



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 952
OREGON UTILITY NOTIFICATION CENTER

FILED

10/31/2025 1:04 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Reducing "ticket life" definition from 45 days to 30 days.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/19/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

The definition of "ticket life" in OAR 952-001-0010 (23) specifies the lifespan or period of time that a dig ticket is valid, which is currently 45 days. A ticket is generated after an excavator contacts the Oregon Utility Notification Center about an area of proposed excavation requiring underground utility locates. If a project extends beyond the ticket's expiration date, a renewal must be submitted before the expiration date to extend the ticket, or a new ticket must be requested for excavation to continue.

The American Gas Association advises no tickets should be longer than 28 days to ensure marks remain visible, and Common Ground Alliance best practices (5.23) also state tickets should not exceed 20 working days. Paint marks are temporary and especially in Oregon winters, they can fade and degrade.

After deliberation, committee members recommended 30 days as a reasonable compromise. The focus is on safety, and contractors will simply need to contact the center before the 30-day mark instead of 45 days. If a project is completed within 30 days, this change will have no impact.

Previous to changes made in 2019, Oregon's tickets were good "for the life of the project" (no defined expiration). This shifted to the current 45-day standard, which compared to most other states is still an outlier.

This change does not lessen the responsibility of locators for timely and accurate locates. Inaccurate and delayed locates are covered in other parts of our rules and can be addressed through the complaint process with Oregon Public Utility Commission if communication does not yield results.

Because another permanent rule amending a definition within 952-001-0010 was implemented from the previous February 28, 2025 filing of this change, OUNC is refiling this rule change.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

"Working with Other Stakeholders to Advance Pipeline Safety in Damage Prevention," January 2023 white paper from American Gas Association, https://www.aga.org/wp-content/uploads/2023/02/Damage-Prevention-Paper_Official_Jan2023v2_Manson-Seto.pdf

Best Practices Guide, version 21.0, Common Ground Alliance, <https://bestpractices.commongroundalliance.com/>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule change has no impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

Damage to underground utilities can range from a minor inconvenience to a catastrophic, life altering event. By better aligning with industry best practices to avoid preventable damage and related injuries, there are significant costs that will never be incurred. This can range from \$2,500 for pounding a metal stake into a polyvinyl gas line to more than \$30 million in estimated costs associated with the 2016 explosion in downtown Portland.

For those excavators whose projects are completed within 30 days, this change will have no impact. The board heard concerns about potential operational burdens, but minimal administrative involvement is needed to adjust planning and notifications to account for a shorter ticket life to continue digging. There were also concerns about worsening problems with late locates, but this change does not lessen the responsibility of locators for timely and accurate locates. Inaccurate and delayed locates are covered in other parts of the rules and can be addressed through the complaint process with Oregon Public Utility Commission if communication does not yield results.

Most projects in Oregon are completed within 30 days, so any increase in ticket volumes (and related costs) are negligible. Most other states have a much shorter ticket life ranging from 14 to 28 days. By shortening the ticket life by 15 days, the intent is that damage can be prevented in cases where the marks are faded or no longer visible. With the shorter ticket, large/long term projects will need to call in for a refresh or remark before the 30 day expiration. Requesting a ticket or a refresh/remark is free to the excavator. If the ticket expires, they could expose themselves to liability for not excavating with an active ticket, which is required by law, or they could bear the cost of idle crews and equipment while waiting for the fresh marks. With communication, outreach and inclusion on the dig tickets, this can be avoided and will naturally improve with time as users adjust to the new standard.

COST OF COMPLIANCE:

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

(1) Since the costs of the 811 notification system in Oregon are borne by the Oregon Utility Notification Center and its member utilities, anything that improves or worsens efficiency and related costs will impact the OUNC budget and the resultant increase on the service tariff rate. While cities and counties participate in the system, any with fewer than 50 tickets in a year are exempt from paying and smaller entities are subsidized with a cap of \$500 annually, so those costs are controlled. Members of the public who use our system do not pay for locates, as it is free and will continue to be. To varying degrees, the change could affect costs for professional excavators, locators and utilities who pay into the system on a per ticket basis.

(2) (a) Small businesses that depend on our services are wide ranging, including excavators, contractors, landscapers,

arborists, fence companies, sign companies, deck companies, handymen/carpenters, developers, realtors, pool companies, cooperatives, farmers, ranchers, locators and essentially any companies or individuals performing work that involves digging. The number of subscribers (utility operators) is 1,178, of which a large percentage would be considered small. We have more than 350,000 requests annually, with many repeat users, and approximately 80% contractors and 20% homeowners. The shortened 30-day ticket life will increase ticket volumes, but many smaller entities receive exemptions and subsidies so they would be shielded from cost increases. There will be no additional costs for the majority of tickets where the work is completed before the expiration.

(b) There are no new reporting, record keeping or administrative activities besides those performed by the notification center contractor and staff of the Oregon Utility Notification Center. For those companies doing large scale and long term projects stretching beyond the 30-day ticket, there will be some increased administrative activity to plan ahead to connect with the notification center to ensure their tickets do not expire before the project is completed.

