

Be in the Know: Your Responsibilities as a Facility Owner **by Jenna Jones**

It is important that facility owners know what is required of them under New Mexico Excavation Law. When you are in the know, you will help prevent damage as well as help to address your liability issues. Safe digging requires a partnership between the excavator, New Mexico One Call, and the facility owner. By working together, we can all help to prevent damage to underground facilities.

MARKING STANDARDS

As you know, when you receive a ticket from New Mexico One call, it is your responsibility to mark the actual horizontal location of the line within 12 inches, and you must mark or clear the location within two working days of receiving the ticket. Not only are facility owners required to mark their lines, there are also specific regulations as to how they should be marked. Facility owners must mark the site in such a manner that the marks will last at least ten working days (if not disturbed). A facility owner or operator should not move or obliterate markings. Facility owners must mark the site using the appropriate APWA uniform color code and locating/marketing standards. Recently, the APWA uniform color code was revised. Here is the revised code:

APWA UNIFORM COLOR CODE

WHITE	Proposed Excavation
PINK	Temporary Survey Markings
RED	Electric Power Lines, Cables, Conduit, and Lighting Cables
YELLOW	Gas, Oil, Steam, Petroleum, or Gaseous Materials
ORANGE	Communication, Alarm or Signal Lines, Cables, or Conduit
PURPLE	Reclaimed Water, Irrigation, and Slurry Lines
BLUE	Potable Water
GREEN	Sewers and Drain Lines

CLEARING A TICKET

If you do not have any facilities in the area, it is also required that you either mark the site **%CLEAR+or %NO FACILITIES,**+or notify the one call center that the ticket is clear. This way, the excavator knows that he or she can proceed with digging.

RIGHTS AND RESPONSIBILITIES OF FACILITY OWNERS

The following is a summary of your rights and responsibilities under New Mexico Excavation Law:

- **New Mexico's excavation law was amended effective June 15, 2007 and provides for all underground facility owners and pipeline facilities subject to federal jurisdiction to be members of a one call system by no later than April 15, 2008.** The owner must join a one call center that is operating statewide or within a region of the state. All of an owner's facilities must be covered by the one call operating systems. Pipeline facilities not subject to federal jurisdiction are also encouraged to belong to a one call center, even though membership is not mandatory.

- **Upon receipt of a request with advance notice, the facility owner must locate and mark the actual horizontal location of the line within 12 inches.**
- **The facility owner has two working days from the time the excavator called to mark the lines unless it is an emergency excavation.**
- **The law requires the facility owner to locate the facility by some means.** In many cases, locating a facility is more art than science and requires trained personnel to accurately determine facility locations. In instances where lines are plastic and there is no tracer wire or the wire has been damaged, it may be necessary for the facility owner to safely expose the line to ensure it is properly located.
- **The facility owner must mark the horizontal location of the line within 12 inches of its actual location or the line is considered mismarked.** *Failure to locate the line before an excavation is scheduled to start, or to neglect marking a line location is a violation of the excavation law, and the facility owner is subject to penalties and significant fines, as well as the cost of repair and any down time costs incurred by the excavator should a damage occur.*
- **The facility owner shall either mark the site “Clear” or “No Facilities,” or notify the one call center that the ticket is clear.** When a facility owner receives a request from an excavator and he or she determines there are no facilities in the area, the facility owner is required to notify the one call center the dig site is clear+or mark the site in the approved APWA color CLEAR+or NO FACILITIES.+This provides the excavators with positive response, so they will know there are no facilities, and they can begin their excavation.
- **If the facility owner chooses not to mark the site “CLEAR,” the excavation law requires the facility owner to register the clear with the one call center, and the one call center must log the “clear” so when the excavator calls the one call center, the excavator can be made aware the dig site has been “cleared”.** The facility owner must inform the one call center of the clear+within the two working day period.
- **Facility owners must mark the site using the approved APWA colors and marking standards.** New Mexico has adopted the industry use of the APWA uniform color code for marking underground facilities. In addition to the uniform color code, New Mexico law requires facility owners to follow the APWA marking standards guide. This guide helps facility owners determine how to mark their facilities so they can be identified in the field and convey consistent information to the excavator.
- **Facility owners shall mark the site in such a manner that the marks will last at least ten working days if not disturbed.** It may be prudent for the facility owner to work directly with the excavator on when and how to provide locate marks at the excavation site. Many times projects with large work areas will take several days to mark completely. The use of flags, stakes, or tape may be too tempting for neighborhood children to resist playing with and should be placed closer to the actual excavation time to avoid vandalism. The use of whiskers may be necessary in high traffic areas. When locating marks are vandalized or removed, the facility owner should replace the marks. Marks should last at least ten working days. Facility owners should consider using chalks and water based paints, which can be more easily removed in areas where graffiti will not be tolerated by the public.
- **A facility owner or operator shall not move or obliterate markings.** It is a violation of the excavation law for the facility owner or the excavator to move, obliterate, or fabricate markings for the purpose of concealing or avoiding violation or non-compliance with the state excavation law. Facility owners and excavators are

encouraged to keep and maintain their own records to show their compliance with marking and preserving marks in the field.

- **A facility owner must report all third party damages to the Pipeline Safety Bureau.** New Mexico excavation law has charged the Public Regulation Commission with making rules and regulations to administer the excavation law. Effective July 1, 2003, regulations were adopted which require all underground facility owners to report third party damages to the Pipeline Safety Bureau. The facility owner must report the damage by the 15th day of the month following the month of occurrence or within 30 days.
- **The Law provides for a one call system to be utilized by the excavator to get the location of underground facilities determined before the excavation occurs. One call centers have certain performance criteria they must meet and they must file reports with the Public regulation Commission quarterly.**

WHEN DAMAGE OCCURS

It's not a perfect world and accidents happen. It is vital that you, as the facility owner, know what to do in the event that your facilities are damaged. If an excavator damages underground facilities, it is the excavator's responsibility under the law to immediately notify by telephone the owner of any underground facility that may have been damaged or dislocated. The excavator must also call 911 if appropriate. The owner of the facility should respond immediately and assess the situation. If not directly contacted, the facility owner may need to contact emergency responders (911). The first priority is to make the damage site safe.

If the facility owner determines that an emergency condition exists and must evacuate, the facility owner should call the one call center for an emergency locate. A facility owner must provide information that indicates a utility service outage or a situation of imminent threat to the general public exists. The facility owner should take all necessary and reasonable precautions when excavating to avoid or minimize interference with or damage to existing underground facilities in and near the site. Other facility owners should respond within two hours and mark their facilities. Emergency requests can only be phoned into the one call center during regular business hours. A special toll free emergency phone line has been set up to call if the regular 811 phone lines are busy. In emergency situations only, call 1-866-344-6662 and your call will be placed at the top of the queue and will be processed expeditiously. For emergencies that occur after hours, holidays, and weekends, a list of facility owners sorted by city or county and name are available at the NMOC web site www.nmonecall.org to use to contact facility owners directly.

By following these guidelines, facility owners can be assured that they are helping to prevent damages by doing their part to help excavators dig safely. When the excavator, New Mexico One Call, and the facility owner work together, we all do our part to make digging safe in New Mexico, which makes a safer environment for everyone. If you need further information, please do not hesitate to contact New Mexico One Call.