

Call 811 or 800-795-0555



NORTH DAKOTA ONE CALL HANDBOOK

AUG 2019 - JUL 2021
EDITION



www.NDONECALL.com

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800-795-0555 or
811



North Dakota One Call

Easily file your locate requests online below!



ITIC & IMAP manuals plus tutorial videos are now available [HERE!](#)

The information contained in this manual does not have the force of law and is only provided as guidance.

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

THE PROCESS OF USING NORTH DAKOTA ONE CALL

1) EXCAVATOR FILES EXCAVATION NOTICE

(Site identification (ie. white lining) is required. See page 45 for details)

2) ND ONE CALL CENTER PROCESSES & SUBMITS NOTICE TO OWNER MEMBER UTILITIES



4) EXCAVATOR DIGS WITH CARE, AVOIDING DAMAGES

3) UTILITIES MARK SITE OR ADVISE IF THEY ARE 'CLEAR' AND PROVIDE POSITIVE RESPONSE BACK TO THE CENTER.

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 the ND One Call Center.

If required, additional copies can be obtained from ND One Call via www.ndonecall.com. This manual has not been copyrighted by North Dakota One Call. They have authorized and recommended its duplication.

This manual was updated August 1, 2017, its contents and North Dakota Century Code 49-23 are subject to change without notice.

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 the ND One Call Center.

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 ND One Call Center, marking instructions, color codes, excavator responsibilities, facility operator responsibilities, or contacts for the North Dakota One Call Board of Directors.

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.

It's important to note that the information contained in the front half of this handbook (pages 1 – 30) does follow the North Dakota Century Code 49-23 but also contains recommendations for best practices in the One Call industry. For further clarification on any one subject, please refer to the North Dakota Century Code 49-23 located on pages 31 – 48.

HOW DO I PLACE AN EXCAVATION NOTICE?

You may place an excavation notice with North Dakota One Call via the following methods:



ONLINE

www.ndonecall.com using ITIC
(Internet Ticket Processing)



PHONE

811 or **800-795-0555**
(both numbers are toll free)

ONE CALL LAW CHANGES

65TH LEGISLATIVE SESSION - 2017

1. Manual digging: Clarifies careful and prudent digging to mean an excavator must manually dig within two feet of the outer edge of any located facility; **ND Century Code 49-23-01, Definition 3.a.**
2. Locate times: Clarifies start time of the locate period as the later of:
 - a. 48 hours, excluding weekends and holidays, beginning at 12:01am the day after the request is submitted to the notification center, plus any 24 hour extension provided through the notification center, or
 - b. The period between the submission of the locate request to the notification center and the noted date and time of excavation;

**ND Century Code 49-23-01, Definition 12.
Also ND Century Code 49-23-04.1 and 6.a**

3. Positive response: Mandatory for operators, allowing excavation to begin as soon as all positive responses have been made; **ND Century Code 49-23-01, Definition 16. Also ND Century Code 49-23-04.4, 5.e and 6.n**
4. Change in wording on who shall participate in the costs of a statewide notification center. **ND Century Code 49-23-03.2**
5. Board seat: Adds a seat on the ND One Call Board of Directors for gathering and transmission oil and gas pipelines; **ND Century Code 49-23-03.4.a**
6. Site identification: Requires an excavator to identify the area to be excavated by physical or electronic means, or other means as agreed upon by the parties to the ticket (narrows the scope of the excavation area for location purposes); **ND Century Code 49-23-04.2**

7. Ticket size: Defines urban ticket areas as three contiguous city blocks, four contiguous quarter sections, or five linear miles in rural areas.; **ND Century Code 49-23-04.3**
8. Costs for non-locatable facilities: If an excavator cannot expose the facility within two feet as marked by the operator, requests assistance from operator and operator fails to assist within a reasonable amount of time, the operator is responsible for the excavator's reasonable costs to expose the facility; **ND Century Code 49-23-04.6.b**
9. Proof of excavation: Burden of proof lies with excavator (ticket requestor) to show excavation has occurred when disputing a bill for a third excavation notice on the same ticket (current law allows for billing reasonable locate costs for third and any subsequent excavation notices on the same ticket when no excavation has occurred); **ND Century Code 49-23-04.6.h**
10. Repeat excavation notices: If PSC determines additional excavation notices were caused by an excavator's failure to maintain and remove markings, the excavator would be responsible for reasonable locate costs; **ND Century Code 49-23-04.6.i**
11. Survey ticket: Creates a survey ticket option for non-excavation locate requests, which allows for electronic data exchange, reduces flag management issues, and has a longer window for operators to mark the facilities, provide locate information electronically, or meet (5 days); **ND Century Code 49-23-04.1 Survey**
12. Culpability: Changes the level of proof from 'knowingly' to 'willfully', which includes 'knowingly', 'recklessly', and 'intentionally'; **ND Century Code 49-23-06.1.c**

FREQUENTLY ASKED QUESTIONS

Do I have to contact the ND One Call Center before I dig?

