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## PREFACE

This manual has been prepared for the professional excavator. It is intended to be a reference tool for interacting with the North Dakota One-Call notification center and it is also intended to fulfill the requirements of North Dakota Century Code 49-23. It is suggested that this manual be kept on hand for future reference when questions or problems arise. It is recommended that this manual be given to all individuals who regularly contact North Dakota One-Call.

If required, additional copies can be obtained from the North Dakota One-Call office. This manual has not been copyrighted by North Dakota One-Call. They have authorized and recommended its duplication.

This manual was updated May 3, 2013. Its contents and North Dakota Century Code 49-23 are subject to change without notice.

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## INTRODUCTION

North Dakota Century Code 49-23 requires anyone who engages in any type of excavation, (definition 49-23-01.7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving) with certain exemptions, anywhere in North Dakota, to provide notice of at least 48 hours in advance (excluding weekends and holidays) to North Dakota One-Call.

North Dakota One-Call (NDOC) is the statewide One-Call notification system established to inform all North Dakota underground facility operators of intended excavation.

### **How do I use this manual?**

Use this manual as a quick reference guide to questions you may have about North Dakota One-Call, marking instructions, color codes,

excavator responsibilities, facility operator responsibilities, or contacts at North Dakota One-Call.

This manual also includes the phone numbers to North Dakota One-Call if you have questions not answered in this manual. Space is provided in the back for you to add any important numbers you use on a regular basis.

## FREQUENTLY ASKED QUESTIONS

### **Do I have to call North Dakota One-Call?**

Yes! Calling North Dakota One-Call is a state law designed to protect you, your co-workers, underground facilities and the public.

### **Once I call, what happens next?**

A North Dakota One-Call customer service representative will ask you many important questions about where and when you will be

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digging. Our customer service representative will then attempt to locate your excavation site on our mapping software along with a list of possibly affected facilities. These facility operators will be notified by North Dakota One-Call of your excavation plans and will then mark with paint or flags the approximate horizontal location of their underground utilities.


### **If I'm a sub-contractor on a job, do I have to get a ticket or will the general contractor's ticket protect me?**

North Dakota One-Call requires everyone to get a ticket. If you are a sub-contractor, protect yourself and your company by calling to get a ticket. The general contractor's ticket does not apply to anyone except them.

### **How soon after my start date and time do I need to complete the digging?**

The law states that you have 21 calendar days after your legal start date and time to complete your excavation. If you fail to complete your digging within that period, unless previous arrangements have been made with the operator affected, your ticket is invalid. At that point you need to call North Dakota One-Call again and get a new ticket for that job. North

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Dakota law requires an excavator to contact North Dakota One-Call if the excavator has reason to believe marks are incorrect or missing.

#### **I've hit a facility; what do I do now?**

The first thing you do is evacuate everyone if you have created a dangerous situation. Call 911 immediately and keep the area clear. Also immediately call the utility you hit and make them aware of what has happened. If you don't have the utility's emergency phone number you can call North Dakota One-Call and get that information from us.

#### **What is my responsibility after I have filed my locate request?**


Many people believe that by notifying North Dakota One-Call of an intended excavation they have completed all of their responsibilities in the one-call process. This is not the case. Notifying North Dakota One-Call is only the first step.

After markings have been made, excavators are required to maintain a minimum horizontal (side to side) clearance of two feet (24") between an unexposed facility and the cutting edge or point of any power operated excavating or earth-moving equipment. For example, if the

markings indicate a 6" pipe is buried, the "hand-dig zone" is 54" wide (3" + 24" on each side of the mark). If excavation is required within the "hand-dig zone", the excavation must be performed very carefully, with vacuum excavation or hand tools, and without damage to the facility or undermining of lateral support.

Excavators are reminded that facility depths may vary due to installation practices, changes in the grade, erosion, and other variables. Therefore, any depth readings given by a locator, if given at all, are only an indication of the approximate depth of the facilities.

If a facility has been exposed during the course of digging, it is the excavator's responsibility to inspect and support the facilities before backfilling. The excavator also must inspect facilities for any damage which could include the pulling or kinking of the facility or damage to the protective coating or covering. If damage exists, it is the excavator's responsibility to immediately notify the facility owner directly. If there is any question about possible danger, we strongly recommend contacting the facility owner for instructions.



North Dakota law requires an excavator to contact North Dakota One-Call if the excavator has reason to believe marks are incorrect or missing.

Excavators should also plan their work so as to minimize damage to markings. Please remember to remove all flags when your project has been completed.

**If I notice a problem with a ticket or locate, who should I call?**


Correcting errors or correcting information to a ticket must be done by calling North Dakota One-Call as soon as possible. Customer service representatives will assist in making corrections, depending on the circumstances. Corrections will only be accepted from the caller working for the same company from which the ticket originated. In other words, a sub-contractor may not change information on a ticket filed by a general contractor.

The excavator is responsible for reasonably protecting and preserving locate markings until no longer required for proper and safe excavation work near the underground facility. If the excavator has reason to believe a locate

is obliterated, obscured, missing, or incorrect the excavator shall notify the facility operator or One-Call center in order to have an operator verify, refresh, or remark the locate. It is important that all facilities be marked prior to digging. The construction site should always be inspected by the excavator for evidence of underground facilities prior to beginning excavation. North Dakota One-Call recognizes that this is an inconvenience for the excavator, and we will work with the excavator and assist them in any way possible. If an underground facility operator consistently fails to mark facilities prior to the legal start date and time, a complaint can be filed by calling the North Dakota One-Call office or filing a formal complaint with the Public Service Commission.

**What happens if I have a dispute with an excavator or facility operator?**

North Dakota One-Call is required to keep records for six years. This includes tapes of all conversations and computer records of locates. In the event that you may be involved in a dispute, North Dakota One-Call can be of assistance by providing copies of these records. In most cases there will be a fee for any record retrieval.



### What happens after the call is made to North Dakota One-Call?

After the customer service representative completes the locate request, the ticket is processed and analyzed for facility operators who have indicated they have underground facilities near your dig site.

