



March 24, 2021

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

Dear Chair Marsh and Members of the House Committee on Energy and Environment:

HB 3181 would require that utility locate paint be temporary and would make operators of underground facilities liable to private property owners for costs associated with removing paint. The League of Oregon Cities is opposed to HB 3181, which could cause delays to important infrastructure projects and could potentially cause a burden to upkeep utility locates for projects or additional time after a project to remove utility locates.

Cities can appreciate the desire for communities to be aesthetically pleasing. However, utility locates serve the primary purpose of safety and damage mitigation. Many utility service lines are located underground. Marking the lines before digging helps avoid damage to underground lines and property, and prevents personal injuries. Utility locate paint markings can be on the street, sidewalk or private property—anywhere an underground utility is located. When a city or a private utility begins maintenance or construction work, utility locates are requested as is required by current law.

While cities operate many underground utilities including water, wastewater, electric, and telecommunications, they must also rely on private providers to locate utilities during infrastructure projects in the rights-of-ways. Some major projects take time and need locate markings that will hold up in the beautifully rainy climate of Oregon. If paint is temporary it could wear out before the completion of the project and utility operators or the excavator may have to remark the locates throughout the project. This would cause more work for utility operators to constantly monitor locates and update them, which could delay projects. Furthermore, if utility operators are held responsible for the private property owners costs associated with utility locate markings it will most likely require city utility operators to double back after a project to remove markings which would become burdensome on staff.

Currently, the Oregon Utility Notification Center and Oregon Utility Coordinating Council maintain a standards manual for dig projects that specify requirements for locates marking. Instead of legislation, we believe it would be appropriate for the OUNC to wrestle with the issue of types of locate markings and their practicality and feasibility in Oregon's climate.

Thank you for your consideration. We urge the committee to oppose HB 3181.

Sincerely,

Jenna Jones
League of Oregon Cities