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

Once I contact the ND One Call Center, what happens next?

An ND One Call Center customer service representative will ask you many important questions about where and when you will be 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 ND One Call Center 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 law 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 contact the ND One Call Center again and get a new ticket for that job. North Dakota law requires an excavator to contact ND One Call Center 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 ND One Call Center and get that information from us.

What is my responsibility after I have filed my excavation notice?

Many people believe that by notifying the ND One Call Center of an intended excavation they have completed all of their responsibilities in the one-call process. This is not the case. Notifying the ND One Call Center 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 ND One Call Center 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. You are required by law to remove all of your 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 the ND One Call Center as soon as possible. Customer service representatives will assist in making corrections, depending on the circumstances. Modifications/changes 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 the locate markings until they are 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. The ND One Call Center 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 formal complaint can be filed with the ND Public Service Commission.

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

The ND One Call Center 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, ND One Call Center 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 the ND One Call Center?

After the customer service representative completes the excavation notice, 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 excavation notice 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 excavation notice. The underground facility operator may, at its option, notify the ND One Call Center to request a 24 hour extension or ask for additional information.

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.

GUIDELINES FOR PREPARING TO CALL ND ONE CALL CENTER

ND One Call Center customer service representatives are professionally trained to obtain specific information concerning excavation notices. 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.

Excavation notice 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 the ND One Call Center 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 found on page 17 of this manual. We suggest that you make as many copies as you need. Keep in mind that multiple excavation notices cannot be combined on one ticket.

There are alternative methods to filing excavation notices, such as entering tickets remotely on the internet at ndonecall.com using ITIC.

TYPES OF NOTICES ACCEPTED BY NDOC

ROUTINE NOTICE

The most common type of notice processed by the ND One Call Center. Contact the ND One Call Center 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 NOTICE

An emergency notice 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 the ND One Call Center. When calling in an emergency excavation notice, 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 an excavation notice 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 information on the ticket will be changing.

RESPOT

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

MEET REQUEST

Most excavation notices can be accurately described in a routine notice. 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 or on an ITIC online form. Many times, what seems to be a complicated project can easily be described over the phone if it is broken into several pieces.

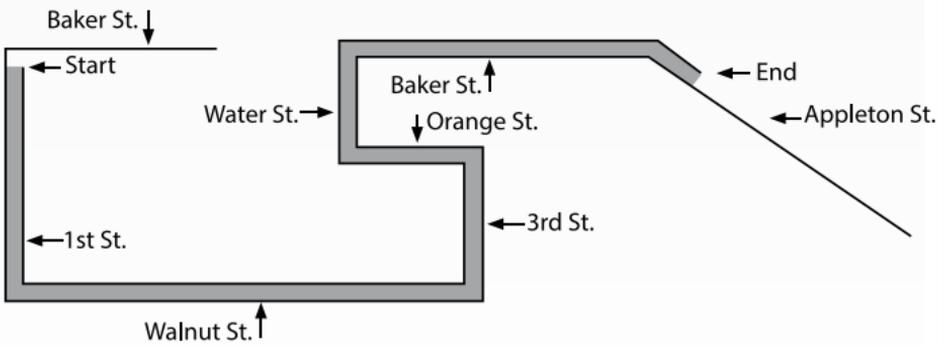
A meet request does not take the place of a complete and accurate work description. The excavator must make every effort to clearly define the extent of the project and the specific details about the project (i.e. the use of white markings). This will assist the facility operators in better preparing 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.

ND One Call Center 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 excavation notice 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 Third 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."

SURVEY REQUEST

An individual making a survey request for location for information, design, or purposes other than excavation shall contact the ND One Call Center for a survey location. See page 44 for more information.

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 the ND One Call Center.

