

Oregon Utilities Coordinating Council

Standards Manual



Revised June 2008

Phone Numbers

To phone in your locate, call:

(800) 332-2344

or



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

Websites

ITIC (To enter your locate request online):

www.callbeforeyoudig.org

Oregon Utilities Coordinating Council:

www.oucc.net

Oregon Utility Notification Center:

www.digsafelyoregon.com

(For more contact information, please see page 37).

INDEX

<u>Section</u>		<u>Page</u>
I	Oregon Utility Coordinating Council (OUCC)	
	Mission Statement	2
	Zones and Local Councils	3
	Damage Statistics	5
II	The Oregon Revised Statutes establishing the OUNC	6
III	OAR Implementation of the Law	13
IV	Examples	
	Sewer Lateral Letter	25
	Farmland Exemption	28
	OSHA	29
	Color Code	31
	Reasonable Accuracy	32
	Typical Street Markings	33
	Joint Trench Examples	34
	Permanent Marking Underground Facilities	36
V	Enforcement	
	Complaint Process	37
VI	One Call Center	
	ITIC	39
	ITIC Lite	39
VII	Frequently asked questions	40

Mission Statement

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.

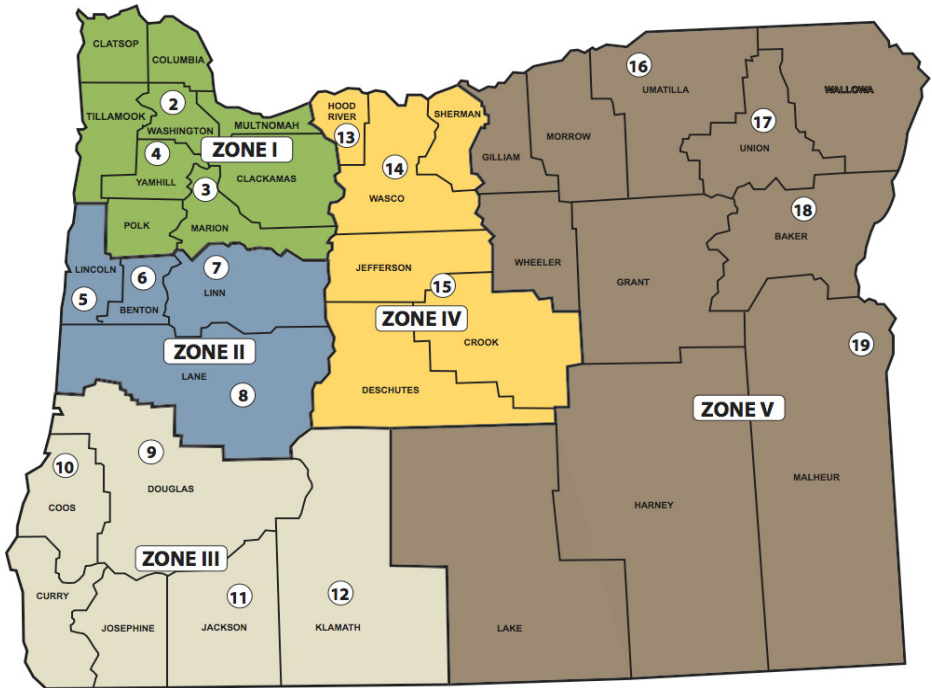
The Oregon chapter is comprised of delegates selected from local coordinating councils throughout the State. The purpose and goal of the councils, both state and local, is to encourage utilities, public agencies, contractors and others in Oregon to coordinate underground installations and to develop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

Zones & Local Councils

For more information, go to <http://www.oucc.net>
for links to coordinating councils.



Key to Map

AREA
NUMBER

UTILITY COORDINATING
COUNCIL NAME

Zone 1

2	Metropolitan UCC
3	Mid-Willamette UCC
4	Yamhill UCC

AREA
NUMBER

UTILITY COORDINATING
COUNCIL NAME

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 (Ontario, Vale, Nyssa)

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

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 regulate 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) Nonsubscribing 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 nonsubscribing 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 Utilities Notification Center

952-001-0010

Definitions

(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.

(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) "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).

(7) "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 and does not exceed 18 inches in depth.

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

(9) "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.

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

(11) "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.

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

(13) "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.

(14) "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.

(15) "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.

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

(17) "Reasonable accuracy" means location, within twenty-four (24) inches, of the outside lateral dimensions of both sides of an underground facility.

(18) "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.

