

FINAL Meeting Minutes
OREGON UTILITY NOTIFICATION CENTER
BOARD OF DIRECTORS

Meeting Minutes, Wildhorse Resort & Casino, 46510 Wildhorse Blvd, Pendleton OR, 97801, October 10, 2018

Board members in attendance as follows: X = present O = absent P = phone participant

X	Nathan Rivera Municipal Electric	O	Chris Grissom Natural Gas Distribution	X	Micah Brown NULCA	O	Lori Koho OPUC
O	Shannon Potter Telecom >50K Access Lines	O	Nathan Taylor Excavators	X	Geneece MacKay Regulated Electric	X	Fred Corona Interstate Natural Gas Pipeline
X	Joyce Nelsen Regulated Telecom <50K Access Lines	X	Scott Clement Cities Population >25K	X	Johnny Sapp ODOT	X	Mitch Burghlea Cable TV
X	Ryan Sandhu Special Districts	O	John Norrena Public Utility Districts	X	Scott Gallegos OUCC	X	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Others in attendance were: Greg Snyder – OCC, Kitty Davis – OUNC Administrative and Outreach Coordinator, Dawn Hickson – OUCC & Clackamas County, Kyle Sutton – Loy Clark, John Radonski – Locating Inc, Rex Rosenberg – Locating Inc, Kyle McCauley – Cascade Natural Gas, Yvonne Bustos – PPL, Ryon Kershner – Roseburg Urban Sanitary District

Introductions: Nate Rivera welcomed everyone to the meeting and introductions were completed.

Adopt Previous Board Meeting Minutes: Mitch Burghlea moved to accept the September 2018 meeting minutes as submitted. Fred Corona seconded the motion. **Vote record 10-10-18-01.**

Open Testimony: None

OUNC Operations Report: Greg Snyder reported that OCC is still looking into the creation of the interactive calendar that can be used in determining when a ticket needs to be placed and what the Work to Begin date will be. Greg will try to have an update for the next Board Meeting.

Greg also reported that the request to lock the Work To Begin Dates is progressing. There still needs to be testing and then training of the CSR's. It is hoped to have this online by the next Board Meeting.

All Board Members had previously been emailed copies of the September 2018 operations reports. Greg Snyder went over the highlights for the month. The incoming ticket total for September was 27,460 which is up 1.83% over 2017. The ITIC percentage for September was 61.50%. The incoming ITIC Mobile total for September 2018 was 310, which is up from 83 in 2017. The Average Speed of Answer (ASA) was 35 seconds for September 2018.

OUNC Billing & Aging Report: All Board Members were previously emailed copies of the billing reports and the aging reports for September 2018.

Treasurer Report: Joyce Nelsen: Joyce has not received the information back from the accountants so no budget report for today.

Joyce also provided information regarding member utilities that have a limit of \$500 per year for receiving locate tickets. There are several members that may no longer be exempt. Joyce also presented a letter that had gone out to members back in 2013 and she would like to have this letter updated and sent out notifying these members that they need to recertify their exempt status with the call center or they will lose that exempt status. Joyce Nelsen made a motion to have the letter sent out to the members. Tim Smith seconded the motion. Scott Gallegos moved to amend the motion to have the letter sent out yearly. Mitch Burghlea seconded the motion. **Vote record 10-10-18-02.**

There was discussion on potentially changing the per ticket rate charged member utilities for receiving tickets from the current \$1.05 per ticket. The last rate change was in 2013.

Board of Directors Officer's Reports:

Chair's Report: Nate Rivera. No report

Vice Chair Report: Scott Gallegos – No report

Treasurer Report: Joyce Nelsen – Joyce reported that Scott Gallegos will need to be on the Rivermark checking account as the incoming Board Chair for 2019. Joyce Nelsen made a motion to add Scott Gallegos onto the Rivermark checking account and remove Nate Rivera as of 1/1/19. Genece MacKay seconded the motion. **Vote record 10-10-18-03**

Secretary Report: Ryan Sandhu – Ryan asked all Committee Chairs to give any meeting announcements to Kitty Davis and she will get them to the call center to have a free format message sent out.

PUC Representative Report: Lori Koho – Lori reported that, with assistance from Kitty Davis, the DAS report was filed on time.

Executive Session: None

Committee Reports:

Executive Director Selection Committee- Ryan Sandhu: This Committee was moved up, as Nate Rivera has to leave early and would like to participate in the discussions. There were no objections.

Ryan reported that the time schedule for hiring for this position needed to be adjusted. The main cause for delay was to determine if the OUNC could have an employee or hire a contractor. It was determined by the DOJ that the OUNC does have this authority. However with an employee there are other considerations:

- Benefits
- The need for a memorandum of understanding with another state agency for HR purposes, etc.
- Job description
- Taxes
- Cost associated for working with another state agency or attorney

Discussion followed. Nate Rivera will send out a job description to all Board Members.

