

Call 811 or 800-795-0555, or Click NDONECALL.com

NORTH DAKOTA ONE CALL HANDBOOK

2024 EDITION



NDONECALL.com



NORTH DAKOTA ONE CALL CENTER CONTACT INFORMATION

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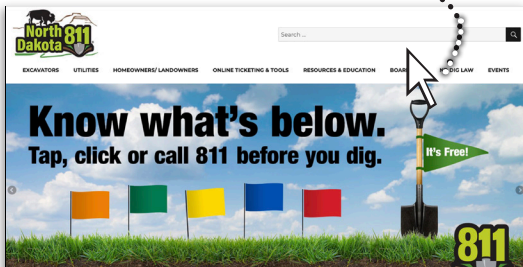


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PO BOX 1015
BISMARCK, ND 58502
CALL 811 OR (800)795-0555



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

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

THE PROCESS OF USING NORTH DAKOTA ONE CALL

1) EXCAVATOR PROVIDES SITE IDENTIFICATION & FILES EXCAVATION NOTICE

Site identification (i.e. white lining) is required. See page 27 for details.

2) NORTH DAKOTA ONE CALL CENTER PROCESSES & SUBMITS NOTICE TO FACILITY OPERATORS



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 is intended to be a reference tool for interacting with the North Dakota One Call (NDOC) 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 reference when questions or problems arise. It is recommended that this manual be given to all individuals who regularly contact the NDOC Center.

If required, additional copies can be obtained from NDOC via ndonecall.com/resources-education.

This manual has not been copyrighted by NDOC. Duplication is authorized and recommended.



This manual was updated July 1, 2024. 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, dredging, drilling, augering,

tunneling, boring, scraping and cable or pipe plowing and driving), with certain exemptions, anywhere in North Dakota to provide advance notice of at least two full working days (excluding weekends and holidays) to the NDOC Center.

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

NDOC accepts calls from all counties in the state of North Dakota. Work outside North Dakota should be referred directly to the one call system responsible for that area.

Montana

Montana One Call 800-424-5555

South Dakota

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

Minnesota

Gopher State One Call 800-252-1166

NDOC is governed by 9 trustees representing the following participant groups: telecommunication service providers, gas distribution line operators, electrical transmission and Operators, rural water systems, Cities of 5,000 or more population, cities of 5000 or less population, cable television service providers, and excavators. A list of board members can be viewed at ndonecall.com/board-info.



Board Info

Enforcement of NDOC law falls under the jurisdiction of the Public Service Commission. For information on filing a complaint, go to ndonecall.com/resources-education/file-a-complaint.



HOW DO I USE THIS MANUAL?

Use this manual as a quick reference guide to questions you may have about the NDOC Center, marking instructions, color codes, excavator responsibilities, facility operator responsibilities or contacts for the NDOC Board of Directors.

This manual also includes the phone numbers to NDOC if you have questions not answered in this resource. 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 1–17) follows North Dakota Century Code 49-23 and 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 18–37.

HOW DO I PLACE AN EXCAVATION NOTICE?

You may place an excavation notice with NDOC via the following methods:

**ONLINE**

ndonecall.com using ITIC (Internet Ticket Processing)

**PHONE**

811 or **800-795-0555**

(Both numbers are toll free)

FREQUENTLY ASKED QUESTIONS

Do I have to file an Excavation Notice with NDOC before I dig?

Yes! Filing an excavation notice with NDOC is required by state law and is designed to protect you, your coworkers, underground facilities, and the public.

I've hit a facility – what do I do now?

- Evacuate the area and keep it clear.
- Call 911 immediately.
- Call the facility operator that was struck - if you do not have the operator's emergency phone number, call the NDOC center at 811 or 800-795-0555

Once I contact the NDOC Center, what happens next?

A NDOC 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 within our mapping software and generate a list of possibly affected facilities. These facility operators will be notified by the

NDOC Center of your excavation plans and will then mark with paint or flags the approximate horizontal location of their underground facilities.

If I'm a sub-contractor on a job, do I have to file my own notification or can I "Piggyback" on the general contractor's excavation notice?

NDOC law requires each contractor working on a project to file their own excavation notice. If you are a sub-contractor, protect yourself and your company by obtaining an excavation notice via ITICnxt or calling the center. The general contractor's notice does not apply to anyone except them.

Does my excavation notice expire?

ND law states an excavation notice is valid for 21 days after the legal start date. After 21 days, unless arrangements have been made with the facility operator, you must submit a RESPOT request to the NDOC Center.

What is the excavator's responsibility after filing an excavation notice?

Many people believe that by notifying the NDOC Center of an intended excavation, they have completed all of their responsibilities in the one call process. This is not the case. Notifying the NDOC Center is only the first step.

- The construction site should always be inspected by the excavator for evidence of underground facilities before beginning excavation.
- 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 operator for instructions.
- Excavators should also plan their work in order to minimize damage to markings.
- You are required by law to remove all flags when excavation is complete.

