



**Know what's below.
Call before you dig.**



**Know what's below.
Call before you dig.**

Uniform Color Code

	White - Proposed Excavation
	Pink - Temporary Survey Markings
	Red - Electric Power Lines, Cables, Conduit and Lighting Cables
	Yellow - Gas, Oil, Steam, Petroleum or Gaseous Materials
	Orange - Communication, Cable TV, Alarm or Signal Lines, Cable or Conduit
	Blue - Water, Irrigation or Slurry Lines
	Purple - Reclaimed Water, Irrigation or Slurry Lines
	Green - Sewers and Drain Lines

Neighboring States One Call Numbers

Iowa – (800) 292-8989
Minnesota – (800) 252-1166
Nebraska – (800) 331-5666
North Dakota – (800) 795-0555
Wyoming – (800) 849-2476

Operations Manual for Facility Operators and Excavators

Call South Dakota One Call
two working days before you dig

**Dial (800) 781-7474
811 (Instate)**

*Locates Accepted 24 Hours a Day
7 Days a Week*

www.sdonecall.com

January 2016

South Dakota One Call/South Dakota 811 Notification Center

Operated by

Texas Excavation Safety System, Inc.

11880 Greenville, Avenue, Suite 120

Dallas, Texas 75243-3568

Locate Requests

**Dial (800) 781-7474
811 (Instate)**

Member Services:

1-888-771-1877

(Toll free number for all support)

Option 1 - Accounting

Option 2 - *Member Services

Option 3 - Technical Support

Option 4 - GIS

*Member Issues and requests to become a South Dakota One Call member can also be emailed to the Ombudsman at Buds@sd811.com

Electronic Ticketing & Ticket Search – Portal

<https://sdgc.texas811.org/geocall/portal/>

For assistance, contact

remoteapps@sd811.com or call 1-888-776-6077

South Dakota 811 Smartphone Apps

Available free in the Apple App Store and Google Play.

Mapping

GISmail@sd811.com or call 1-888-771-1877 (Option 4)

Statutory or Administrative Rules Questions

(605) 339-0529 or email exedir@sdonecall.com

South Dakota One Call/South Dakota 811 Information

www.sdonecall.com

South Dakota One-Call Required Ticket Information

**Dial (800) 781-7474
811 (Instate)**

Excavator Name (Company or Homeowner) _____

Phone Number _____ Extension _____

Caller Name _____

Company or Homeowner Mailing Address _____

Email address _____

City _____ State _____ Zip _____

Alternate Contact _____ Phone _____

Best Time to Contact _____

Work to Begin Date _____ Time _____

Explosives (Y/N) _____

Tunneling or Boring (Y/N) _____

Inside City Limits (Y/N) _____

Depth of Excavation _____

Duration of Excavation _____

Type of Work _____

Work being done for _____

County _____

Excavation Address _____

Nearest Cross Street _____

Excavating in ROW (Y/N) _____

Description of the Excavation Site (Marking Instructions)

Examples:

A. Excavation in rear of lot, mark from house to back lot line

B. Mark 15' either side of white flagged route

C. Mark from Ctr of Road North to edge of road ROW

Remarks (include driving instructions on rural tickets w/o street address)

Rural Tickets might require this information if a specific rural address is not provided by the excavator:

Latitude/Longitude Coordinates _____

or

Township _____ Range _____ Section/Quarter _____

www.sdonecall.com

SD ONE CALL BOARD OF DIRECTORS

To contact the Board:

Larry Janes, Executive Director

(605) 339-0529 or email exedir@sdonecall.com

“DO NOT CONTACT BOARD MEMBERS FOR LOCATE REQUESTS”

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CenturyLink

Representing Telecommunications with > 50,000 customers

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Hills Septic Service

Representing Excavating Contractors

PREFACE

This manual has been prepared for underground facility operators and excavators. It is intended to be a reference tool for interacting with the South Dakota 811 Center and it is also intended to assist the facility operators and excavators in fulfilling the requirements of South Dakota Law Chapter 49-7A and Administrative Rules Article 20:25. It is suggested that this manual be kept on hand for future reference when questions or problems arise. It is recommended that all individuals who regularly contact the South Dakota 811 Center use this manual. Familiarity with its contents will be valuable.

