

Oregon Utilities Coordinating Council
together with the
Oregon Utility Notification Center
present this

STANDARDS MANUAL



UTILITY NOTIFICATION CENTER

Disclaimer: This manual was updated 1/1/2019 and some information may be subject to change without notice.

Revision History: 2004, 2014 and 2019.

PHONE NUMBERS:

To phone in your locate request, call:



**Know what's below.
Call before you dig.**

or

800-332-2344

WEBSITES:



WITIC - To enter your locate request online:
www.callbeforeyoudig.org



Oregon Utilities Coordinating Council:
www.oucc.net



Oregon Utility Notification Center:
www.digsafelyoregon.com



CGA Best Practices:
<http://commongroundalliance.com/programs/best-practices>

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Mission Statements

The **Oregon Utilities Coordinating Council** (OUCC) is dedicated to promoting organized planning and installation of underground facilities as well as protecting those substructures once placed.

The Oregon chapter is comprised of delegates selected from local coordinating councils throughout the State. The purpose and goal of the councils, both state and local, is to encourage utilities, public agencies, contractors and others in Oregon to coordinate underground installations and to develop and implement measures to protect them.

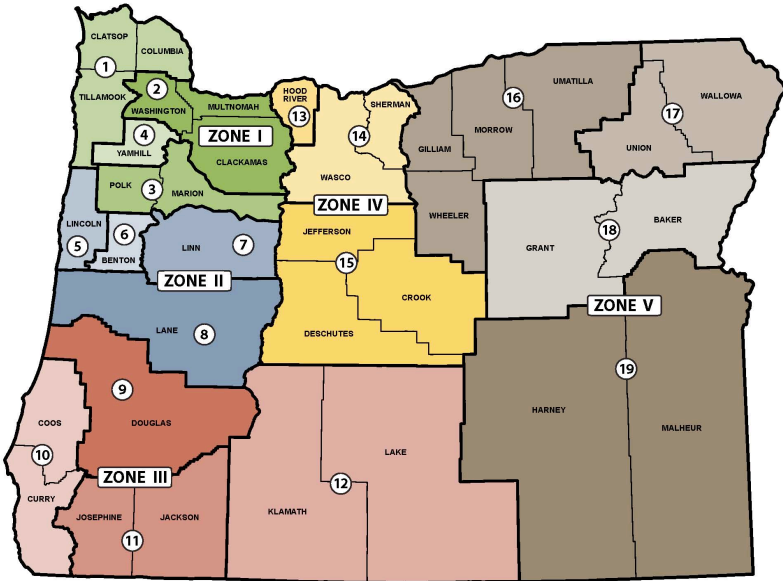
Because the local councils consist of volunteers from many diversified occupations, those selected to represent the State Council are able to offer a broad spectrum of experience in the operation and supervision of substructure activities. Their consensus opinions have been used to establish uniform guidelines intended to produce the greatest possible benefits for all concerned.

To achieve a wide distribution of delegates' conclusions, this Standards Manual has been developed. It is hoped the acceptance and application of these Oregon Administrative Rules and OUCC Council recommendations will improve the planning and protection of underground facilities.

The mission of the **Oregon Utility Notification Center** (OUNC) is to operate and maintain a state-of-the-art One-Call system for the State of Oregon to prevent damages to underground facilities and to promote public safety related to excavation issues.

Zones & Local Councils

For more information, and for links to local councils, go to
www.oucc.net



Key to Map

AREA
NUMBER

UTILITY COORDINATING
COUNCIL NAME

Zone 1

1	North Coast UCC
2	Metropolitan UCC
3	Mid-Willamette UCC
4	Yamhill UCC

	<u>AREA NUMBER</u>	<u>UTILITY COORDINATING COUNCIL NAME</u>
Zone 2		
	5	Lincoln County UCC
	6	Linn-Benton UCC
	7	East Linn UCC
	8	Lane UCC
Zone 3		
	9	Douglas UCC
	10	South Coast UCC
	11	Rogue Basin UCC
	12	Klamath UCC
Zone 4		
	13	Hood River UCC
	14	Wasco County UCC
	15	Central Oregon UCC
Zone 5		
	16	Umatilla, Morrow, Gilliam County UCC
	17	La Grande/Union UCC
	18	Baker UCC
	19	Malheur UCC

Damage Statistics

Who should report damages statistics?

All operators of underground facilities.

Where do I report my Damages?

On the OUCC website at www.oucc.net, or on the OUNC website at www.digsafelyoregon.com

How many damages occur each year?

What are the primary causes of damages and near misses?

Are these events increasing or decreasing, and why?

Are some educational programs more effective than others?

These are some of the many difficult questions that remain unanswered due to the lack of data. However, being able to answer these questions remains a very important step in ensuring the safety and protection of people and the infrastructure.

The primary purpose in the Oregon Utility Coordinating Council (OUCC) collecting underground facility damage data is to analyze data, to learn why events occur, and how actions by industry can prevent them in the future; thereby, ensuring the safety and protection of people and the infrastructure. Data collection will allow the OUCC and the Oregon Utility Notification Center (OUNC) to identify root causes, perform trend analysis, and help develop advertising and hand out materials to educate all stakeholders so that damages can be reduced through effective practices and procedures.

The OUCC and the OUNC's purpose are to help reduce underground facility damage, which threatens the public's safety and costs millions of dollars each year. In order to better understand where, how and why these damages are occurring, we need accurate and comprehensive data from all stakeholders. The data will be analyzed and our findings will be used for Publicity and Education purposes only. The data will NOT be used by the OUCC or the OUNC for enforcement purposes or to try and determine damage liability.

Oregon Revised Statutes Establishing the Oregon Utility Notification Center

757.542

Definitions: As used in ORS 757.542 to 757.562 and 757.993

- (1) “Business day” means any 24-hour day other than a Saturday, Sunday or federal or state legal holiday.
- (2) “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; and the denting of, penetration into or severance of underground facilities.
- (3) “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 road 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.
- (4) “Excavator” means any person who engages in excavation.
- (5) “Operator” means any person, public utility, municipal corporation, political subdivision of the state, or other person with control over underground facilities.
- (6) “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.