(19) "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.

(20) "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 & ORS 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. 10-13-2006

952-001-0020

Project Plans to Notify Excavator of Requirements of Law

All project plans shall 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 952-001-0010 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.: Sec. 1 – 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

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

952-001-0030

Permits to Notify Excavator of Requirements of Law

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

Stat. Auth.: Sec. 1 – 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

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

952-001-0040

Pre-Marking Required by the Excavator; Exemption

(1) Except as provided in paragraph (2) of this rule, prior to notifying the Oregon Utility Notification Center, an excavator shall 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 paragraph (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) The excavator and operator have had a meeting prior to the beginning of the proposed project, at the construction site for the exchange of information required under paragraph (l) of this rule.

Stat. Auth.: Sec. 1 – 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

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

952-001-0050

Excavator to Give Notice of Proposed Work; Exemption

(1) Except as provided in section (2) of this rule, at least two (2) business days, but not more than ten (10) business days before commencing an excavation, the excavator shall 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 shall 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 twelve (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, shall 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 shall 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.: Sect. 1 - 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2006, f. & ef. 10-13-2006

952-001-0060

When Excavator May Give Less than Forty-Eight (48) Business Day Hour Notice

An excavator may provide less than two (2) business days (48) hours prior notice if:

- (1) The excavator is responding to an emergency, so long as the excavator notifies the Oregon Utility Notification Center immediately and so long as 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.: Sec. 1 – 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

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

952-001-0070

Operators to Mark Underground Facilities or Notify Excavator that None Exist

(1) Except as provided in section (3) of the rule, within two business days (48 hours) after the excavator notifies the Oregon Utility Notification Center of a proposed excavation, the operator or its designated agent shall:

(a) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks shall indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than two (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) Operators of abandoned facilities shall mark said facilities to the standards of locatable facilities or unlocatable facilities.

(3) An operator shall mark any abandoned underground facility that is known to it with a capital letter "A" inside of a circle, using the appropriate operator color and identification.

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

(5) If an excavator uses offset marking, the excavator shall correctly

measure the amount of offset, so that the excavator can reestablish the location of underground facilities where originally marked.

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

(7) Underground facilities shall be marked in accordance with the following designated color code:

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

(b) YELLOW -- Gas, oil, steam, petroleum, or other hazardous liquid or gaseous materials.

(c) ORANGE -- Communications, cable TV, alarm or signal lines, cables or conduits.

(d) BLUE -- Water, irrigation, and slurry lines.

(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 and reclaimed.

(8) In areas of ongoing excavation or construction operators shall mark newly installed underground facilities immediately upon placement.

(9) 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 shall place a tracer wire or other similar conductive

marking tape or device with the facility to allow for later location and marking.

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

Stat. Auth.: ORS 183 & ORS 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

952-001-0080

Operators to Respond to Notifications Requesting Design Information

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

(1) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks shall indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than two (2) inches;

(2) Provide the excavator the best description available to the operator of the unlocatable underground facilities in the area of the proposed excavation including as-constructed drawings, or other facility maps that are maintained by the facility operator; or

(3) Contact the person requesting design information and agree on a time, prior to the beginning of the proposed project, for exchange of the information required under paragraph (1) or paragraph (2) of this rule.

Stat. Auth.: Sec. 1 – 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

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

952-001-0090

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

(1) An excavator shall not commence an excavation which 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 (2) business days (48 hours) have elapsed from the time the excavator notified the Oregon Utility Notification Center.

(2) Once underground facilities have been marked, the excavator shall:

(a) Maintain marks during the excavation period to ensure that the original marks remain effective for the life of the project and can be re-established;

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

(c) Employ hand tools or other such non-invasive methods to determine the exact location of the underground facility when excavation is to be made within the reasonable accuracy zone.

(3) The excavator shall provide such lateral and subjacent support for underground facilities as may be reasonably necessary for the protection of such facilities.

(4) If the excavator causes or observes damage to underground facilities, the excavator shall notify the operator of the underground facilities immediately. If the damage causes an emergency, the excavator shall also notify all appropriate local public safety agencies immediately by calling 911 and shall take reasonable steps to insure the public safety. The excavator shall not bury damaged underground facilities without the consent of the operator of the damaged underground facilities.