This manual is available on the web site www.sdonecall.com or printed copies can be obtained by contacting the Executive Director at exedir@sdonecall.com. The South Dakota One-Call Board has not copyrighted this manual. They have authorized and recommend its duplication.

This manual was revised in January, 2015. Its contents, South Dakota Law Chapter 49-7A and Administrative Rules Article 20:25 are subject to change.

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SECTION I: DETERMINING WHEN TO PROVIDE NOTIFICATION

South Dakota Law Chapter 49-7A requires that anyone who engages in any type of excavation provide advance notice of at least 48 hours, excluding weekends and holidays, to the South Dakota One-Call System. Excavation is defined as, "any operation which earth, rock, or other material in or on the ground is moved or otherwise displaced by means of tools, equipment, or explosives". Gardening to a depth of 12" and agricultural tilling to 18" are exempted by statute.

The South Dakota One-Call System is a mandatory statewide one-call notification system that was established by South Dakota Statute in 1993 to inform all South Dakota underground facility operators of intended or planned excavation activity.

The South Dakota One-Call System is intended to be the communication link between the excavator or planner and the underground facility operators who are required to become members of the South Dakota One-Call System. **The South Dakota One-Call System is not responsible for the marking of any underground facilities.** The System will notify facility operators that are members of the South Dakota One-Call System who will mark the location of their underground facilities. The South Dakota One-Call Board encourages excavators to be aware that other underground facilities, especially privately owned underground facilities, such as propane lines, may be present.

Please be advised that notifying the South Dakota One-Call System does not affect or impair local ordinances, franchises, or other provisions of law requiring permits to be obtained before excavating.

The service provided to excavators by the South Dakota One-Call System is free of charge. Underground facility operators pay the costs associated with the operation of the South Dakota One-Call System.

The South Dakota 811 Center should NOT be contacted for any of the following reasons:

- A. To report any type of service outage
- B. To resolve any type of utility billing problem
- C. To report any excavation outside the state of South Dakota
 - Iowa (800) 292-8989
 - Minnesota (800) 252-1166
 - Nebraska (800) 331-5666
 - North Dakota (800) 795-0555
 - Wyoming (800) 849-2476
- D. To request any type of facility removal or relocation (including meter removals prior to demolition of a building)
- E. To request initiation of any type of utility service

To resolve these items, contact the facility owner directly.

The South Dakota 811 accepts locate requests 24 hours a day, seven days a week, however; holidays and weekends are not considered when calculating the start date and time on a locate request. For example, Labor Day falls on a Monday. If an excavator called in for a locate request on the Thursday before Labor Day, the legal start date and time would be Tuesday instead of Monday.

The holidays are those recognized by the State of South Dakota. (Definition of business day is defined in SDCL1-5-1)

Holidays include:

New Year's Day	Native Americans Day
Martin Luther King, Jr. Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Labor Day

In compliance with statute, the South Dakota One-Call Board has adopted a "Holiday Substitution Policy" so that excavators and operators are better aware, in advance, of what days the South Dakota One-Call System will observe as holidays. If a holiday falls on a Saturday, South Dakota One-Call System will observe the Friday before as the holiday; if it falls on a Sunday, the South Dakota One-Call System will observe the Monday after as the holiday.

The South Dakota 811 Center accepts emergency locate requests 24 hours a day, 365 days a year. An emergency is defined by state law as, "**An occurrence which demands immediate action to prevent significant environmental damage or loss of life, health, property, or essential public services including the re-erecting of critically needed traffic control signs or devices**". Excavators are reminded that calling in an emergency that does not meet this definition is a violation of the law and may be subjected to penalties under SDCL 49-7A-18 & 49-7A-19. (See section XI of this manual for state law and section XII for administrative rules).

SECTION II: OPTIONAL METHODS FOR NOTIFYING THE SOUTH DAKOTA 811 CENTER

The South Dakota One Call System in partnership with the vendor, Texas Excavation Safety System, Inc. has a continuing process of providing the most effective and efficient methods for the excavator to notify the South Dakota One Call System of their excavation activity. In addition to the ability to provide notification by calling the Center, Texas Excavation Safety System, Inc. offers electronic methods that allow the excavator to provide locate information to the Center.

