

Rulemaking



1. Reducing ticket length from 45 days to 30 days. [amends OAR 952-001-0010 (23)]
2. Adding hand digging, air cutting, vacuum excavation or hydro vacuum excavation to the definition of “non-invasive methods.” [amends OAR 952-001-0010]
3. Defining “large area” as a project exceeding seven hundred fifty linear feet. [amends OAR 952-001-0010 (10)]
4. Allowing for the use of electronic white lining. [amends OAR 952-001-0040]
5. Working within a facility enclosure exempted from notification requirement. [amends OAR 952-001-0050 (2)]
6. Clarifying design locate request process, delivery of drawings and maps owned by facility operators during planning. [amends OAR 952-001-0080]
7. Specifying recruitment partners for OUNC board. [adds OAR 952-001-0002]



Rulemaking - 1

OAR 952-001-0010 (23)

"Ticket life" means the ~~45~~ 30 calendar day period after an excavator provides notice to the Oregon Utility Notification Center under OAR 952-001-0050(1) and the Center opens a ticket for a locate request based on this notice.

- Previously “life of project”
- American Gas Association Whitepaper – standard (OR is an outlier)
- Concerns about prompting more activity for locators, more work for excavators, delaying projects, conformance with new standard

Rulemaking - 2



OAR 952-001-0010 (13)

“Non invasive methods” means using a practice to expose an underground facility that does not damage any part of the facility; including the use of hand digging, air cutting, vacuum excavation or hydro vacuum excavation.

- Enhances definition for non invasive tools
- No concerns expressed to date

Rulemaking - 3



OAR 952-001-0010 (10)

WAS: “Large area” means a proposed excavation requiring more work or time to locate utility facilities than can reasonably be completed within the parameters of section (1) of 952-001-0050.

PROPOSED: “Large area” means **a project that exceeds seven hundred fifty linear feet.**

- Clarifies definition for large area, consistent with Washington
- No concerns expressed to date

Rulemaking - 4



OAR 952-001-0040

- (1) Except as provided in section (2) of this rule, prior to notifying the Oregon Utility Notification Center, an excavator must ~~pre-mark with the color white~~ identify the immediate area of the proposed excavation within both the public rights-of-way and underground easements. ~~This may be accomplished by pre-marking with the color white marking as defined at OAR 952-001-0010 (12), electronic white marking or providing a site plan.~~
- (2) An excavator need not pre-mark as required in section (1) of this rule if: ~~(a) The operator can determine precisely the direction, length and location of the proposed excavation by referring to a locate ticket; or (b) B~~ before the beginning of the proposed project, the excavator and the operator met at the construction site to exchange the information required under section (1) of this rule

Rulemaking - 4



OAR 952-001-0040

- Allows for electronic white lining
- Concerns about accuracy/readiness, benefits of paint over virtual

Rulemaking - 5



OAR 952-001-0050 (2)

The notice requirement of section (1) of this rule does not apply if the excavation is in response to an emergency, **is made with non-invasive tools within a defined enclosure (i.e. valve and meter boxes and vault(s) that does not exceed the depth of the structure,**

- Adds exemption for working within a facility enclosure
- No concerns expressed to date

Rulemaking - 6



OAR 952-001-0080 (1)

- 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; **or**
- b. 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 **by electronic message, mail, facsimile, or other delivery method; or c.**

Rulemaking - 6



OAR 952-001-0080 (1)

- Addresses longstanding need to facilitate better design information review requests when paint is not yet needed
- Only concern heard is logistics, how it will be implemented

Rulemaking - 7



OAR 952-001-0002

- Adds board recruitment partners as required in statute
- Following DOJ advice to include, also added to policy document
- OUNC was required to adopt an administrative rule identifying the organizations most representative of the board groups listed in ORS 757.547(1)(a).
- Nominations for appointment are solicited from these organizations to be submitted to the Governor per ORS 757.547(1)(c).

Rulemaking - 7



OAR 952-001-0002

- Adds board recruitment partners as required in statute
- Following DOJ advice to include, also added to policy document
- OUNC was required to adopt an administrative rule identifying the organizations most representative of the board groups listed in ORS 757.547(1)(a).
- Nominations for appointment are solicited from these organizations to be submitted to the Governor per ORS 757.547(1)(c).

Rulemaking - 7



- Telecommunications Cooperatives - Oregon **Broadband** Association
- Railroads – Union Pacific, BNSF Railway, ODOT Rail Safety, Association of American Railroads, Oregon Short Line Railroad Association
- Natural Gas Utilities regulated by the PUC - Oregon PUC, Northwest Natural Gas, Avista Utilities, Cascade Natural Gas
- Electric Cooperatives - Oregon Rural Electric Cooperative Association
- Cable System Operators - Oregon Cable Telecommunications Association, Comcast/Xfinity, Astound/Wave, Spectrum, Sparklight
- Counties - Association of Oregon Counties, Oregon Association of County Engineers and Surveyors

Rulemaking - 7



- Oregon Public Utility Commission - Oregon PUC, Governor's office
- Oregon Department of Transportation - ODOT, Governor's office
- Electric Utilities regulated by the PUC - Oregon PUC, PGE, Pacific Power
- Contractors - Associated General Contractors, Northwest Utility Contractors Association
- Special Districts - Special Districts Association of Oregon
- People's Utility Districts - Oregon People's Utility District Association
- Telecommunications utilities serving more than 50,000 access lines and regulated by PUC – Oregon
- Municipal Electric Utilities - Oregon Municipal Electric Utilities Assn.

Rulemaking - 7



- Telecommunications utilities serving fewer than 50,000 access lines and regulated by PUC - Oregon Telecommunications Association
- Interstate Natural Gas Transmission/Pipeline - Oregon PUC
- Cities with a population of 25,000 or more - League of Oregon Cities
- Oregon Utilities Coordinating Council - OUCC
- Cities with a population under 25,000 - League of Oregon Cities
- Excavators - Associated General Contractors, Northwest Utility Contractors Association
- National Utility Locating Association (NULCA) - NULCA

OLD BUSINESS

Rulemaking



- Oregon Administrative Rules are like a *detailed instruction manual* that explains/puts into action laws in the Oregon Revised Statutes.
- The Oregon Utility Notification Center (OUNC) adopts rules that regulate the notification and marking of underground facilities to prevent damage to underground facilities.
- OUNC's Oregon Administrative Rules are found in Chapter 952 (*see Standards Manual*). These rules have the effect of law.