When a property owner or tenant has any type of private underground facility, they are responsible to locate those facilities, or hire someone to locate them. For example, if property is served by overhead distribution lines and the power is then distributed on the 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, fences, 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 EXCAVATION NOTICES

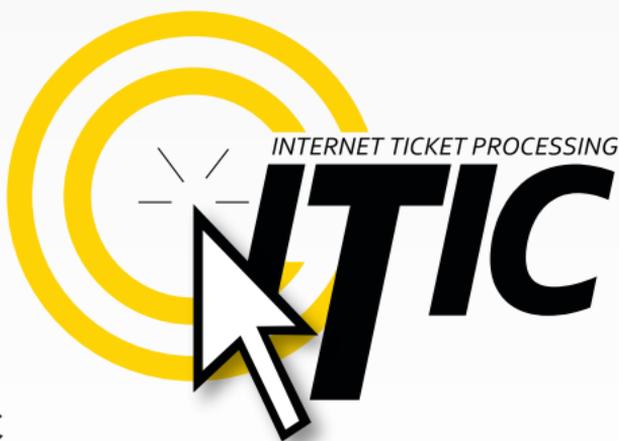
Besides calling into the ND One Call Center on the telephone, there are three other options that may better serve your organization.

ITIC (INTERNET TICKET)

ITIC is an internet based ticket entry program for professional excavators that allows notifications 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 ndonecall.com under events or call **701-610-1057**.

ITIC LITE

ITIC Lite is an internet based ticket entry program for homeowners who would like to submit their

excavation notices 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 **ndonecall.com** under events for additional information.

ITIC MOBILE

ITIC Mobile has the same features as the desktop version of ITIC, now optimized for all mobile devices.



NORTH DAKOTA ONE CALL TICKET FORMAT

1. Ticket Type: Ticket No.
 - Routine Notice Emergency Notice
 - Modify Respot Meet Request
2. Phone number _____ Ext. _____
Caller ID number _____
Field phone number _____
3. Caller name _____
Company Name _____
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. White Lining _____
13. County _____ City/Place _____
14. City limits (Y/N) _____
15. Nearest Intersecting Street _____
16. Address _____ Street _____
17. Marking Instructions _____
18. Respots _____
19. Township _____ Range _____
Section _____ Quarter _____

Below is a brief explanation of each question to be asked by ND One Call Center customer service representatives. The numbers correspond to the line numbers listed on the ticket format above.

1. Type of Notification or Request Being Placed

ND One Call Center 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 Notice
- B.** Emergency Notice
- C.** Modify
- D.** Respot
- E.** Meet Request
- F.** Survey Notice

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 emergency situations (see page 12 for detailed descriptions). The call will be expedited if this information if

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 excavation notices. 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. Excavation Notices 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 or before all positive responses have been received from the utilities listed on the excavation notice. (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, ND One Call Center customer service representatives will inform you that the earliest legal start date is 12:01 AM of the third day after you submit the excavation notice, excluding Saturdays, Sundays, and holidays. Customer service representatives 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 law requires the customer service representatives to ask whether explosives will be used in an effort to assist gas facility operators in complying with these rules.

8b. Tunneling\Boring

ND One Call Center customer service representatives will ask if the work will involve tunneling or horizontal boring.

9. Depth

ND One Call Center 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 an

12. White Lining

It is required to provide site identification in the form of white lining, project staking, detail drawings, or maps. See Site Identification on page 45 for more details.

13. County and City/Place Name

The county and city/place of the work site are needed to identify where the job site is located. The ND One Call Center utilizes this information to identify which members are to be notified. ND One Call Center 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

14. City Limits (Y/N)

15. Nearest Intersecting Street

Provide the ND One Call Center customer service representatives with the nearest intersecting street to the job site.

16. Street Address of Work Site

ND One Call Center also uses the street name to identify which members are to be notified. It should be noted that the underground facility operators of ND One Call Center utilize different mapping records. To ensure that the information transmitted for all underground facility operators is accurate, the ND One Call Center 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 contact the ND One Call Center. It is critical for you to have the full and proper name to allow ND One Call Center to accurately process your excavation notice. Use caution with differences between "street," "avenue," "boulevard," etc. Fire numbers are helpful as additional information, but are not considered an address.

North Dakota law limits the size of a one-call ticket to an area not to exceed three contiguous blocks within an urban area or an area of four contiguous quarter sections or five linear miles in a rural area. 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.