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

Stat. Auth.: Sec. 1 – 5 & 7, Ch. 691, OL 1995

Stats. Implemented:

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

952-001-0100

Record Keeping Requirements

(1) Abandoned Facilities: Except as provided in Section (3) of this rule, all operators shall 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 shall 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 Ch. 183 and 757

Stat. Implemented: ORS 757.542 - 757.562 & 757.993

Hist: OUNC 1-2000, f. & cert. ef. 8-28-00



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION MEMORANDUM

DATE: May 1, 1998

TO: Jack Dent
Public Utility Commission
Chief, Pipeline Safety
550 Capitol Street NE
Salem, OR 97310-1380

FROM: Paul A. Graham, Attorney-in-Charge
Regulated Utility & Business Section

SUBJECT: Sewer Laterals

You have asked whether cities, on the one hand, or homeowners and businesses, on the other, are responsible for locating sewer laterals. You have told me that the question arises because, although the vast majority of cities (and sewer districts) are willing to locate sewer laterals, there are a handful that are refusing. Cities in the latter category claim that it is the responsibility of the homeowners and businesses to locate the laterals because they have legal title to the laterals.

Although the laterals extend from the sewer main, which is usually located under a city street, all the way to homes and businesses, you are concerned with only those parts of laterals that are in the public right-of-way.

I believe the cities are responsible for marking the laterals that are in the public right-of way.

The Legislative Assembly created the Oregon Utility Notification Center (OUNC) in ORS 757, Oregon Laws 1995. Section 1 of that chapter sets forth definitions. Section 1(13) defines “operator” 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 marking them, not those who happen to have legal title to those facilities.

You have told me 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.

You are correct in pointing 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 perform a locate. 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.

It is these practical considerations that led the Legislative Assembly to look to operators, rather than owners, as the persons or entities responsible for locating underground facilities.

You should also focus on section 4 of ORS 757. It requires every operator of an underground facility to subscribe to the OUNC. If the protesting cities are correct, then every person in this state with any kind of service line lateral (not just a sewer lateral) in a public right-of-way would be required to join the OUNC. There is no suggestion

anywhere in ORS 757 that the law was designed to deal with those who own homes and businesses served by laterals.

You may wish to share this memorandum with those cities refusing to locate sewer laterals. I will be happy to talk with representatives of those cities, especially their city attorneys.

Farmland Exemption

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.

Note: Oregon OSHA has employee protection rules that are in conflict with this "Exemption." Make certain that you are in compliance with the applicable employee protection rules.

See the next section of this Manual for general OR-OSHA comments and references. These are not comprehensive and serve only as examples.

Oregon Occupational Safety and Health Code

(Call Before You Dig References)

Oregon Administrative Rules, Chapter 437 Division 2 General Occupational Safety and Health Rules Subdivision S – Electrical Selection and Use of Work Practices. 1910.333 and 437-002-0047 Working Near Overhead High Voltage Lines and Equipment.

NOTE: Use the national telephone number **811** or **1-800-332-2344** for Call Before You Dig before any digging or excavation.

Oregon Administrative Rules, Chapter 437 Division 3 Construction Subdivision P 1926.651 Specific Excavation Requirements. 437-003-0096 Underground Installations.

Oregon Administrative Rules, Chapter 437 Division 3 Construction Subdivision K 1926.416 General Requirements. Protection of employees.

(2) In work areas where the exact location of underground electric power lines is unknown, employees using jack-hammers, bars, or other hand tools which may contact a line shall be provided with insulated protective gloves.

(3) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an energized electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact with the electric power circuit. The employer shall post and maintain proper warning signs where such a circuit exists. The employer shall advise employees of the location of such lines, the hazards involved, and the protective measures to be taken.

Oregon Administrative Rules, Chapter 437 Division 4 Agriculture Subdivision S 437-004-2810 General Requirements.

(10) Before beginning work like digging, drilling or remodeling, that may lead to hidden power sources the employer must locate them and determine their voltage. Locate underground lines by calling **1-800-332-2344** or **811**. The employer must then:

(a) Post and maintain proper warning signs where such circuits exist; and

(b) Advise the employees of the position of the lines, the hazards involved and the protective measures they must use.

Oregon Administrative Rules, Chapter 437 Division 4 Agriculture Subdivision T

437-004-3100 Excavation

NOTE: Before any digging you must comply with Oregon's "Call Before You Dig" law. Call **1-800-332-2344** or **811**. Oregon OSHA also has a Hazard Alert titled Electrical Hazards "Call before you dig".

