

## ARTICLE 20:25

### ONE-CALL NOTIFICATION

#### CHAPTER 20:25:01

**20:25:01:01. Definitions.** Terms defined in SDCL 49-7A-1 have the same meaning when used in this article. Terms used in this article mean:

- (1) "Excavation site," the specific location where an excavation will occur;
- (2) "Informational locate request," a communication between a person and the one-call center in which a request for locating underground facilities for planning, permit, surveying, mapping, or design work where the purpose of the request is not related to planned excavation activity within the next eighteen months;
- (3) "Normal business hours," 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays as defined by SDCL 1-5-1;
- (4) "Notification time," the time at the end of the telephone locate request when the answering attendant provides the excavator with a confirmation number or the time a nontelephone locate request is received by the one-call center;
- (5) "Planned excavation locate request," a communication between a person and the one-call center in which a request for locating underground facilities for planning, permit, or design work relative to specific excavation activity planned to start within the next eighteen months;
- (6) "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date;
- (7) "Respond," the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator owns any underground facilities in the area of the proposed excavation;
- (8) "Routine locate request," a communication between an excavator and the one-call center in which a request for locating underground facilities for excavation activity;
- (9) "Ticket," a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility.

#### CHAPTER 20:25:02

### GENERAL PROVISIONS

**20:25:02:01. Board meetings.** A meeting may be held on call of the chair or on written request of two or more members of the board. A majority of the board constitutes a quorum for the transaction of business.

**20:25:02:02. Board meeting via telephone conference.** The board may hold meetings by telephone conference call.

**20:25:02:03. Voting.** All members of the board, including the chair, may vote. A majority vote of those present is required to take official action.

**20:25:02:04. Duties of the chair.** Repealed.

**20:25:02:05. Duties of the secretary/treasurer.** Repealed.

**20:25:02:06. Election of officers -- Ability to hire and contract.** The board shall elect one of its members as chairperson and another as secretary/treasurer, for such terms and with such duties and powers as the board considers necessary for the performance of the functions of those offices. In carrying out the duties, functions, and powers of the board, the board may hire employees or contract with any state agency or private party for the performance of such duties, functions, and powers as the board considers appropriate.

**20:25:02:07. Removal of officers.** An officer may be removed by a two-thirds vote of the board.

**20:25:02:08. Filling vacant office.** A vacant office may be filled by a majority vote of the board.

### **CHAPTER 20:25:03**

#### **OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES**

**Declaratory Ruling:** The One-Call Notification Board has filed a declaratory ruling with the Legislative Research Council. The ruling provides guidance as to when an excavator may begin digging after the excavator has provided notice according to ARSD 20:25:03:07 and SDCL 49-7A-5. One-Call Notification Board Declaratory Ruling dated December 12, 2000.

**20:25:03:01. Operator participation.** Each operator required by SDCL 49-7A-2 to join the one-call system:

(1) Shall provide to the notification center data that allows proper notification to the operator of excavation near the operator's utility lines and updates to such data. This data shall be provided to the notification center as soon as possible, but no later than 30 days after membership or operation of underground facilities, whichever is first. This information shall be provided on printed forms or in an internet-based format, approved by the South Dakota One Call Notification board;

(2) Shall respond to notification of excavation, including emergency notices, as required by SDCL chapter 49-7A and article 20:25;

(3) Shall establish a means of receiving notification of excavation and shall utilize this method to receive such notification from the one-call notification center;

(4) Who receives more than an average of 30 tickets per month in any three consecutive months, shall receive tickets by electronic transmission other than by voice telephone. Electronic transmission includes e-mail, facsimile, data printer, or computer transmission; and

(5) Shall install an underground utility line in such a manner after January 1, 2009, that makes the line locatable by the operator for purposes of this chapter.

