

ne1call.com



# DAMAGE PREVENTION and the One Call Process

Statewide: 1-800-331-5666

Nationwide: 811

Online: [www.ne1call.com](http://www.ne1call.com)



Know what's below.  
Call before you dig.



# MISSION AND GOALS

Nebraska811



## SAFE DIGGING

Protecting the general public and the environment

## DAMAGE PREVENTION

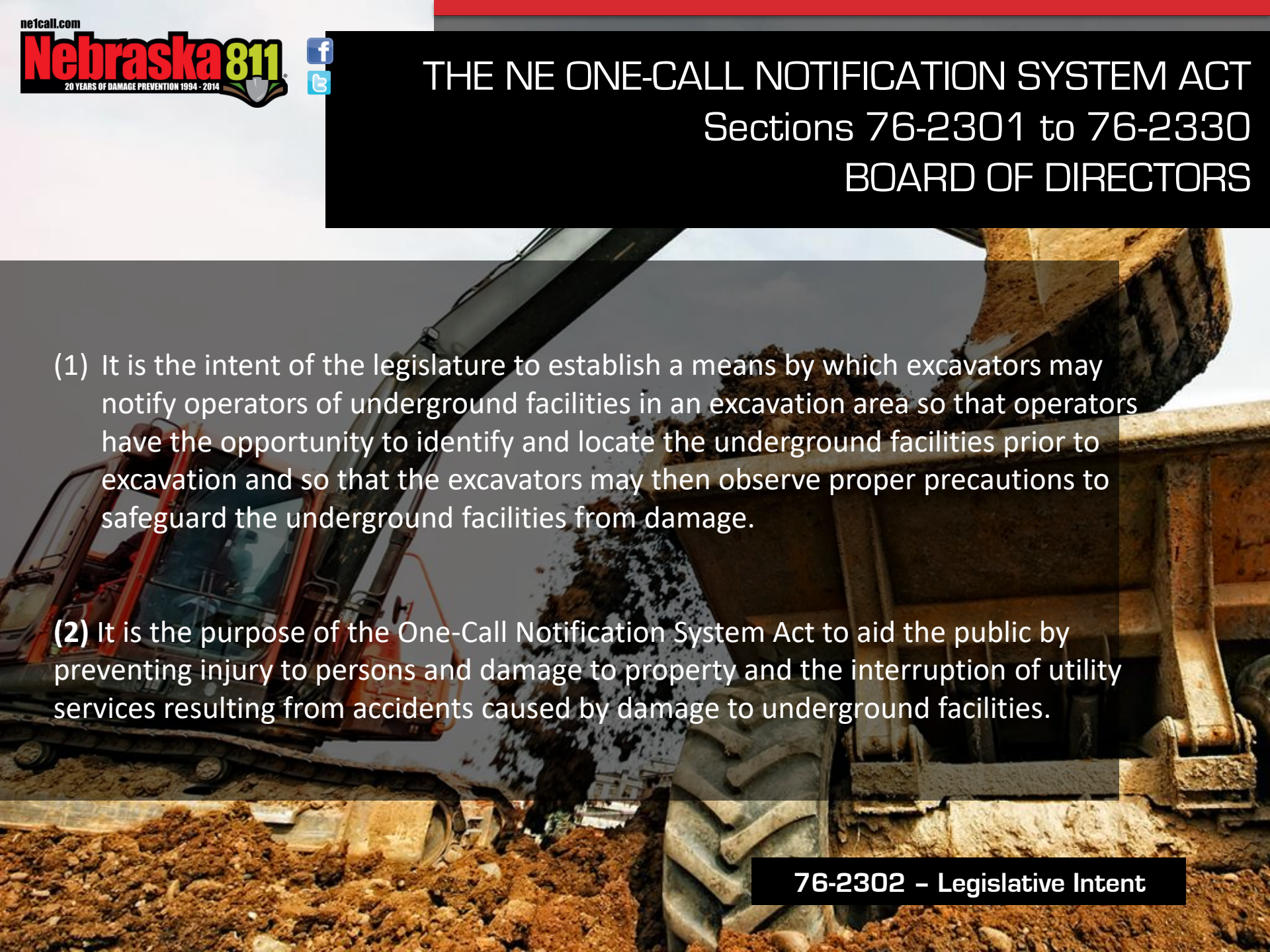
Protecting the underground facilities



# THE NE ONE-CALL NOTIFICATION SYSTEM ACT

## Sections 76-2301 to 76-2330

### BOARD OF DIRECTORS



(1) It is the intent of the legislature to establish a means by which excavators may notify operators of underground facilities in an excavation area so that operators have the opportunity to identify and locate the underground facilities prior to excavation and so that the excavators may then observe proper precautions to safeguard the underground facilities from damage.