The facility operators affected are then notified at which time they review the locate request for conflicts.

If their underground facility is in conflict with the excavation area, they are required to mark the excavation site with paint or flags by the start time indicated on the locate request. The underground facility operator may, at its option, notify the excavator and indicate if additional time or information is needed prior to marking.


These markings will follow the American Public Works Association color code. See color coding on inside back cover of this handbook. The markings will clearly indicate the location of the underground facility. Remember that location markings are only estimates, and the exact location can vary by the width of the facility plus 24" in either direction (the "hand-dig zone").

For example, if the markings indicate a 6" pipe is buried, the "hand-dig zone" is 54" wide (3" + 24" on each side of the mark). Always respect the "hand-dig zone". Please be aware that facility operators are required to only locate, without charge, those facilities which they own or operate. Be aware that there may be private underground facilities that have not been located.

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## GUIDELINES FOR PREPARING TO CALL NORTH DAKOTA ONE-CAL

North Dakota One-Call customer service representatives are professionally trained to obtain specific information concerning locate requests. The customer service representatives enter information into a computer and, therefore, the order of the questions is preset. Many excavators have questioned why the answering attendants ask so many questions.



There is a definite reason for every question asked, and your cooperation is appreciated. This section will provide a brief explanation of the reason for each of the questions asked.

Locate request processing is very easy if the caller is prepared to answer all questions. **Preparation is the key.** A caller preparing the ticket format prior to calling North Dakota One-Call can cut their time on the telephone with a customer service representative by over 50%! The best way to prepare to make a call is to make a copy of the ticket format on page 20 or the ticket format page on the website at [www.ndonecall.com](http://www.ndonecall.com). We suggest that you make as many copies as you need. Keep in mind that multiple excavation requests cannot be combined on one ticket.

There are alternative methods to filing locate requests, such as entering tickets remotely on the internet at [www.ndonecall.com](http://www.ndonecall.com), or by calling or faxing.

## TYPES OF REQUESTS ACCEPTED BY NDOC

### **Routine Request**


This is the most common type of request processed at North Dakota One-Call. Contact North Dakota One-Call at least 48 hours (excluding weekends and holidays) from the planned start of excavation. The ticket is valid for 21 calendar days from the start time stated on the ticket. Excavators can request a respot to refresh the marks or modify an existing ticket by calling the Center or by using ITIC on-line.

### **Emergency Request**

An emergency request means a sudden unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

#### ***Examples of emergencies:***

**A.** An unforeseen excavation necessary in order to prevent a condition that poses clear and immediate danger to life or health.

- 
- B.** An excavation required to repair a service outage.
  - C.** An excavation required in order to prevent significant and immediate property damage.
  - D.** The repair of an existing unstable condition which may result in an emergency.

Please note that work-scheduling problems are not considered an emergency.

North Dakota One-Call reminds you to first call 911 whenever you believe an emergency exists. Next, contact the utility involved in the emergency, then contact North Dakota One-Call. When calling in an emergency excavation request, inform the customer service representative that an emergency situation exists and be prepared to explain which of the above conditions is in effect, and be as specific as possible. Each excavator is responsible for determining if an emergency exists based on the law. The customer service representative will prepare a location request for immediate transmission and note your planned start time.

Emergency locates should be given top priority by utilities. Utilities will mark facilities within the

excavation area as soon as practical, given the nature and circumstances of the emergency.

### **Modify**

This is used for update tickets where no information will change.

### **Respot**

This is used for update tickets where information on the ticket will be changing.

### **Request to Meet**

Most locate requests can be accurately described in a locate request. In situations where excavation projects are too large or complicated to explain, a meet request may be a better option.

A meet should only be requested when it is impractical to explain the project over the phone. Many times, what seems to be a complicated project can easily be described over the phone if it is broken into several pieces.

A meet request does not take the place of a complete and accurate work description. The excavator must make every effort to clearly define the extent of the project and the specific

details about the project (i.e. the use of white markings). This will assist the facility operators in better preparing themselves for the meet.

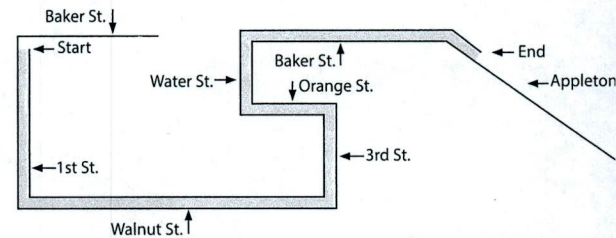
The scheduling of a meet request does not mean that the entire work area will be marked at the time of the meet. Excavators should expect that a reasonable portion of their project would be marked during or after the meet. It is important that the operators and excavators work together and cooperate with each other.

North Dakota One-Call customer service representatives **cannot** make binding appointments on behalf of facility operators. Excavators are reminded that all meets are tentative and are subject to change. **If any underground facility operator or contract locator for that facility cannot make the meet request, it is the operator or locator's responsibility to contact the excavator to make other arrangements.** When a meet request is made, all reasonable attempts should be made to be there on time.

The location of the meet request should be at the actual job site or very close to it. The customer service representative will list the requested

meeting location on the ticket.

In the following example, trying to describe the entire route on one locate request would be difficult. The project can easily be broken down into individual streets and described as follows:



**Ticket #1:** From Baker Street, mark entire road right of way of 1st Street, to Walnut Street.

**Ticket #2:** From 1st Street, mark entire road right of way of Walnut Street to 3rd Street.

**Ticket #3:** From Walnut Street, mark entire road right of way of 3rd Street to Orange Street.

This process could be continued until all streets involved with the project are covered. If the job site does not involve streets, but rather a complex route in an open field, it would be best to mark the route of the project with white stakes or flags. For example, tell the answering attendant to, "mark 20 feet to either side of white markings between the barn and a point approximately 5000 feet west."

## CUSTOMER-OWNED FACILITIES

Private facilities are found everywhere, including single family homes, multi-family housing units, industrial areas, trailer parks, shopping centers and sometimes in the road right-of-way. Therefore, excavators are reminded to constantly be looking for facilities and inquire from owners the location of underground facilities not listed with North Dakota One-Call.