**20:25:03:01.01. Operator requirements for receiving tickets.** Repealed.

**20:25:03:02. Membership classes.** One-call members are divided into three classes. A member that falls into more than one class is considered a member in only the higher class. The membership classes are as follows, with Class A as the highest class:

(1) Class A:

(a) Operators of intrastate gas transmission pipelines, interstate gas transmission pipelines, liquid pipelines, and interstate telecommunications companies;

(b) Operators issuing 10,000 customer bills or more per billing cycle;

(2) Class B:

- (a) Operators issuing more than 5,000 customer bills per billing cycle, but less than 10,000 bills per billing cycle;
- (3) Class C:
  - (a) Operators issuing 5,000 customer bills or less per billing cycle;
  - (b) All other operators not covered in Class A or Class B.

**20:25:03:03. Membership fees.** The board shall assess an initial membership fee to all one-call members based on their membership classes, as follows:

- (1) Class A Members: \$150;
- (2) Class B Members: \$ 50;
- (3) Class C Members: \$ 35.

The board shall determine the fee to be collected for locate requests based on the operating cost to the center of providing the locate services, overhead costs, and advertising costs. The center shall bill operators monthly, based on the number of location requests transmitted to that operator. The board shall review the fee for locate requests at least annually. An operator has sixty days to dispute any ticket invoiced after which time the ticket is presumed to be accurately invoiced.

**20:25:03:04. Information required when initiating a routine locate request.** The following information is required to be provided by the excavator when a routine locate request is submitted:

- (1) The name, address, and telephone number of the person making the routine locate request;
- (2) The name, address, and telephone number of the excavator doing the work;
- (3) The date and time when excavation is scheduled to begin;
- (4) The depth of planned excavation within 18 inches vertical;
- (5) The type and extent of excavation being planned including:
  - (a) Whether the excavation involves tunneling or horizontal boring; and
  - (b) If applicable, whether the use of explosives is anticipated;
- (6) A phone number that provides access to the excavator during normal business hours;
- (7) The location of the excavation by any one or more of the following means:
  - (a) Latitude/longitude;
  - (b) A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
  - (c) The distance and direction from an intersecting street within 1000 feet of the excavation site;
  - (d) A specific quarter section by section, range, township, and county; or
  - (e) A specific mile marker reference from any state or federal highway; and
- (8) A precise description of the specific excavation area within each location by:
  - (a) Providing the perimeter of the excavation site or the length and direction of the excavation route in reference to the exact distance and direction from known points of reference on or near the excavation site; or
  - (b) Marking the perimeter of the excavation area or the length and direction of the proposed excavation route by means of white paint or flags; or
  - (c) Requesting to meet the facility operators when it is impractical to utilize item a or b above and to inform the facility operators, in writing, of the extent and work schedule of the proposed excavation.

**20:25:03:04.01. Information required when initiating a planned excavation locate request.** The following information is required to be provided by the planner when a planned excavation locate request is submitted:

- (1) The name, address, and telephone number of the person making the planned excavation locate request;
- (2) The name, address, and telephone number of the business doing the work;
- (3) The approximate date when planned excavation is scheduled to begin;
- (4) The type and extent of the planned excavation;
- (5) A phone number that provides access to the planner during normal business hours;
- (6) The location of the planned excavation by any one or more of the following means:
  - (a) Latitude/longitude;
  - (b) A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
  - (c) The distance and direction from an intersecting street within 1000 feet of the excavation site;
  - (d) A specific quarter section by section, range, township, and county; or
  - (e) A specific mile marker reference from any state or federal highway; and
- (7) A precise description of the planned excavation area within each location by:
  - (a) Providing the perimeter of the planned excavation site or the length and direction of the planned excavation route in reference to the exact distance and direction from known points of reference on or near the planned excavation site; or
  - (b) Marking the perimeter of the planned excavation area or the length and direction of the planned excavation route by means of pink paint or flags; or
  - (c) Requesting to meet the facility operators, when it is impractical to utilize item a or b above or the planned excavation involves a major project, and to inform the facility operators, in writing, of the extent of the planned excavation.

