

**TITLE 18      TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 60   PIPELINE CONSTRUCTION AND MAINTENANCE**  
**PART 5        PIPELINE SAFETY EXCAVATION DAMAGE PREVENTION**

**18.60.5.1      ISSUING AGENCY:** New Mexico public regulation commission.  
[18.60.5.1 NMAC - Rp, 18.60.5.1 NMAC 4/7/2026]

**18.60.5.2      SCOPE:** This rule applies to all one-call notification systems, excavators, and owners and operators of pipelines and other underground facilities in New Mexico with the exemption of those preempted by federal law.  
[18.60.5.2 NMAC - Rp, 18.60.5.2 NMAC, 4/7/2026]

**18.60.5.3      STATUTORY AUTHORITY:** Sections 62-14-7.1, 62-14-10, 62-19-21, 70-3-4, and 70-3-13 NMSA 1978.  
[18.60.5.3 NMAC - Rp, 18.60.5.3 NMAC, 4/7/2026]

**18.60.5.4      DURATION:** Permanent.  
[18.60.5.4 NMAC - Rp, 18.60.5.4 NMAC, 4/7/2026]

**18.60.5.5      EFFECTIVE DATE:** April 7, 2026, unless a later date is cited at the end of a section.  
[18.60.5.5 NMAC - Rp, 18.60.5.5 NMAC, 4/7/2026]

**18.60.5.6      OBJECTIVE:** The purpose of this rule is to implement Chapter 62, Article 14 NMSA 1978 by providing procedures for preventing damage to underground utilities and for dealing with damage when it occurs during excavation activities.  
[18.60.5.6 NMAC - Rp, 18.60.5.6 NMAC, 4/7/2026]

**18.60.5.7      DEFINITIONS:**

- A.      Definitions beginning with “A”:** “**access information**” means a telephone number, a facsimile number, an email address, and, if available a website address.
- B.      Definitions beginning with “B”:** “**bid locate**” means the marking of underground facilities at the request of a project owner or project engineer for the purpose of providing information to persons bidding on a project.
- C.      Definitions beginning with “C”:** [RESERVED]
- D.      Definitions beginning with “D”:** “**design locate**” means the marking of underground facilities at the request of a project owner or project engineer for the purpose of providing information to persons designing a project.
- E.      Definitions beginning with “E”:**
  - (1)      “**effective date**” shall begin at 12:01 am after two full working days, excluding the day advance notice is provided;
  - (2)      “**emergency excavation**” refers to the definition provided in Subsection E of Section 62-14-2 NMSA 1978;
  - (3)      “**emergency locate**” means the marking of underground facilities at the request of a person for an underground facility owner as soon as practical, ideally within two hours for the purpose of an emergency excavation;
  - (4)      “**excavate**” means to the definition provided in Subsection F of Section 62-14-2 NMSA 1978;
  - (5)      “**excavator**” means to the definition provided in Subsection G of Section 62-14-2 NMSA 1978; and
  - (6)      “**excavation locate**” means the marking of underground facilities for the purpose of providing information at the request of an excavator planning to commence excavation for the excavator’s project.
- F.      Definitions beginning with “F”:** [RESERVED]
- G.      Definitions beginning with “G”:** [RESERVED]

**H. Definitions beginning with “H”:** “holiday” means the day New Mexico state government observes New Year’s Day, Martin Luther King Jr. Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Indigenous Peoples’ Day, Veterans Day, Thanksgiving Day, Presidents’ Day, and Christmas Day.

**I. Definitions beginning with “I”:** [RESERVED]

**J. Definitions beginning with “J”:** [RESERVED]

**K. Definitions beginning with “K”:** [RESERVED]

**L. Definitions beginning with “L”:** “locates” means the marking of underground facilities including bid, design, emergency, excavation, road maintenance, standard, and wide area locates.

**M. Definitions beginning with “M”:** “mechanical vacuum excavation” means an appropriate method of excavating safely around underground facilities provided that the equipment has been specifically designed and built for this purpose and is operated in accordance with practices that provide appropriate levels of worker and public safety and prevent damage to buried facilities.