Unless the owner participates as a member of North Dakota One-Call, privately or customer-owned facilities will not be notified or marked.

When a property owner or tenant has a type of private underground facility, they are responsible to locate those facilities or hire someone to locate them. For example, if a property is served by overhead distribution lines and the power is then distributed on property by underground service facilities, those service facilities may be considered private. Other private facilities can include private water systems, data communication lines, underground sprinkler systems, sewer waste treatment lines, farm taps, other gas or propane distribution lines, and many others. For homeowners, a common example of private facilities may be power to garages or additional phone lines or any facility that the property owner or any previous party may have installed.



## ALTERNATIVE METHODS OF FILING LOCATE REQUESTS

Besides calling into North Dakota One-Call on the telephone, there are three other options that may better serve your organization.

### **ITIC (Internet Ticket)**

ITIC is an internet based ticket entry program for professional excavators that allows locates to be filed over the internet by supplying the required data. This service is available 24 hours a day from anywhere internet access is available. ITIC also allows the user to draw a user defined polygon to encompass the excavation site. To start using ITIC along with the mapping of the excavation site, find an ITIC training class near you by visiting [www.ndonecall.com](http://www.ndonecall.com) under events or call **701-475-2942**.

### **ITIC Lite**

ITIC Lite is an internet based ticket entry program for homeowners who would like to submit their locate requests on the internet. It's not intended

for the professional excavator, but rather **only** intended for people doing their own excavation at a posted street address. Visit [www.ndonecall.com](http://www.ndonecall.com) under events for additional information.

No emergencies, updates or planning locate requests will be accepted. These types of requests must be done verbally with a North Dakota One-Call customer service representative.

**Fax-a-Locate** - This option enables you to fax your locate requests to North Dakota One-Call. This must be done on appropriate locate request forms. Call the administration office (701-475-2942 or 877-848-7472) to sign up for the fax program.

North Dakota One-Call receives faxes 24 hours a day. However, if you fax North Dakota One-Call a request after 2:00 p.m., your locate will be assigned a start time of 7:00 a.m. on the third business day after the request is received. For example: If you fax in your locate request at 3:30 Thursday afternoon, your locate will be assigned a start date and time of 7:00 a.m., Tuesday, of the next week.

All fax-a-locates must be typed or printed clearly, with all the appropriate information. This includes addresses, cross street information, locating instructions and township, range, section and quarter-section, the location shall be further described by coordinates measured in feet from the nearest one-fourth corner or section corner. **Unreadable or incomplete requests will be returned.**

## NORTH DAKOTA ONE-CALL TICKET FORMAT


1. Ticket Type: Ticket No.
  - Routine Request     Emergency Request
  - Modify     Respot     Excavation Meet
2. Phone number \_\_\_\_\_ Ext. \_\_\_\_\_  
 Caller ID number \_\_\_\_\_  
 Field phone number \_\_\_\_\_
3. Caller name \_\_\_\_\_  
 Company name \_\_\_\_\_

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4. Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
5. Alternate contact name \_\_\_\_\_  
 Alternate contact number \_\_\_\_\_
6. Best time to contact \_\_\_\_\_
7. Work to begin date \_\_\_\_\_ Time \_\_\_\_\_
- 8a. Explosives (Y/N) \_\_\_\_ 8b. Tunneling/Boring \_\_\_\_\_
9. Depth of Excavation \_\_\_\_\_
10. Type of Work \_\_\_\_\_
11. Work being done for \_\_\_\_\_
12. County \_\_\_\_\_ City/Place \_\_\_\_\_
13. Nearest Intersecting Street \_\_\_\_\_
14. Address \_\_\_\_\_ Street \_\_\_\_\_
15. Marking Instructions \_\_\_\_\_
16. Remarks \_\_\_\_\_
17. Township \_\_\_\_\_ Range \_\_\_\_\_  
 Section \_\_\_\_\_ Quarter \_\_\_\_\_

Forward is a brief explanation of each question asked by North Dakota One-Call customer service representatives. The numbers correspond to the line numbers listed on the ticket format on the preceding page.

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## 1. Type of Request Being Placed

North Dakota One-Call customer service representatives will not specifically ask what type of call is being placed. This generally becomes clear from the caller's opening remarks. There are essentially five different types of tickets that can be placed:

- A. Routine Request
- B. Emergency Request
- C. Modify
- D. Respot
- E. Meets

Emergency situations are sudden, unexpected occurrences, involving a clear and imminent danger, and demanding action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

There are numerous variations of these two basic types (see page 11 for detailed descriptions). The call will be expedited if this information is provided at the beginning of the call.

## 2. Telephone/Caller ID Number

The telephone number (with area code) of the caller is taken in case additional information

is required at a later time and for use by underground facility operators. The phone number is also used as a key to activate computer databases which can fill in the answers for all the questions through "Best Time to Contact." Each excavator or frequent caller is assigned a caller ID number which, if desired, can be used instead. We strongly encourage that alternative phone numbers such as cellular phone, pager, etc. be provided so that it can be passed on to utilities.

## 3. Caller Name and Company Name

The caller's name and company name are taken in order to maintain records of all locate requests. This information is also helpful in the event it is necessary to contact someone for further information.

## 4. Mailing Address

The mailing address of the caller or the caller's company is recorded in order to enable the computer to store this information in a mailing list database. This mailing list can be utilized to notify excavators of information pertaining to North Dakota One-Call.



## 5. Alternate Contact Name and Phone Number

If the person in charge of the work is different than the caller, an alternate contact is needed. Locate requests can often be expedited when the person supervising the work can be reached directly. Include the best time to contact.

## 6. Best time to contact.

### 7. Work to Begin

It is critical **NOT** to begin work prior to the legal start date and time. (This is a violation of the law and endangers everyone.)