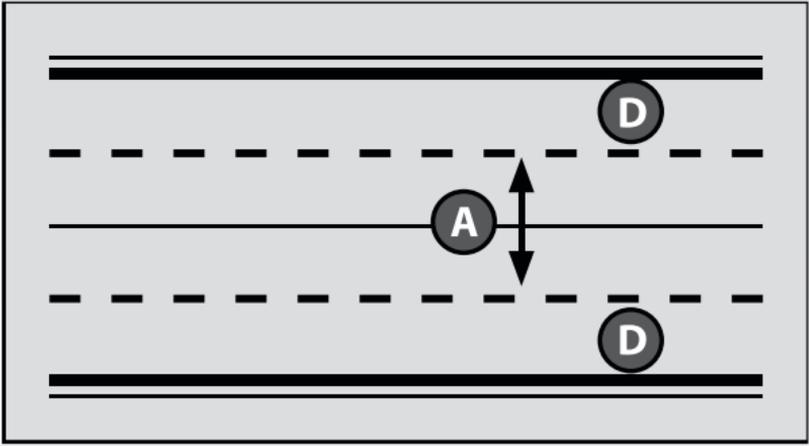
17. Marking Instructions

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:

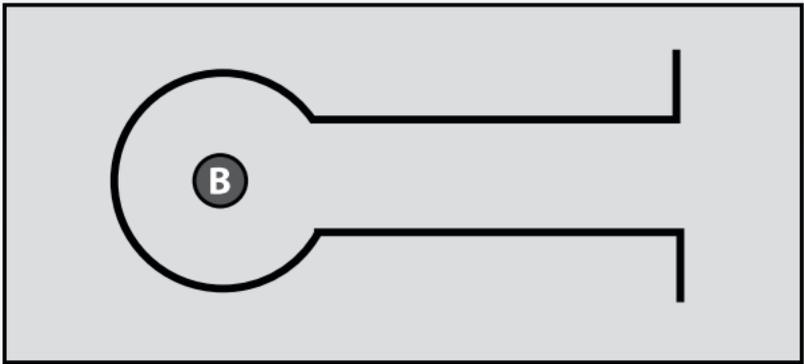
- A. Right and left should not be used as directions as they are relative points of view.
- B. If the excavation is in the roadway, marking instructions could include:
 - i. Mark entire road right of way.
 - ii. Mark from the centerline of road to North, South, East, West lot line or curb.
- C. If the 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, ND One Call Center 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 excavation notice 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.

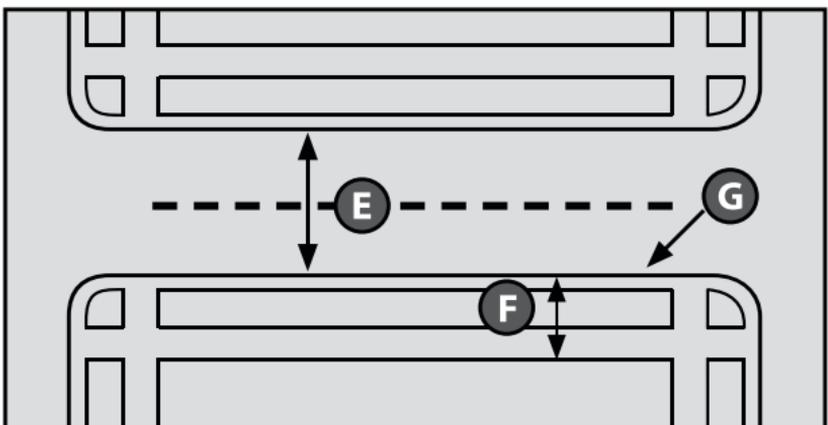
- A. **Center Lane(s)** - In a four lane street, the two lanes at the center of the pavement.
- B. **Cul De Sac Street** - A local street open at one end with a special provision for turning around. Driving directions must be provided.



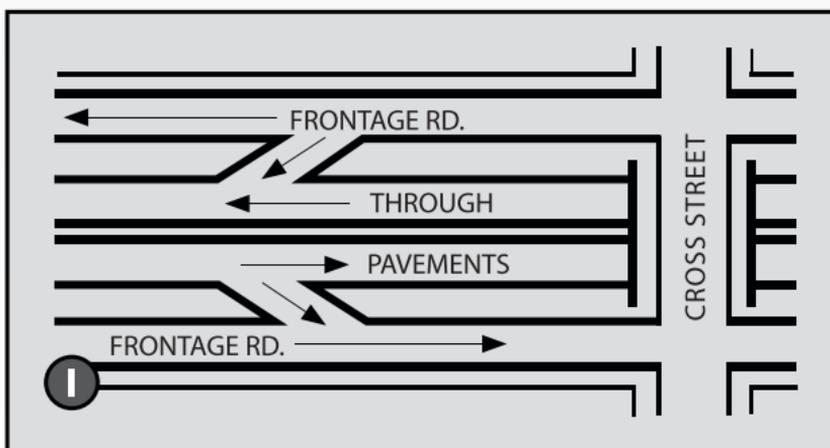
C. Culvert (Not Pictured) - Any pipe or structure under a roadway or driveway to facilitate drainage of surface water.