**N. Definitions beginning with “N”:**

(1) “non-member underground facility operator” means a private underground facility owned by a homeowner and operated and located on a residential property or not subject to the jurisdiction of the commission; and

(2) “near miss ticket” means a ticket called into the one-call notification system, by an excavator who, while excavating, uncovers an underground utility that was not marked, and requires affected underground facility owner(s) to respond, ideally within two hours, by either calling and clearing the excavator to proceed with excavation or deploy to the site.

**O. Definitions beginning with “O”:** “one-call notification system” refers to the definition provided in Subsection K of Section 62-14-2 NMSA 1978.

**P. Definitions beginning with “P”:**

(1) “project engineer” means a professional engineer or engineering firm appointed by the project owner to oversee and manage the technical aspects of a project involving excavation, including the design thereof, and who is a licensed professional engineer; and

(2) “project owner” means the owner of a project involving excavation.

**Q. Definitions beginning with “Q.”:** [RESERVED]

**R. Definitions beginning with “R”:** “road maintenance” means routine grading and resurfacing of the earth and gravel surface, but not the subbase, of a roadway for the purpose of maintaining the surface condition of the road and includes recovery of material from a borrow ditch but does not include road construction or reconstruction and shall entail moving no more than four inches of earth; road maintenance does not include street sweeping or road milling and resurfacing as long as the subsurface is not disturbed.

**S. Definitions beginning with “S”:** “staff” means employees of the pipeline safety bureau of the New Mexico public regulation commission.

**T. Definitions beginning with “T”:** [RESERVED]

**U. Definitions beginning with “U”:**

(1) “underground facility operator (UFO)” means a person who operates an underground facility; and

(2) “update ticket” means a ticket called in to the one-call notification system, which is defined in Subsection K of Section 62-14-2 NMSA 1978, by the excavator for an existing excavation that will require additional time beyond the original 15 working days allotted but does not require UFOs to provide marks pursuant to Subsection B of 18.60.5.13 NMAC.

**V. Definitions beginning with “V”:** [RESERVED]

**W. Definitions beginning with “W”:** “working day” means a full 24 hour day beginning at 12:00 am excluding weekends and state holidays.

**X. Definitions beginning with “X”:** [RESERVED]

**Y. Definitions beginning with “Y”:** [RESERVED]

**Z. Definitions beginning with “Z”:** [RESERVED]

[18.60.5.7 NMAC - Rp, 18.60.5.7 NMAC, 4/7/2026]

**18.60.5.8 RESPONSIBILITIES OF ONE-CALL NOTIFICATION SYSTEMS:** A one-call notification system shall:

**A.** provide toll-free access;

**B.** provide to staff access to the name, contact person, and access information for each member of the one-call notification system, upon request;

- C. notify staff of the service area in which the one-call notification system operates;
- D. have a written coordination agreement with other one-call notification systems operating in New Mexico, if applicable;
- E. keep a record of all locate requests, tickets, and clears for five years and make such records available to the commission and staff upon request;
- F. provide monthly reports to staff, no later than the tenth of each month, with the following information:
  - (1) average wait time for answered calls for the previous month;
  - (2) number of calls received for the previous month;
  - (3) number of tickets generated for the previous month;
  - (4) number of requests by type (regular, priority, emergency) for the previous month.
- G. report any changes in access information to staff on or before the date the information will change;
- H. establish a registry of non-member UFOs that voluntarily provide their contact and/or underground facility information for excavation purposes;
- I. establish a positive response registry system; and
- J. inform any person who calls with a complaint that they may file a complaint with the commission's pipeline safety bureau, and provide the commission's pipeline safety bureau access information, if the one-call system is unable to satisfactorily resolve the matter.
- K. Processing locate requests:
  - (1) A one-call notification system may hold a locate request in suspension until it satisfies the requirements in Subsection C of 18.60.5.10 NMAC. The one-call notification system shall contact an excavator, project owner, or project engineer within three hours to request any missing information that prevents the one-call notification system or non-member UFO from processing the request.
  - (2) A one-call notification system shall process all complete locate requests within three hours of receipt. A one-call notification system shall deem locate requests received on a weekend or state holiday, to have been received at 7:00 a.m. on the next working day and shall deem locate requests received before 7:00 a.m. on a working day to have been received at 7:00 a.m. on that working day.
  - (3) Upon receipt of a complete conference, locate request, or notice, a one-call notification system shall issue a ticket with a unique number to the requesting person as confirmation and shall send a ticket to all members of the system that have underground facilities in the excavation area or notify the members by telephone. A ticket shall become effective at the date and time a one-call notification system issues a ticket number; if the ticket is for a conference, the ticket shall be marked "wide area conference," "bid conference," or "design conference," as appropriate.
  - (4) Any person may contact the one-call notification system and request confirmation of damage reports, conference requests, or locate requests.
- L. Processing damage, near miss, and update tickets: The one-call notification system shall process damage reports, near miss tickets, and update tickets in the following manner:
  - (1) Ticket intake: A one-call notification system shall accept damage reports, near miss, and update tickets from any person. Such reports are not locate requests and shall not be subject to the requirements of Subsection K of this section.
  - (2) Verification and completion: A one-call notification system may hold a damage report, near miss or update ticket in suspension until all required information is obtained. The system shall contact the reporting party within three hours to request any missing information that prevents processing of the report.
  - (3) Ticket creation and distribution: Upon receipt of a complete damage, near miss, or update report, the one-call notification system shall:
    - (a) issue a ticket with a unique number to the reporting party as confirmation; and
    - (b) transmit the ticket to all members of the system that may have underground facilities affected by or relevant to the report.