It was noted that Don Evans, Executive Administrator for Washington 811, would be willing to talk with the OUNC regarding his roll for Washington 811. There was also discussion on asking Joanna, from the DOJ, and Don Evans to both attend a Board Meeting.

Ryan wants to set up a conference call for next Tuesday morning with all Committee Members.

Budget and Audit Committee: Joyce Nelsen: Joyce would like to discuss the 2019 budget at the November Board Meeting

Contracts Committee: Shannon Potter: No report.

There was discussion on Locator Training and their contract

Damage Reporting/Dirt: Lori Koho: No report

Scott Gallegos noted that Dawn Hickson showed a chart with DIRT damage information at yesterday's OUCC meeting. There was additional discussion on DIRT.

Oregon Administrative Rules (OAR'S) & Tariff: Micah Brown: Micah reported that he has sent out the notice of proposed rulemaking. (See attachment #1)

10/23/18 is the last day for public comment on the public notice for the OAR changes.

There has been one comment received that needs clarification and the committee recommends they reply to the comment. There was no Board dissent.

.

Lori Koho would like to have Kevin Hennessy at the PUC review the complaint process, to be included in the new Standards Manual before, presenting it to the OAR Committee.

Micah advised that it would cost approximately \$9,400 to print 20,000 new Standards Manuals.

Micah gave a power point presentation on the OAR changes at yesterdays OUCC meeting. He will make a few changes based on yesterday's feedback and have the presentation available for the local UCC's to use for training purposes.

There will be a link to the OAR changes on the E-Blast that is sent out to notify the utilities and excavators of the OAR changes.

Policy & Procedures Committee: Johnny Sapp – Johnny reported that the committee is making changes to the draft manual and he will email them out. He reported that the Policy and Procedures (P&P) Manual should not include the By-laws. The P&P Manual should reference the bylaws but bylaws are the primary document.

Johnny believes the committee needs to update the bylaws. The OUNC is a type of corporation and corporations are required to have bylaws.

Scott Gallegos moved that the P&P Committee review and update the bylaws for OUNC Board review. Joyce Nelsen seconded the motion. **Vote record 10-10-18-04**

Publicity Committee: Fred Corona: Fred reported that \$86,290.87 has been spent year to date excluding this month's orders.

They are running radio ads through Alpha Media for 3 weeks.

The Hillsboro Hops advertising campaign has completed.

The committee is looking into a possible sponsorship of the Starlight Parade for 2019 and that the OCC 811 Corvette is available for this event.

Enforcement: Lori Koho: No report

The Board met with the Locator Training Class being conducted in another room at this site. They answered any questions the class had.

Nate Rivera had to leave but he reminded the Executive Director Selection Committee members to review the job proposal for discussion at the committee meeting next Tuesday

Training and Education Committee: Mitch Burghlelea: Mitch reported that Clint Kalfell provided the costs for him to host Excavation Safety Classes. Clint will attend the November 2018 OUNC Board Meeting to give a presentation.

Scott Gallegos gave a brief overview of the excavation safety program he and other facilities are working on.

Mitch reported, that the committee looked into moving the Oregon Utility Safety Summit (OUSS) to the last week in October or the first week in November 2019. They have decided to put the project on hold and pick it back up after December 2018.

Mitch noted that the Mid Oregon Construction Safety Summit s being held January 28-29 2019.

Fred Corona initiated discussion on getting equipment rental shops and those selling equipment to put stickers on the equipment. Possibly requiring training on the equipment.

Membership: Lori Koho:. No report

Oregon Utilities Coordinating Council (OUCC) Report: Scott Gallegos. Scott reported that the OUCC is trying to get the tax status of all 19 UCC's resolved but the cost could be approximately \$11,000 - \$15,000. There was discussion on how the OUNC could help the OUCC pay for those costs. Joyce Nelsen moved to provide \$15,000 to the OUCC to fix the UCC's tax statuses. The OUNC will provide \$55,000 yearly instead of the usual \$60,000 per year until the \$15,000 is paid back. Micah Brown seconded the motion. **Vote record 10-10-18-05**

Executive Coordinator Committee: Shannon Potter. Moved to first committee report for this meeting. See notes above.

National Industry News: NULCA, CGA, Open Discussion: Joint States Meeting 2020 will be held in Oregon. The OUCC will be the main sponsor but will look to the OUNC for help and support. The OUCC is looking into an event site.

The 2019 OCC Users Group Meeting will be held in Portland Oregon September 24 – 26.

CGA is coming up March 26-29 in Tampa Florida. There were several members that showed an interest in attending. It was decided to bring this topic up at the next Board Meeting in November.