What do I do if I think marks are missing or incorrect?

The excavator should notify the facility operator or the NDOC center to have the operator verify, refresh, or remark the locate.

If I notice a problem with an excavation notice, who should I call?

Correcting errors or correcting information on an excavation notice must be done by calling the NDOC Center as soon as possible. Customer service representatives will assist in making corrections, depending on the circumstances. Modifications/changes will only be accepted from a caller working for the same company from which the excavation notice originated.

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

The NDOC Center is required to keep records for six years. This includes recordings of all conversations and computer records of excavation notices. In the event that you may be involved in a dispute, the NDOC Center can be of assistance by providing copies of these records. In some cases there will be a fee for record retrieval.

What is the facility operator's responsibility?

The excavation notice is processed and analyzed for facility operators who have indicated they have underground facilities near the excavation site.

The facility operators affected are then notified, at which time they review the excavation notice for conflicts. If their underground facility conflicts 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 NDOC 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 the inside back cover of this handbook.) Markings should clearly indicate the location of the underground facility. Remember that location markings are only estimates; the exact location can vary by the width of the facility plus 24" in either direction (the "hand-dig zone").

Facility operators are required to only locate – without charge – those facilities they own or operate. Be aware that there may be private underground facilities that have not been located.

What about private facilities such as underground sprinklers, propane tank lines, etc.?

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 the owners about the location of underground facilities not listed with the NDOC Center.

When a property owner or tenant has any type of private underground facility, they are responsible for locating those facilities or hiring someone to locate them. For example, if a 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 privately owned facilities can include 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, some common examples of private facilities

are power to garages, additional power to garages, additional phone lines, or any facility that the property owner or any previous party may have installed.

FILING AN EXCAVATION NOTICE

ITICnxt (INTERNET TICKET)

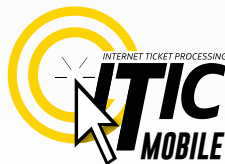
ITICnxt is an internet-based ticket entry program for professional excavators that allows excavation notices to be filed over the internet by supplying the required data. This

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 ITICnxt, along with the excavation site mapping feature, please visit ndonecall.com. There you can register for an account and see options for ITICnxt training.



ITIC MOBILE

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



ITIC LITE – HOMEOWNERS

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 for additional information.

DIAL 811 OR 800-795-0555

You can also file a locate request by calling the NDOC Center. Customer service representatives are professionally trained to obtain specific information concerning excavation notices.

TYPES OF NOTICES ACCEPTED BY NDOC**ROUTINE NOTICE**

A ROUTINE notice is the most common type of notice processed by the NDOC Center. Contact the NDOC Center at least two full working days (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 excavation notice by going online and using ITICnxt or contacting the NDOC Center.

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 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.

NDOC reminds you to first call 911 whenever you believe an emergency exists. Next, contact the facility operator involved in the emergency, then contact the NDOC 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, being 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 facility operators. Facility operators will mark facilities within the excavation area as soon as practical, given the nature and circumstances of the emergency.

MODIFY

Use the MODIFY ticket option if the information on the original excavation notice will be changing.

NOTE: If modifications are made to your original excavation notice within the location period (48 hours), a MODIFY ticket will cancel the original excavation notice.

RESPOT

The RESPOT ticket option is used to refresh or update the markings when no information from the original excavation notice will be changing.

MEET REQUEST

While most excavation projects can be accurately described in a ROUTINE excavation notice, there are situations when projects are too large, complicated, or impractical to explain over the phone or by submitting a notice online through ITIC. In these situations, a **MEET request** may be a better option. Meet requests allow for a complicated project to be described in pieces – opposed to one large project description – and for direct communication with facility operators.

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

A meet request does NOT:

- Replace a complete and accurate work description. The excavator must make every effort to clearly define the extent of and specific details about the project (e.g., the use of white markings).
 - Mean 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.
 - Include binding appointments made by customer service representatives on the behalf of facility operators.
- Excavators are reminded that all meets are tentative and are subject to change.** All reasonable attempts should be made to be there on time.

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.

SURVEY REQUEST

An individual making a survey request for location for information, design, or purposes other than excavation shall contact the NDOC Center for a survey location. See pages 32–34 for more information.