- 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. Curbline** - 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.

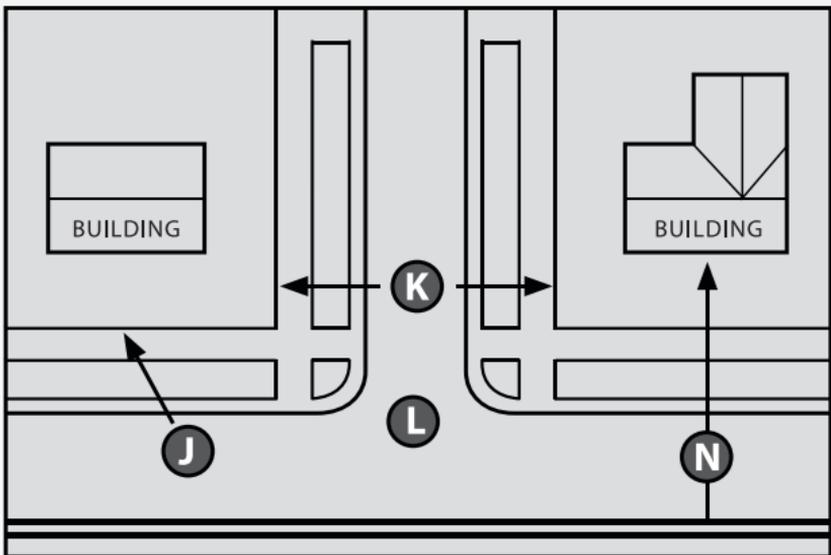


- L. Intersection** - The general area where two or more highways join or cross, within which are included the roadway and roadside facilities for traffic movements in that area.
- M. Interchange (Not Pictured)** - A system of interconnecting roadways in conjunction with one or more grade separations 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 divided highway separating the traveled ways for traffic in opposite directions.

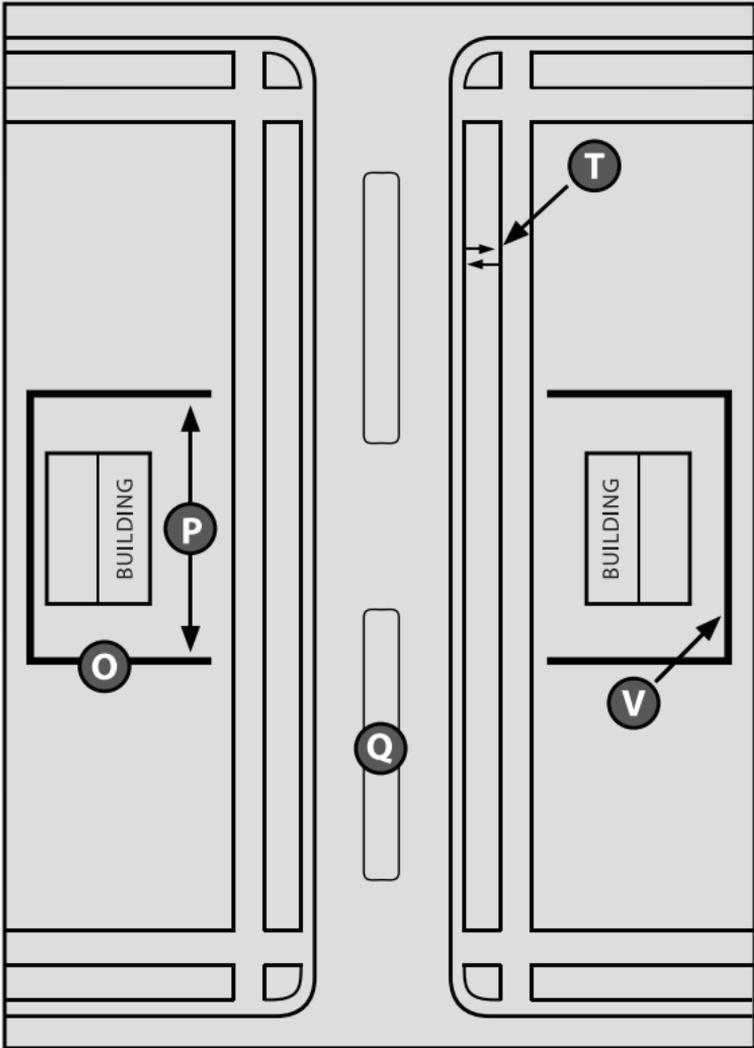
R. Near Side - See Short Side (BB).