Old business: There was discussion on adding verbiage that more than one locator may visit to mark out lines on a locate ticket. After discussion it was decided that the information will be added to the end of call recording that is played for those that call in locate tickets and added to the copy of the ticket emailed to the excavator. The message will read “Because utilities have 2 business days to respond to this request you may see multiple locators responding at different times”.

New Business: There was discussion on meeting site for 2019. Kitty Davis will put together a proposed schedule.

Good of the Order: Ryan Sandhu asked that anyone having ideas or comments regarding the Executive Director Job Proposal to let Ryan know before the Tuesday Committee Meeting.

Micah Brown moved to adjourn the meeting. Mitch Burghelea seconded the motion. **Vote record 10-10-18-06**

Meeting Adjourned.

**Voting Record
Motion 10-10-18-01**

Y	Nathan Rivera Municipal Electric	N P	Chris Grissom Natural Gas Distribution	Y	Micah Brown NULCA	N P	Lori Koho OPUC
N P	Shannon Potter Telecom >50K Access Lines	N P	Nathan Taylor Excavators	Y	Geneece MacKay Regulated Electric	Y	Fred Corona Interstate Natural Gas Pipeline
Y	Joyce Nelsen Regulated Telecom <50K Access Lines	Y	Scott Clement Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Ryan Sandhu Special Districts	N P	John Norrena Public Utility Districts	Y	Scott Gallegos OUCC	Y	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Summary

Yes = 11

No = 0

Not Present = 5

**Voting Record
Motion 10-10-18-02**

Y	Nathan Rivera Municipal Electric	N P	Chris Grissom Natural Gas Distribution	Y	Micah Brown NULCA	N P	Lori Koho OPUC
N P	Shannon Potter Telecom >50K Access Lines	N P	Nathan Taylor Excavators	Y	Geneece MacKay Regulated Electric	Y	Fred Corona Interstate Natural Gas Pipeline
Y	Joyce Nelsen Regulated Telecom <50K Access Lines	Y	Scott Clement Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Ryan Sandhu Special Districts	N P	John Norrena Public Utility Districts	Y	Scott Gallegos OUCC	Y	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Summary

Yes = 11

No = 0

Not Present = 5

**Voting Record
Motion 10-10-18-03**

Y	Nathan Rivera Municipal Electric	N P	Chris Grissom Natural Gas Distribution	Y	Micah Brown NULCA	N P	Lori Koho OPUC
N P	Shannon Potter Telecom >50K Access Lines	N P	Nathan Taylor Excavators	Y	Geneece MacKay Regulated Electric	Y	Fred Corona Interstate Natural Gas Pipeline
Y	Joyce Nelsen Regulated Telecom <50K Access Lines	Y	Scott Clement Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Ryan Sandhu Special Districts	N P	John Norrena Public Utility Districts	Y	Scott Gallegos OUCC	Y	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Summary

Yes = 11

No = 0

Not Present = 5

**Voting Record
Motion 10-10-18-04**

Y	Nathan Rivera Municipal Electric	N P	Chris Grissom Natural Gas Distribution	Y	Micah Brown NULCA	N P	Lori Koho OPUC
N P	Shannon Potter Telecom >50K Access Lines	N P	Nathan Taylor Excavators	Y	Geneece MacKay Regulated Electric	Y	Fred Corona Interstate Natural Gas Pipeline
Y	Joyce Nelsen Regulated Telecom <50K Access Lines	Y	Scott Clement Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Ryan Sandhu Special Districts	N P	John Norrena Public Utility Districts	Y	Scott Gallegos OUCC	Y	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Summary

Yes = 11

No = 0

Not Present = 5

**Voting Record
Motion 10-10-18-05**

N P	Nathan Rivera Municipal Electric	N P	Chris Grissom Natural Gas Distribution	Y	Micah Brown NULCA	N P	Lori Koho OPUC
N P	Shannon Potter Telecom >50K Access Lines	N P	Nathan Taylor Excavators	Y	Geneece MacKay Regulated Electric	Y	Fred Corona Interstate Natural Gas Pipeline
Y	Joyce Nelsen Regulated Telecom <50K Access Lines	Y	Scott Clement Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Ryan Sandhu Special Districts	N P	John Norrena Public Utility Districts	Y	Scott Gallegos OUCC	Y	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Summary