(2) It is the purpose of the One-Call Notification System Act to aid the public by preventing injury to persons and damage to property and the interruption of utility services resulting from accidents caused by damage to underground facilities.

# THE NE ONE-CALL NOTIFICATION SYSTEM ACT

## Sections 76-2301 to 76-2330

### BOARD OF DIRECTORS

The center shall be governed by a board of directors who shall establish the operating procedures and the technology needed for the center pursuant to rules and regulations adopted and promulgated by the State Fire Marshal. The rules and regulations adopted and promulgated by the State Fire Marshal shall provide for the qualifications, appointment, retention, and composition of the board of directors. The board of directors shall also 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 of directors, and any agreement shall be reviewed by the board of directors at least once every three years, with an opportunity to receive new bids if desired by the board of directors.

**76-2319 – Board of Directors: rules and regulations: selection of vendor.**

# THE NE ONE-CALL NOTIFICATION SYSTEM ACT

## Sections 76-2301 to 76-2330

### BOARD OF DIRECTORS

The board is composed of 22 members representing the following:

- 2 - Members representing “Local Exchange” telecommunications companies.
- 2 – Members representing “Long- Distance” telecommunications companies.
- 3 – Members representing “Municipally-Owned Utilities” Small, Medium and Large.
- 2 - Members representing “Public Power Districts with over \$40 Million in Gross Revenue”.
- 2 – Members representing “Public Power Districts or Electric Cooperatives with less than \$40 Million in Gross Revenue”.
- 2 – Members representing “Cable Television” companies.
- 2 – Members representing “Natural Gas Distribution” companies.
- 2 – Members representing “Transmission Pipeline” companies.
- 1 – Member representing “Rural Water Districts”.
- 1 – Member representing “Governmental Utility Providers”.
- 1 – Non-Voting member representing “Private Excavator Contractors”.
- 1 – Non-voting member representing “Nebraska Department of Roads”.
- 1 – Non-voting member representing “County Governments”.

**22 Total**

**COMPOSITION OF THE CURRENT BOARD OF DIRECTORS**

# THE NE ONE-CALL NOTIFICATION SYSTEM ACT

## Sections 76-2301 to 76-2330

### BOARD OF DIRECTORS

#### What the Board of Directors do:

- We are appointed by the State Fire Marshal's Office.
- We select a vendor to operate the One-Call Center.
- We oversee the operations of the Center.
- We set business rules, policies and fee structures for the Center.
- We determine how we perform public outreach through marketing and excavator meetings throughout the state.
- We work with all stakeholder groups to determine future best practices and new rule and regulations in regards with the One-Call Notification Act.
- We review new or pending legislation effecting the On-Call Act and respond if necessary.

## LB462 – New bill January 2019

The board of directors and the State Fire Marshal shall;

- Provide Locator Licensing
- Determine Minimum Training Standards and Practices for all locators in the state of Nebraska.
- Create a dispute resolution board prescribed to provide a penalty.
- Hire and retain staff and contract with the State Fire Marshal for services to carry out the One- Call Act. The locator licensing fee would cover all costs to off-set the administering of the program.
- Appoint a dispute resolution board to initiate proceedings and make recommendations to the State Fire Marshal

no90eall.com

**Nebraska 811**

A background image showing a red excavator with a large bucket full of dirt, dumping it into the bed of a dump truck. The scene is set outdoors on a construction site with trees and a cloudy sky in the background. The image is overlaid with a semi-transparent dark grey rectangle containing the title text.

# PROPOSED CHANGES TO THE ONE CALL NOTIFICATION ACT



# CHANGES TO THE ONE CALL NOTIFICATION ACT



A few reasons why:

- The law has not had a full review since 1994
- The current law has not kept up with the technology changes that have occurred.
- Goal is to build a streamlined process that facilitates better communication for all Stakeholders affected by this law thus reducing damages, injuries, expenses.

## ACTIVITY TO DATE

- December 2014, Senator Smith initiated process to review/update the law.
- Asked the One Call Board to meet with stakeholders and get input on the changes necessary
- Board Activity 2015-2016
  - The board conducted Stakeholder Roundtable meetings throughout the state
  - Studied One Call laws in surrounding states
  - Provided proposed changes to Senator Smith
- Hearing on the study - November 2016

## ACTIVITY TO DATE

- January 2017, Senator Smith introduced **LB459** pertaining to the One Call Law
- It was written to change Statute over to Rule and Regulation under the State Fire Marshals office.
- Contains checks and balances – SFM/One Call Board
- Allows NE to stay current on Best Practices, Rule changes by PHMSA
- June 2017 - signed into law as **76-2319**

## 76-2319

Change provisions relating to governance of the statewide one-call notification center and provide for the establishment of best practices

(2) The rules and regulations adopted and promulgated by the State Fire Marshal may provide for:

- (a) Any requirements necessary to comply with United States Department of Transportation programs;
- (b) The qualifications, appointment, retention, and **composition of the board of directors**; and
- (c) **Best practices** for the marking, location, and notification of proposed excavations which shall govern the center, excavators, and operators of underground facilities.