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.

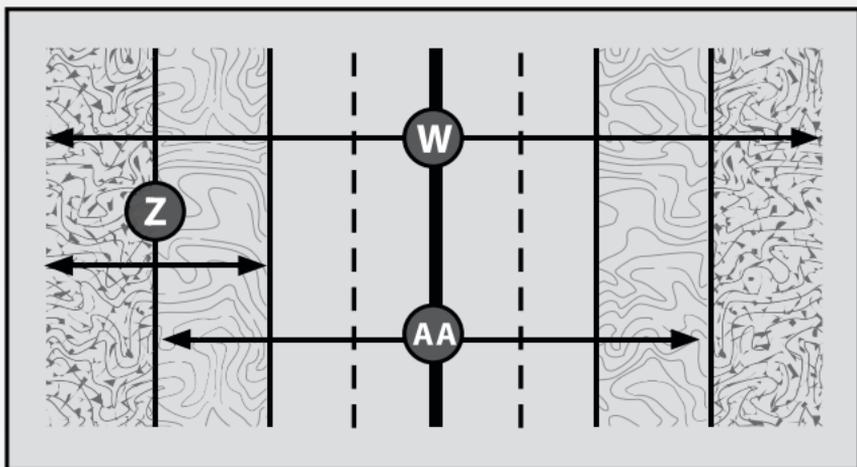


W. Right of Way - Dedicated street area bounded by two parallel lines called right of way lines. This is generally the road, cross street and the area directly adjacent to the road which is maintained as part of the roadway. It includes the road, curbs, shoulders, ditches, boulevards, sidewalks, walking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

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

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

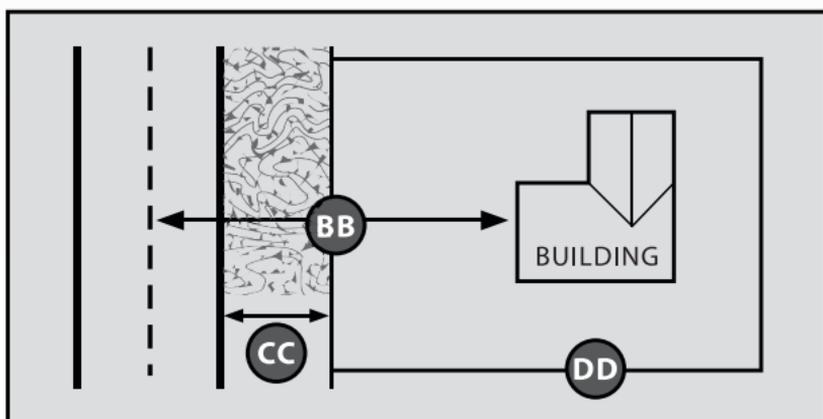
Z. Roadside - A general term denoting the area adjoining the outer edge of the roadway. Extensive area between the roadways of a divided highway may also be considered roadside.



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

BB. Short Side - The excavation to take place on same side of the road as the 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).