**20:25:03:04.02. Information required when initiating an informational locate request.**

The following information is required to be provided by the person initiating the request when an informational locate request is submitted:

- (1) The name, address, and telephone number of the person making the notification request;
- (2) The name, address, and telephone number of the business requesting the facility location information;
- (3) The approximate date when the facility information is required;
- (4) The type and extent of the informational request;
- (5) A phone number that provides access to a person, knowledgeable about this request, during business hours;
- (6) The location of the required facility information by any one or more of the following means:
  - (a) Latitude/longitude;
  - (b) A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
  - (c) The distance and direction from an intersecting street within 1000 feet of the excavation site;
  - (d) A specific quarter section by section, range, township, and county; or
  - (e) A specific mile marker reference from any state or federal highway; and
- (7) A precise description of the specific area for which facility information is required by:
  - (a) Providing the perimeter or the length and direction of the route for which underground facility information is required in reference to the exact distance and direction from known points of reference on or near the area for which underground facility information is required; or

(b) Marking the perimeter of the specific area for which facility information is required or the length and route of the underground facility information required by means of pink paint or flags; or

(c) Requesting to meet the facility operators, when it is impractical to utilize item a or b above or the informational request involves a major project, and to inform the facility operators, in writing, of the extent of the underground facility information requested.

**20:25:03:04.03. Locate requests in emergency situations.** If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, all reasonable precautions shall be taken to protect public safety and the underground facilities. In such a case, the excavator shall give notification in compliance with § 20:25:03:04.

An excavator requesting a location due to an emergency shall provide the name and the phone number of a person who has knowledge regarding the excavation. This person shall be available by telephone during the response period to discuss the specifics of the excavation.

An excavator providing a misrepresentation of an emergency excavation as defined in SDCL 49-7A-1 may be subject to penalties under SDCL 49-7A-18 and 49-7A-19.

**20:25:03:04.04. No excavation allowed on planned excavation or informational locate requests.** No excavation activity may occur relative to a planned excavation or informational locate request.

**20:25:03:04.05. Operator compensation on informational locate requests.** Operators may require compensation to recover direct labor costs for marking underground facilities on informational locate requests. If requested, the operator shall provide the planner with an estimate of costs prior to any marking of facilities.

**20:25:03:05. Color standards for marking underground facilities and identification of marked facilities.** Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall use the following color standards:

- (1) Electric - Red;
- (2) Gas/oil/steam - Yellow;
- (3) Communications/CATV - Orange;
- (4) Water - Blue;
- (5) Sewer - Green;
- (6) Temporary survey markings - Pink;
- (7) Proposed excavation boundaries - White; and
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

**20:25:03:05.01. Valid period for underground facility markings.** Markings of underground facilities shall be considered valid so long as the markings are clearly visible but not for more than 21 calendar days from the start date on the ticket. On extensive and continuous excavation activity, written working agreements between the operator and the excavator may be established to extend the valid period of the original ticket.

**20:25:03:05.02. Excavator responsibilities for the preservation of markings.** After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area, the excavator shall plan the excavation to avoid damage to, and minimize interference with, the marks. The excavator is responsible for protecting and preserving

the staking, marking, or other designation until the marks are no longer required for proper and safe excavation work at or near the underground facilities.

**20:25:03:05.03. Excavator responsibilities when excavating near markings.** If excavation is required within eighteen inches, horizontally, of the marked facility, the excavator shall expose the facility only by use of hand excavation, air cutting, water cutting, or vacuum excavation in a manner that does not damage the underground facilities.