- (7) “Unlocatable underground facilities” means underground facilities that cannot be marked with reasonable accuracy, including nonconductive sewers and nonmetallic underground facilities that have no trace wires.

[1995 c.691 s.1]

757.547 Oregon Utility Notification Center; board; member qualifications; terms; meetings.

- (1) (a) The Oregon Utility Notification Center is created as an independent not-for-profit public corporation. The corporation shall be governed by a board of directors consisting of one member appointed to represent each of the following:
- (A) Cities with a population of 25,000 or more;
 - (B) Cities with a population under 25,000;
 - (C) Counties;
 - (D) Natural gas utilities regulated by the Public Utility Commission under ORS chapter 757;
 - (E) Electric utilities regulated by the Public Utility Commission under ORS chapter 757;
 - (F) Water districts, special districts, sanitary districts or water and sanitary authorities;
 - (G) Telecommunications utilities serving fewer than 50,000 access lines and regulated by the Public Utility Commission under ORS chapter 759;
 - (H) Telecommunications utilities serving 50,000 access lines or more and regulated by the Public Utility Commission under ORS chapter 759;
 - (I) Telecommunications cooperatives;
 - (J) Electric cooperatives;
 - (K) People’s utility districts;
 - (L) Contractors;
 - (M) Excavators;
 - (N) Railroads;
 - (O) Cable system operators; and
 - (P) Municipal electric utilities.
- (b) To facilitate appointment of members of the first board of directors, the Public Utility Commission shall, by order, select

organizations that are most representative of each of the groups set forth in paragraph (a) of this subsection. Each organization so selected may nominate a member for the board and may, within the time allowed by the commission's order, submit the name of the nominee to the Governor, who shall consider the nominee before making any other appointment to the board.

(c) After appointment of the first board of directors, to facilitate appointment of new members to the board, the board shall, by rule, select organizations that are most representative of each of the groups set forth in paragraph (a) of this subsection. Each organization so selected may nominate a member for the board and may, within the time allowed by rule, submit the name of the nominee to the Governor, who shall consider the nominee before making any other appointment to the board.

(d) If the board of directors determines that a group not listed in paragraph (a) of this subsection should be represented on the board, the board may select an organization that is most representative of the group and may ask that organization to nominate a member. Upon receipt of the nomination, the board may request that the Governor appoint the nominee.

(e) The Governor shall also appoint to the board of directors one employee of the commission and one employee of the Department of Transportation.

(2) The term of office of a member is four years. A member is eligible for reappointment. Before the expiration of the term of a member, the board of directors shall solicit a nomination as provided in subsection (1) of this section and the Governor shall appoint a successor. If there is a vacancy for any cause, the board shall solicit a nomination as provided in subsection (1) of this section and the Governor shall make an appointment to become immediately effective for the unexpired term. A member may continue to serve until a successor is appointed. Nothing in this subsection or subsection (1) of this section shall restrict the authority of the Governor to appoint a person other than one of

the persons nominated according to this subsection or subsection (1) of this section.

- (3) The board of directors shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers as the board considers necessary for the performance of the functions of those offices. A minimum of seven of the members of the board constitutes a quorum for the transaction of business.
- (4) The board of directors shall meet at least once every three months at a time and place determined by the board. The board shall meet at such other times and places specified by the call of the chairperson or of a majority of the members of the board.

[1995 c.691 s.2; 1999 c.451 s.2]

Note: See note under 757.542.

757.552 Duties of center; fees for services; rules; exemption from certain financial administration laws.

- (1) It is the function of the board of directors to operate the Oregon Utility Notification Center, through which a person shall notify operators of underground facilities of proposed excavations and request that the underground facilities be marked.
- (2) The board of directors shall:
 - (a) Utilize a competitive process to contract with any qualified person to provide the notification required under subsection (1) of this section.
 - (b) Subject to subsection (3) of this section, establish rates, on a per call basis, under which subscribers shall pay to fund all of the activities of the Oregon Utility Notification Center.
 - (c) Adopt rules according to ORS Chapter 183 that regulates the notification and marking of underground facilities to prevent damage to underground facilities. The rules, insofar as is practicable, shall be consistent with the Oregon Utilities Coordinating Council Standards Manual of March 31, 1995.

- (3) The Oregon Utility Notification Center shall have all of the powers of a state agency. Except as provided in subsection (2) of this section, the provisions of ORS 279.835 to 279.855 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 shall not apply to the Oregon Utility Notification Center.
- (4) Notwithstanding subsection (2)(b) of this section, the board of directors shall not establish rates or other charges that require payments from any subscriber who receives fewer than 50 telephone calls in the calendar year or that result in annual payments of more than \$500 for any of the following subscribers:
- (a) Cities with a population under 15,000;
 - (b) Telecommunications utilities serving fewer than 50,000 access lines and regulated by the Public Utility Commission under ORS chapter 759;
 - (c) Cable system operators serving fewer than 15,000 customers;
 - (d) Utilities, special districts, people's utility districts or authorities providing electricity, water or sanitary sewer service to fewer than 15,000 residential customers; and
 - (e) Telecommunications cooperatives.

[1995 c.691 s.3; 1999 c.451 s.3]

Note: See note under 757.542.

757.557 Underground utility facility operators required to subscribe to center; liability for damage from excavation for nonsubscribers; exemption.

- (1) Every operator of underground facilities shall subscribe to the Oregon Utility Notification Center.
- (2) Any person intending to excavate shall notify the Oregon Utility Notification Center at least two but not more than 10 business days before commencing an excavation. The board of directors shall, by rule, provide an exception to the requirement of advance notice for excavators in cases that involve an immediate danger to life or property, or a customer service outage. The board may

adopt additional exceptions as the board, in its discretion, determines necessary.

