

BEFORE THE OREGON UTILITY NOTIFICATION CENTER

UNC 4

In the Matter of a Rulemaking to Clarify)
OAR 952-001-0070.) ORDER

DISPOSITION: RULE AMENDED

On March 31, 2008, under the statutory authority granted in ORS Chapters 183 and 757 and at the direction of the Board of Directors of the Oregon Utility Notification Center (OUNC), a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact was filed with the Secretary of State. Notice was provided to certain legislators specified in ORS 183.335(1)(d) on March 31, 2008, and to all interested persons on the service lists maintained by OUNC pursuant to ORS 183.355(8) on April 10, 2008. Notice of the rulemaking was published in the May 2008 *Oregon Bulletin*.

The proposed amendments to OAR 952-001-0070 clarify the wording of paragraph (1)(c) regarding acceptable notifications. The proposed amendment clarifies that if an Automatic Voice Response is used, it must have a repeat option and a call back number so that the information can be heard again. The proposed amendment reflects current industry practice.

Comments on the proposed amendments were due by close of business on May 23, 2008. No comments were filed and the record was closed. Therefore, the proposed amendments to OAR 952-001-0070 should be adopted.

ORDER

IT IS ORDERED that:

1. The modifications to Oregon Administrative Rule 952-001-0070, as set forth in Appendix A, are adopted.
2. The amended rules shall become effective upon filing with the Secretary of State.

Made, entered, and effective 5/30/2008.


Kevin Stephens
Chair, OUNC Board of Directors



A person may appeal or seek reconsideration of the action of the Board in accordance with applicable law.

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 ~~are to~~ **must** include locate request call back information and **if done using an AVR (Automatic Voice Response) must have a repeat option and 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 & 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