Excavators give notice of proposed work. The excavator must give notice of the proposed work according to the requirements of OAR 437-001-0010 through 0090. These rules and the entire notice process are the jurisdiction of the Oregon Utility Notification Center at 1-800-332-2344.

Color Code

Underground facilities shall be marked in accordance with the following designated color code:

(As per OAR 952-001-0070 (7))

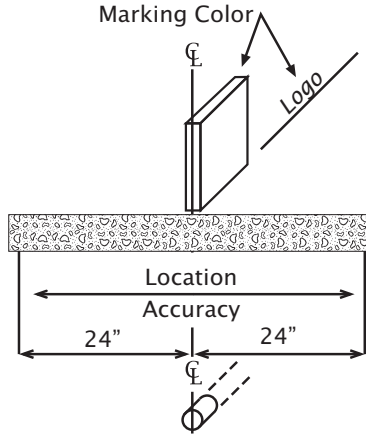
Color	To Indicate
RED	Electric power lines, cables or conduit, and lighting cables
YELLOW	Gas, oil, steam, petroleum, or other hazardous liquid or gaseous materials
ORANGE	Communications, cable TV, alarm or signal lines, cables or conduits
BLUE	Water, irrigation, and slurry lines
GREEN	Sewers, drainage facilities or other drain lines
WHITE	Pre-marking of the outer limits of the proposed excavation or marking the centerline and width of proposed lineal installations of buried facilities
PINK	Temporary Survey Markings
PURPLE	Slurry and reclaimed

FINES MAY BE IMPOSED FOR MISUSE OF COLORS

Adopted by the American Public Works Association.

Reasonable Accuracy

Reasonable Accuracy Zone

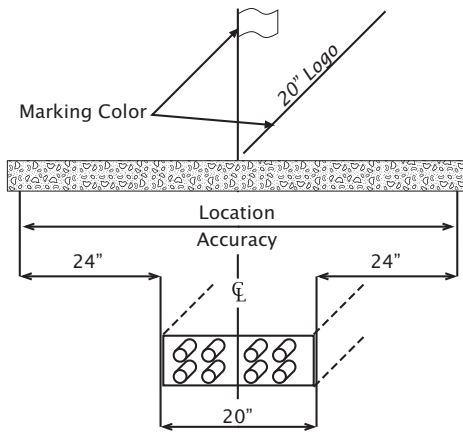


Small Facility
Less Than 2"

OAR 952-001-0010 (17) "Reasonable accuracy" means location within twenty-four (24) inches of the outside lateral dimensions of both sides of an underground facility.

(Note: Offset marking, when used, will have the same tolerance of accuracy.)

Reasonable Accuracy Zone Example



Facility Larger Than 2"

Typical Street Marking



Abandoned Lines – Use Correct Utility Color

Communications

Orange with Operators Logo

Power

Red with Operator's Logo

Gas

Yellow with Operator's Logo

Water

Blue with Operator's Logo

Sewer, Storm Sewer, Drainage

Green with Operator's Logo

Temporary Survey Markings

Pink with Operator's Logo

Proposed Excavation

White with Excavator's Logo

Examples

Qwest

CLPUD

Npt – Sewer

Required colors are applicable to any system of marking chosen. Flags or stakes must also represent the required color.

It is important to remember that multiple installations and facilities greater than two-inches in diameter or breadth must also be clearly described in the marking.

RECOMMENDED ABBREVIATIONS

T	Telephone
P	Power (Electric)
W	Water
G	Gas
S	Sanitary Sewer
ST	Storm Sewer
TV	Cable (Television)

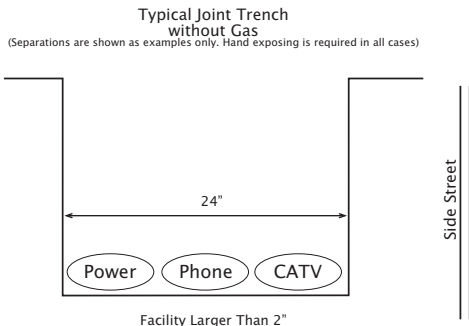
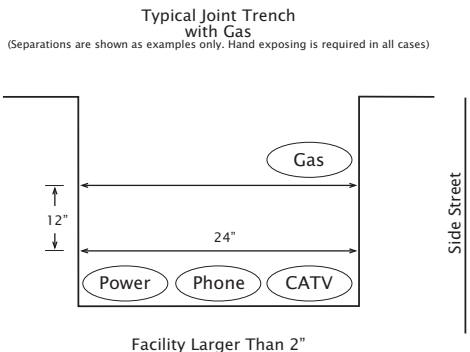
OUCC Joint Trench Examples

With continued growth in population and industry in Oregon, a greater degree of cooperation, standardization and coordination of underground utilities must be obtained so utility installations are done at maximum efficiency, minimum cost and least environmental impact.