1. Portal is the process which began in February 2014, and allows the excavator to complete an electronic locate request including the mapping of the request. The excavator receives a verification number directly along with a copy of the ticket. A short training session is required to use this process and can be arranged by contacting remoteapps@sd811.com. For assistance, contact remoteapps@sd811.com or call 1 - (888) 776-6077.
2. **South Dakota 811 Smartphone Apps** - available free in the Apple App Store and Google Play. Search for South Dakota 811. If you're already a Portal user, your Portal ID will work on the Smartphone apps and you can click on Sign In. If you need to create a log in, click on Sign Up.

SECTION III: TYPES OF REQUESTS HANDLED BY THE SOUTH DAKOTA 811 CENTER

EXCAVATION LOCATE REQUESTS

1. Routine/Normal Excavation Requests (Ticket Type – Normal)

The Normal locate request for excavation activity that will commence more than two working days from the time of the request – See Section IV for information requirements. The scope and size of tickets are limited by the Administrative Rules. The South Dakota 811 Center will assist the Excavator in the processing of locate requests that meet the legal requirements. **Note: that when High Profile Underground Facilities exist within the vicinity of excavation, a meet between the operator of the High Profile Underground Facility and the excavator may be required (see 20:25:03:10.02).**

2. Emergency Requests (Ticket Type – Emergency)

An emergency is defined by South Dakota Law Chapter 49-7A-1(2), as **"An occurrence which demands immediate action to prevent significant environmental damage or loss of life, health, property, or essential public services including the re-erecting of critically needed traffic control signs or devices."**

Examples of emergencies are as follows:

- A. An unforeseen excavation necessary in order to prevent a condition that poses a clear and immediate danger to life or health.
- B. An excavation required to repair a utility service outage
- C. An excavation required in order to prevent significant property damage.
- D. The repair of an existing unstable condition which may result in any of the conditions listed above (for example, a leak in any service or main or a fault in a primary or secondary wire or cable).

Please note that work-scheduling problems are not considered an emergency.

When calling in an emergency excavation request to receive priority status within the 811 Center's telephone answering system, inform the answering attendant that an emergency situation exists and be prepared to explain which of the above conditions is in effect. The answering attendant will prepare a location request for immediate transmission.

Operators notified shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later. 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. (Definition of business day is defined in SDCL1-5-1)

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. (See section XI of this manual for state law and section XII for administrative rules).

3. Appointment Requests (Ticket Type – Appointment)

Most locate requests can be accurately described on the ticket. In situations where the excavation site cannot be identified by white paint or flags or accurately described on the ticket, an appointment request may be required. On an appointment request, the answering attendant will require a general description of the excavation site. Sufficient information will be needed in order for the underground facility operators to furnish necessary facility maps to their field locator.

An Appointment request may be issued for a Routine Request (Appointment-Routine), a Planning Request (Appointment-Planning) or a Project Request (Appointment-Project). The size and scope of ticket limitations that exist on the Routine Request, Planning Request, or Project Request are also applicable to the Appointment request that is issued.

An appointment request is not a means to avoid complete and accurate excavation site description or the marking of the excavation site with white flags or paint. The excavator should make every effort to clearly define the excavation site with specific details.

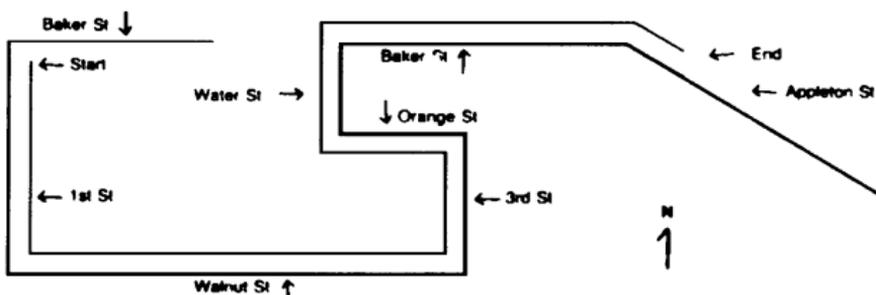
If the excavation site is not described on the ticket, at the time of the appointment it is the excavator's responsibility to provide a written description or map of the specific excavation site. **On these tickets, the two working day marking interval will start at the completion of the meet.**