- (3) Non-subscribing operators of underground facilities shall be responsible to all injured parties for all costs associated with damages to such facilities, loss of product or service or damages that occur as a result of excavation where the facilities damaged are under the control of the non-subscribing operator and proper notice was given to the Oregon Utility Notification Center.
- (4) The provisions of this section shall not apply to operators of underground facilities that are located entirely on private property and that provide services exclusively for the use of residents or owners of the property.

[1995 c.691 s.4]

Note: See note under 757.542.

757.562 Report to Legislative Assembly of center activities; contracts to carry out duties.

- (1) The board of directors shall file with the Legislative Assembly and the Governor, not later than April 15 of each year, a report covering the activities and operations of the Oregon Utility Notification Center for the preceding calendar year according to the provisions of ORS 192.230 to 192.250.
- (2) In carrying out the duties, functions and powers imposed by law on the Oregon Utility Notification Center, the board of directors may contract with any state agency or private party for the performance of such duties, functions and powers as the board considers appropriate.

[1995 c.691 s.5]

Note: See note under 757.542.

757.993 Penalty for violation of utility excavation notification provisions.

- (1) Except as provided in subsection (2) of this section and in addition to all other penalties provided by law, every person who violates or who procures, aids or abets in the violation of any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.
- (2) In addition to all other penalties provided by law, every person who intentionally violates or who intentionally procures, aids or abets in the violation of any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$5,000 for the first violation and not more than \$10,000 for each subsequent violation.
- (3) Each violation of any rule of the Oregon Utility Notification Center shall be a separate offense. In the case of a continuing violation, each day that the violation continues shall constitute a separate violation.
- (4) Penalties under this section shall not be imposed except by order following complaint as provided in ORS 756.500 to 756.610. A complaint must be filed within two years following the date of the violation.
- (5) The Public Utility Commission may reduce any penalty provided in this section on such terms as the commission considers proper if:
 - (a) The defendant admits to the violation or violations alleged in the complaint and makes a timely request for reduction of the penalty; or
 - (b) The defendant submits to the commission a written request for reduction of the penalty within 15 days from the date of the penalty order.
- (6) If the amount of the penalty is not paid to the commission, the Attorney General, at the request of the commission, shall bring an action in the name of the State of Oregon in the Circuit Court for Marion County to recover the penalty. The action shall not be commenced until after the time has expired for an appeal from the findings, conclusions and order of the commission.

- (7) Notwithstanding any other provision of law, the commission shall pay penalties recovered under this section to the Oregon Utility Notification Center.
- (8) The commission shall not seek penalties under this section except in response to a complaint alleging a violation of a rule or rules adopted by the Oregon Utility Notification Center. The commission may investigate any such complaint, and the commission shall have sole discretion to seek penalties under this section.

[1995 c.691 s.7]

Oregon Administrative Rules

Chapter 952, Division 1

Oregon Utility Notification Center

952-001-0001

Adoption of Model Rules

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, which became effective January 1, 2012, are by this reference adopted as rules of administrative procedure of the Board of Directors for the Oregon Utility Notification Center and are controlling except as otherwise required by statute or rule.

Stat. Auth.: ORS 757.552

Stat. Implemented: ORS 183.341, 757.552

Hist.: OUNC 2-2013, f. & cert. ef. 11-14-13

952-001-0003

Permanent Rulemaking Notice

- (1) Before permanently adopting, repealing or amending any administrative rule, the Oregon Utility Notification Center (OUNC) will give notice of the proposed action by:
 - (a) Publishing notice of the rulemaking in the Secretary of State's Oregon Bulletin at least 21 days before the effective date of the rule;
 - (b) Mailing, electronically mailing, or personally delivering a copy of the notice to persons on the OUNC's applicable rulemaking notification list established per ORS 183.335(8) at least 28 days before the effective date of the rule;
 - (c) Mailing or electronically mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and

(d) By mailing, e-mailing, or furnishing a copy of the notice to:

- (a) The Associated Press; and
- (b) Capitol Press Room.

(2) OUNC may update the mailing list annually by requesting persons to confirm that they wish to remain on the mailing list. If a person does not respond to a request for confirmation within 28 days of the date that OUNC sends the request, OUNC will remove the person from the mailing list. Any person removed from the mailing list will be immediately returned to the mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.341 & 757.552

Stat. Implemented: ORS 183.335& 757.552

Hist.: OUNC 1-2013(Temp), f. & cert. ef. 11-14-13 thru 5-11-14;

OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0010

Definitions

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 representative for another person or entity.
- (6) "Easement" means a nonpossessory interest in the land of another which entitles the holders of an interest in the easement to a private right of way embodying the right to pass across 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 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 statewide system through which a person can notify operators of underground facilities of proposed excavations and can request that the underground facilities be marked.
- (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:

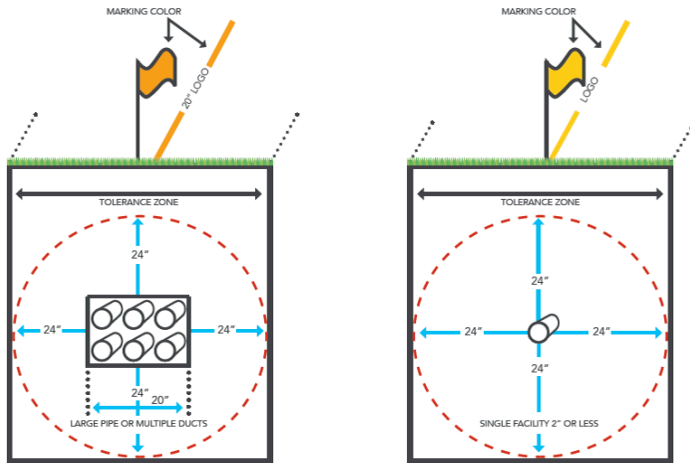
- (a) Mark or identify by other means the location of its locatable underground facilities in the area of the proposed excavation;
- (b) Notify the excavator that there are unlocatable underground facilities in the area of the proposed excavation; **or**
- (c) Notify the excavator that there are no underground 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.
- (25) "Tolerance zone" means the area within 24 inches surrounding the outside dimensions of all sides of an underground facility.
(See Tolerance Zone illustration below.)