Beginning work before the legal start date and time can result in the forfeiture of the excavator's rights and protections provided under the law. Legal start dates vary depending upon the type of call being placed, and therefore, depending on the circumstances of the call, North Dakota One-Call customer service representatives will issue the earliest legal start date possible. Customer service representative will then ask how soon after this date and time the work is to begin. The legal start date and time will become the latter of these two dates in order to keep markings of the work site current. If the excavator postpones

the excavation commencement time stated in the excavation notice by more than 48 hours or cancels the excavation, the excavator is required by law to notify the notification center.

### 8a. Explosives

Gas safety rules require gas facility owners to perform leakage surveys in the vicinity of any excavation where blasting has been performed. North Dakota One-Call asks whether explosives will be used in an effort to assist gas facility operators in complying with these rules.

### 8b. Tunneling\Boring

North Dakota One-Call customer service representatives will ask if the work will involve tunneling or horizontal boring.

### 9. Depth

North Dakota One-Call customer service representatives will inquire as to the maximum depth of the excavation.

### 10. Type of Work

Field locators need to know the specific reason for the excavation. Customer service representatives, therefore, need to identify the specific reason for the work as compared to

the work method. For example, "installation of a sanitary sewer lateral" is much more helpful than "digging for a sewer line."

### 11. Work Being Done For

The identification of who the work is being done for is another resource for obtaining additional information about the project. The customer's name or the general contractor's name is sufficient.

### 12. County and City/Place Name

The county and city/place of the work site are needed to identify where the job site is located. North Dakota One-Call utilizes this information to identify which members are to be notified. North Dakota One-Call accepts calls for all counties in the State of North Dakota. Work outside North Dakota should be referred directly to facility operators or the one-call system responsible for that area.

#### *Montana*

Montana One-Call ..... 800-551-8344

#### *South Dakota*

S. Dakota One-Call ..... 800-781-7474

#### *Minnesota*

Gopher State One-Call ..... 800-252-1166

### 13. Nearest Intersecting Street

Provide North Dakota One-Call customer service representatives with the nearest intersecting street to the job site.

### 14. Street Address of Work Site

North Dakota One-Call also uses the street name to identify which members are to be notified. It should be noted that the underground facility operators of North Dakota One-Call utilize different mapping records. To ensure that the information transmitted for all underground facility operators is accurate, North Dakota One-Call has requirements for identifying the location of the job site. The best information is a street address. If a street address is not available, the customer service representative will ask for the following information:

- A. What is the name of the street
- B. Name of the nearest intersecting street

The following are examples of proper information when identifying the location of the job site:

- A. 2020 Main Street
- B. Main Street and Second Ave.

Use caution to ensure you have the proper street name before you call North Dakota One-Call. It is critical for you to have the full and proper name to allow North Dakota One-Call to accurately process your location request. Use caution with differences between "street," "avenue," "boulevard," etc. Fire numbers are helpful as additional information, but are not considered an address.

North Dakota One-Call asks that a separate ticket must be filed for each job site. In other words, the installation of 15 sewer laterals will result in the filing of 15 separate tickets. Major projects within one municipality or unincorporated area can be covered by one ticket provided the work involves a stretch of a single road or is a contiguous project (one mile maximum in rural areas, 3 blocks in municipalities). For example, gas main construction which runs from Lexington Parkway to North Dale Street on University Avenue, then from University Avenue to West Minnehaha Avenue on North Dale

Street, would need to be filed on two separate tickets and described as follows:

***Ticket #1:*** On University Avenue from Lexington Parkway to North Dale Street.

***Ticket #2:*** On North Dale Street from University to West Minnehaha Street.

In addition, there is no such thing as a "Blanket Ticket." If you are a sub-contractor and you are excavating, protect yourself and your company by calling to get a ticket. The general contractor's ticket does not apply to anyone except them.

### 15. Marking Instructions

After identifying the location of the job site, customer service representatives will identify what portion of the job site is to be marked out. In identifying this area, the following guidelines should be considered:

- A. Right and left should not be used as directions as they are relative points of view.
- B. If the excavation is in the roadway, marking instructions could include:

- i. Mark entire road right-of-way.
- ii. Mark from the centerline of road to North, South, East, West lot line or curb.

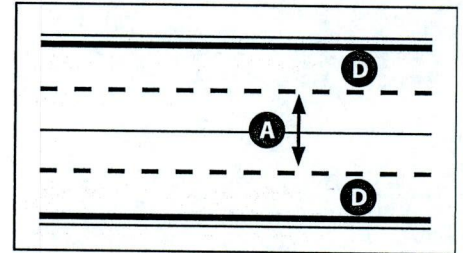
**C.** If the job site involves multiple quarter-sections, additional tickets may be required to ensure that all operators of underground facilities are notified.

**D.** In all cases, North Dakota One-Call is looking for a description of the area to be marked out. The customer service representatives will not accept instructions to mark a particular facility (i.e., "Mark the gas line at this address").

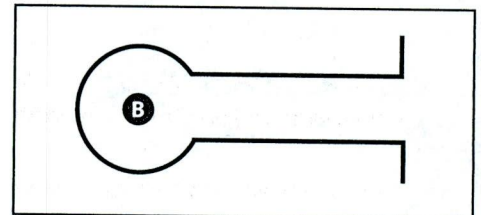
**E.** If the information seems incomplete, customer service representative will note that the information obtained is the best available. The locate request will still be transmitted. Underground facility operators, however, may need additional information before locating their facilities and, if so, the start date may be delayed until the required information is provided.

The following are definitions of some of the terms that can be utilized to help describe the area to be marked. Some of the following lettered definitions have a corresponding picture.

**A. Center Lane(s)** - In a four lane street, the two lanes at the center of the pavement.



**B. Cul De Sac Street** - A local street open at one end with a special provision for turning around. Driving directions must be provided.

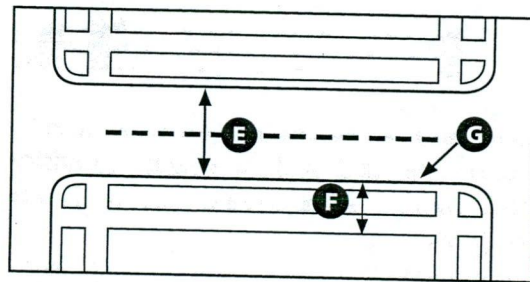


**C. Culvert (Not Pictured)** - Any pipe or structure under a roadway or driveway to facilitate drainage of surface water.