[18.60.5.8 NMAC - Rp, 18.60.5.8 NMAC, 4/7/2026]

**18.60.5.9 RESPONSIBILITIES OF UFOs:**

- A. A UFO shall report any changes to the information required by Subsection B of 18.60.5.8 NMAC to the one-call notification system(s) at least seven days prior to the effective date.
- B. A UFO shall retain records of locate requests, excavation notices and underground facility damage information for a period of five years and make such records available to staff or the commission upon request.

C. A UFO that utilizes contractors to perform locates, excavation activities, or damage investigations on its behalf shall be responsible for ensuring compliance with Chapter 62, Article 14 NMSA 1978 and these rules. [18.60.5.9 NMAC - Rp, 18.60.5.9 NMAC, 4/7/2026]

**18.60.5.10 LOCATE REQUESTS:** An excavator shall make an excavation locate request for all projects involving excavation, including road maintenance, with the exception of subsurface potholing or mechanical vacuum excavation activities conducted exclusively for the purpose of physically exposing or locating underground facilities. However, this exception does not preclude compliance with 18.60.5.18 NMAC. Although not required under the Excavation Damage to Pipelines and Underground Utility Lines Law, Section 62-14-1, et seq. NMSA 1978, or this rule, locate requests are encouraged for excavation projects involving non-mechanical excavation.

**A. Submittal:**

(1) An excavator shall submit an excavation locate request to each one-call notification system:

(a) by telephone or in person during normal business hours Monday through Friday, excluding holidays; or

(b) electronically via an online web portal with appropriate one-call notification center 24 hours a day, seven days a week.

(2) An excavator shall also submit an excavation locate request to each non-member UFO that may be impacted by the proposed excavation.

**B. Size of locate requests:**

(1) An excavator shall determine the maximum area that the excavator can reasonably expect to excavate within a 15 working day period and shall request an excavation locate for that area only. The excavator shall pre-mark the actual intended excavation route or site(s) for any standard 15 working day ticket requests in accordance with the American public works association marking guidelines. For excavation activities planned on oil or gas well pads, excavators shall provide clear and accurate driving and marking instructions, and either GPS coordinates or pre-marks, as described above, which define the parameters of the proposed excavation. The pre-marked excavation shall encompass locations(s) where excavation equipment that may penetrate the surface will be setup, such as directional boring equipment. If the location markings have been removed, or are no longer visible, and there are no marking offsets, the person engaging in the excavation activity shall suspend excavation activities and reinitiate a locate request set forth in this section. Such a relocate request shall be limited to the area yet to be excavated only.

(2) An excavator may request relocates for the same area only if justified by the circumstances and nature of the work; such justification shall be made part of the relocate request.