18. Remarks

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

19. 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 excavation notice. 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 addition to any other penalty provided, be subject to a civil penalty of not to exceed twenty-five thousand dollars. The civil penalty may be compromised by the commission. The amount of the penalty when finally determined or agreed upon in compromise, if not paid, may be recovered in a 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 or still carries services.
2. "Board" means the board of directors of the nonprofit corporation governing the notification center under section 49-23-03.
3. "Careful and prudent manner" means:
 - a. Manually excavating within twenty-four inches [60.96 centimeters] of the outer edges of any underground facility on a horizontal plane as located and marked by the owner or operator; and
 - b. Supporting and protecting 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 these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more.
 - c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more.
 - 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 actual 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. "Locate period" means the later of:
 - a. The forty-eight hour period beginning at 12:01 a.m. of the day after the location request was submitted to the notification center; excluding any Saturday, Sunday, or holiday; and any twenty-four hour extension provided through the notification center; or
 - b. The period between the submission of a location request to the notification center and the noted date and time of excavation.
13. "Nonprofit corporation" means a corporation established under chapter 10-33.
14. "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 operator.
15. "Operator" means a person who owns or operates an underground facility, including a master meter operator with underground facilities, or a state or local governmental entity. The department of transportation is considered an operator for the department's facilities buried on the department's rights of way. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.
16. "Positive response" means notification by the operator to the notification center that underground facilities within the area covered by a location request have been marked or cleared.
17. "Tangible marking materials" means any material perceptible by touch used to mark the location of an underground facility, including flags, stakes, poles, or other

materials inserted into or affixed to the ground. The term does not include paint, chalk, or other liquid ink-based materials applied to the ground.

18. "Underground facility" means an underground line, pipeline, cable, facility, system, and its appurtenances used to produce, store, convey, gather, transmit, or distribute communications, data, electricity, power, television signals, heat, gas, oil, petroleum products, carbon dioxide, water, steam, sewage, hazardous liquids, and other similar substances. Privately owned and operated underground facilities which do not extend beyond the boundary of the private property are excluded.
19. "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.
20. "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 - Participation - Establishment.

1. An operator shall participate in and share in the costs of the statewide notification center operated by a vendor selected under this section.
2. A person doing business as an excavator or operator under this chapter shall participate in and share in the costs of a statewide notification center on a per-call 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 by the notification center to allow the 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, North Dakota one-call, incorporated, shall govern the notification center.
 - a. The board of directors of North Dakota one-call, incorporated must consist of nine members representing the participants in the center. The members

of the board of directors must be chosen and serve for terms as provided in the bylaws of the corporation. One member of the board of directors must be chosen by representatives of each of the following participant groups:

- (1) Telecommunications service providers.
- (2) Gas distribution lines operators.
- (3) Oil or gas transmission or gathering lines operators.
- (4) Electrical transmission and distribution operators.
- (5) Rural water systems.
- (6) Cities of five thousand or more population.
- (7) Cities of fewer than five thousand population.
- (8) Cable television service providers.
- (9) Excavators.

- b.** 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 of its agents are immune from any liability of

any 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 by or contributed to by the negligence of the board member or agent.

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

49-23-04. Excavation.

1. Except in an emergency, an excavator shall contact the notification center and provide an excavation or location notice before beginning any excavation. 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 as 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 of 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 or section corner.
- 2.** Unless otherwise exempted, the ticket request must include site identification information by one or more of the following means: white marking, digital white lining, project staking, geographic information system shape file, detailed drawing, map, or other means agreed upon by the parties to the ticket. Site identification under this subsection is not required if:

 - a.** The precise location of excavation can be clearly and adequately identified on the location notice and is limited to a single street address or a platted lot number of record;
 - b.** The precise location of excavation can be clearly and adequately identified on the location notice and the excavation is an emergency excavation; or
 - c.** Prior to any excavation, the excavator requests and conducts a meeting with the affected operators at the location of the excavation.
- 3.** A request for location is limited to an area not exceeding three contiguous city blocks within an urban area or an area of four contiguous quarter sections or five linear miles [8.05 kilometers] in a rural area.

4. An excavator may begin excavation in a location when the excavator has received notice that all facilities have been located or cleared or at the expiration of the location period or extension of the location period.
5. 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.
 - e. Establish procedures to receive from operators and convey to ticket holders positive response when operators have located or cleared underground facilities identified within the area of a location request.
6.
 - a. An operator with underground facilities within the area of a location request shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator within the location period or as agreed by the parties.
 - 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. An

operator of a facility required to be locatable is responsible for the costs of location. If an excavator is unable to locate a facility within two feet on either side of the operator's facility location markings and requests assistance from the operator to locate the facility, but the operator fails to provide the requested assistance within a reasonable time, the operator is responsible for the excavator's reasonable costs incurred to locate the facility. This subdivision does not apply to an underground facility to convey water installed before August 1, 2013.

