

DRAFT

Overhead Notification Special Meeting
Minutes

Date: February 22, 2006 @ 1:00pm

Location: NW Natural Auditorium
19200 SW Teton Ave
Tualatin, OR

Welcome & introductions

Those in attendance:

Rick Welsh	Chuck Gilbert
Jamie Stencil	Whit Patrick
Patti Lama	Anita Floyd
Tom Pokorny	Shelly Nisly
Kevin Stevens	Jarrod Morrison
Gary Hyatt	Brad Johnson
Frank Planton	

Rick Welsh called the meeting to order.

Opinion:

Kevin Stevens (PP&L) – Kevin provided history regarding a “near miss”. He believes this board has no jurisdiction to enforce overhead line safety or notification. He suggested getting Paul Graham’s legal opinion on how to proceed, and clarify the issue of jurisdiction. There is currently nothing in the “Call Before You Dig” contract that addresses overhead lines. What implication does that have? Does the fact that the overhead line question has been asked for 11 years imply jurisdiction and/or impact the legality or liability?

Patti Lama (PGE) – Patti gave some history. The PUC came to their meetings and suggested they do something about overhead line notification due to the number of damages. She said PGE tried to mimic a program in Georgia in an attempt to make people aware of, not only what’s below the ground, but what is also above. Locates over the last 10 years that have “Y” answers to overhead lines questions go to an administrative person within PGE. This has resulted in instances that have prevented near misses. PGE has an internal process that is working for them with some benefit in preventing possible damages. She would rather wait until Paul Graham makes a ruling before having the Call Center stop asking the overhead line question.

Gary Hyatt (NW Natural) – Gary expressed concerns about who this overhead provision may or may not benefit.

Rick Welsh (Locating Inc.) - Rick discussed the issue of an underground vs. overhead database. He said that Michael Thompson with the PUC previously talked to Paul Graham for assistance in determining jurisdiction/liability of overhead line question.

Whit Patrick (PUD's) – Whit clarified the 10ft rule in the Overhead Lines Safety Act, stating the law specifies 2 weeks notice. He talked about misconceptions about the rules and how they are interpreted. Just because the question is asked at the Call Center does not mean the caller is “covered” as a means of notifying the power company as per OSHA law. He is concerned with the Board’s liability in taking the information and passing it along. He quoted what the law currently states: It is the responsibility of the facility owner to notify operators of underground facilities. (Not overhead...) He moved that an overhead line resolution be negotiated as a separate contract. He suggested a disclaimer should be also be included on all locate tickets that clarified the overhead line question, stating that answering the question does not satisfy the Overhead Lines Safety Act. He suggests we continue pursuing a policy, because, currently it appears we are working outside our authority.

Whit motioned to direct One Call Concepts to immediately stop asking (remove all reference from screen and printed material) any overhead line question pending further investigation and clarification with Paul Graham. Script needs amended at the center also, motion seconded by Brad Johnson. Frank will get with systems to find out reasonable time frame to make this happen. Motion passed with 2 nays. Bill will pose question to Paul tomorrow, asking for reasoning behind why his first response/instinct was to stop asking the overhead lines question.

Chuck Gilbert (RR's) – Chuck pointed out difference between enforcing OSHA laws versus possibly other specific laws through the Call Center when requesting a locate. It is important to distinguishing what this body’s responsibility is. What statutes are we supposed to be enforcing? Where does it end with this board’s jurisdiction and/or authority? Do we want to add a “RR” question to the ticket? We can ask any question we want, but it does not imply proper notification requirements are met. What exactly is our charge to protect.....?

Brad Johnson (Westech) – Brad pointed out that as a contractor, if he’s being asked an overhead lines question, it gives the impression required notification is being made. He suggested the center provide additional clarification that the current notification method does not meet OSHA law in regard to overhead lines. He stated the overhead line questions should stop being asked or rephrased. He suggested an educational package be compiled to promote overhead line safety.

Frank Planton (OCC) – Frank discussed that the center is now letting all callers who answer yes to overhead lines, are instructed to go one step further, as per OSHA law, and contact the power company.

Tom Pokorny (Special Districts) – Tom suggested a policy be established as part of the safety aspect/responsibility. He moved that overhead line question be discontinued until a policy is established.

Anita Floyd (Qwest) – Anita thinks that additional verbiage on the locate ticket, as a disclaimer, will help to eliminate liability.

*Brochures will be held onto in the short term. Depending on the end result, we will determine if they are distributed or not - or modified with a sticker.