South Dakota 811 Center answering attendant can only set up an appointments between 9 a.m. and 4 p.m. local time two business days, or later, from the time of the call. **If any underground facility operator is unable to make the appointment request, it is the facility operator's responsibility to contact the excavator to make other arrangements.** When an appointment is made, all reasonable attempts should be made to be there on time.

The location of the meetings for all Appointment – Routine requests should be at the actual excavation site or very close to it. On Appointment-Project or Appointment-Planning locate requests the location of the meet is more flexible. The answering attendant will list the location of the meeting on the ticket.

An appointment should only be requested when it seems impossible to explain the excavation site over the phone. Many times, what seems to be a complicated description can easily be described over the phone if it is broken into several segments. Appointment requests should not be used to avoid the necessity to clearly define the excavation site.

For example, consider the following diagram to be a route followed for new sewer main construction:



In this example, trying to describe the entire route on one locate request would be very difficult. The excavation site can, however, easily be broken down into individual streets and described as follows:

Ticket #1: On First Street from Walnut Street to Baker Street. Mark the road right of way.

Ticket #2: On Walnut Street from First Street to Third Street. Mark the road right of way.

Ticket #3: On Third Street from Walnut Street to Orange Street. Mark the road right of way.

This process could be continued until all streets involved with the excavation are covered. If the excavation site does not involve streets, but rather a complex route in an open field, it would be best to mark the route of the excavation with white stakes, white flags or white paint.

4. Modified Ticket Request (Ticket Type – Modify)

If, at any time, it is discovered that the excavator provided incorrect information to the South Dakota 811 Center, the excavator should contact the South Dakota 811 Center and provide the correct information as soon as possible. Answering attendants will assist in making the required corrections. Corrections to a ticket will only be accepted from callers working for the same company which originated the ticket (in other words, a subcontractor may not change information on a ticket filed by the general contractor). The forty-eight hour marking interval will commence with the notification time of the modified ticket request.

5. Excavation Site Verification Request (Ticket Type – Verification)

If, at any time, it is discovered that incorrect information was entered by the South Dakota 811 Center, or an operator(s) has failed to mark the facilities, or has marked the facilities incorrectly, or the excavator has exposed an unmarked facility and wants to have the facility verified as abandoned, the excavator may contact the South Dakota 811 Center and request a site verification. The excavator calling for this Site Verification request **MUST** provide the original ticket number to the answering attendant. The excavator should also identify which facility operator(s) need to respond to the request. The excavator should provide as much information as possible about the reason for the request. The South Dakota One Call 811 Center will notify the facility operator(s) who are required to respond to this request as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later. (Definition of business day is defined in SDCL 1-5-1.)

Note: Excavation site verification requests should not be used to report damage to an underground facility. In situations where damage has occurred, the excavator should advise the answering attendant and that a Damage Request will be issued.

6. Remark Request (Ticket Type – Respot)

After the facility operator has marked the location of that operator's under-

ground 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.

If during the valid period of the ticket, marks become faded or are inadvertently removed during excavation or by other means, the excavator should call the South Dakota 811 Center and request the site to be remarked. **A respot request to remark the excavation site will not extend the valid period of the original locate request.**

The excavator **MUST** provide the answering attendant with the ticket number of the original request. No changes will be made to the original ticket.

When a locate request is issued to remark the excavation, the underground facility operator shall respond within twenty-four hours excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1 **Requests to reissue a Normal ticket to remark the excavation site in violation of ARSD 20:25:03:05 and are subject to penalties pursuant to SDCL 49 7A-18 and 49 7A-19** (See section XI of this manual for state law and section XII for administrative rules).

7. Project Locate Request (Ticket Type – Appointment - Project)

When a locate request has a common work type (e.g. placement of signs) for a large contiguous area within a county and the excavation will be completed on a continuous work schedule, the 811 Center may opt to issue a single project ticket. In these limited instances, the excavator shall have the excavation site marked with white paint/flags or provide the locator with written documentation specifically identifying the excavation site and the work sequence for the excavation activity.