(c) There are some possible cost savings from damage prevented. While any increase in tickets requires more transportation, staff hours and paint costs, contract locators are paid to offset those costs. Otherwise, the changes are not anticipated to drive additional costs for services, supplies, labor or administration.

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

The Oregon Utility Notification Center Board of Directors includes 21 members representing a wide variety of stakeholders including small businesses. Additionally, OUNC works closely with the Oregon Utility Coordinating Council and regional Utility Coordinating Councils throughout the state that also include and engage with small businesses. These rule changes are the result of stakeholder involvement and engagement aimed at continual improvement for damage prevention in Oregon.

All rule changes were discussed in publicly noticed committee meetings, including the Oregon Administrative Rules Committee (our RAC) . Written comments were invited starting 1/1/2024, and public comment was welcomed at open public hearings during our board meetings on 7/18/2024 and 10/17/2024. Plans to implement the changes effective 1/1/2025 were postponed to April Safe Digging Month. This and other proposed changes were discussed at a public rule making hearing on 4/15/2025, and the proposal was discussed and approved again at a quarterly board meeting on 7/15/2025.

All proposed changes have been included on publicly noticed committee and board agendas, posted on our home page/website, shared in quarterly Connection newsletters, referenced in every excavation safety training class and OUNC presentations, posted on social media, sent from the notification center through free format messages, shared at Oregon Utility Coordinating Council and regional Utility Coordinating Council meetings, and communicated through our members. Each of our board meetings (and many committee meetings) include OUCC and UCC board members as well, and the expectation is for each of our members to ensure two-way communication with our stakeholder groups.

Whether a board member or a member of the public, small businesses and their representatives always have an open door and a place at the table in our meetings. We created a new concept submission form for ideas and suggestions that anyone can submit with testimony to create, support or oppose changes. Our organization welcomes many voices and insights from the field that we may not be privy to from the office, conference centers or board room.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 952-001-0010

RULE SUMMARY: The definition of "ticket life" in OAR 952-001-0010 (23) specifies the lifespan or period of time that a dig ticket is valid, which is currently 45 days. A ticket is generated after an excavator contacts the Oregon Utility

Notification Center about an area of proposed excavation requiring underground utility locates. If a project extends beyond the ticket's expiration date, a renewal must be submitted before the expiration date to extend the ticket, or a new ticket must be requested for excavation to continue.

The American Gas Association advises no tickets should be longer than 28 days to ensure marks remain visible, and Common Ground Alliance best practices (5.23) also state tickets should not exceed 20 working days. Paint marks are temporary and especially in Oregon winters, they can fade and degrade.

After deliberation, committee members recommended 30 days as a reasonable compromise. The focus is on safety, and contractors will simply need to contact the center before the 30-day mark instead of 45 days. If a project is completed within 30 days, this change will have no impact.

Previous to changes made in 2019, Oregon's tickets were good "for the life of the project" (no defined expiration). This shifted to the current 45-day standard, which compared to most other states is still an outlier.

This change does not lessen the responsibility of locators for timely and accurate locates. Inaccurate and delayed locates are covered in other parts of our rules and can be addressed through the complaint process with Oregon Public Utility Commission if communication does not yield results.

Because another permanent rule amending a definition within 952-001-0010 was implemented from the previous February 28, 2025 filing of this change, OUNC is refiling this rule change.

CHANGES TO RULE:

952-001-0010

Definitions ¶¶

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

- (1) "Abandoned Facility" means an underground facility that is no longer in service and is physically disconnected from the operating facility that is in service.¶¶
- (2) "Business day" means any 24-hour day other than a Saturday, Sunday, or federal or state legal holiday as provided in ORS 757.542. A business day begins at 12:00 a.m. and ends at 11:59 p.m.¶¶
- (3) "Damage" means harm to, or destruction of underground facilities including, but not limited to, the weakening of structural, lateral, or subjacent support; the penetration, impairment or destruction of any coating, housing or other protective device; or the denting of, penetration into or severance of underground facilities.¶¶
- (4) "Designer" means any person who prepares a drawing for construction or other project which requires excavation or demolition.¶¶
- (5) "Designated Agent" means a person or entity specifically appointed to act for or serve as a representative for another person or entity.¶¶
- (6) "Easement" means a nonpossessory interest in the land of another which entitles the holders of an interest in the easement to a private right of way embodying the right to pass across another's land.¶¶
- (7) "Emergency" means an occurrence involving an immediate danger, demanding prompt action to prevent loss of life, or to mitigate damage to property, or to prevent interruption of essential public services (as determined by an emergency response agency or the facility operator) or to prevent a customer service outage (as determined by the facility operator).¶¶
- (8) "Excavation" means any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced by any means, except sidewalk, road and ditch maintenance less than 12 inches in depth that does not lower the original grade or original ditch flow line. "Excavation" does not include the tilling of soil for agricultural purposes conducted on private property that is not within the boundaries of a recorded right-of-way or easement for underground facilities.¶¶
- (9) "Excavator" means any person who engages in excavation.¶¶
- (10) "Large area" means a proposed excavation requiring more work or time to locate utility facilities than can reasonably be completed within the parameters of section (1) of 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, including the use of hand digging, air cutting, vacuum excavation or hydro vacuum excavation.¶¶

(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~~30 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