**20:25:03:05.04. Operator responsibilities when marking underground facilities.** Each operator who is required to mark its underground facilities pursuant to SDCL 49-7A-8 shall identify the underground facility using the following minimum standards:

(1) The underground facility must be marked in the most suitable manner with consideration to terrain, site conditions, type, and extent of the proposed excavation to clearly identify the existence of an underground facility for the excavator;

(2) The marked underground facility shall clearly identify the name, abbreviation, or logo of the operator of the underground facility;

(3) If multiple underground facilities exist, the operator shall separately mark each underground facility;

(4) If a site visit is made, and the operator has no underground facilities in conflict with the excavation area, the operator shall mark in the excavation area "NO" followed by the operator's name, abbreviation, or logo in the color code of the underground facility not in conflict with the excavation area; and

(5) The excavator may request off-set marks to maintain an accurate record of the facility locations.

**20:25:03:06. Excavating near sensitive telecommunications facilities.** Repealed.

**20:25:03:07. Requirements for operation of a one-call notification center.** The one-call notification center shall provide the following services:

(1) Accept a location request from the excavator twenty-four hours a day, seven days a week;

(2) Accept a locate request by telephone call, remote entry by computer transmission, or an internet-based format approved by the South Dakota One Call board;

(3) At close of each location request processed by a customer service representative at the center, prior to the issuance of a confirmation number, verify with the excavator that information provided by the excavator meets the requirements of § 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02. Following verification of the information, provide the excavator with the verification number associated with this request, and a list of underground facility operators who will be notified of this request;

(4) If a locate request, submitted in compliance with § 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02, is received by remote computer entry or internet transmission, the excavator shall receive a ticket, within four hours, as the confirmation notice;

(5) Record each conversation which pertains to a location request;

(6) Maintain a copy of each conversation and ticket for a period of seven years;

(7) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at the cost of providing such copies; and

(8) Accept facility operator database information that allows proper notification to the operator of excavation near the operator's utility lines and updates to such data on a web based system as required by the South Dakota One Call Notification board.

**20:25:03:08. Ticket standards.** Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as the local time in effect at the excavation site;

(2) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator assisting in resolving an emergency situation, all other tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) If the type of work is different, a separate ticket shall be issued for each excavation site. If the type of work is the same and the excavation will be completed as a continuous work project, an excavator may request the marking of a maximum of five contiguous properties on a locate request;

(4) On a continuous job site, not to exceed two miles in length, a ticket shall be issued for the right-of-way of each separate road, street, avenue, or identified continuous easement;

(5) On a continuous job site issued for the right-of-way of a separate road, street, avenue, or identified continuous easement that exceeds the maximum length established in subdivision 20:25:03:08(4), the excavator may request a meeting to provide the marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter or the route with white paint or flags or by providing the facility operator with written instructions identifying the precise excavation site or route. The schedule of the excavation activity shall also be provided in writing;

(6) If a locate request has a common work type (e.g. placement of signs) for a large contiguous area which is contained within the boundaries of one county and the excavation will be completed on a continuous work schedule, the excavator may request a meeting to provide marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter, the specific location, or the route with white paint or flags or by giving the facility operator written instructions identifying the precise excavation sites or route. The schedule of the excavation activity shall also be provided in writing;

(7) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance, the modified ticket supersedes the original ticket. Revised information may only be accepted from the excavator identified on an original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket;

(8) A modified ticket may be issued if the excavator, one-call notification center, or the operator determine that the one-call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site;

(9) The one-call notification center shall clearly label all emergency tickets that are transmitted to facility operators; and

(10) The one-call notification center shall clearly label the notification time on all tickets transmitted to facility operators.

**20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark, or describe.** If it is impractical to flag, mark, or describe an excavation site the following procedures shall be followed:

(1) An excavator may request an appointment from the one-call notification center for the purpose of meeting the operator at the excavation site. These meetings shall occur only between 9:00 a.m. and 4:00 p.m. local time and appointments for this may be scheduled not less than two business days from the time of the call;

(2) If appointment requests do not identify the excavation site, the excavator shall identify the excavation site as required in § 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02 in writing, at the time of the appointment; and

(3) If the excavation site is not identified on the ticket, the operator shall complete the marking within 48 hours of the conclusion of the appointment.

