

State Damage Prevention Law Summary
State: Oregon
(Link to State law provided in Law & Regulation section below)
Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Oregon Administrative Rules (OAR) § 952-001-0010 (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.
Excavator: Definition	OAR § 952-001-0010 (9) "Excavator" means any person who engages in excavation.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	<p>OAR § 952-001-0050 (1) Except as provided in section (2) of this rule, at least 2 business days, but not more than 10 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.</p> <p>§ 952-001-0060 An excavator may provide less than 2 business days (48 hours) 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.</p>
Ticket Life (# of days)	Not addressed
White-Line Required (Yes / No)	Yes. (OAR § 952-001-0040)
Tolerance Zone	24" (OAR § 952-001-0010 (21) and § 952-001-0090 (2) (c))
Special Digging Requirements Within Tolerance Zone (Specific Language)	OAR § 952-001-0090 (2) Once underground facilities have been marked, the excavator must ... (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.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (OAR § 952-001-0090 (2) (c))
Preserve / Maintain Marks Required (Yes / No)	Yes. (OAR § 952-001-0090 (2) (a))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes. (OAR § 952-001-0090 (5))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes. (OAR § 952-001-0090 (2) (b))
Special Language Regarding Trenchless Technology (Yes / No)	No

Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (OAR § 952-001-0050 (1))
Notify Operator of Damage (Yes / No)	Yes. (OAR § 952-001-0090 (4))
Notify One Call Center of Damage (Yes / No)	No
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (OAR § 952-001-0090 (4))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	OAR § 952-001-0010 (8) "Excavation" means "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. § 952-001-0050 (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.
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	OAR § 952-001-0070 (1) Except as provided in section (3) of this rule, within 2 business days (48 hours) after the excavator notifies the Oregon Utility Notification Center of a proposed excavation, the operator or its designated agent must: (a) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches; (b) Provide marks to the excavator of the unlocatable underground facilities in the area of proposed excavation, using the best information available including as-constructed drawings or other facility records that are maintained by the facility operator; or (c) Notify the excavator that the operator does not have any underground facilities in the area of the proposed excavation. Acceptable notifications must include locate request call back information and if done with an AVR (Automated Voice Response) must have a repeat option and a call back number to hear the information again. (2) Operators of abandoned facilities must mark said facilities to the standards of locatable facilities or unlocatable facilities. (3) 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. (4) 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. (5) 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. (6) 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. ... (10) 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. (11) 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.
Minimum Standards for Locator Qualifications (Yes / No)	No
Minimum Standards for Locator Qualifications (Specific Language)	Not Addressed
Law Specifies Marking Standards Other Than Color (Yes / No)	Yes
Law Specifies Marking Standards Other Than Color (Specific Language)	OAR § 952-001-0070 (1) Except as provided in section (3) of this rule...the operator or its designated agent must: (a) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches; ... (3) 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.

Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes
Operator Must Locate Abandoned Facilities (Specific Language)	OAR § 952-001-0070 (2) Operators of abandoned facilities must mark said facilities to the standards of locatable facilities or unlocatable facilities. (3) 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.
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed. (Reference OAR § 952-001-0070)
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not Addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	Not Addressed
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not Addressed
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	OAR § 952-001-0070 (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 must place a tracer wire or other similar conductive marking tape or device with the facility to allow for later location and marking.
Design Request (Yes / No)	Yes. (OAR § 952-001-0080)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes
One Call Membership Exemptions (Yes / No)	Yes

One Call Membership Exemptions (Specific Language)	ORS § 757.557 (1) Every operator of underground facilities shall subscribe 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 resident or owners of the property.
One-Call Law Addresses Board Make-Up (Yes / No)	Yes
One-Call Law Addresses Board Make-Up (Specific Language)	ORS § 757.547 (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) Peoples utility districts; (L) Contractors; (M) Excavators; (N) Railroads; (O) Cable system operators; and (P) Municipal electric utilities.... (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.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not Addressed
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	ORS § 757.993 (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. ... (5) The Public Utility Commission may reduce any penalty provided in this section on such terms as the commission considers proper if: ... (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.
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	ORS § 757.993 (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. ... (5) The Public Utility Commission may reduce any penalty provided in this section on such terms as the commission considers proper if: ... (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.
Penalties / Fines Other (Yes / No)	Yes

Penalties / Fines Other (Specific Language)	ORS § 757.993 (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. ... (5) The Public Utility Commission may reduce any penalty provided in this section on such terms as the commission considers proper if: ... (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.
Enforcement Authority Identified	Oregon Public Utility Commission (ORS § 757.993)
Damage Investigation Required by Enforcement Authority (Yes / No)	No. (Reference ORS § 757.993 (8) ... The commission may investigate any such complaint, and the commission shall have sole discretion to seek penalties under this section.)
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	No
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Oregon Revised Statutes (ORS), Chapter 757, §§ 757.542 - 757.562, "Oregon Utility Notification Center, and § 757.993, "Penalties" (https://www.oregonlegislature.gov/bills_laws/ors/ors757.html) Also see One-Call Center Website for Information on State Law .
Date of Last Revision to Statute / Law	March 7, 2014
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Oregon Administrative Rules (OAR), Chapter 952 – Oregon Utility Notification Center, Division 1, §§ 952-001-0001 – 952-001-0100 (http://arcweb.sos.state.or.us/pages/rules/oars_900/oar_952/952_tofc.html)
State One Call Center(s) (Name & Link)	Oregon Utility Notification Center (OUNC) Oregon811 (http://www.digsafelyoregon.com/)
Miscellaneous Notes	
Notes	The OUNC is an official Oregon state agency and "shall have all of the powers of a state agency." (ORS § 757.552)
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0