Yes = 10

No = 0

Not Present = 6

**Voting Record
Motion 10-10-18-06**

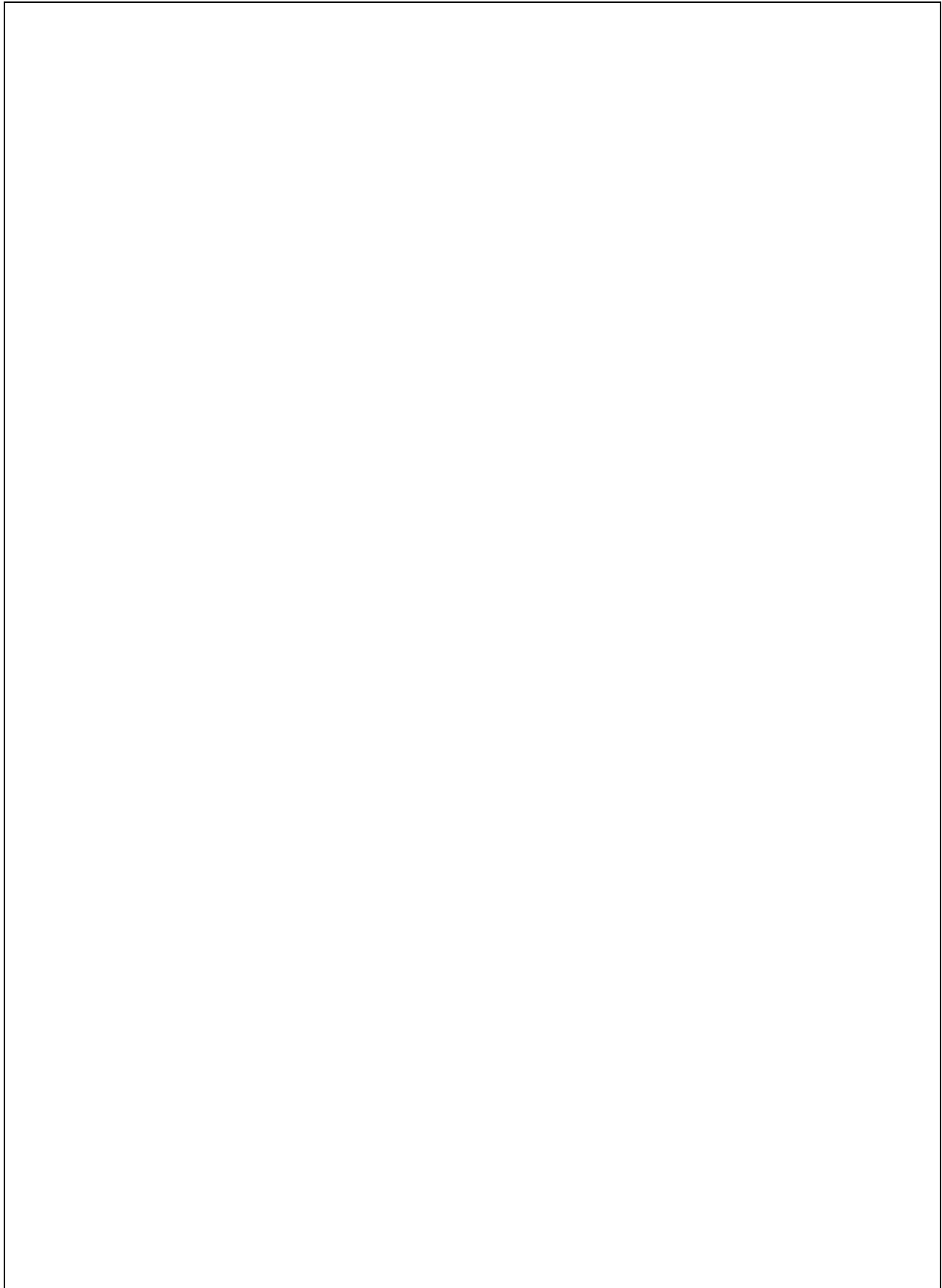
N P	Nathan Rivera Municipal Electric	N P	Chris Grissom Natural Gas Distribution	Y	Micah Brown NULCA	N P	Lori Koho OPUC
N P	Shannon Potter Telecom >50K Access Lines	N P	Nathan Taylor Excavators	Y	Geneece MacKay Regulated Electric	Y	Fred Corona Interstate Natural Gas Pipeline
Y	Joyce Nelsen Regulated Telecom <50K Access Lines	Y	Scott Clement Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Ryan Sandhu Special Districts	N P	John Norrena Public Utility Districts	Y	Scott Gallegos OUCC	Y	Tim Smith Cities Population <25K
	Open Counties		Open National Telecom Damage Prevention		Open Electric Cooperatives		Open Telecom Cooperatives
	Open Railroads		Open Contractors				

Summary

Yes = 10

No = 0

Not Present = 6



ATTACHMENT 1

NOTICE OF PROPOSED RULEMAKING

CHAPTER 952 OREGON UTILITY NOTIFICATION CENTER

FILING CAPTION: In the Matter of Amendments to the Utility Notification Center Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/23/2018 5:00 PM

NEED FOR THE RULE(S):

The rule changes are needed to (1) clarify the time from when an excavator notifies the Oregon Utility Notification Center (OUNC) and facilities' locations are marked, and establish an exception when a documented agreement exists; (2) establish a 45-day ticket life for all locate requests; (3) clarify that locate marking reflect all sides of facilities, not just lateral; (4) add language for large project design locates; (5) add language to comply with federal guidelines when there is damage to any natural gas or other hazardous liquid pipeline; (6) update language to comport with American Public Works Association (APWA) uniform color code for markings, and (7) add language to identify horizontal directional drilling practices that potentially mitigate damage to underground facilities.