NDOC EXCAVATION NOTICE FORMAT

1. Ticket Type: Ticket No.
 Routine Notice Emergency Notice
 Modify Respot Meet Request
 Survey Notice
2. Phone number _____ Ext. _____
Caller ID number _____
Field Phone Number _____
3. Email Address _____
4. Caller name _____
Company Name _____
5. Mailing Address _____
City _____ State ____ Zip _____
6. Alternate contact name _____
Alternate contact number _____
7. Work to begin date _____ Time _____
- 8a. Explosives (Y/N) __ 8b. Tunneling/Boring (Y/N) __
9. Depth of Excavation _____
10. Type of Work _____
11. Work being done for _____

12. White Lining/Site Identification _____
13. County _____ City/Place _____
14. City limits (Y/N) _____
15. Nearest Intersecting Street _____
16. Address _____ Street _____
17. Marking Instructions _____
18. Additional Information _____
19. Township _____ Range _____
 Section _____ Quarter _____
-

EXCAVATION NOTICE FAQs

Q. What information fields are required on the excavation notice?

A. The excavation notice typically requires fields such as the dig site's address, the type of work being performed, the extent and location of the excavation, the date and time when the work will begin, and the contact details of the person or company responsible for the excavation. If you have additional information such as TRSQ or GPS coordinates, it can be provided but isn't required.

Q. Do I need to provide a caller ID? What if I don't have a caller ID?

A. No. A caller ID isn't required. Caller IDs are given to people who file multiple excavation notices throughout the year. A caller ID can help the system identify a user – along with their contact information – to make the process go a little faster. If you don't have or can't remember your caller ID, you can still file your excavation notice.

Q. Is an alternate contact name and number required on an excavation notice?

A. No. However, if there is another person who will be on site for the excavation, we recommend providing their contact information as the alternate contact.

Q. How do I correctly describe the excavation area on the excavation notice?

A. Provide a detailed description of the excavation area, including specific boundaries (ex. streets, highways, etc.) or landmarks. Use clear and precise language, such as "from the sidewalk to the front of the property" or "along the north side of the driveway."

Q. Can I change the work-to-begin date and time on the excavation notice?

A. The system will default your work-to-begin date and time to the two full days (excluding weekends and holidays) required by North Dakota law. However, you can enter a different work-to-begin date and time for the excavation if it is later than the default date and time. The default start date and time of two full days does not apply to emergency notices.

Q. What should I indicate as my depth of excavation if it will vary throughout my project?

A. Indicate the deepest point of your planned excavation on your excavation notice. For example, if most of your excavation is being done at 3' but you will need to bore under a road at 8', select 8' as your depth of excavation.

Q. What should I include in the "type of work" section of the excavation notice?

A. Specify the nature of the project, such as installing a fence,

planting trees, laying a foundation, or repairing a utility line. Be as specific as possible to help the facility operators understand the scope of the work.

Q. If I hired someone to perform the excavation, should I file the excavation notice?

A. No. The person or company performing the work should file the excavation notice. This is especially true if you are a homeowner/landowner and have a professional excavator that will be performing the work.

Q. What should I do if I find a mistake on the excavation notice after submission?

A. Contact the NDOC Center or login to your ITICnxt account to file a MODIFY notice. This notification will alert facility operators that there were changes made to your original notice.

Q. How can I track the status of my excavation notice?

A. If you provided an email address when you placed your excavation notice, NDOC will email you a copy that contains a link to view the notice online. You can also use the online notice to check the status of each facility operator that was notified. Additionally, you can enter your ticket number on the NDOC ticket search website or app to check the status of facility operators and view any updates related to your request.

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, dredging, 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
 - a.** operators have located or cleared underground facilities identified within the area of a location request.
- 6.** 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.

a.

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

1. 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 results in the escape of flammable, toxic, or corrosive gas or liquid, the excavator shall:

- (1) Call 911 immediately; and
- (2) Notify the pipeline operator immediately

- b.** 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.
- c.** 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.
- d.** An excavator is guilty of a class A misdemeanor if the excavator damages an underground facility or its protective covering and knew or reasonably should have known the damage occurred and:
 - (1) The excavator does not notify the operator as soon as reasonably possible;
 - or
 - (2) The excavator backfills in violation of subdivision c.

- 2.** 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 location, repair and restoration, loss of product, and interruption of service occurring because of the damage or injury to the facilities, together with reasonable costs and expenses of suit, including reasonable attorney's fees.

- b.** Reimbursement to the operator under this subsection is not required if the damage to the underground facility was caused by the sole negligence of the operator or 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 affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

HOLIDAY SCHEDULE AND HOURS OF OPERATION

The NDOC 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 |

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

NDOC DIRECTORS

North Dakota One Call is overseen by a 9-person board representing all aspects of the underground industry; telecommunication service providers, gas distribution lines operators, oil and gas transmission or gathering operators, rural water systems, cities of 5,000 or more population, cities of fewer than 5,000 population, cable television service providers, and excavators. The boards purpose is to 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 non-discriminatory basis, and do all other things necessary to implement the purpose of the center.

To view the current one call board members, please visit the ND One Call website or use the QR code below.



Board Info


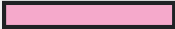






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APWA COLOR CODE

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|--|-----------------------------|
|  | Area of Proposed Excavation |
|  | Temporary Survey Markings |
|  | Electric |
|  | Gas, Oil, Steam, Propane |
|  | Communication, CATV, Fiber |
|  | Water |
|  | Reclaimed Water, Irrigation |
|  | Sewer |



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