8. Update Locate Request (Ticket Type – Update)

If an excavator determines that the excavation activity will take longer than the twenty-one calendar days the ticket is valid, prior to the end of the nineteenth calendar day they may request that an update ticket is issued. The excavator should provide the answering attendant with the ticket number that they desire to be updated. The South Dakota 811 Center will issue a locate request with a new confirmation number and the original ticket number also be referenced. The purpose for this type of ticket is to extend the valid period for a locate request an additional twenty-one days and to notify the facility operator to remark the site. Excavation may continue under the original locate ticket until the start date of the new ticket.

NON-EXCAVATION LOCATE REQUESTS

No excavation may occur on a non-excavation locate requests. In situations, such as the placement of survey monuments, an excavation locate request will be required for the placement of the survey monument and a related locate request will be required for the marking of the actual survey site.

9. Planning (Design) Requests (Ticket Type – Planning or Appointment - Planning)

Another type of call processed by the South Dakota 811 Center is the Planning Locate Request. In this type of request, excavation is not intended start in the next ten business days but is anticipated to commence within the next eighteen months. Examples of situations requiring a planning locate request may be to provide underground facility information to a government agency for the purpose of obtaining an excavation permit or an engineer or other party is in the planning stage of a future excavation project and is seeking information on the location of existing underground facilities.

The answering attendant will process a planning request in much the same way they would an excavation request. A description of the proposed job site is required. The facility operator is required to respond to the locate request within five working days.

Facility Operators may respond in one or combination of the following ways:

- A. Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation; or after consultation with the planner, the operator may
- B. 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
- C. 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.

10. Informational Locate Requests (Ticket Type – Informational)

Another type of call processed by the South Dakota 811 Center is the Informational Locate Request. In this type of request no excavation is intended within the next eighteen months. Examples of situations generating an informational locate request may be to provide underground facility information for mapping purposes or a request to document underground facility information for the purpose of selling property.

Since no excavation is anticipated during the next eighteen months and the information is solely for the benefit of the requesting party, facility operators may request compensation to recover their direct labor cost associated with locating the facilities.

The answering attendant will process an informational locate request in much the same way they would an excavation request. A description of the area to be marked is required. The facility operator is required to respond to the informational locate request within five working days.

This response may take place in one or combination of the following ways:

- A. Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation; or after consultation with the planner, the operator may
- B. 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
- C. 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.

11. Reporting Damage to an Underground Facility (Ticket Type – Damage)

If damage occurs to an underground facility, the excavator should call the facility operator directly to report the damage and the South Dakota 811 Center to create a Damage Locate Ticket. The excavator should be prepared to provide the following information:

- A. ticket number they are working under (if available),
- B. specific location of the damage,
- C. type of facility damaged (power, communication, etc.),
- D. name of the facility operator (if known),
- E. a contact number at the damage site (if available).

The South Dakota 811 Center will notify the facility operator(s) who are required to respond to this request as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day. (Definition of business day is defined in SDCL 1-5-1.)

SECTION IV: GUIDELINES FOR PREPARING TO CALL THE SOUTH DAKOTA 811 CENTER

The primary purpose of the South Dakota One Call System is to establish a communication link between the excavator and the underground facility operator. South Dakota 811 Center answering attendants are on duty 24 hours a day and are professionally trained to obtain specific information concerning locate requests. To accomplish this, the answering attendants gather specific information which is entered into a computer system, and transmitted to appropriate underground facility operators.

To insure that an accurate locate request is completed; the order and type of questions are preset. There is a definite purpose for every question asked. This section will provide a brief explanation of the reason for each question. A locate request with accurate and specific information will assist the facility operator in providing accurate markings of the underground facilities.

The locate request process is simple if the caller is knowledgeable of the planned excavation activity and prepared to answer all questions. A clear and complete knowledge of the excavation and the specific work site is required to process a locate request.