**C. Minimum information required:** When requesting an excavation locate or a locate conference, an excavator shall comply with the requirements of the one-call notification system and shall provide accurate and truthful information. For a locate request to be deemed complete, it shall contain, including but not limited to, the following:

(1) the name and contact information of the excavator personnel directly involved with or conducting the excavation at the actual excavation site;

(2) if available, an alternate name and contact information of the excavator;

(3) a description and the purpose of the type of work to be done;

(4) the name of the person for whom the work is being done;

(5) whether or not the excavation site is pre-marked in white;

(6) an accurate physical description of the location and size of the excavation site; reference to a plat of a subdivision shall not by itself be sufficient description;

(7) driving instructions to a rural excavation site;

(8) spotting instructions;

(9) any appropriate remarks regarding access to or hazards at the site;

(10) if available, GPS coordinates which define the parameters or start and end points of the actual excavation.

[18.60.5.10 NMAC - Rp, 18.60.5.10 NMAC, 4/7/2026]

**18.60.5.11 WIDE AREA LOCATE REQUESTS:** An excavator who expects a project to take more than 30 working days to complete shall either request separate standard locates which meet the requirements of Subsection B of 18.60.5.10 NMAC or follow the conference and locate procedures set forth in this section.

**A.** Excavators shall contact the one-call notification system to request a wide area conference a minimum of two working days prior to the wide area conference and provide the proposed date, time, and location for the conference. The one-call notification system shall process the request as provided in Subsection K of 18.60.5.8 NMAC.

**B.** A UFOs notified of the wide area conference shall contact an excavator who requests a wide area conference within two working days of the issuance of the conference ticket and confirm proposed conference schedule. All UFOs notified shall be physically represented at a scheduled wide area conference. If a UFO cannot attend the scheduled wide area conference, it shall make arrangements to meet with the excavator who requested the wide area conference within five working days of the scheduled wide area conference.

**C.** At the conference, the excavator shall present a written work plan that, at minimum, includes the information required under Subsection C of 18.60.5.10 NMAC, summary of the scope of work, a line locating schedule, name and contact information of each UFO personnel directly involved with or responsible for providing line locating in consensus with each UFO, which shall be signed by all parties. Updates or revisions to the work plan shall also be presented in writing. Any changes to the scope of work, line locating schedule, construction schedule, or locating instructions shall be approved in writing by all parties prior to proceeding with an updated work plan. The excavator shall distribute all original and amended work plan(s) to all UFOs notified and retain a copy.

**D.** After the work plan has been signed by all parties, an excavator shall contact the one-call notification system and request a wide area excavation locate. The one-call notification system shall process the request as provided in Subsection K of 18.60.5.8 NMAC. The excavation ticket shall reference the wide area conference ticket number and cite the work plan. The work plan is the description of the work and line locating to be performed by UFOs.

**E.** An excavator working pursuant to a wide area excavation locate ticket shall request reaffirmation of the wide area locate ticket every 30 working days. This reaffirmation period, begins on the date and time stamped on the ticket and ends 30 working days from such date and time. The excavator and UFO(s) shall continue to comply with the approved work plan established per Subsection C of 18.60.5.11 NMAC.

**F.** If a general contractor and their subcontractor(s) agree to a single wide area project, the general contractor shall request a wide area conference, prepare and manage the wide area work plan and utility coordination efforts, and maintain the locates for their projects. Any subcontractors working under a general contractor's wide area work plan shall be responsible for complying with 18.60.5.15 NMAC. [18.60.5.11 NMAC - Rp, 18.60.5.11 NMAC, 4/7/2026]

**18.60.5.12 DESIGN AND BID LOCATE REQUESTS:** A project owner or project engineer shall request information regarding the location of underground facilities for design projects or bids in accordance with either Subsection A or B of this section, but may not switch methods once having made an election unless the existing utilities cannot be located by the UFO(s) in accordance with the requirements of applicable laws.

**A. Physical locates:**

**(1)** A project owner or project engineer may request a design or bid locate from one-call notification systems and non-member UFOs. Design or bid physical locate requests shall be restricted to the maximum area that an excavator can reasonably expect to excavate within a 15 working day period and shall request a physical locate for that area only, otherwise a project owner or project engineer shall request a conference in accordance with Subsection B of this section.

**(2)** The one-call notification system and non-member UFOs for the intended excavation area shall issue a ticket marked "bid locate" or "design locate" as appropriate.

**(3)** UFOs shall physically mark or clear the location of underground facilities on the site through a positive response system within five working days from the date of the ticket.