**D. Curb Lane** - Traffic or parking lane immediately adjacent to the curb.

**E. Curb to Curb** - The paved area of a road right of way between the two curblines.

**F. Curb to Property Line** - The area between the curb and the front property line including the boulevard and/or sidewalk.

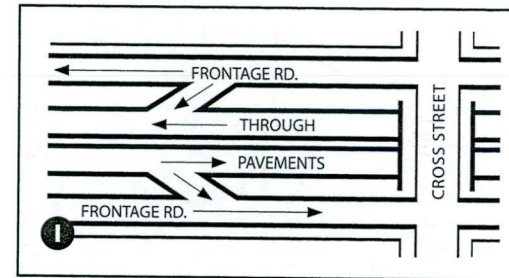


**G. Curblines** - The point where the curb meets the edge of the street pavement.

**H. Easement (Not Pictured)** - A right to use or control the property of another for

designated purposes.

**I. Frontage Road** - A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

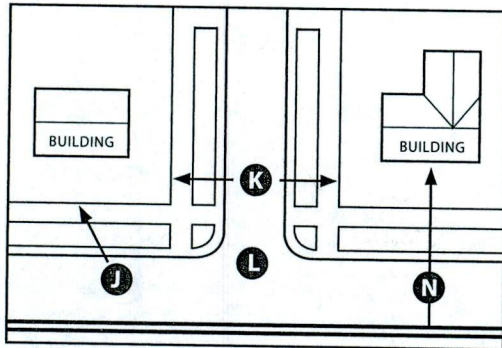


**J. Front Lot Line** - (Same as street right-of-way.) The property line adjacent to the street right of way.

**K. Highway** - A public way for purpose of vehicular travel, including the entire area within the highway right of way.

**L. Intersection** - The general area where two or more highways join or cross, within which are included the roadway and roadside facilities for traffic movements in that area.

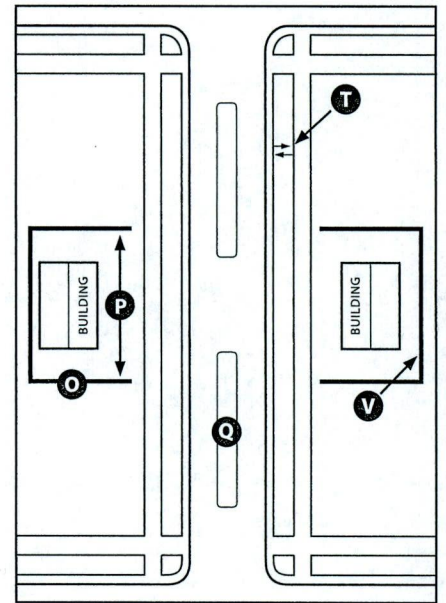
**M. Interchange (Not Pictured)** - A system of interconnecting roadways in conjunction with one or more grade separations providing for the movement of traffic between two or more roadways on different levels.



**N. Opposite Curb** - Indicates excavations of both sides of the pavement with probable bore of pavement.

**O. Lot Line** - A line marking the legal limits of an individual's property.

**P. Lot Line to Lot Line** - The area between the two side lot lines on private property or the entire road right-of-way. (See W)



**Q. Median** - The portion of a divider highway separating the traveled ways for traffic in opposite directions.

**R. Near Side** - See Short Side (BB).

**S. On Side** - See Short Side (BB).

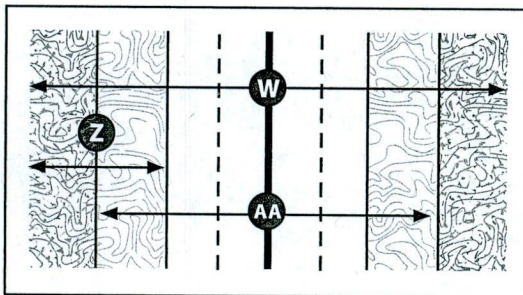
**T. Boulevard** - The area between the edge of

pavement and the sidewalk or property line if no sidewalk exists.

**U. Property Line** - See Lot Line (O).

**V. Rear Lot Line(s)** - Property lot line at the rear of the lot (area opposite street) that connects the two side lot lines.

**W. Right of Way** - Dedicated street area bounded by two parallel lines called right of way lines. This is generally the road, cross street and the area directly adjacent to the road which is maintained as part of the roadway. It includes the road, curbs, shoulders, ditches, boulevards, sidewalks, walking trails, bike lanes, and other similar areas.

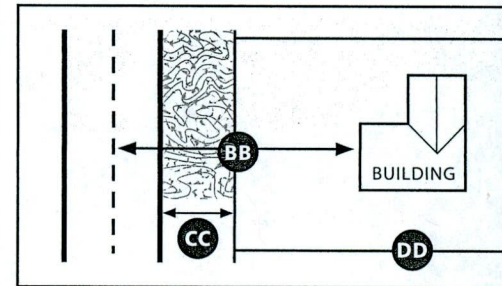


**X. Road (Not Pictured)** - Highway in areas.

**Y. Road Bore** - See Opposite Curb (N).

**Z. Roadside** - A general term denoting the area adjoining the outer edge of roadway. Extensive area between roadways of a divided highway may also be considered roadside.

**AA. Roadway** - The portion of a highway including shoulders, for vehicular use.



**BB. Short Side** - The excavation to be placed on same side of the road as address listed.

**CC. Shoulder** - The edge of a road (generally gravel) between normal traffic lanes and grass areas. The term is normally used in an area where there is no curb.

**DD. Side Lot Line(s)** - The two property lines which normally extend away from the street right of way at approximately 90-degree angles.

**EE. Street (not pictured)** - Highway in an urban area.

**FF. Terrace** - See Boulevard (T).

NOTE: It is suggested that the excavator mark the proposed work area with white paint or flags where practical.