PREPARATION IS THE KEY. The best way to prepare to make a call is to make a copy of the ticket format as shown on the inside back cover. Copies of this form may be obtained from the web site at www.sdonecall.com. We suggest that you make as many copies as you need. In limited circumstances, multiple excavation sites may be combined on one ticket. The number of tickets required will be determined by the answering attendant.

The following is a brief explanation of each question asked by South Dakota 811 Center answering attendants. The South Dakota 811 Center information

gathering procedures are such that one of the following must be provided in order to file a locate request

- A. A specific street or rural address, which has a numbered address on a marked street or avenue that is Publicly recorded; or
- B. A specific mile marker from a state or federal highway
- C. Township, range and a specific quarter section; or
- D. Latitude/Longitude Coordinates or
- E. If information in A, B or C cannot be provided, the excavation site must be within 1000 feet of the nearest named intersecting street. In addition to the intersecting street, accurate driving directions to the excavation site are highly recommended.

In addition to the above four requirements, it is also mandatory that the caller provide the depth of the excavation and marking instructions. (See item 10 and 16 of this section). **If callers are unable to provide one of the means of description, the locate request will be declined until the caller can obtain the required information.**

Excavator Identification:

As an excavator, your identification in the South Dakota 811 computer system consists of your 10 digit telephone number. When you give the operator your telephone number, your company address & call back information will automatically be displayed on the operator's screen.

1. **Type of Request Being Placed:** The caller will be required to identify if the call is an Emergency Locate Request, an Excavation Locate Request, or a Non-excavation Location Request. This is essential information that allows the answering attendant to properly process the locate request. (see Section III for the detailed description)

Emergency Requests

- A. Locate requests that meet the statutory definition
- B. Locate requests to report that an underground facility has been damaged or exposed due to excavation

Excavation Requests

- A. Locate requests for routine excavation activity
- B. Locate requests to set an appointment to meet locators at the excavation site
- C. Locate requests to modify an existing ticket
- D. Locate requests to report unmarked or incorrectly marked underground facilities
- E. Locate requests to remark a previously marked excavation site
- F. Locate requests for a common work type such as sign placement
- G. Locate requests to remark a previous excavation site and extend the valid period of the original locate request

Non-excavation Requests

- A. Locate requests for planning purposes, when no excavation will occur
- B. Locate requests for informational purposes only
- C. Locate requests to report damage to an underground facility

Emergency situations are limited by law to situations that demand immediate action to prevent significant environmental damage or loss of life, health, property or essential public services including the re-erecting of critically needed traffic control signs or devices. Schedule changes, planned excavation such as tree planting and other similar activities are not an emergency!

2. **Telephone/Excavator ID Number:** The primary telephone number (with area code) of the caller is used as a means of activating computer databases that in turn, populate information about your or your company's contact information for the answering operator. After filing the first location request, members and contractors may use their telephone number as the Excavator ID Number for future calls.
3. **Caller Name and Company Name:** The caller's name and company are taken in order to maintain records of all locate requests. This information is also helpful in the event it is necessary to contact someone for further information. **The excavating company doing the actual digging must be identified on the locate request. Tickets are not assignable or transferable to other excavators. An excavator may not work under another excavators locate request number.** For example, sub-contractors must call in their own locate request. They may not work under the general contractor's locate request. The excavator listed on the original ticket may only make modifications to previously issued tickets.
4. **Mailing Address:** The mailing address of the caller or the caller's company is recorded to enable the computer to store information on a mailing list database. This mailing list is utilized to notify excavators of information pertaining to changes in the South Dakota 811 System.
5. **E-mail Address:** The e-mail address, if available, will be entered on the locate request. This will provide the underground facility operator another resource to contact the excavator should they have any questions or to notify the excavator that there is not a conflict with facilities in the area of proposed excavation.
6. **Contact Person and Alternate Contact Person with Telephone Number:** Locate requests can often be expedited when the person supervising the work can be reached directly. Include the best time to contact.
7. **County and Nearest City/Township:** The county and city/township of the excavation site are needed to identify the job site location. When unable to give the exact name of a location outside city limits, tell answering attendant to enter RURAL in place of city/township South Dakota 811 System utilizes this information to properly notify which underground facility members are to be notified. South Dakota One Call accepts calls for all counties in the state of South Dakota. Any work outside South Dakota should be called directly to the One Call System responsible for that state (see back cover for

phone numbers of neighboring states). This information will also provide the answering attendant the earliest legal start date and time available for your job location according to time zone.