- 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 excavator.
- f. After facilities are located by an operator, an excavator shall notify the notification center if:
 - (1) The excavator postpones the 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 impeded 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 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. If the issue of whether excavation has occurred is disputed for purposes of this section, the excavator bears the burden of proof that excavation has occurred.
- 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.** An excavator that makes repeated location requests within the area of a previously made location request due to the excavator's failure to reasonably maintain and remove markings under subsection 3 of section 49-23-05 or failure to follow prudent and careful digging practices required by subsection 5 of section 49-23-05 is responsible for reasonable costs of location and removal if the public service commission determines the additional location request was caused by the excavator's failure described in this subdivision.
- k.** 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.
- l.** 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.
- m.** An underground facility owner shall make all new facilities locatable.

- n. An operator that has completed marking of the excavation area or has determined there are no facilities in the area identified in the ticket shall provide positive response to the notification center in compliance with the notification center's procedures established under subsection 5 for assuring positive response from operators.
7. 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 chapter, 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.

49-23-04.1. Survey.

1. An individual making a request for location for information, design, or purposes other than excavation shall contact the notification center for a survey location. The survey 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 surveyor;
 - c. The date and time information will be captured;
 - d. The depth of any planned future excavation;
 - e. The type and extent of any planned future excavation, including whether it involves tunneling or horizontal boring;
 - f. Whether the use of explosives is anticipated;
 - g. Any other information the notification

center requires;

- h.** The location of the area to be surveyed by one of the following means:
 - (1) A specific street address;
 - (2) A reference to a platted lot number of 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 must be further described by coordinates measured in feet from the nearest quarter section corner or section corner.

- 2.** Unless otherwise exempted, the ticket request must include site identification information by one or more of the following means: white marking, digital white lining, project staking, geographic information system shape file, detailed drawing, map, or other means agreed upon by the parties to the ticket. Site identification under this subsection is not required if:
 - a.** The precise location of planned future excavation can be clearly and adequately identified on the location notice and is limited to a single street address or a platted lot number of record; or
 - b.** Prior to any survey, the excavator requests and conducts a meeting with the affected operators at the location of the survey.
- 3.** The notification center shall:
 - a.** Immediately transmit the information contained in a survey notice to every operator that has an underground facility in the survey area; and
 - b.** Inform the individual who made the survey location request of the names of

participating operators of underground facilities to whom the notice will be given.

4. Within five days; excluding Saturdays, Sundays, and holidays; an operator with a facility within the survey area shall locate or mark the facilities physically, provide location information electronically, or meet with the ticket holder.
5. Meetings may be held at the discretion of the ticket holder.
6. Electronic information may be exchanged at the discretion of the operator.
7. The survey ticket holder shall assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings until the survey information has been captured, and remove all tangible marking materials used to mark the facility and the site area upon completion of the capture.
8. The survey ticket holder is responsible for the reasonable costs of any relocate after a survey location has been properly located and marked.

49-23-05. Precautions to avoid damage.

To avoid damage to and minimize interference with underground facilities in and near the excavation area, a ticket holder 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 remove all tangible marking materials used to mark the underground facility and site area upon completion of the excavation.
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 belowground 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.

HOLIDAY SCHEDULE AND HOURS OF OPERATION

ND One Call Center is open 24 hours, seven days a week. North Dakota recognizes the following holidays:

New Year's Day	January 1
Dr. MLK Jr. Day	3rd Monday in January
Presidents Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	October 12
Veterans Day	November 11
Thanksgiving	4th Thursday in November
Christmas Day	December 25

ND One Call Center has adopted a "Holiday Substitution Policy" so that excavators and operators are better aware, in advance, of what days ND One Call Center will observe all holidays. If a holiday falls on a Saturday, ND One Call Center will observe the Friday before as the holiday; if it falls on a Sunday, ND One Call Center will observe the Monday after as the holiday.



NORTH DAKOTA ONE CALL OFFICERS AND DIRECTORS

ELECTRIC

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Donald Frye

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RURAL WATER

Jerry Blomeke

Cass Rural Water Users District P.O. Box 98 131
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EXCAVATORS/CONTRACTORS

Carey Burke

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CITIES OVER 5000

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GAS/PIPELINES

Michael Schoepp

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OIL OR GAS TRANSMISSION OR GATHERING LINES

Richard Brierley

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E-mail: dalerobbins@mml.net

NOTES

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APWA COLOR CODE

WHITE	Area of Proposed Excavation
PINK	Temporary Survey Markings
RED	Electric
YELLOW	Gas, Oil, Steam, Propane
ORANGE	Communication, CATV, Fiber
BLUE	Water
PURPLE	Reclaimed Water, Irrigation
GREEN	Sewer



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