TOLERANCE ZONE



- (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.

Stat. Auth.: ORS 183 & 757

Stats. Implemented: ORS 757.542

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2000, f. & cert. ef. 8-28-00; OUNC 1-2006, f. & cert. ef. 10-13-06; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0020

Project Plans to Notify Excavator of Requirements of Law

All project plans must contain the following statement:

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0001 through 952-001-0090. You may obtain copies of the rules by calling the center. NOTE: The telephone number for the Oregon Utility Notification Center is (503) 232-1987).

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

952-001-0030

Permits to Notify Excavator of Requirements of Law

Any entity authorized to issue permits for construction which requires excavation must include on such permits the language set out in OAR 952-001-0020.

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

952-001-0040

Pre-Marking Required by the Excavator; Exemption

(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 the immediate area of the proposed excavation within both the public rights-of-way and underground easements.

- (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) 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.

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

952-001-0050

Excavator to Give Notice of Proposed Work; Exemption

- (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.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2006, f. & cert. ef. 10-13-06; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0060

When Excavator May Give Less than Two Full Business Day Notice

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.

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

952-001-0070

Operators to Mark Underground Facilities or Notify Excavator that None Exist

- (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 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;
 - (b) Provide marks to the excavator of the unlocatable underground facilities in the area of proposed excavation, using the best information available including as-constructed drawings or other facility records that are maintained by the facility operator; **or**
 - (c) Notify the excavator that the operator does not have any 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 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 exceed 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, drainage facilities or other drain lines.
 - (f) WHITE — Pre-marking of the outer limits of the proposed excavation or marking the centerline and width of proposed lineal installations of buried facilities.
 - (g) PINK — Temporary Survey Markings.
 - (h) PURPLE — Slurry, irrigation and reclaimed water.

- (9) In areas of ongoing excavation or construction, operators must mark newly installed underground facilities immediately upon placement.
- (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.

Stat. Auth.: ORS 183 & 757

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; Administrative

Reformatting 1-19-98; OUNC 1-2000, f. & cert. ef. 8-28-00; OUNC 1-2006, f. & cert. ef. 10-13-06; OUNC 1-2008, f. & cert. ef. 5-30-08; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0080

Operators to Respond to Notifications Requesting Design Information

- (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 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;
 - 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 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.

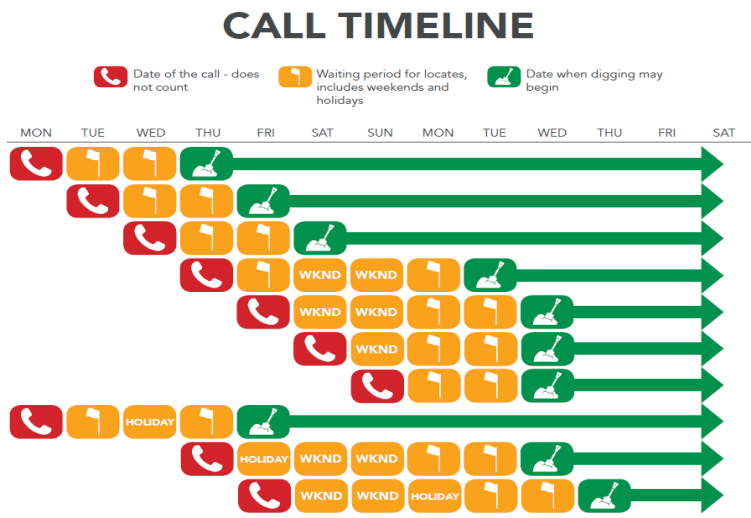
Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

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

952-001-0090
Delay of Excavation Until Response from Facility Operators;
Duty of Excavator to Use Reasonable Care; Damage to Facilities

(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 an excavator notified the Oregon Utility Notification Center. See Call Timeline table below for examples.



For a larger version of this chart, see page 51.

- (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 may be reasonably necessary for the protection of such facilities.
- (5) When excavating using horizontal directional drilling, the excavator must visually monitor the drill head and back reamer pass through the tolerance zone.
- (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 must 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.

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

952-001-0100

Record Keeping Requirements

- (1) Abandoned Facilities: Except as provided in section (3) of this rule, all operators must maintain records, by mapping or other means, of all underground facilities abandoned on or after April 1, 2002, that show:
 - (a) The location of such facility to the level of detail when abandoned;
 - (b) The date of abandonment of such facility; and
 - (c) Whether each such facility is a locatable underground facility or an unlocatable underground facility.
- (2) Out-of-Service Facilities: Except as provided in section (3) of this rule, all operators must maintain records, by mapping or other means, of all underground facilities placed in out-of-service status on or after April 1, 2002, that show:

- (a) The location of such facility to the level of detail when placed in out-of-service status;
 - (b) The date of abandonment of such facility; and
 - (c) Whether each such facility is a locatable underground facility or an unlocatable underground facility.
- (3) These record keeping requirements do not apply to operators who provide telecommunications, CATV or electric service for the underground facilities located between the operator's system and the customer's point of service.

Stat. Auth.: ORS 183 & 757

Stat. Implemented: ORS 757.542 - 757.562 & 757.993

Hist.: OUNC 1-2000, f. & cert. ef. 8-28-00; OUNC 1-2014, f. & cert. ef. 3-7-14

ELLEN F. ROSENBLUM
Attorney General



FREDERICK M. BOSS
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

MEMORANDUM

DATE: June 4, 2014

TO: Kevin Hennessy, Chief, Pipeline Safety
Public Utility Commission of Oregon

FROM: Johanna M. Riemenschneider, Assistant Attorney General *JMR*
Business Activities Section

SUBJECT: Locating Sewer Laterals
DOJ File No. 860500/860-500

You ask whether cities or homeowners and businesses are responsible for locating sewer laterals. This question arises because, although the vast majority of cities (and sewer districts) are willing to locate sewer laterals, there has been a handful that refused in the past. Cities in the latter category claimed that it is the responsibility of the homeowners and businesses to locate the laterals because they have legal title to the laterals. This memorandum updates and confirms our May 1, 1998 memorandum to Jack Dent, Pipeline Safety Chief, Public Utility Commission of Oregon.