#### 16. REMARKS

North Dakota One-Call customer service representatives will also record any additional information deemed appropriate regarding driving instructions. *For example: fire numbers, house descriptions, and landmarks.*

**17. Township, Range, Section, and Quarter**  
The location shall be further described by

coordinates measured in feet from the nearest one-fourth corner or section corner. This information will aid the customer service representative and allow them to quickly and accurately process your location request. Studies show that telephone time can be cut by 50% if complete legal descriptions are provided to the customer service representative. Maps are available from the following source: North Dakota Dept. of Transportation, 701-328-2518 or through Great Plains Directory and Midland Atlas Company.

Indicate the appropriate township, range and quarter-section(s) in which your job site is located. To do this, indicate the township, range, and section by their numeric designations and quarter sections by their directional qualifier (NE, NW, SE, SW). *For example: Township: 108N Range: 28W Section: 12NE From the NE corner of section 12, 100 feet west and 340 feet south.*

# NORTH DAKOTA LAW

COPY OF NORTH DAKOTA CENTURY CODE 49-07-01.1  
COPY OF NORTH DAKOTA CENTURY CODE 49-23

## ONE-CALL EXCAVATION NOTICE SYSTEM

### Section

**49-07-01.1.** Violation of statute, commission order, or commission rule - Assessment of civil penalty.

**49-23-01.** Definitions.

**49-23-02.** Notice to excavators and underground facility operators.

**49-23-03.** Notification center - Participation Establishment.

**49-23-04.** Excavation.

**49-23-05.** Precautions to avoid damage.

**49-23-06.** Damage to facilities - Penalty.

**49-23-07.** Effect on local ordinances.

### **49-07-01.1. Violation of statute, commission order, or commission rule - Assessment of civil penalty.**

Any person who violates any statute, commission order, or commission rule which applies to matters within the authority of the commission under chapters 8-08, 8-09, 8-10, 24-09, 32-25, and 51-05.1, titles 60 and 64, and title

49 except for chapter 49-22, shall, in add to any other penalty provided, be subject to a civil penalty of not to exceed ~~five~~ <sup>25</sup> thousand dollars. The civil penalty may be compromised by the commission. The amount of the penalty when finally determined or agreed upon by compromise, if not paid, may be recovered by civil action in the courts of this state.

**49-23-01. Definitions.** As used in this Chapter unless the context otherwise requires:

1. "Abandoned" means no longer in service and physically disconnected from a portion of the facility or from any other facility that is in use but still carries services.

2. "Board" means the board of directors or governing body of a nonprofit corporation governing the notification center under section 49-23-03.

3. "Careful and prudent manner" means excavating within twenty-four inches [60.96 centimeters] of the outer edges of an underground facility located manually or marked by the owner or operator by stakes, pipes, or other customary manner, and supporting the excavation to protect the uncovered facility.

**4. "Damage" means:**

- a.** Substantial weakening of structural or lateral support of an underground facility;
- b.** Penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or
- c.** Impact with or the partial or complete severance of an underground facility to the extent that the facility operator determines that repairs are required.

**5. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.**

**6. "Emergency responder" means a fire department, a law enforcement officer, or other emergency rescue service.**

**7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power**

equipment, or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving. The term does not include


**a.** Opening a grave in a cemetery.

**b.** Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of the activities disturbs the soil to a depth of more than eighteen inches [45.72 centimeters].

**c.** Gardening and landscaping unless the activity disturbs the soil to a depth of more than twelve inches [30.48 centimeters].

**d.** Normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch.

**e.** Normal repair and maintenance of track and track bed by a railroad on its own right-of-way.



**8. "Excavator"** means a person who conducts excavation.

**9. "Holiday"** means New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday.

**10. "Local governmental unit"** means a county, township, or city.

**11. "Locate"** means an operator's markings of an underground facility showing the approximate horizontal location, including all lines, line direction, intersections, tees, and lateral facilities.

**12. "Nonprofit corporation"** means a corporation established under Chapter 10-33.

**13. "Notification center"** means a center that receives notice from an excavator of planned excavation or any other request for location and

transmits this notice to a participating oper:

**14. "Operator"** means a person who own operates an underground facility, includ a master meter operator with undergro facilities, or a state or local government en The department of transportation is consid an operator for the department's facil buried on the department's rights-of-way person is not considered an operator sc because the person is an owner or tenan real property where underground facilities located if the underground facilities are u exclusively to furnish services or commodi on that property.

**15. "Underground facility"** means underground line, pipeline, cable, faci system, and its appurtenances used to produ store, convey, gather, transmit, or distrib communications, data, electricity, po television signals, heat, gas, oil, petrole products, carbon dioxide, water, steam, sewa hazardous liquids, and other similar substan Privately owned and operated undergrou facilities which do not extend beyond boundary of the private property are exclud

16. "Unexpected occurrence" includes a fire, flood, earthquake or other soil or geologic movement, riot, accident, damage to a subsurface installation requiring immediate repair, or sabotage.

17. "Water" includes potable water, wastewater, and storm water.

**49-23-02. Notice to excavators and underground facility operators.**

A local governmental entity that issues permits for an activity involving excavation shall display an excavator's and operator's notice at the location where permits are obtained. An excavator's and operator's notice and a copy of this chapter must be furnished to each person obtaining a permit for excavation. The notification center shall prescribe an excavator's and operator's notice. The notice must inform excavators and operators of their obligation to comply with this chapter. The center shall furnish to local governmental units:

1. A copy of the notice and this chapter,
2. A copy of the display required under this section; and

3. The telephone number and mailing address of the notification center.


**49-23-03. Notification center - Participating Establishment.**

1. An operator shall participate in and share the costs of the statewide notification center operated by a vendor selected under this section.

2. An excavator licensed under this chapter shall participate in and share in the costs of a statewide notification center on a per project basis. An operator, installing the operator's own facilities, may not be charged as an excavator.

3. An operator shall participate in and share the costs of the one-call excavation notice system by:

- a. Submitting the information required to allow the notification center to notify the operator of excavation activity;
- b. Updating the information provided to the notification center on a timely basis;



c. Installing and paying for equipment reasonably requested by the notification center to facilitate receipt of notice of excavation from the center;


d. Paying the costs charged by the notification center on a timely basis; and

e. Receiving and responding to excavation notices, including emergency notices.