- 8. Work to Begin:** It is very important not to begin work prior to the legal start date and time (See section XI of this manual for state law and section XII for administrative rules). Beginning work before the legal start date can result in the forfeiture of the excavator's rights and protection provided under State Law. Legal start dates vary dependent upon the type of locate request. (see Section II for clarification) Therefore, depending on the circumstances of the call, South Dakota 811 Center answering attendants will offer the earliest start date possible. Answering attendants will then ask how soon after this date and time the work is scheduled to begin. The operator will enter the latter of these two dates as the excavation start date on the locate request. Facility operators are then required to complete the marking of the site prior to the start date and time indicated on the ticket. The ticket is valid for excavation activity during a period of twenty-one (21) calendar days following the start date on the ticket.

Excavators need to be aware that holidays and weekends are not considered when calculating the start date and time on a locate request. For example, Labor Day falls on a Monday. If an excavator called in for a locate request on the Thursday before Labor Day, the legal start date and time would be Tuesday instead of Monday. The holidays are those recognized by the State of South Dakota. (Definition of business day is defined in SDCL1-5-1) Holidays include:

New Year's Day	Native Americans Day
Martin Luther King, Jr. Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Labor Day

In compliance with statute, the South Dakota One-Call Board has adopted a "Holiday Substitution Policy" so that excavators and operators are better aware, in advance, of what days the South Dakota One-Call System will observe as holidays. If a holiday falls on a Saturday, South Dakota 811 will observe the Friday before as the holiday; if it falls on a Sunday, the South Dakota 811 will observe the Monday after as the holiday.

- 9. Duration:** South Dakota 811 Center answering attendants will inquire as to the length of time the caller anticipates the excavation will take. Markings of underground facilities are considered valid as long as markings are clearly visible, but not for more than twenty-one (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(s).

- 10. Street Address of Work Site.** South Dakota 811 also uses

the street name to identify the underground facility operators that are to be notified. It should be noted that the underground facility operators of the South Dakota One Call System utilize different types of mapping records. To ensure that the information received is recognizable for all underground facility operators, the South Dakota 811 Center has requirements for identifying the location of the job site. The best information is a street address. If a street address is not available, the answering attendant will ask for the following information:

- A. What is the name of the street where work will take place?
- B. What is the name of the nearest intersecting street?
- C. What is the distance and direction from the nearest intersecting street to the excavation site?
- D. Which side of the street is the excavation site on?

The following are examples of proper information when identifying the location of the job site:

- A. 20258 Solar Drive
- B. Solar Drive and Bahnson Avenue

On a continuous excavation site, a ticket will be issued for the right of way or identified easement. For example, gas main construction that runs from 12th Street to 26th Street on Marion Road, then from Marion Road, to Sertoma Avenue on 26th Street, can be filed as one ticket, and described as follows:

On Marion road from 12th Street to 26th Street, then from 26th From Marion Road to Sertoma Avenue.

The South Dakota One Call System procedures permit a maximum of five (5) consecutive (side by side) addresses to be processed on one locate request involving service, secondary and lateral lines being placed. Otherwise, a separate locate request is required for each location.

11. **Latitude/Longitude Coordinates:** The use of GPS coordinates has many advantages for you as the caller making a locate request. It will both reduce your time on the phone describing a job site and insure that the proper underground facility operators are notified.

GPS readings should be given in latitude (North) and longitude (West)

The key is effectively communicating the exact coordinates to the 811 Center.