You have told us that cities typically require owners of homes and businesses to install laterals to city specifications. Although protesting cities assert that the owner has legal title to the lateral, the owner in fact has no administrative or operational control over the lateral in the public right-of-way. That part of the lateral is controlled and operated by the city. The part of the lateral on private property, on the other hand, is the responsibility of the owner because the owner does have the operational and administrative control of that piece of it. Thus, you are concerned with only those parts of laterals that are in the public right-of-way.

You also point out that, as a practical matter, the owners of homes and businesses will rarely have knowledge of the route of a lateral, the expertise to locate it, or the equipment to mark the location of the lateral. On the other hand, the city, as the operator, would likely know where the lateral is, as it controlled the installation, and it would have the expertise and equipment to perform the locate.

We continue to conclude that a city or sewer district operating a sewer system is responsible for marking the sewer laterals that are in the public right-of-way.

The Legislative Assembly created the Oregon Utility Notification Center (OUNC) in Chapter 691, Oregon Laws 1995. This law is now listed in the Oregon Revised Statutes (ORS) sections 757.542 to 757.544. Except as provided by law, operators of underground facilities must subscribe to the OUNC, which notifies operators of proposed excavations and requires operators

Kevin Hennessy
OPUC
June 4, 2014
Page 2

to mark their underground facilities. ORS 757.552; OAR 952-001-0070. In ORS 757.542(5), "operator" is defined as:

"any person, public utility, municipal corporation, political subdivision of the state or other person with control over underground facilities."

The Legislative Assembly used "operator" rather than "owner" because an owner may not always have control over underground facilities. It made those in control of underground facilities responsible for subscribing to the OUNC and for marking facilities, not those who happen to have legal title to those facilities.¹ Consistent with ORS 757.542(5), OUNC has further clarified the definition of "operator" to mean:

"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."

Thus, under the above definitions, cities that have the control over or the right to bury sewers that are in the public right-of-way or in any utility easement are operators that must subscribe to and comply with the requirements of the Oregon Utility Notification Center, including the location of sewer laterals. ORS 757.557(1).

JMR:JUSTICE-#5319177-v1

¹ORS 757.542(6) defines "underground facilities" to include "sewers."

Color Code

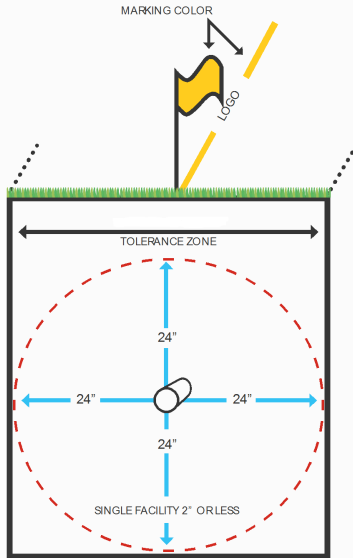
Underground facilities shall be marked in accordance with the following designated color code (As per OAR 952-001-0070 (8))

<u>Color</u>	<u>To Indicate</u>
RED	Electric power lines, cables or conduit, and lighting cables
YELLOW	Gas, oil, steam, petroleum, or gaseous materials
ORANGE	Communication, alarm or signal lines, cables or conduits, and fiber
BLUE	Potable water
GREEN	Sewers, drainage facilities or other drain lines
WHITE	Pre-marking of the outer limits of the proposed excavation or marking the centerline and width of propose lineal installations of buried facilities
PINK	Temporary survey markings
PURPLE	Slurry, irrigation and reclaimed water

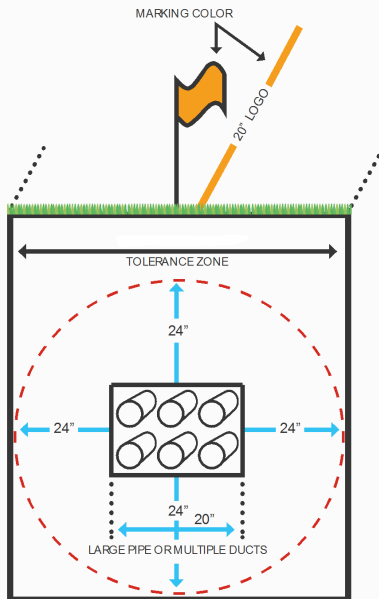
FINES MAY BE IMPOSED FOR MISUSE OF COLORS

Adopted by the American Public Works Association.

Tolerance Zone



OAR 952-001-0010 (25) "Tolerance Zone" means the area within 24 inches surrounding the outside dimensions of all sides of an underground facility.



Permanently Marking Underground Facilities

The following recommendations shall be followed when permanently marking underground facilities:

1. Markers must be clearly visible.
2. Marker material shall be durable in nature. (Treated Wood, Metallic, UV Resistant Plastics, etc.)
3. Mark culverts if not readily visible. Mark both ends of all non-visible underground facilities.
4. Identify type of underground facility if not recognizable from the surface.
5. It is also recommended that the OUNC Call Center number, 811 or (800) 332-2344, appear on the marker, if the marker is of sufficient size.

Complaint Process

The complaint process is initiated by a Request for Administrative Action (RAA). The RAA procedure provides the mechanism for reporting possible violations of the Oregon excavation laws. The RAA process and explanation for how to proceed with filing a complaint is available online at www.digsafelyoregon.com or from the One Call Center at (503) 232-1987.

