



March 25, 2021

Representative Pam Marsh, Chair
House Committee on Energy and Environment
Oregon State Capitol
900 Court Street NE
Salem, OR 97301

RE: OMEU Opposition to HB 3181, Relating to underground facilities.

Dear Chair Marsh, Vice Chair Helm, Vice Chair Brock Smith and Members of the House Committee on Energy and Environment:

The Oregon Municipal Electric Utility Association (OMEU) appreciates the opportunity to comment on HB 3181. OMEU is made up of eleven members representing municipally owned and operated electric utilities. As consumer-owned utilities (COUs), we are directly accountable to the people we serve through our city councils and local governing boards.

State law requires that all underground utilities mark their facilities to ensure safety during underground construction work. In our experience, efforts are made to strike an appropriate balance between ensuring the markings remain visible during the construction period, which can be lengthy and exposed to rainy weather, and aesthetic concerns. Obviously, safety must be paramount.

The vast majority of locates are done for entities other than the electric utility marked. Once that paint is down, it is the responsibility of the excavator to maintain the marks.

Many of the necessary utility markings are in the public right of way, or are on private property *at the request of the private property owner*. Other times, the utility has an easement on private property. Maintenance of such easements includes locates. Any increased costs for new, more expensive requirements should be borne by the private property owners requesting the locate rather than the utility.

Additionally, we concur with the testimony offered in the public hearing suggesting that this topic is more appropriately a matter for consideration by the Oregon Utility Notification Center, which has jurisdiction and expertise regarding how locates are performed and the feasibility of implementing new marking requirements.

Thank you for your consideration.

Sincerely,

Jennifer Joly, Director
Oregon Municipal Electric Utility Association

1201 COURT ST. NE, SUITE 102 • SALEM, OREGON 97301 • (971) 600-6976 • E-MAIL: jenniferjoly@omeu.org