(3) Any rule or regulation adopted and promulgated by the State Fire Marshal pursuant to subdivision (2)(c) of this section shall **originate with the board of directors**.

# ACTIVITY SINCE 76-2319 WAS ENACTED

## LEGISLATIVE CHANGES Effective 8-2017

### Enforcement

### Statute 76-2325

- Added **fiber optic** to gas violation penalties
- Update \$ amounts as such
  - Gas, fiber:
    - OLD: \$10K per violation, per day/\$50K max
    - NEW: \$10K per viol, per day/\$500K max
  - All other: max to
    - OLD: \$500 per viol, per day/\$5,000 max
    - NEW: \$5000 per viol, per day/\$50,000 max

## NEW LANGUAGE PROPOSED BY BOD

- 6/2018 - New definitions and rules and regulations forwarded to SFM office
- Language is currently under review and proceeding through the rule making process
- Expect it to be enacted (signed by Governor) in the upcoming months

# NEW RULES AND REGULATIONS (PROPOSED)

## TICKET LIFE

- The ticket life on a standard excavation ticket shall be 17 calendar days after the excavation ticket start date and shall only describe an area in which the proposed excavation can reasonably be completed within the 17 days.
- If the excavation is not completed by day 14 a refresh ticket should be placed with the Center.

# NEW RULES AND REGULATIONS (PROPOSED)

## TICKET LIFE

The ticket life shall not supersede the requirement that markings shall be done in a manner that will last for a minimum of five business days on any nonpermanent surface and a minimum of ten business days on any permanent surface. If the markings become unclear or unusable a Refresh request should be submitted to the center.



# NEW RULES AND REGULATIONS (PROPOSED)

## HAND DIGGING

Hand Digging shall be required within eighteen inches plus half the width of the marked underground facility. A person shall expose the underground facility to its outermost surfaces by hand or other nondestructive techniques.

**HAND DIGGING**

Hand Digging shall mean any excavation involving non-mechanized tools or equipment. It shall include but not be limited to, digging with shovels, picks, and manual post-hole diggers, vacuum excavation or soft digging.

# NEW RULES AND REGULATIONS (PROPOSED)

## TWO BUSINESS DAYS

- The excavation notice shall be transmitted to operators and excavators as a ticket. The standard start time for the excavation activities shall be 12:00 a.m. (Midnight) two business days after the date on which the ticket was transmitted to the operator.
- If an excavator provides a start time on the submitted information to the Center that is beyond the two business day requirement this shall be deemed to automatically constitute a mutually agreed upon start time for that ticket.

# NEW RULES AND REGULATIONS (PROPOSED)

## MANDATORY ELECTRONIC POSITIVE RESPONSE

**Definition:** Mandatory Electronic Positive Response shall mean an electronic response transmitted to the center indicating the facilities response status to a ticket.

- Every operator shall be required to participate in the Mandatory Electronic Positive Response process.

# NEW RULES AND REGULATIONS (PROPOSED)

## MANDATORY ELECTRONIC POSITIVE RESPONSE

- Every operator shall electronically notify the center of their response status on the required ticket types. This notification shall be received by the center prior to the excavation ticket start date or the work to begin start time and date as listed on the ticket.

## MARKING STANDARDS

- Operators shall mark their facilities in accordance with adopted marking standards as listed.
- Operators shall mark lines using the American Public Works Association (APWA) color codes.
- Markings shall include the use of paint, flags, stakes, whiskers, signs, or posts or any combination of these.

## MARKING STANDARDS

- Painted spots or dots can be used to identify utilities; the direction of the facility must be identifiable.
- Offsets can be used when there is a strong likelihood that the marks may be destroyed. Offsets are placed parallel to the running line of the facility. The offset shall indicate the distance and direction from the offset to the facility.

# NEW RULES AND REGULATIONS (PROPOSED)

## MARKING STANDARDS

When known, the markings shall include:  
the size of the facility, if over 2 inches in  
width; the material make-up of the facility,  
and the facility name.



# NEW DEFINITIONS (PROPOSED)

## TRENCHLESS EXCAVATION

Trenchless excavation shall mean a type of subsurface construction work that requires few trenches or no continuous trenches.



# STAKEHOLDER ROUNDTABLE DISCUSSION LEGISLATIVE CHANGES

## FUTURE LEGISLATIVE CHANGES BEING CONSIDERED

- **Large Project Ticket**
- **Trenchless Excavation**
  - Potholing @ intervals
- **Emergency**
  - Defined response time, false reduced/penalized
- **White Lining**
  - Required
- **No Response**
  - 2 hours required if before 4:00

Questions?

---