Oregon law provides that a violation of any rule of the Oregon Utility Notification Center (OUNC) shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation. In addition to all other penalties provided by law, every person who intentionally violates or who intentionally procures, aids or abets in the violation of any rule of the OUNC shall incur a penalty of not more than \$5,000 for the first violation and not more than \$10,000 for each subsequent violation.

One Call Center

The Oregon Utility Notification Center (One Call Center), was established to receive locate requests for locating underground utilities from excavators and to relay these requests to the facility operators.

Phone Numbers

**To request a locate please call:
811 or (800) 332-2344**

For administrative questions call:

(877) 668-4001 – toll free

(503) 232-1987 – metro area

(The administrative numbers are available from 8am to 5pm PST, Monday through Friday.)

Business Hours

The center is available for requests 24 hours a day, 7 days a week. Requests received outside normal business hours will be transmitted at the start of the next business day. The 2 full business day notification period will also begin at the start of that business day.

ITIC

ITIC is an interactive tool that allows you to enter locate requests live with the Utility Notification Center.

To register, just visit www.callbeforeyoudig.org - click on ITIC and follow the steps to register. If you have questions about registering for ITIC, please call (877) 668-4001.

ITIC Lite

ITIC Lite is a way for homeowners to enter locates on-line with the Utility Notification Center.

Frequently Asked Questions

1. What do I need to do if I'm going to excavate?

- A. At least two full business days and not more than 10 business days prior to excavation, contact the Oregon Utility Notification Center:
 - (1) Call 811; or
 - (2) www.CallBeforeYouDig.org; or
 - (3) Call 1-800-332-2344
- B. Mark the area of proposed excavation in white, per OAR 952-001-0040.
- C. Wait until the legal start time on your ticket and verify that all operators identified on the ticket have responded. If not, contact the operator(s) of the facilities that are not marked,
- D. Begin your excavation complying with OAR 952-001-0090.

2. As a homeowner, when do I have to call for locates?

The definition of excavation is very clear: any operation in which earth, rock or other material is moved or displaced by any means; such as planting a tree, putting in fence posts, installing mailboxes, planting shrubs, building a deck, etc.

To be exempt from calling for locates a homeowner must meet the following four specific requirements:

- 1. The excavator is a tenant or an owner of private property,
- 2. The excavation is on private property of that owner or tenant,
- 3. The excavation is less than 12 inches deep; and
- 4. The excavation is not within an established easement.

Other than the exemptions discussed above, any person performing excavation activities must call for locates, regardless of depth. *OAR 952-001-0050*

3. What happens when I call the 811 or the toll-free number 800-332-2344?

As soon as you make that important phone call, the operator answering the phone at the OUNC's One Call Center, will ask you a series of questions designed to pin point the proposed excavation area. You will be given a reference number and the

names of the Operators that have buried facilities in the excavation area. The One Call Center will then notify the affected facility Operators that have underground facilities within the proposed excavation site. The facility Operator (or their locating contractor) will locate and accurately mark there buried facilities with the required color and the operator's initials or logo.

4. Is an operator's initials, or logo, really necessary? The color code indicates the type of facility.

Yes, the initials, or logo, are necessary. There may be more than just one telephone company, gas operator, etc., in the vicinity. Without the operator identification, the excavator would not know that all facilities had been marked. Conversely, if an operator marked "no gas", without a logo, an excavator would assume – no gas lines. But if there were another gas line operated by a different company, the stage would be set for a potential disaster.
OAR 952-001-0070(1)(a)

5. Do I Need To Pre-Mark or White line My Excavation Sites?

Pre-marking is done so the locators will know the exact area to be located. OUNC requires marking in white as per OAR 952-001-0040. However, this does not alleviate the responsibility of excavators requesting notifications to provide appropriate information, exact measurements and a specific description of the proposed excavation area. The purpose of White Lining is to provide a physical outline of the dig site, illustrating the exact location of the proposed excavation site. Whether the job is large or small, white lining eliminates assumptions and digging delays, which saves time and money for all parties involved.

Remember to pre-mark responsibly;

- By accurately marking the areas to be located
- Minimize damage caused by excess paint
- Call in accurate information to limit size of area to be painted to only what is needed.
- No white paint should be sprayed on pavement in a way that may interfere with traffic or pedestrian movement.
-

6. When can I start digging after I make the call? May I start my excavation before the two-business day deadline?

It is strongly recommended that you wait the full two-business day waiting period following the day of submitting your request. This allows all Operators to complete their required responsibilities. If you start before that time you may be accepting liability for damages. *OAR 952-001-0050(1) and OAR 952-001-0060*

7. When I call for a locate, will the buried facilities be marked all the way to my residence or business?

Most operators will locate to their meter, meter base or to the connection point of your private service for no charge. This includes Gas, Electric, Water, Telephone and CATV. *OAR 952-001-0070(1)(a)*

8. When will my locates be done?

Any locate requests placed after 5:00 p.m., will be treated as if they were submitted at 12:00 a.m. the following business morning. The 2 full business day waiting period begins at that time.

9. When is it legitimate to call for an “Emergency Locate” request?

The specific requirements for requesting an emergency locate are; 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). *OAR 952-001-0010 (7), OAR 952-001-0060*

10. What is considered to be a reasonable time for responding to Emergency Locate Requests?

During an emergency, an operator is required to respond as quickly as possible. Because of the large variety of service areas, geographical constraints, weather, traffic and many other factors, it is impractical to specify a precise time interval for response to an Emergency Locate Request. An operator is required to make the best effort possible to get to the site without delay. If an

excavator feels that an extraordinary amount of time elapsed before an operator responded, then an RAA should be filed.

11. What is a “Priority Locate/Crew On-site Locate” and what are my options as an operator?

A priority locate is a common term used by excavators to indicate that they are requesting a response for locate marks in less than the required 2 business days. It is a common misconception that a priority locate is a legal type of request. It is not. There is no mention of priority locates within the Oregon excavation laws. Therefore, there is no legal basis or requirement for an operator to respond in a shorter time frame (other than an emergency).