How to Comment: The OUNC encourages participants to file written comments as early as practicable following this notice so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. UNC 7 on comments and attach them to an e-mail addressed to PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=21259>.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 757.542 and 757.552 available online at https://www.oregonlegislature.gov/bills_laws/ors/ors757.html.

APWA Uniform Color Code available online at <https://www.apwa.net/Library/Resources/Uniform-Color-Code.pdf>.

FISCAL AND ECONOMIC IMPACT:

The OUNC anticipates that the proposed rule changes may increase costs for some entities subject to these rules, and as a result, costs to members of the general public who uses the services of those entities. The proposed changes may create short delays in work starting on a project as the time to allow for marking of facilities is slightly increased to accommodate business days. The potential magnitude of this impact is not quantifiable at this time because the OUNC cannot predict work start dates on individual projects or the size of potential projects. The OUNC does not anticipate a disproportionate economic on the cost of compliance for small

may require additional personnel on job sites during horizontal directional drilling activities. Entities subject to this rule may already be using this best practice and would not incur any additional costs, but for those entities not employing that best practice, additional labor costs may be incurred. For example, according to the most recently published Oregon BOLI Prevailing Wage Rates for Public Works Contracts in Oregon, a Group 2 Laborer base hourly rate plus fringe benefits would be \$44.63. (See https://www.oregon.gov/boli/WHD/PWR/July%202018/Appendix_7-1-18.pdf.)

On the other hand, the proposed rule changes offer increased clarity, which may lead to greater compliance and fewer incidences of damages to facilities. Increased compliance will lead to fewer penalties imposed and fewer incidences of damage saving money for excavators and operators.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Impact on state agencies, units of government and the public:

It is anticipated that the rule changes will have minimal fiscal or economic impact on state agencies, units of local government and the public, including small businesses. State agencies, units of local government and the public are subject to these rules when involved in operating facilities or when involved in excavating. The fiscal and economic impact on state agencies, local government, and members of the public who operate underground facilities are described above as well as for any person performing excavation in general. The proposed rule changes may lead to greater compliance and fewer damages to facilities resulting in reduced repair costs. A reduction in repair costs due to increased compliance may have a positive economic impact on operators, excavators, and state agencies. Clarification of the rules, extended response time, and expanded rule and monitoring of excavation practices may reduce the number of complaints of noncompliance made to the Oregon Public Utility Commission, which would have a positive impact. The potential magnitude of the reduction in damages or complaints cannot be estimated at this time, and therefore we cannot conclude any cost savings with accuracy. A random sampling of 128 operators and excavators was conducted on the fiscal and economic impact to state agencies, units of local government and the public on 8/14/2018 via Google Survey. The survey concluded that 20 percent reported as being small businesses. After the administration of the survey and from those subject to the proposed rules: 80 percent placed no cost increases to be associated with scheduling and reporting and 20 percent expressed minimal additional administrative costs.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The members of the OUNC OAD Committee to develop these rule changes were published and

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?The proposed rule changes were developed by the OUNC Rules Subcommittee, comprised of members from the affected industries, and were approved by the OUNC Board in public meetings, which offered representatives from affected industries opportunities for comment.

CONTACT:

Diane Davis
503-378-4372
diane.davis@state.or.us
Filing Center
PO Box 1088
Salem,OR 97308

RULES PROPOSED:

952-001-0010, 952-001-0050, 952-001-0060, 952-001-0070, 952-001-0080, 952-001-0090

AMEND: 952-001-0010

RULE TITLE: Definitions

RULE SUMMARY: The changes to this rule include clarifying definition of business day, adding a definition for "ticket life" to establish that a locate ticket is valid for 45 days, deleting the "reasonable accuracy" definition as other rule language was changed to be more specific, and adding a definition and graphic for "tolerance zone" relating to the area surrounding the outside dimensions of an underground facility. The definitions are renumbered as needed.