**(4)** If one or more underground facilities have not been marked and positive response has not been provided, a project owner or project engineer shall call the one-call notification system for verification that advance notice was transmitted to the UFO and to provide notice that the underground facilities have not been located or cleared via a warning locate request. UFOs shall promptly respond to warning locate requests, ideally within two hours.

**(5)** Designers or bidders, as appropriate, shall capture data from the site within 15 working days from the end of the five day marking period.

**(6)** A project owner or project engineer shall not request relocates or time extensions for a design or bid locate.

**B. Conferences:**

(1) A project owner or project engineer may request a design or bid conference a minimum of two working days prior to the proposed conference date from the one-call notification system and non-member UFOs for the intended excavation area and shall provide the proposed date, time, and location for the conference.

(2) A UFO shall contact the project owner or project engineer within two working days of the issuance of the conference ticket and confirm the proposed conference schedule, and if necessary, make arrangements to reschedule the conference at a date not to exceed five working days from the proposed conference schedule on the conference ticket. A UFO shall be physically represented at the scheduled design or bid conference.

(3) The one-call notification system for the intended excavation area shall process the request as provided in Subsection K of 18.60.5.8 NMAC.

(4) UFOs shall arrange to provide information to project owners or project engineers within a reasonable time following the conference, but not to exceed 10 working days.

(5) A project owner or project engineer and UFOs shall continue with utility coordination until the design is complete or bid for the project has been awarded and an excavator requests an excavation locate. [18.60.5.12 NMAC - Rp, 18.60.5.12 NMAC, 4/7/2026]

#### **18.60.5.13 MARKING EXCAVATION SITES:**

**A. Excavators:** As provided under Subsection B of 18.60.5.10 NMAC, excavators shall mark all proposed excavation sites in accordance with American public works association (APWA) standards to improve communication between the excavator and UFO. In assessing administrative penalties for violation of the Excavation Damage to Pipelines and Underground Utility Lines Law, Section 62-14-1 et seq. NMSA 1978 and this rule, staff or the commission may consider whether and how well an excavator marked a proposed excavation site. Pre-marking a site in white indicates the actual excavation site (not limits of construction) and, therefore, will supersede marking instructions provided on locate requests and be used to determine alleged violations during staff investigations. When an excavator fails to pre-mark the actual excavation site, UFOs shall mark per the spotting instructions provided on the locate request and register a positive response indicating the site was not pre-marked.

#### **B. UFOs.**

(1) A UFO shall mark underground facilities for excavation purposes in accordance with the APWA standards.

(2) A UFO shall locate and mark its underground facilities within two full working days from the effective date of the ticket in accordance with Subsection A of Section 62-14-5 NMSA 1978.

(3) If a UFO determines it does not have underground facilities within the proposed limits of the excavation site, a UFO shall provide the appropriate positive response to the one-call notification's positive response registry system and may write "clear" or "no underground facilities" and the UFO's name at the site in the appropriate color.

(4) The locate markings shall be valid for at least 15 working days from the end of the advance notice period. For the purpose of excavation, a working day begins on the work to begin date and time stamped on the ticket and ends 15 working days from such date and time.

(5) A UFO shall provide appropriate positive response to the one-call notification's positive response registry system for all advance notifications, including wide area, design, bid, standard, and road maintenance locate requests or conferences.

(6) If a UFO fails to mark its underground facility in accordance with the requirements of applicable laws, the UFO may be liable to the excavator, project owner, and project engineer in accordance with Subsection C of Section 62-14-5 NMSA 1978.

[18.60.5.13 NMAC - Rp, 18.60.5.13 NMAC, 4/7/2026]

**18.60.5.14 IDENTIFYING UNDERGROUND FACILITIES FOR ROAD MAINTENANCE:** In response to an excavation locate request for road maintenance, a UFO shall physically mark or locate by marker its underground facilities that parallel or cross the road, as provided in Subsection A.

#### **A. Underground facilities that parallel or cross the road:**

(1) **Physical locate:** A UFO may physically mark the location of all underground facilities that are parallel or cross the road to be maintained if the UFO deems the facilities to be in conflict with the road maintenance activity. If the UFO deems the facilities not to be in conflict with the road maintenance activity, then the UFO may "clear" the ticket with the excavator using the procedure for positive response set forth in 18.60.5.13 NMAC.