Currently, the One Call Center will inform the excavator that operators are not required to perform the locate in less than 2 business days, but will inform the operators of the request.

As a practical matter, many operators do try to respond to priority locates to the extent that their resources will allow. Excavators are strongly encouraged to plan their work carefully to allow for the full 2 business days response time.

12. During the assessment or determination of a potential emergency or hazardous condition involving underground natural gas or hazardous material pipelines, is an emergency locate request required?

Because of the potential danger associated with these products, it is imperative to identify the severity of any potential hazard as quickly and efficiently as possible. So long as the work associated with the assessment can be performed by hand operated tools in a manner that reflects reasonable care to protect underground facilities, an emergency locate is not required. However, once the scope of this excavation is escalated beyond assessment, the excavator shall notify the Oregon Utility Notification Center immediately to request an emergency locate.

13. Who is responsible for marking sewer laterals... the operator of the sewer main or the home/business owner? Sewer laterals in the right of way are a constant problem because

some cities/operators refuse to mark them because they say that they do not own the laterals.

The Oregon excavation laws make it clear that operators are responsible for marking the laterals within the public right of way and easements.

The definition of “Operator” is found under OAR 952-001-0010(15). The laws do not address “owners” of underground facilities, only operators. Please read the letter from the Oregon Department of Justice, found on page 34-35, which provides a complete discussion concerning sewer laterals. *OAR 952-001-0070.*

14. Do I need to locate underground drainage lines or culverts if they are readily visible?

Although there are many underground drainage lines, and manholes, catch basins, inlets, outlets, junction boxes, storm drains or permanent marking devices that are readily visible, many are not. You may omit marking if the facility is;

- Clearly visible from the surface for its entire length within the located area
- Marked by permanent marking systems and markers are clearly visible
- Marker shall be durable in nature (treated wood, metallic, UV resistant plastics, etc.)
- Mark culverts if not readily visible. Mark both ends of all non-visible underground facilities.
- Identify type of underground facility if not recognizable from the surface.
- It is also recommended that your operators Call Center number appear on the marker if the marker is of sufficient size.

This rule is not intended to apply to sewer lines. *OAR 952-001-0070(11)*

15. Who is responsible for maintaining facility locate marks, and how long must they be maintained?

The excavator is required to maintain locate marks for the 45 day ticket life of the project or ticket; whichever is lesser. Excavators have the flexibility to determine the extent of a project that they

wish to have marked at any one time. Once marked, the excavator must maintain the accuracy of the original marks. The Excavator is required to submit a new locate request if excavation exceeds 45 calendar days from the date the original ticket was submitted.

Occasionally, locate marks are destroyed before an excavator has had the chance to take offset markings, and operators have been consistently responsive to re-marking their facilities. However, excavators that make repeated calls for relocates, because of their failure to maintain the marks, are subject to civil penalties. *OAR 952-001-0090(3)(a)*

16. For Design/Pre-survey Locate requests, how long can the request be maintained as active, and does a new locate request need to be made prior to actual excavation?

Maintenance of the locate marks and the length of time they are good for is the same as described in question 12, a new locate request prior to excavation is required. *OAR 952-001-0080*

17. Is an operator required to mark the depth of a facility to comply with the definition of Tolerance Zone stating twenty-four (24) inches, of the outside dimensions of ALL sides of an underground facility?

No. Due to ever changing surface conditions, it is nearly impossible to mark the depth of an underground facility with confident accuracy. A facility should be marked within 24 inches of its outside lateral dimensions. ALL sides of the facility, refers to the requirements of the excavator as mentioned in *OAR 952-001-0090(3)(c)*.

18. Can I use the same color marking paint as the operator did to maintain my locate marks?

The excavator is required to maintain locate marks for the 45 day ticket life of the project or ticket; whichever is lesser.

It is recommended that excavators not paint over the original locate markings with color-coded paint, as this may alter who is responsible for locate markings in the event of a dig-in or damage to the underground facilities.

Good examples of maintaining marks are 1) offset stakes, 2) flags or feathers or 3) bracketing with white paint. *OAR 952-001-0010 (12)*

19. When directional boring, am I required by law to pot hole and visually check depth of the buried facilities?

Yes, you are expected to follow one of two things: hand tools and or down two feet or below excavation depth.

Any time that excavation is taking place within the Tolerance Zone of the utility marks you must use hand tools or non-invasive methods to determine the exact location of the underground facility or down two feet beyond. *OAR 952-001-0090(3)(c)*

20. Does Sidewalk and Road Maintenance require locates?

Yes. The definition of excavation is very clear; any operation in which earth, rock, or other material is moved or displaced by any means. This definition includes graders, backhoes, bulldozers, trenchers, augers, drilling machines, blasting, and all other powered equipment.

There is one exception to this rule. Sidewalk, road or ditch maintenance less than 12 inches in depth that does not lower the original grade or original flow line of the ditch. However because facilities can be shallower than when originally installed, it is highly recommended that a locate is requested for ditch maintenance.

Responding to an emergency, requires a call for an emergency locate This includes all private contractors, Cities, Counties, ODOT, BLM, and the Forest Service who do year round road maintenance. *OAR 952-001-0010(7)*

21. Does the installation of for-sale signs used by real estate companies require one call locate requests? How would you pre-mark the area so it isn't over marked?

Yes. The law is very clear, installing posts of any kind requires a locate request to be called in at least 2 business days before it is to be installed. *OAR 952-001-0010(8), OAR 952-001-0050*

- It is suggested that a flag or stake be placed at the desired location in advance of the locate request being called in and
- The caller should request only a 5 foot radius of the stake or flag be marked.

This will help eliminate excess marking on the property that is for sale.

22. Are the processes used in Survey Activities considered to be excavation?

Not all of the work processes used by surveyors are considered to meet the definition of excavating. Activities such as the placement and setting of tri-pods, setting of PK nails, setting of lath, flags and hubs; that moves or displaces earth, rock, or other materials up to a depth, as measured from the ground surface, that is no greater than 12 inches are not considered excavation

The work of exposing survey monuments may be conducted so long as the work is done in a non-invasive manner.