RULE TEXT:

As used in 952-001-0010 through 952-001-0100:

- (1) "Abandoned Facility" means an underground facility that is no longer in service and is physically disconnected from the operating facility that is in service.
- (2) "Business day" means any 24-hour day other than a Saturday, Sunday, or federal or state legal holiday as provided in ORS 757.542. A business day begins at 12:00 a.m. and ends at 11:59 p.m.
- (3) "Damage" means harm to, or destruction of underground facilities including, but not limited to, the weakening of structural, lateral, or subjacent support; the penetration, impairment or destruction of any coating, housing or other protective device; or the denting of, penetration into or severance of underground facilities.
- (4) "Designer" means any person who prepares a drawing for construction or other project which requires excavation or demolition.
- (5) "Designated Agent" means a person or entity specifically appointed to act for or serve as a

another's land.

(7) "Emergency" means an occurrence involving an immediate danger, demanding prompt action to prevent loss of life, or to mitigate damage to property, or to prevent interruption of essential public services (as determined by an emergency response agency or the facility operator) or to prevent a customer service outage (as determined by the facility operator).

(8) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except sidewalk, road and ditch maintenance less than 12 inches in depth that does not lower the original grade or original ditch flow line. "Excavation" does not include the tilling of soil for agricultural purposes conducted on private property that is not within the boundaries of a recorded right-of-way or easement for underground facilities.

(9) "Excavator" means any person who engages in excavation.

(10) "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 OAR 952-001-0050.

(11) "Locatable underground facilities" means underground facilities which can be marked with reasonable accuracy.

(12) "Mark" or "marking" means an indication, from the use of stakes, paint or other clearly identifiable material, to show the field location or absence of underground facilities at a proposed work site. A "mark" or "marking" also includes permanent marking devices, such as disks, posts or signs, placed to show the location of underground facilities.

(13) "Non invasive methods" means using a practice to expose an underground facility that does not damage any part of the facility.

(14) "Notify" means to make known by any reasonable and legal means of communication.

(15) "Operator" means any person, municipal corporation, political subdivision of the state with control over underground facilities. Operator includes any person, as defined in ORS 756.010, having the right to bury underground facilities in any public right-of-way, or in any utility easement.

(16) "Operation" as used in ORS 757.542 (3) means the use of any tools, equipment, or explosives. The term includes, but is not limited to, the use of powered and mechanized equipment, hand digging with tools, explosives, grading, trenching, digging, blasting, drilling, backfilling, dragging, augering, hammering, pile driving, plowing-in or pulling-in, test boring, tunneling, scraping, reclamation processes, and milling.

(17) "Oregon Utility Notification Center" (Center) means the state agency that administers a

(18) "Out-of-service facility" means an underground facility that has not been declared permanently abandoned and may still be connected to a portion of an operating facility that is in service.

(19) "Private property" as used in ORS 757.542(3) means the ownership of property by non-governmental legal entities and public land leased or rented and controlled by private entities for agricultural purposes.

(20) "Project plans" mean any drawings, specifications or any other documents prepared in anticipation of work involving excavation.

(21) "Response" means action taken by operators of underground facilities to:

(a) Mark or identify by other means the location of its locatable underground facilities in the area of the proposed excavation;

(b) Notify the excavator that there are unlocatable underground facilities in the area of the proposed excavation; or

(c) Notify the excavator that there are no underground facilities in the area of the proposed excavation.

(22) "Sidewalk, road and ditch maintenance" includes, but is not limited to, ditching, grinding, paving, shoulder maintenance, surveying, or grading. Unless otherwise classified on roadway plans, parallel or lateral ditches constructed as an integral part of the graded roadbed having a continuous slope from the outer limit of the shoulder to the bottom of the ditch to include ditch back slope within right of way will be considered to be within the roadway grading limits and will be part of the work covered by road and ditch maintenance that does not lower the original road grade or the original ditch flow line. For purposes of this definition, the phrase "original road grade" refers to the original elevation of the road before gravel, rock, asphalt, cement, or other materials were applied on the ground to construct or finish a road. For purposes of this definition, the phrase, "original ditch flow line" means the documented or calculated grade between the outlet elevation of a culvert, drainage structure, water source, or place of origin to the inlet elevation of a culvert, drainage structure, water source or place of destination. Also for purposes of this definition, "sidewalk maintenance" includes but is not limited to removal and replacement of a sidewalk that is performed less than 12 inches in depth and does not lower the original grade of the sidewalk.

(23) "Ticket life" means the 45 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.

(24) "Tilling" means preparing land for the raising of crops to a depth that does not exceed 18 inches.

(26) "Underground facilities" means items partially or entirely below the surface of the ground for use in connection with the storage or conveyance of electrical energy, water, sewage, petroleum products, gas, gaseous vapors or hazardous liquids, or the transmission of electronic, telephonic, telegraphic or cable communications. Such items include, but are not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors that are underground.

(27) "Unlocatable underground facilities" mean underground facilities that cannot be marked with reasonable accuracy, including nonconductive sewers and nonmetallic underground facilities that have no trace wires.

