



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 952
OREGON UTILITY NOTIFICATION CENTER

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RULES:

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

NOTICE FILED DATE: 09/21/2018

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 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 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 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.)

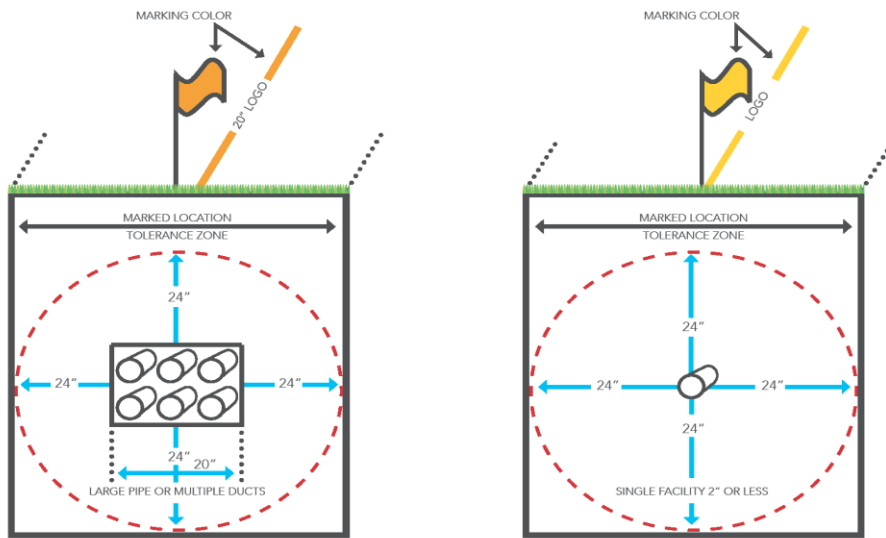
(26) "Underground facilities" means items partially or entirely below the surface of the ground for use in connection with the storage or conveyance of electrical energy, water, sewage, petroleum products, gas, gaseous vapors or hazardous liquids, or the transmission of electronic, telephonic, telegraphic 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

TOLERANCE ZONE



AMEND: 952-001-0050

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

NOTICE FILED DATE: 09/21/2018

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.

STATUTORY/OTHER AUTHORITY: ORS 757.552

STATUTES/OTHER IMPLEMENTED: ORS 757.552

AMEND: 952-001-0060

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

NOTICE FILED DATE: 09/21/2018

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

NOTICE FILED DATE: 09/21/2018

RULE SUMMARY: The changes to this rule include (1) the change from 48 hours to two 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 two full business day rule when a documented agreement exists between the operator and the excavator for scheduled marking exceeding the required two 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 within 24 inches of the outside lateral dimensions of both sides of all 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 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 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.

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

NOTICE FILED DATE: 09/21/2018

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 within 24 inches of the outside lateral dimensions of both sides of all 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.

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

NOTICE FILED DATE: 09/21/2018

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 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 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

**Call
Timeline:**

	Date of the call - does not count
	Waiting period for locates, includes weekends
	Date when digging may begin

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu
Mon		1	2	ok							
Tue			1	2	ok						
Wed				1	2	ok					
Thu					1			2	ok		
Fri								1	2	ok	
Sat									1	2	ok
Sun									1	2	ok