**(2) Locate by permanent marker:** Alternatively, a UFO may use a system of permanent markers to indicate the location of underground facilities that parallel or cross the road to be maintained. Such markers shall:

- (a)** only be used for the purposes of road maintenance;
- (b)** be durable enough to withstand normal weathering;
- (c)** be the same APWA color as is designated for marking the UFO's type of underground facility; and
- (d)** have a decal on the marker specifying the depth of the underground facility at the marker.

**B.** A UFO shall be deemed to have failed to correctly locate by permanent marker its underground facility that is parallel or crosses a road to be maintained unless it:

- (1)** maintains a minimum 18 inches of coverage over the underground facility;
- (2)** ensures that the permanent markers are in place;
- (3)** verifies the depth of its underground facilities at the permanent marker locations at least annually; and
- (4)** ensures that the decal is visible and the information on it is readable.

[18.60.5.14 NMAC - Rp, 18.60.5.14 NMAC, 4/7/2026]

### **18.60.5.15 EXCAVATION PROCEDURES:**

**A. Pre-excavation:** Before excavating, an excavator shall determine whether all underground facilities have been marked and assess the excavation site for any above ground structures that indicate a utility has not been marked that will be in conflict of the actual excavation.

**(1)** If all underground facilities have been marked or cleared through a positive response system and the advance notice marking period has expired, the excavator may begin excavating.

**(2)** If one or more underground facilities have not been marked and positive response has not been provided, an excavator shall, prior to commencing excavation, call the one-call notification system for verification that advance notice was transmitted to the UFO and to provide notice that the underground facilities have not been located or cleared via a warning locate request. UFOs shall promptly respond to warning locate requests ideally within two hours.

**B. Excavation:**

**(1)** If, prior to or while excavating, an excavator observes evidence that an unmarked underground facility may exist, the excavator shall, before excavating in the immediate area of such evidence:

**(a)** make a reasonable effort to identify the facility by calling the one-call notification system and requesting a near miss ticket; the UFO shall mark or clear the area ideally within two hours of contact or as expeditiously as possible if the excavation site is in a rural area; if no UFO responds to the excavator's near miss ticket notification the excavator may proceed with excavation activities in a safe and prudent manner.

**(b)** expose the underground facility by non-mechanical means or mechanical vacuum excavation methods.

**(2)** If excavation activity needs to encroach within 18 inches either side of a marking made by a UFO, an excavator shall, prior to excavating, expose the underground facility by non-mechanical means or mechanical vacuum excavation methods.

**(3)** If the exact subsurface location of the underground facility or utility cannot be determined by non-mechanical means or mechanical vacuum excavation methods as required in Subparagraph (a) of Paragraph (1) and (2) of Subsection B of this section, the excavator shall contact the UFO directly and UFO shall work with the excavator to locate and expose the actual subsurface location of the underground facility or utility. If the UFO must resort to performing excavation to locate the facility, the UFO shall perform such excavation within five working days of notice from the excavator. If requested, the local one-call notification center shall provide the excavator with the contact telephone number of the UFO.

**(4)** If excavation activity cannot proceed without obliterating all or some of the markings made by a UFO, an excavator shall provide temporary offset marks or stakes to retain the information regarding the location of each UFO's underground facilities for the duration of the locate request or until excavation is completed, whichever ends sooner.

**(5)** If excavation and restoration cannot be completed within 15 working days allotted for standard locate requests and marks have been maintained, an excavator shall call the one-call notification system and request an update ticket prior to the original locate expiring.

(6) The requirement to provide positive response for a facility does not apply to the homeowner of a residential property.

(7) The commission encourages excavators to notify the UFO when excavation activity will be within 25 feet of the actual utility marking provided or as agreed upon by a right of way encroachment agreement or permit for infrastructure identified by the UFO as critical (i.e., transmission and trunk line pipelines, fiber optic, power, 911, etc.).

**C. Temporary suspension of excavation activity.** If staff determines that an excavation activity is not in compliance with the requirements of this rule, and that continued noncompliance may result in injury to persons or damage to property, staff may suspend the excavation activity until the excavation activity is brought into compliance with the requirements of this rule and excavation conditions are safe.