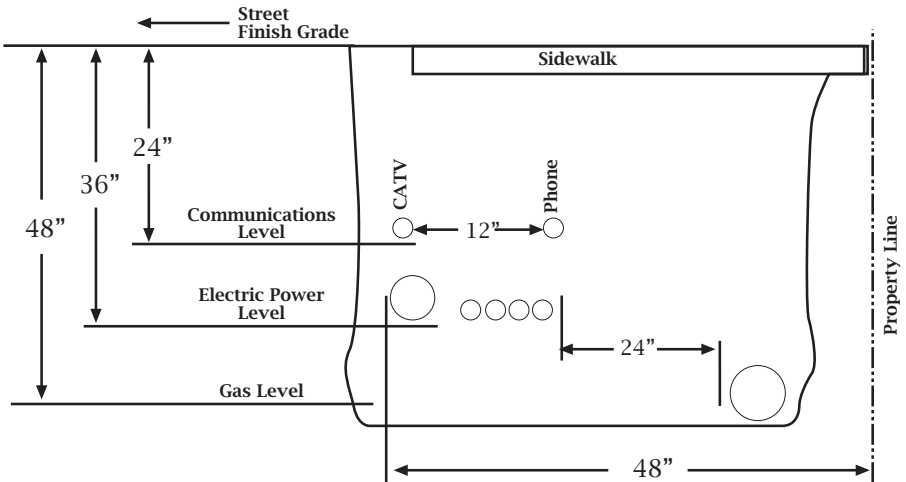
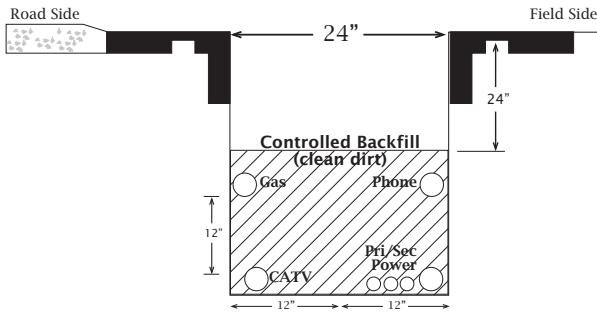
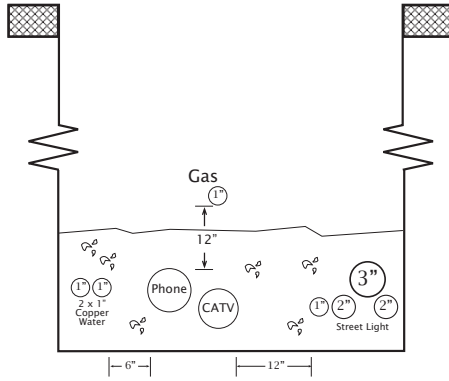
Joint trenching has become a very viable means of installing buried utilities to maximize trench efficiency and minimize cost when the area for trenching is at a minimum or the type of soil (rock) is at a premium cost to excavate.

Due to the long term benefits, it is recommended that conduit be used whenever possible. The use of conduit increases protection, decreases repair cost, and minimizes disruption to the general public.

In all cases, installations must meet the requirements of the jurisdiction having authority and applicable codes and standards within Oregon. The following are actual joint trench examples used by various operators within Oregon.



Joint Trench Examples Continued....



All installations must meet the requirements of the jurisdiction having authority and applicable codes and standards within Oregon. Including but not limited to ORS 92.044 (7) which prohibits placement of utility infrastructure within one foot of a survey monument location noted on a subdivision or partition plat.

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, (800) 332-2344, or 811, appear on the marker, if the marker is of sufficient size.

Complaint Process

This process is complaint-driven and administered by the Oregon Public Utility Commission (OPUC). All penalties provided under this law are set forth in ORS 757.993. All civil penalties collected by the OPUC for violations of the excavation laws are sent to the OUNC for deposit in the Publicity and Education Fund.

The complaint process is initiated by a Request for Administrative Action (RAA). The RAA form provides the mechanism for reporting probable violations of the Oregon excavation laws. The RAA form and an accompanying cover letter explaining its use are 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 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.