4. A nonprofit corporation shall govern the notification center. The initial incorporators of the corporation may solicit bids for any services provided for the operation of the center. The corporation shall provide advance notice of the first organizational meeting by publication in qualified legal newspapers and in appropriate trade journals and by written notice to all appropriate trade associations.

a. The nonprofit corporation must be incorporated by seventeen initial incorporators, with one member representing the house of representatives and one member representing the senate appointed by the legislative council, one member representing telecommunications

companies offering local exchange service to fewer than fifty thousand subscribers, one member representing telecommunications companies offering local exchange service to fifty thousand or more subscribers, one member representing rural water systems, one member representing rural electric cooperatives, one member representing investor-owned electric utilities, one member representing investor-owned natural gas utilities, one member representing cable television systems, one member representing cities with a population of fewer than five thousand, one member representing cities with a population of at least five thousand, one member representing counties, one member representing underground interstate carriers of gas, one member representing interstate carriers of petroleum, one member representing interstate carriers of telecommunication services, one member representing contractors who perform excavation services, and one member representing the production sector of the American petroleum institute. The initial incorporators must represent and be designated by operators, excavators, and



other persons eligible to participate in the center. The legislative members are entitled to the same compensation and expenses as provided for members of committees of the legislative council. The legislative council shall pay the compensation for the legislative members.

**b.** The initial incorporators shall establish, before August 1, 1996, a board of directors of the nonprofit corporation which consists of eight members representing the participants in the center. The board shall establish a competitive bidding procedure to select a vendor to provide the notification service, establish a procedure by which members of the center share the costs of the center on a fair, reasonable, and nondiscriminatory basis, and do all other things necessary to implement the purpose of the center. Any agreement between the center and a vendor for the notification service may be modified from time to time by the board, and any agreement shall be reviewed by the board at least once every three years, with an opportunity to receive new bids, if desired, by the board. An operator may submit a bid and be selected to contract to

provide the notification center service.


**c.** Members of the board and any agents are immune from any liability of kind based on any acts or omissions in the course of the performance of responsibilities in an official capacity except for bodily injury arising out of accidents caused or contributed to by the negligence of a board member or agent.

**d.** The board shall aid the state's attorney of the various counties in the enforcement of this chapter and the prosecution of violations. The board may institute an action for an injunction to enjoin violations of this chapter without proof that any party suffered actual damages.

**e.** The notification center must be in operation by March 1, 1998.

**49-23-04. Excavation.**

**1.** Except in an emergency, an excavator shall contact the notification center to provide an excavation or location notice at least forty-eight hours before beginning



excavation, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the excavator and operator. If an operator determines more time is necessary for location, the operator may request a twenty-four-hour extension of the excavation or location notice by notifying the notification center. The notification center shall notify the excavator of the extension. An excavation begins the first time excavation occurs in an area that was not previously identified by the excavator in an excavation notice. The notice must contain:

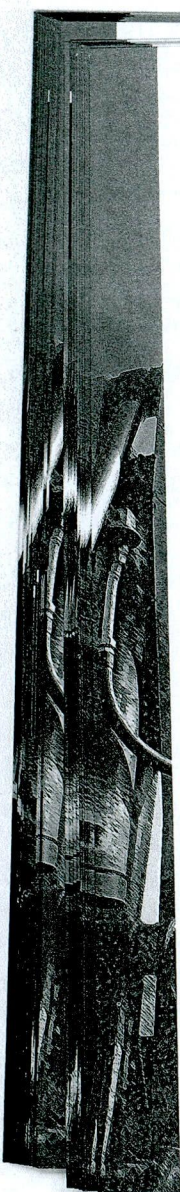
- a.** The name, address, and telephone number of the person making the notification;
- b.** The name, address, and telephone number of the excavator;
- c.** The date and time when excavation is scheduled to begin;
- d.** The depth of planned excavation;
- e.** The type and extent of excavation being planned, including whether the excavation involves tunneling or horizontal boring;

**f.** Whether the use of explosives is anticipated and any other information that may be required by the notification center; and

**g.** The location of the excavation by any one or more of the following means:

- (1) A specific street address;
- (2) A reference to a platted lot number or record;
- (3) An identifiable roadway or roadway intersection; or
- (4) A specific quarter section by section number, range, township, and county. In this case, the location shall be further described by coordinates measured in feet from the nearest one-fourth corner section corner.

**h.** If the location of the excavation is too large or complex to be clearly and adequately identified by description in the location request, the excavator shall provide additional location information by one or more of the following means:



more of the following means: white marking, project staking, geographic information system shape file, detailed drawing, map, or other appropriate mean. An excavator may not be required to provide additional location information if the excavator plans a meeting with the affected operators at the location of the excavation before beginning any excavation, or if the notice of record of the location of the excavation.

**i.** A request for location is limited to the area to be excavated during the twenty-one day period following the location request.

**j.** An excavator may begin excavation in a location if the location period has passed without notification of a requested extension or prior to the expiration of the location period if the excavator has received notice that all facilities have been located or cleared.

**2.** The notification center shall:

**a.** Provide a toll-free telephone number and assign an inquiry identification number to each excavation notice and retain a record

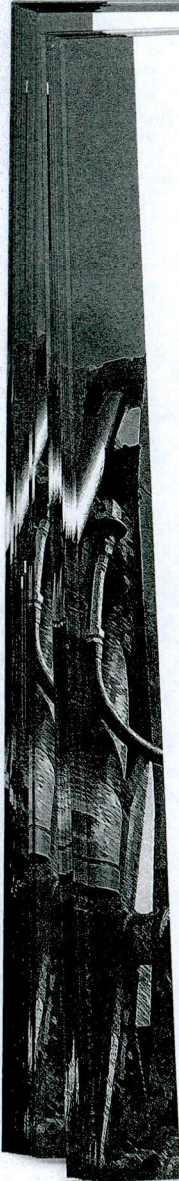
of all excavation notices received for at least six years.