[18.60.5.15 NMAC - Rp, 18.60.5.15 NMAC, 4/7/2026]

**18.60.5.16 EMERGENCY EXCAVATION AND DAMAGE REPORTING PROCEDURE:** This section applies whenever failure of or damage to underground facilities or public infrastructure requires emergency excavation and excavation shall be promptly commenced, ideally within 24 hours.

**A. Excavators:** An excavator who damages an underground facility while excavating shall exercise prudence and shall:

- (1) stop excavating immediately;
- (2) call 911 if appropriate and the operator of the damaged underground facility and 811 to report the damaged facility;
- (3) secure the site and direct people and traffic a safe distance away from the site of the damage;
- (4) not leave the scene until authorized by an emergency responder or the operator of the damaged underground facility; an excavator may leave the scene without such authorization only if the excavator has made reasonable, if unsuccessful, efforts to contact the affected UFOs and has safely secured the site;
- (5) not resume work within an unsafe distance of the damage until authorized by the operator of the damaged underground facility.

**B. Operators of failed or damaged underground facilities:** The operator of a failed or damaged underground facility shall exercise prudence and shall:

- (1) immediately respond to a damaged reported or failure reported to its underground facilities and travel to the site;
- (2) when deemed an emergency requiring excavation, call the one-call notification system to request an emergency locate for the excavation area;
- (3) make the site safe and get the emergency situation under control;
- (4) locate its own underground facilities as soon as practical, ideally within two hours;
- (5) begin remedial action to restore service as soon as practical, ideally within 24 hours; and
- (6) obtain a standard excavation locate ticket for repair work beyond resolution of the emergency situation.

**C. Operators of failed or damaged public infrastructure:** The entity responsible for the failed or damaged public infrastructure shall:

- (1) call the one-call notification system for the excavation area to request an emergency locate;
- (2) obtain an excavation locate ticket for repair work beyond resolution of the emergency situation.

**D. One-call notification system:** A one-call notification system shall upon request:

- (1) issue an emergency excavation notice which shall be valid until the emergency is resolved, or for 48 hours, whichever is longer;
- (2) issue a notice of a reported damage to each affected UFO.

[18.60.5.16 NMAC - Rp, 18.60.5.16 NMAC, 4/7/2026]

**18.60.5.17 ABUSE OF THE LAW:** A person shall be deemed to have willfully failed to comply with this rule or Chapter 62, Article 14 NMSA 1978 and shall be subject to the penalties in Section 62-14-8 NMSA 1978 if the person:

- A.** requests a standard locate for an area that cannot reasonably be excavated in 15 working days;
- B.** provides misinformation or withholds information regarding the size of an excavation area;

- C. requests locates that unduly burden a one-call notification system or UFO;
- D. requests a locate for fraudulent reasons;
- E. fails to process locate requests within the requisite timeframe;
- F. fails to mark, or provide positive response for its underground facilities within the requisite timeframe;
- G. fails to determine if all underground facilities have been marked or cleared after advance notice expires;
- H. commences excavation prior to the expiration of the advance notice period;
- I. obliterates markings at an excavation site without providing temporary offset marks or stakes;
- J. alters any record relating to excavation activity;
- K. fails to pre-mark the actual intended excavation route or site(s) as required;
- L. fails to report or submit a damage report within requisite time frame; or
- M. commits any other act that the commission determines violates Chapter 62, Article 14 NMSA 1978 or this rule.

[18.60.5.17 NMAC - Rp, 18.60.5.17 NMAC, 4/7/2026]

**18.60.5.18 THIRD PARTY DAMAGE REPORTS:**

- A. A UFO shall report to staff any event in which the owner or operator’s underground facility is damaged by excavation activities. Such report, where practicable, shall be submitted using the commission’s website at: <https://www.prc.nm.gov/pipeline-safety-bureau/pipeline-safety/>.
- B. The report shall be filled out in its entirety and should include any and all information, such as pre-dig and post-damage photos, the UFO used to determine probable cause and support or justifies its position.
- C. The report shall be submitted within 30-calendar days of the date the damage occurred or was noticed e. Any additional information provided after the 30-calendar day deadline may be considered on a case by case basis.
- D. The UFO shall make available to staff, within a reasonable time, ideally within 24 hours, such other information or documentation as staff may require regarding any damage reportable under this section.