STATUTORY/OTHER AUTHORITY: ORS 183, 757
STATUTES/OTHER IMPLEMENTED: ORS 757.542

AMEND: 952-001-0050

RULE TITLE: Excavator to Give Notice of Proposed Work; Exemption

RULE SUMMARY: The changes to this rule extend the time for an excavator to give notice to the Oregon Utility Notification Center before beginning an excavation from 48 hours to two full business (not calendar) days. Business day definition is clarified in proposed changes to OAR 952-001-0010.

RULE TEXT:

(1) Except as provided in section (2) of this rule, at least two full business days, but not more than 10 full business days before beginning an excavation, the excavator must notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the type of work to be performed.

(2) The notice requirement of section (1) of this rule does not apply if the excavation is in response to an emergency, or if all of the following apply:

(a) The excavator is a tenant or an owner of private property;

(b) The excavation is on private property of that owner or tenant;

(c) The excavation is less than 12 inches in depth; and

(d) The excavation is not within an established easement.

(3) An excavator, when giving notice in compliance with section (1) of this rule, must furnish information as to how the excavator can be contacted.

(4) If an excavator intends to perform work at multiple sites or over a large area, the excavator 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 excavation for each phase of the work.

AMEND: 952-001-0060

RULE TITLE: When Excavator May Give Less than Two Full Business Day Notice

RULE SUMMARY: The changes to this rule reflect the change from 48 hours to 2 full business days for required notification to the Oregon Utility Notification Center prior to excavation.

RULE TEXT:

An excavator may provide less than two full business days of prior notice if:

(1) The excavator is responding to an emergency, and the excavator notifies the Oregon Utility Notification Center immediately, and the excavator takes reasonable care to protect underground facilities;

(2) The excavator has an agreement with each operator of underground facilities that marks will be provided on a regular basis as the excavator progresses through a project; or

(3) The excavator discovers an underground facility in an area where the operator of underground facilities had previously indicated there were no facilities.

STATUTORY/OTHER AUTHORITY: ORS 757.552

STATUTES/OTHER IMPLEMENTED: ORS 757.552

AMEND: 952-001-0070

RULE TITLE: Operators to Mark Underground Facilities or Notify Excavator that None Exist

RULE SUMMARY: The changes to this rule include (1) the change from 48 hours to 2 full business days the time after an excavator notifies the Oregon Utility Notification Center of a proposed excavation for an operator or its designated agent to take action; (2) clarifying within what area locatable facilities must be marked, (3) adding an exception to the 2 full business day rule when a documented agreement exists between the operator and the excavator for scheduled marking exceeding the required 2 full business days, (4) updating the identifying marking color information to be consistent with the APWA, and renumbering provision to account for additions..

RULE TEXT:

(1) Except as provided in section (2) of this rule, within two full business days following the day an excavator notifies the Oregon Utility Notification Center of a proposed excavation, the operator or its designated agent must:

(a) Mark with reasonable accuracy the lateral dimensions of the Tolerance Zone for 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;

(b) Provide marks to the excavator of the unlocatable underground facilities in the area of

the proposed excavation. Acceptable notifications must include locate request call back information and if done with an AVR (Automated Voice Response) must have a repeat option and a call back number to hear the information again.

(2) An operator or its designated agent must comply with the terms of an agreement with the excavator, confirmed in writing by both parties prior to excavation, that provides a date and time for the operator to mark facilities within a time period that exceeds two business days but does not exceed 10 business days .

(3) Operators of abandoned facilities must mark said facilities to the standards of locatable facilities or unlocatable facilities.

(4) An operator must mark any known abandoned underground facility with a capital letter "A" inside of a circle, using the appropriate operator color and identification.

(5) An operator of any out-of-service underground facility must mark such facility in the same way it marks an underground facility that is in service.

(6) If an excavator uses offset marking, the excavator must correctly measure the amount of offset, so that the excavator can reestablish the location of underground facilities where originally marked.

(7) If the excavator notifies the operator of underground facilities discovered during an excavation in response to an emergency, the operator of underground facilities must comply with section (1) of this rule as soon as possible.

(8) Underground facilities must be marked using the following color code:

(a) RED — Electric power lines, cables or conduit, and lighting cables.

(b) YELLOW — Gas, oil, steam, petroleum, or gaseous materials.

(c) ORANGE — Communications, alarm or signal lines, cables or conduits, and fiber.

(d) BLUE — Potable water.

(e) GREEN — Sewers, drain facilities or other drain lines.

(f) WHITE — Pre-marking of the outer limits of the proposed excavation or making the centerline and width of proposed lineal installations of buried facilities.

(g) PINK — Temporary Survey Markings.

(h) PURPLE — Slurry, irrigation and reclaimed water.

(10) Except while making minor repairs to existing non-conductive, unlocatable facilities, an operator burying non-conductive, unlocatable facilities within the public rights-of-way or utility easements must place a tracer wire or other similar conductive marking tape or device with the facility to allow for later location and marking.