**20:25:03:10. Operator requirements after receipt of an emergency or modified routine ticket.** Each operator required by SDCL 49-7A-2 to join the one-call system must respond to notification of excavation as required by SDCL chapter 49-7A or by the response intervals listed below.

If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, each operator shall respond as follows:

(1) The operator shall respond as soon as possible but not longer than two hours from the notification time during the business day and not longer than four hours from the notification time outside of the business day or by the start time on the ticket, whichever is later;

(2) Any operator, who determines that its facilities will not be impacted by the notification, shall immediately notify the excavator that the operator's facilities are clear from the excavation; and

(3) When a facility operator is notified of damage to an underground facility as required by SDCL 49-7A-12, each operator notified shall respond in accordance with the response intervals provided for emergency locate requests.

If a modified routine ticket is issued because it has been determined that the one-call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site, each operator shall respond in accordance with the response intervals provided for emergencies or the original start date of the ticket, whichever is later.

If a routine ticket is reissued to remark the excavation site due to obliteration, destruction, or removal of the markings, the underground facility operator shall respond within 24 hours from the notification time or by the start time on the ticket, whichever is later, excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1. Any request to reissue a routine ticket to remark the excavation site in violation of § 20:25:03:05.02 of this section is subject to penalties established pursuant to SDCL 49-7A-18 and 49-7A-19.

**20:25:03:10.01. Operator requirements after receipt of a planned excavation or informational ticket.** If a planned excavation ticket is issued to mark the site of a planned excavation within the next eighteen months, the underground facility operator shall respond within five working days from the notification time or by the start time on the ticket, whichever is later, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the planned excavation locate request. Since no excavation will occur, the operator of the underground facility, after consultation with the planner, shall determine from the following alternative methods, the appropriate means for providing the underground facility location information. Should the planner be unsatisfied with the means selected, they may require that the underground facilities be marked. The facility operator may require compensation to recover the direct labor costs associated with the marking of the excavation site pursuant to § 20:25:03:04.05:

(1) Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation; or

(2) Provide to the planner submitting the locate request the best available written description of all facilities in the planned excavation area, which might be as-constructed drawings, or other facility maps that are maintained by the facility operator; or after consulting with the planner

(3) Allow the planner submitting the planned excavation locate request or other authorized person to inspect and copy the as-constructed drawings, or other facility maps that are maintained by the facility operator which indicate the location of facilities in the planned excavation area.

If a ticket is issued to mark the site of an informational locate request, the underground facility operator shall respond within five working days from the notification time or by the start time on the ticket, whichever is later, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. The operator shall respond in the manner provided for planned excavation locate requests.

**20:25:03:11. Petition for declaratory rulings.** Any person wishing the board to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

State of South Dakota  
One-Call Notification Board  
Petition for Declaratory Ruling

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the South Dakota One-Call Notification Board for its declaratory ruling in regard to the following:

(1) The state statute or board rule or order in question is: (here identify and quote the pertinent statute, rule, or order);

(2) The facts and circumstances which give rise to the issue to be answered by the board are:

(3) The precise issue to be answered by the board's declaratory ruling is:

Dated at \_\_\_\_\_(city and state), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of petitioner)

**20:25:03:12. Board action on petition.** Upon receipt of the petition for declaratory ruling, the board may request the petitioner to provide information as may be required for the issuance of its ruling. Within 120 days after the filing of the petition or within 120 days following the receipt of further requested information, the board shall issue a declaratory ruling and serve a copy of the ruling by mail upon the petitioner.

## CHAPTER 20:25:04

### COMPETITIVE BIDDING FOR ONE-CALL CENTER CONTRACTOR SELECTION

**20:25:04:01. Competitive bidding procedures.** The board shall issue requests for proposals describing the services and the specifications required for the one-call notification center. Following receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one nor more than three years. The board may extend the term of the agreement for one or more incremental periods of one to three years. The board shall review the services provided by the contractor at least annually and may modify the agreement with the one-call notification center as necessary.

