

FINAL RULE
Adopted in NMPRC Case No. 14-00157-PL

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 60 PIPELINE CONSTRUCTION AND MAINTENANCE
PART 6 ONE CALL NOTIFICATION SYSTEMS REQUIREMENTS FOR 811
SERVICES

18.60.6.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[18.60.6.1 NMAC - N, 2-28-07, 12-15-14]

18.60.6.2 SCOPE: This rule applies to one call notification systems subject to the jurisdiction of the commission pursuant to applicable laws.
[18.60.6.2 NMAC - N, 2-28-07, 12-15-14]

18.60.6.3 STATUTORY AUTHORITY: NMSA 1978, Sections 8-8-4 and 62-14-7.1.
[18.60.6.3 NMAC - N, 2-28-07, 12-15-14]

18.60.6.4 DURATION: Permanent.
[18.60.6.4 NMAC - N, 2-28-07, 12-15-14]

18.60.6.5 EFFECTIVE DATE: ~~February 28, 2007~~, [December 15, 2014] unless a later date is cited at the end of a section.
[18.60.6.5 NMAC - N, 2-28-07, 12-15-14]

18.60.6.6 OBJECTIVE: The purpose of this rule is to impose requirements on one call notification systems regarding the implementation of 811 as the toll-free, abbreviated dialing code to be used by the public to provide advance notice of excavation activities and report damages to one call notification systems and thereby to underground facilities operators as required by federal law.
[18.60.6.6 NMAC - N, 2-28-07, 12-15-14]

18.60.6.7 DEFINITIONS: In addition to the definitions in Section 62-14-2 NMSA 1978 and 18.60.4.7 NMAC and 18.60.5.7 NMAC, as used in this rule, non-jurisdictional entity means an underground facility operator not subject to federal and state excavation laws. Generally, non -jurisdictional entities are operators specifically exempt in federal or state excavation law or exempt operators with facilities in geographical areas where state and federal excavation law does not apply as a matter of law.
[18.60.6.7 NMAC - N, 2-28-07, 12-15-14]

18.60.6.8 RELATIONSHIP TO OTHER COMMISSION RULES: Unless otherwise specified, this rule is not intended to supersede any other rule of the commission but to supplement such rules. Nevertheless, if any provision of this rule is inconsistent with the provisions of any other commission rule, the provisions of this rule shall apply. The responsibilities of telecommunications carriers relating to 811 implementation are prescribed in 17.11.26 NMAC.
[18.60.6.8 NMAC - N, 2-28-07, 12-15-14]

FINAL RULE
Adopted in NMPRC Case No. 14-00157-PL

18.60.6.9 RESPONSIBILITIES OF ONE CALL NOTIFICATION SYSTEMS: During normal working hours, one call notification systems shall follow the following procedures.

A. Emergency calls. One call notification systems shall instruct callers (~~other than underground facility operators~~) that emergency calls should be made ~~either directly to 911, and when necessary, shall conference the caller directly into 911, or to the underground facility operators.~~ One call notification systems shall process emergency calls made by underground facility operators in accordance with Subsection B of 18.60.5.16 NMAC.

B. Calls intended for other states. One call notification systems shall ~~make a reasonable effort to forward~~ provide direct phone numbers for any calls intended for a one call notification system located in an adjacent state to the appropriate state one call notification system.

C. Non Jurisdictional Entities. One call notification systems shall establish a registry of volunteer non-jurisdictional entities in accordance with 18.60.5.8 (H) NMAC, enter into written reciprocal agreements with non-jurisdictional entities on a voluntary basis. ~~Such agreements~~ One call notification systems shall provide the following procedures for excavation locate requests and reporting of damages. ~~811 calls received during normal working hours:~~

1) the one call notification system shall forward free of charge an advisory locate or damage ticket to the non-jurisdictional entity when incoming calls are related to excavation work intended ~~to be done~~ for the geographical area of the non-jurisdictional entity;

(2) the one call notification system shall instruct the caller that the advisory locate or damage ticket ~~has been~~ will be sent forwarded to the appropriate non-jurisdictional entity;

(3) the one call notification system shall instruct the caller that ~~it has non-~~ member underground facility operators may exist within the geographical area of the intended excavation and that the caller is required to directly contact and notify any non- member underground facility operators of the intended excavation; and

(4) the one call notification system shall issue tickets to any member underground facility operator operating within the geographical boundaries of the non-jurisdictional entity.

[18.60.6.9 NMAC - N, 2-28-07, 12-15-14]

18.60.6.10 OPERATOR OR RECORDED MESSAGE REQUIRED: For 811 calls received after normal working hours, one call notification systems shall process phone emergency or damage requests immediately. For all other 811 calls have either an operator or a recorded message that provides the following information to callers:

~~A.~~ a statement that emergency calls should be made either directly to 911 or to the underground facility operators;

~~B.~~ a statement that the phone numbers for all member underground facility operators are listed on the specified one call Notification systems website;

~~C.~~ a statement the call is being received after normal working hours and that the caller should call back during specified normal working hours

~~D.~~ a statement that locate requests can be made by either a specified fax number or by a specified email-web address; and

FINAL RULE

Adopted in NMPRC Case No. 14-00157-PL

EC. a statement that locate requests made by either fax or ~~email~~ via the specified web address will be considered received at 8:00 a.m. on the next working day.
[18.60.6.10 NMAC - N, 2-28-07, 12-15-14]

HISTORY OF 18.60.6 NMAC: [RESERVED]