

South Dakota One Call Notification Board
Administrative Rules Hearing
October 23, 2007
Room 413 – State Capitol Building
Pierre, South Dakota

Minutes of the Hearing:

In Attendance: Kara Semmler, legal counsel to the Board conducted the hearing; Board Members present: Jerry Schroeder, Ed Anderson, Todd Chambers, Terry Larson, Kurt Pfeifle, Doug Larson, Bleau LaFave, Rod Cundy; Others in Attendance: Larry Englerth, Executive Director to the Board; Yvonne Taylor representing the Municipal League, Richard Coit representing the South Dakota Telecommunications Association, Bob Wilcox representing the South Dakota Association of County Commissioners and Beth Jensen, representing Northern Border Pipeline Company.

After an introduction of the process, Kara Semmler requested, by section, whether any parties would like to have the proposed rules read or background information provided;

Ms. Semmler identified that written comments had been received from the City of Sioux Falls, South Dakota Department of Transportation and the Associated General Contractors of South Dakota.

Article 20:25:01:01 Definitions – There was no request for information and no testimony was presented.

Article 20:25:03:01 Operator Participation – There was no request for information and no testimony was presented.

Article 20:25:03:04 Information required when initiating a routine locate request – There was no request for information and no testimony was presented.

Article 20:25:03:04.01 Information required when initiating a planned excavation locate request – There was no request for information and no testimony was presented.

Article 20:25:03:04.02 Information required when initiating an informational locate request – There was no request for information and no testimony was presented.

Article 20:25:03:05 Color standards and guidelines for marking underground facilities and identification of marked facilities – There was no request for information and the following testimony was presented.

Richard Coit, representing the South Dakota Telecommunications Association, requested a clarification of the word 'guidelines' as to whether conditions set forth would be considered a recommended option or considered a standard requirement. Larry Englerth, executive director for the Board, clarified that it was the intent that these would be standards that would assist in effective communications between the facility operator and the excavator.

Article 20:25:03:05.04 Operator responsibilities when marking underground facilities – There was no request for information and the following testimony was presented.

Beth Jensen representing Northern Border Pipeline testified regarding subsection (3) stating that it is the policy of Northern Border Pipeline to mark the center of the pipeline and have the diameter of the pipeline noted on the flag or by the paint marks. She stated this was the CGA Best Practices recommendation. Beth also requested that in subsection (5) the wording be clarified to clearly state that the marking was only required when a site visit was made.

Yvonne Taylor representing the Municipal League also testified that comments received from municipalities were consistent with the previous testimony.

Article 20:25:03:05.05 Operator responsibilities when marking underground service laterals – There was no request for information and the following testimony was presented.

Yvonne Taylor representing the Municipal League testified that comments received from municipalities indicated that there were significant issues with subsections (3) & (4) specifically with the issue that many municipalities consider the underground sewer or water lateral to be owned by the property owner from the main to the home or business and that municipalities did not want to be responsible for marking or assuming liability for these lines. Yvonne also requested that the date of January 1, 2008, be delayed and further discussion be considered on this section of the rules.

Article 20:25:03:07 Requirements for operation of a one-call center - There was no request for information and no testimony from parties involved.