(11) An operator of underground drainage lines is not required to indicate the presence of those underground drainage lines if the existence and route of those drainage lines can be clearly determined from the presence of other visible facilities, such as manholes, catch basins, inlets, outlets, junction boxes, storm drains, or permanent marking devices.

(12) An operator of underground drainage lines in the area of the proposed excavation must:

(a) Provide the excavator the best available description of the underground drainage lines, including as-constructed drawings or other facility maps maintained by the underground drainage lines operator; or

(b) Contact the person requesting locates, meet with the person or their designee prior to the beginning of the proposed project, and convey the information required under paragraph (a) of this section.

STATUTORY/OTHER AUTHORITY: ORS 183, 757

STATUTES/OTHER IMPLEMENTED: ORS 757.552

AMEND: 952-001-0080

RULE TITLE: Operators to Respond to Notifications Requesting Design Information

RULE SUMMARY: The changes to this rule are an addition of language to address large project design locates and renumbering of provisions to account for the additional language.

RULE TEXT:

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

(a) Mark with reasonable accuracy 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;

(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; or

(c) 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 across a large area, the designer must

STATUTORY/OTHER AUTHORITY: ORS 757.552
STATUTES/OTHER IMPLEMENTED: ORS 757.552

AMEND: 952-001-0090

RULE TITLE: Delay of Excavation until Response from Facility Operators; Duty of Excavator to Use Reasonable Care; Damage to Facilities

RULE SUMMARY: The changes to this rule include (1) extending from 48 hours to 2 full business days the time to give operators to mark facilities; (2) adding a table to illustrate time from call for notifications to when excavation may lawfully begin, (3) adding provision about contacting the Oregon Utility Notification Center to mark again ongoing excavations exceeding the 45-day ticket life; (4) adding a clarifying provision about horizontal directional drilling visual monitoring of the drill head and back reamer within the tolerance zone, (5) clarifying where hand tools and non-invasive methods must be used to excavate; and (5) adding language that falls within federal guidelines for compliance when there is damage to any natural gas or other hazardous liquid pipeline.

RULE TEXT:

(1) An excavator may not begin an excavation that requires notice under these rules until the excavator has received a response from each operator of underground facilities in the area of the proposed excavation, or until at least two full business days have elapsed following the day the excavator notified the Oregon Utility Notification Center. See Call Timeline table below for examples.

(2) Notwithstanding section (1) of this rule, if the excavator has agreed to an alternative markings schedule with an operator consistent with OAR 952-001-0070(2), the excavator must allow the operator to mark its facilities consistent with the parties' agreement before beginning an excavation.

(3) Once underground facilities have been marked, the excavator must:

(a) Maintain marks during the excavation period to ensure that the original marks remain effective for the life of the project or the ticket life, whichever is the shorter period;

(b) Stop excavating in the vicinity of the underground facility and notify the Oregon Utility Notification Center to have the route remarked as specified in these rules, if prior to or during the excavation process, the marking or route of any underground facility is removed or no longer visible; and

(c) Employ hand tools or other non-invasive methods either to determine the exact location of the underground facility or down to 24 inches beyond the depth of intended excavation within 24 inches of the outside dimensions of a marked underground facility.

(4) The excavator must provide such lateral and subjacent support for underground facilities as

(6) If the excavator causes or observes damage to underground facilities, the excavator must notify the operator of the underground facilities immediately. If the damage causes an emergency or if the damage from excavation activity is to a pipeline and causes the release of any natural gas, other gas, or hazardous liquid from the pipeline, the excavator must promptly report the release to appropriate emergency response authorities by calling the 911 emergency telephone number, and take reasonable steps to ensure the public safety. The excavator must not bury damaged underground facilities without the consent of the operator of the damaged underground facilities.

(7) If an excavator discovers underground facilities in an area where the operator of the underground facilities had previously stated there were no underground facilities, prior to continuing excavation the excavator must notify the Oregon Utility Notification Center. After providing notification, the excavator must use extreme care in the affected area.

(8) If an excavator is informed that a critical facility, as determined by the operator, is in the area of their excavation and that an operator-provided monitor is required on site during the excavation, the excavator must not begin excavation without that monitor being present or without the facility operator's consent. The scheduling and fulfillment of this monitoring must in no way interfere with or delay the work.

(9) An excavator must not begin an excavation more than 10 business days after providing notice to the Oregon Utility Notification Center of the excavation, or continue excavating at a location following expiration of its ticket life unless the excavator has re-notified the Oregon Utility Notification Center of the excavation as provided in OAR 952-001-0050.

STATUTORY/OTHER AUTHORITY: ORS 757.552

STATUTES/OTHER IMPLEMENTED: ORS 757.552