[18.60.5.18 NMAC - Rp, 18.60.5.18 NMAC, 4/7/2026]

**18.60.5.19 WAIVER OR VARIANCE FROM RULE REQUIREMENTS:**

- A. The commission or the bureau chief may, in their discretion, waive or vary any requirement of this rule whenever the commission or the bureau chief finds that such a waiver or variance would be in the public interest and not compromise safety, in accordance with commission rules of procedure, 1.2.2 NMAC.
- B. An excavator, project owner, project engineer, one-call notification system, or UFO that cannot meet one or more of the requirements of this rule may petition the commission or the bureau chief for a waiver or variance pursuant to 1.2.2 NMAC. The petition shall be in writing and shall include:
  - (1) a list of those requirements which the excavator, project owner, project engineer, one-call notification system, or UFO wishes to have waived or varied;
  - (2) an explanation and description of the specific conditions which prevent the requirement from being met; and,
  - (3) a statement of steps already taken and to be taken, with projected time limits for each step, in attempting to meet the requirements.
- C. The commission may order, or the bureau chief may request, a hearing on the merits of the petition in accordance with 1.2.2 NMAC.
- D. An excavator, project owner, project engineer, one-call notification system, or UFO shall be required to comply with requirements it has petitioned to have waived or varied until the commission has issued an order on the merits of the petition, unless the commission or its designee grants an interim waiver of or variance from one of more of the requirements that are the subject of the petition.

[18.60.5.19 NMAC - N, 4/7/2026]

- 18.60.5.20 [RESERVED]
- 18.60.5.21 [RESERVED]
- 18.60.5.22 [RESERVED]

**HISTORY OF 18.60.5 NMAC:**

**Pre-NMAC History:** The material in this rule was derived from that previously filed with the State Records Center.

SCC 69-29, Order No. 2966, Cause No.516, filed 9/24/1969.  
SCC 71-2, Amended Order No. 2966, Cause No.516, filed 3/18/1971.  
SCC 72-1, Amended Order No. 3096, Cause No.516, filed 1/2/1972.  
SCC 77-2, Order No. 3096-C, Docket No.750, filed 3/4/1977.  
SCC 79-4, Regulations Relating to Minimum Safety Standards for the Transportation of Natural and other Gas by Pipeline, filed 6/27/1979.  
SCC 84-9-PL, Regulation for the Transportation of Natural and other Gas by Pipeline - Minimum Standards, filed 11/26/1984.

**History of Repealed Material:**

18 NMAC 60.1, General Provisions; 18 NMAC 60.2, Reports Required for New Master Meters and Third Party Damage; 18 NMAC 60.3, Requirement of Filing of Procedural Manual; 18 NMAC 60.4, Classification and Repair of Leaks; 18 NMAC 60.5, Pipeline Safety Program Procedures; 18 NMAC 60.6, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards: Annual and Incident Reports; 18 NMAC 60.7, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; 18 NMAC 60.8, Transportation of Hazardous Liquids by Pipeline; 18 NMAC 60.9, Pipeline Safety Regulations: Drugs & Alcohol Testing; 18 NMAC 60.10, Procedures for Transportation Workplace Drug & Alcohol Testing Programs (all filed 5/1/1996) repealed 7/1/2003.

18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, filed 6/27/2006 - Repealed effective 8/15/2012.

18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, filed 8/15/2012- Repealed effective 12/30/2014.

18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, filed 12/15/2014- Repealed effective 1/15/2019.

18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, filed 1/14/2019- Repealed effective 4/7/2026.

**Other History:**

SCC 84-9-PL, Regulation for the Transportation of Natural and other Gas by Pipeline - Minimum Standards, filed 11/26/1984, was renumbered into first version of the New Mexico Administrative Code as 18 NMAC 60.1 through 18 NMAC 60.10, effective 6/5/1996.

18 NMAC 60.1 through 18 NMAC 60.10 (all filed 5/1/1996), were replaced by 18.60.2 NMAC, Pipeline Safety, effective 7/1/2003.

Those **applicable portions** of 18.60.2 NMAC, Pipeline Safety (filed 6/16/2003) replaced by 18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, effective 7/17/2006.

18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, filed 12/15/2014 was replaced by 18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention effective 1/15/2019.

18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention, filed 1/14/2019 was replaced by 18.60.5 NMAC, Pipeline Safety Excavation Damage Prevention effective 4/7/2026.