After the RAA form is completely filled out, it must be sent back to the One Call Center for the background research necessary for the OPUC to determine if further action is appropriate. If further action is indicated, the process can involve up to three distinct steps:

1. OPUC staff will contact the person named in the RAA and discuss the probable violation(s). First offense violations carry a civil penalty of up to \$1,000 but may be reduced depending on the circumstances involved. If the penalty is reduced, there will be a requirement for additional training on the excavation laws, and the portion of the penalty waived will be held in abeyance for a period of one year. If no further violations are committed, the record will be cleared. If another violation is committed within the year of probation, and proved, the waived amount becomes due and payable in addition to civil penalties imposed for the current violation.

2. The OPUC has established an Enforcement Committee that provides an informal setting for both sides of a dispute to discuss the issues. The five-member Enforcement Committee is made up of the following representatives: Two from the OUNC Board of Directors, One from the Oregon Utility Coordinating Council, One from the Construction Contractors Licensing Board, and One from the insurance industry. At the conclusion of the meeting, the Enforcement Committee will apprise the violator of their findings and recommendations for resolution of the RAA. If there is an agreement, the recommendation will be forwarded to the OPUC for final action. The Enforcement Committee recommendation is advisory only, and is not binding on the OPUC (In the majority of cases, the OPUC has accepted the Enforcement Committee recommendations).

3. If a resolution cannot be reached through either of the first two steps, the RAA will be processed as a formal hearing before an OPUC Administrative Law Judge in accordance with established hearing procedures found under ORS 756.500 to 756.610. At the conclusion of the hearing, the judge will make a ruling, and a formal OPUC Order will be issued.

The violator may pursue an appeal of the formal OPUC Order to the Circuit Court for Marion County for final disposition.

***(For more information or to research your tickets online,
visit www.digsafelyoregon.com)***

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 call for a locate request dial:

(800) 332-2344 or 811

For administrative questions dial:

(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 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 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.

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

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 their buried facilities with the required color.

3. 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. This allows all Operators to complete their required responsibilities. If you start before that time you may be accepting liability for damages.

4. 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.

5. Can I use the same color marking paint as the operator did to maintain my locates?

Excavators are to maintain locate marks during the excavation period to ensure that the original marks remain effective for the life of the project and can be re-established.

It is recommended that excavators not paint over the original locate markings with color coded paint, as this may alter who is responsible or liable 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.

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

Any time that excavation is taking place within the reasonable accuracy zone you must use hand tools or non-invasive methods to determine the exact location of the underground facility.

7. 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 locates.

8. 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.

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).

10. 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 day response time.

11. 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 life of the project. 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.

Locate marks occasionally 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 re-locates, because of their failure to maintain the marks, are subject to civil penalties.

12. 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 11, a new locate request prior to excavation is required.

13. What is the largest civil penalty levied for violations of the Oregon excavation laws?

As of August 2003, the largest fine has been \$245,000, with \$33,000 paid to the OUNC and \$212,000 was suspended for a period of three years. If this company violated the excavation laws again within that three year period the \$212,000 previously suspended would become due and payable in addition to further penalties imposed.

14. 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. What can I do, as an excavator, to protect myself?

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

The definition of "Operator" is found under

OAR 952-001-0010(13). The laws do not address "owners" of underground facilities, only operators. Please read the letter from the Oregon Department of Justice, found on page 24, which provides a complete discussion and opinion concerning sewer laterals.

The second part of this question concerns what excavators can do to protect themselves from damages caused by non-marking of facilities. The best answer is for excavators to follow the letter of the law to ensure that any damages caused are not through negligence on their part. If damages occur to facilities that were not marked, the cost of repairs should not be the responsibility of the excavator. If the operator tries to force the issue, the excavator should fill out a Request for Administrative Action (RAA) and let the OPUC decide the issue through its enforcement process. In effect, the best protection is to diligently follow the law, and do not hesitate to file an RAA against those who fail to follow the laws.

15. 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 with the OPUC for final resolution.

16. 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 was another gas line operated by a different company, the stage would be set for a potential disaster.

17. 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.

18. Does 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. 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.

19. 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.

1. It is suggested that a flag or stake be placed at the desired location in advance of the locate request being called in and
2. 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.

Notes

Notes

Notes

Dig Safely.®

1-800-332-2344

WWW.OUCC.NET

Special thanks to the following eight companies for providing the funds to assist in the cost of printing this manual:



Northwest Pipeline

