010(26)
 - i. Members reviewed definition on pg. 22 of the Standards Manual (also on pg. 9).
 - ii. This has been in rule since 2001.
 - iii. Kevin will look at CGAs Best Practices.

4. New Business

- a. ITICnxt Discussion
 - i. Tutorial videos and demo site can be found on: <http://or.tryitic.com/> and Oregon811.com.
 - ii. How are we educating contractors and excavators with this?
 - Map excavation areas more accurately.
 - Process multiple projects in a single session.
 - Get marking instructions, driving directions and more.
 - iii. Micah would like to see this as a mandatory training. Opportunity for better tickets.
 - iv. Josh will work with Mitch to discuss training opportunities. Looking at other states.
 - v. Kevin said OSHA has mandatory trainings. Consider having a company provide training.
 - vi. Melanie will share her training she's developed for her company with Pacific Power.

5. For the Good of the Order

- a. OAR 952-001-0090(3)(C) - Concern of rule (pg. 30 of manual)
 - i. Kevin asked if this rule protects the facility? Discussion followed and it was agreed that the language would need further clarity to be effective.
 - ii. Does the 'or' option deter the excavator from arriving at our shared goal?
 - iii. Remove 'or' and add 'either?'
 - iv. Ask DOJ? Is Johanna our contact with the DOJ still? Yes.
 - v. Kevin is looking at best practices.
- b. OUNCs Rules Coordinator
 - i. Josh asked who is OUNCs rules coordinator? OPUC has provided those services in the past.

- ii. The committee expressed that legislative process will need to be pursued to change the definition of "Underground Facility." Kevin will look into this and report back to Josh
- iii. OAR 952-001-0060(2) for review per Micah. It appears this rule was intended for process previously used in years past but has no use now. The committee agreed but will check with Frank Planton and OCC to verify before recommending removal.

6. Next Meeting – tbd

Meeting adjourned at 12:40pm. Minutes submitted by Kitty O'Keefe on October 4, 2021.

Attachment #1

952-001-0080

Design Information Requests and Design Locate Requests

A Design Information Request (DIR) must be processed before a Design Locate Request (DLR) can be made. This is not a request for marks from utilities, but is in place to provide the designer with a list of contacts for those utilities that have facilities in the proposed area of design. If the Designer determines that marks are needed to complete their design, after 5 business days, the DIR can be converted into a DLR.

1. After a designer notifies the Oregon Utility Notification Center with a **Design Information Request (DIR)**, the operator of the underground facilities must:
 - a) Provide the excavator the best description available to the operator of the unlocatable underground facilities in the area of the proposed excavation including as-constructed drawings, or other facility maps that are maintained by the facility operator; **or**
 - b) Contact the person requesting design information and agree on a time, prior to the beginning of the proposed project, for exchange of the information required under subsection (a) or subsection (b) of this section of this rule.

2. **Within 10 business days** but not before 5 business days after the submittal of a DIR. The designer may notify the Oregon Utility Notification Center of a Design Locate Request, the operator of the underground facilities must:
 - a) Mark within 24 inches of the outside lateral dimensions of both sides of all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;
 - (1) If a designer intends to perform work at multiple sites or over a large area, the designer must take reasonable steps to work with the facility operators, including preconstruction meetings, so that the operators may locate their facilities at a time reasonably in advance of the actual start of survey or design for each phase of work.
 - (2) ***All DLR's must be preceded by a DIR but no earlier than 5 days after DIR is submitted.***
No excavation can take place on either a DIR or a DLR, these requests are for design purposes only.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

There will also need to be new definitions added for both DIR and DLR in OAR 952-001-0010:

“Design Information Request” means the process to provide contacts of all participating operators with available underground facility information from all operators notified within the requested area.

“Design Locate Request” means a request to have all known underground facilities marked, staked, or located by all operators notified within the requested area.

Attachment #2

952-001-0080

Design Information Requests and Design Locate Requests

(1) A Design Information Request (DIR) must be processed before a Design Locate Request (DLR) can be made. This is not a request for marks from utilities, but is in place to provide the designer with a list of contacts for those utilities that have facilities in the proposed area of design. If the Designer determines that marks are needed to complete their design, after 5 business days, the DIR can be converted into a DLR. Once a DLR is made, the Operator must:

(A) Within 10 business days after a designer notifies the Oregon Utility Notification Center of a proposed project, the operator of the underground facilities must:

- 1. Mark within 24 inches of the outside lateral dimensions of both sides of all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;*
- 2. Provide the excavator the best description available to the operator of the unlocatable underground facilities in the area of the proposed excavation including as-constructed drawings, or other facility maps that are maintained by the facility operator; **or***
- 3. Contact the person requesting design information and agree on a time, prior to the beginning of the proposed project, for exchange of the information required under subsection (a) or subsection (b) of this section of this rule.*

(2) If a designer intends to perform work at multiple sites or over a large area, the designer must take reasonable steps to work with the facility operators, including preconstruction meetings, so that the operators may locate their facilities at a time reasonably in advance of the actual start of survey or design for each phase of work.

(3) No excavation can take place on either a DIR or a DLR, these requests are for design purposes only.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14