**b.** Immediately transmit the information contained in an excavation notice to every operator that has an underground facility in the area of the proposed excavation.

**c.** Inform the persons giving notice of an intent to engage in an excavation activity the names of participating operators of underground facilities to whom the notice will be given.

**d.** Establish procedures for assuring positive response from the affected operator in all emergency excavation notices.

**3. a.** An operator, within forty-eight hours, or any extension of that period, after receiving an excavation notice from the center, excluding Saturdays, Sundays and holidays, unless otherwise agreed to between the excavator and operator, shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator.



**b.** For purposes of this section, the approximate horizontal location of the underground facilities is a strip of land two feet [60.96 centimeters] on either side, of the underground facilities. This subdivision does not apply to an underground facility to convey water.

**c.** When an operator cannot establish the exact location of the underground facility to convey water, the operator shall mark the location as accurately as possible and the excavator may proceed with caution. When excavation operations approach the estimated location of the underground facility to convey water, the exact location of the facility must be determined by safe and acceptable means. The uncovered facility must be supported and protected to prevent damage.

**d.** Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

**e.** If the operator cannot complete

marking of the excavation area before the excavation commencement time stated in the excavation notice, the operator shall promptly contact the center.

**f.** After facilities are located by an operator, an excavator shall notify the notification center if:

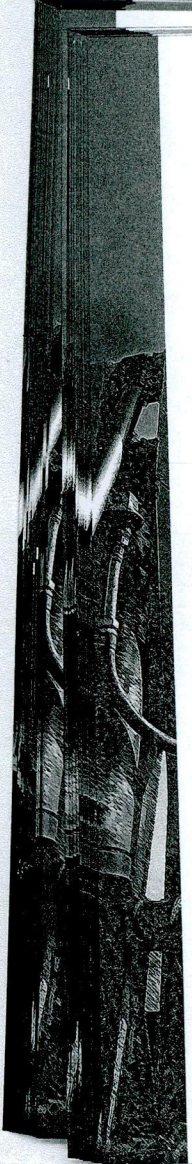
(1) The excavator postpones excavation commencement time stated in the excavation notice by more than forty-eight hours, or any extension of that period, or cancels the excavation;

(2) The markings have been obliterated or obscured;

(3) Weather conditions have impaired visibility of the markings;

(4) The site shows evidence of recent excavation; or

(5) The excavator has other reason to believe the markings are incorrect or missing.



**g.** An excavator may not use a location more than twenty-one calendar days, or any extension of that period, after the planned excavation date unless the excavator has made previous arrangements with the operators affected.

**h.** If excavation has not occurred within the initial twenty-one days of the locate, the excavator shall request that the facility be relocated before excavating unless other arrangements have been made with the underground facility owner. Upon the third locate request at the same excavation site where no excavation has occurred after the initial two locates, the excavator is responsible for reasonable costs associated with relocating facilities in that location.

**i.** If a relocate request is made for an area which includes areas where excavation has been completed, a request for relocate must be modified from the original locate request to reflect only the area to be excavated during each subsequent twenty-one day period otherwise the excavator is responsible for reasonable costs associated with relocating facilities in the location.

**j.** If in the course of excavation the excavator is unable to locate the underground facility or discovers that the operator of the underground facility has incorrectly located the underground facility, the excavator shall promptly notify the operator or, if unknown, the one-call notification center.

**k.** A facility owner, excavator, or other person may not present or presume that an underground facility is abandoned, or treat an underground facility as abandoned, unless the facility has been verified as abandoned by reference to installation records or by testing. The notification center shall establish a method of providing personnel from a facility owner qualified to safely inspect and verify whether a facility is abandoned or inactive if necessary. An inactive facility must be considered active for purposes of this section.

**l.** An underground facility owner shall make all new facilities locatable.

**4.** If an excavation is being made in a time of emergency, all reasonable precautions must be taken to protect the underground facilities.

In an emergency, the excavator shall give notification in compliance with this Act, as soon as practical, that an emergency exists. As soon as practical, each operator shall provide all location information that is reasonably available to the excavator.

**49-23-05. Precautions to avoid damage.** To avoid damage to and minimize interference with underground facilities in and near the construction area, an excavator shall:


1. Maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility.
2. Provide support in a manner approved by the operator for underground facilities in and near the construction area, including backfill operations to protect the facilities. Backfill must be of a material equal to or better in both quality and quantity to the existing backfill.
3. Assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation and when possible

remove all tangible marking materials used to mark the facility.

4. Assume the cost of excavation to expose the facility unless otherwise indicated by owner of facility.
5. Conduct the excavation in a careful and prudent manner.
6. Properly manage spoil material to prevent shifting or falling material that could damage below ground facilities.

**49-23-06 Damage to facilities - Penalty.**

1.
  - a. If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator as soon as reasonably possible. When the operator receives a damage notice, the operator shall dispatch, as soon as reasonably possible, personnel to the damage area to investigate. If the damage endangers life, health, or property, the excavator responsible for the work shall take immediate action to protect the public and property and to minimize



the hazard until arrival of the operator's personnel or until emergency responders have arrived and taken charge of the damaged area.

**b.** An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

**c.** An excavator who knowingly damages an underground facility and who does not notify the operator as soon as reasonably possible or who backfills in violation of Subdivision b is guilty of a class A misdemeanor.

2.

**a.** If an excavator fails to comply with this chapter or damages an underground facility, the excavator is liable for all damages caused by the failure to comply with this chapter and for all damages to the facilities and must reimburse the operator for the cost of repair and restoration, loss of product,

and interruption of service occur because of the damage or injury to facilities, together with reasonable and expenses of suit, including reasonable attorney's fees.

**b.** Reimbursement to the operator under this section is not required if the damage to the underground facility was caused by the sole negligence of the operator or if the operator failed to comply with sections 49-23-03 and 49-23-04.

**49-23-07. Effect on local ordinances.**

A person with a permit for excavation from the state or a local governmental unit is subject to this chapter. This chapter does not override or impair local ordinances, charters, or provisions of law requiring permits to be obtained before excavating.



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