23. Why is the phrase “on or below the ground” used in the definition of excavation?

In Oregon the law was put into place due to the amount of timbering done. Cutting down and dragging trees with heavy equipment could possibly damage buried facilities.

The definition of excavation is not intended to include activities such as spinning vehicle tires in the mud or dirt, moving a pile of mulch, bark dust or dirt or other materials set on top of the ground, setting up of a tripod, a child digging in the sand, raking, hoeing, planting or pulling weeds in your yard or garden, or taking a divot out on the golf course.

24. Is tilling soil for agricultural purposes considered “excavation”?

The definition of “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 and does not exceed 18 inches in depth.
OAR 952-001-0010(8)

25. What is the intent of the One Call Rules?

The intent of the One Call Rules is very precise. The rules are meant to regulate the notification and marking of underground facilities to prevent damage to underground facilities.

The rules were not developed to stop all activities that disturb or move earth rock and or materials, such as; spinning vehicle tires in the mud or dirt, moving a pile of mulch, bark dust or dirt dropped in your driveway, a child digging in the sand at the beach, raking, hoeing, planting or pulling weeds in your garden or taking a divot out on the golf course.

26. What is the Oregon Utility Notification Center?

The Oregon Utility Notification Center (OUNC) is the state agency that administers the statewide "One Call" system. The Board of Directors is comprised of Governor-appointed volunteers that administer the One Call Center and carry out a variety of public relations, outreach, and educational efforts. The OUNC is often, mistakenly, called the "One Call Center". The OUNC has contracted with a private company to run the "One Call Center" under Board direction. *ORS. 757.547, OAR 952-001-0010(15)*

27. What is the difference between the One Call Center and the locating company?

The One Call Center is an information gathering service that identifies operators with facilities in your excavation area. The One Call Center then notifies all operators of your proposed excavation and the operators are then responsible for locating and marking their facilities. Operators may use their own employees to perform locates, or they may hire a private company to perform the locate marks.

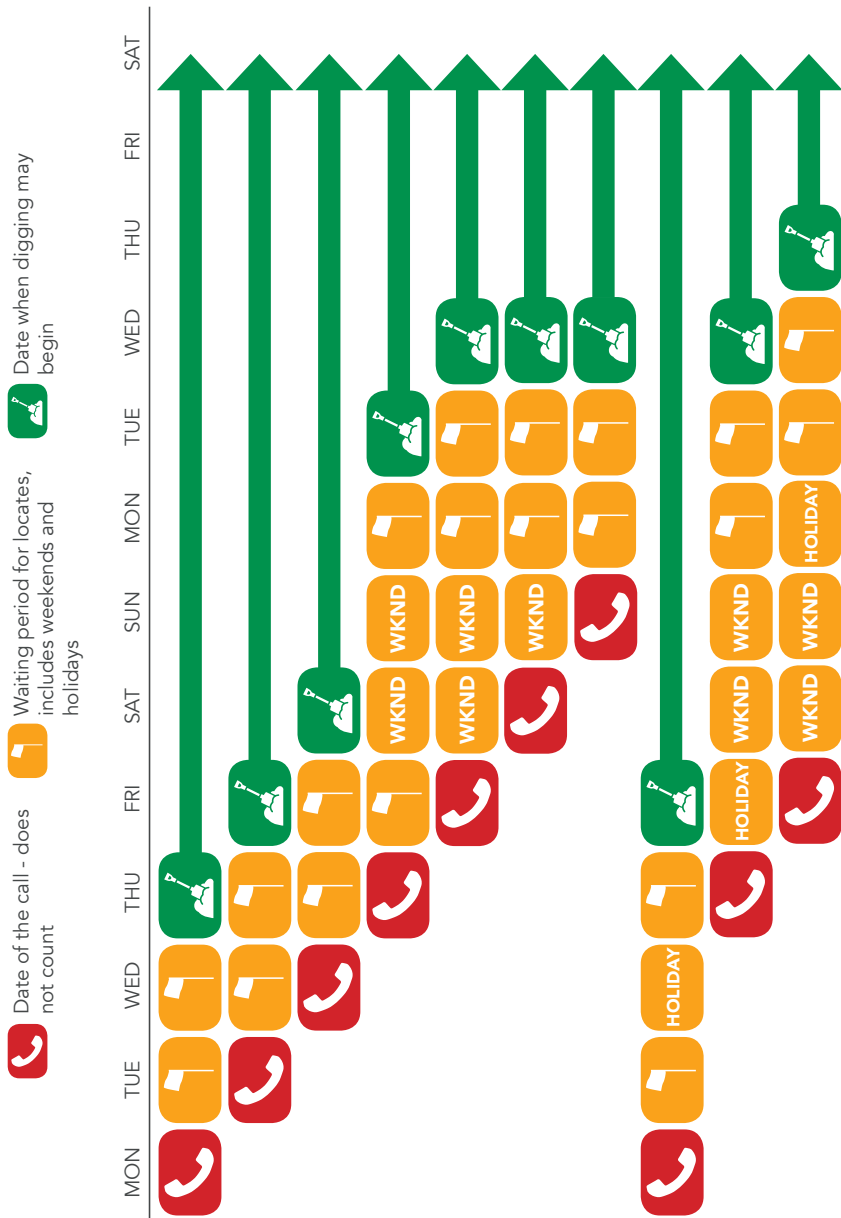
28. How are fines to be imposed? If there is a fine assessed against me, what happens to the money collected?


Fines are imposed through a complaint process administered by the Oregon Public Utility Commission (OPUC). Fines collected are forwarded to the OUNC for use in Publicity and Education. *ORS 757.993 or see Complaint Process*

Notes

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

CALL TIMELINE





**Call 811
or
1-800-332-2344**

OUCC.net
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