- **Degrees, Minutes and Seconds** (85° 55' 30") which should be given as N 85 degrees 55 minutes and 30 seconds or
- **Decimal Degrees** (85.5550°) which should be given as N 85 point 5550 degrees or
- **Degrees and Decimal Minutes** (85° 45.50') which

should be given as n 85 degrees 45 point 50 minutes or

- **Degrees, Minutes and Decimal Seconds** (85° 45' 30.00") which should be given as N 85 degrees 45 minutes 50 point 00 seconds

From the above examples, you can see that the numbers are similar, but can have drastically different meanings. You will need to know the following symbols:

- ° this symbol is DEGREE
- ‘ this symbol is MINUTES
- “ this symbol is SECONDS
- . This symbol is DECIMAL POINT

12. Type of Work: Field locators need to know the specific reason for excavation. Answering attendants, therefore, need to identify the specific reason for the work as compared to the work method. For example, “installation of sanitary sewer lateral” is much more helpful than “digging for a sewer line”.

13. Depth in Feet: South Dakota 811 Center answering attendants will ask the expected depth of excavation. This depth is to be provided in feet; when depth is given in increments, the answering attendant will round the number up to the next foot. Any measurement provided less than 1 foot will be entered as 1. Facility operators may indicate the excavation site is clear of underground facilities based on the depth indicated by the excavator. If the depth of excavation changes more than eighteen (18) inches from the depth provided on the original locate request, a modified locate request should be called to the South Dakota One Call Center.

14. Right of Way: Y/N South Dakota 811 answering attendants will inquire if the job site is to include the right of way. If unsure, excavators are advised to answer yes to this question.

15. Tunneling or Boring: Y/N South Dakota 811 answering attendants will inquire whether the excavation will involve any tunneling or boring.

16. Explosives: Gas safety rules require gas facility owners to perform leakage surveys in the vicinity of any excavation there blasting has been performed. South Dakota 811 asks whether explosives will be used in an effort to assist gas facility operators in complying with these rules.

17. Township, Range, Section and Quarter: If the legal description of the excavation site has not been previously provided to the answering attendant, they will request the legal description if it is available. This information is used by the facility operator to review the excavation site in reference to their underground facility records.

18. Specific Excavation Site/Marking Instructions: After identifying the address of excavation, answering attendants will request the caller to identify the specific excavation site that is to be marked. In identifying this area, the following guidelines

should be considered.

- A. Right and left should not be used as directions, as they are relative points of view.
- B. If the excavation site is in the roadway, marking instructions could include:
 - i. Mark from curb to curb
 - ii. Mark from lot line to lot line in the road right of way
 - iii. Mark from the center line of the road to North, South, East or West lot line or curb
- C. In all cases, South Dakota 811 is looking for a specific description of the excavation site to be marked. Answering attendants will not accept to mark a particular facility.(i.e. "mark the gas line at this address") When a location is only identified using an intersection, TRSQ, or Lat/Long Coordinates; marking instructions must be given using distance, direction, side of road, and maximum distance behind road. The dig site can also be described using landmarks at the site, but it is unacceptable to use MARK ENTIRE PROPERTY when a dig site is not plotted or surveyed.
- D. If the information describing the excavation site is of poor quality, inadequate or vague, the answering attendant will request further clarification. For example, if the caller states the excavation site is the entire lot, the answering attendant will request the caller to be more specific by asking if the excavation site is the back, front or either side of the lot. Should the information remain incomplete or broad, the answering attendant will make the determination if sufficient information has been provided to meet the statutory requirements. If it is determined that the information is inadequate, the South Dakota One Call Board has requested the 811 Center to not process the locate request until the excavator provides additional information.
- E. It is beneficial to both the excavator and the locator to mark the area of excavation in WHITE. White is the universal color of excavation sites. The use of any other color may be confusing to locators who also mark in that color.

19. Remarks: South Dakota 811 answering attendants will also record any additional information deemed appropriate regarding driving directions, etc. to get the locator to the job site. It is also important to mention if the job site is at a specific named complex, development or landmark. Excavators may request to be notified by the operator, when no site visit is needed, if no facilities exist at the excavation site (see 20:25:03:05.04).

SECTION V: WHAT HAPPENS AFTER THE CALL IS MADE

After the answering attendant completes the locate request, the ticket is processed by the computer at the South Dakota 811 Center.

The computer analyzes the information provided on the locate request and determines which underground facility operators as having identified underground facilities in the area of the excavation site. The computer then transmits the message to these operators via various communication links.

The facility operator will review the information on the ticket to determine if they have facility in close proximity to the specific excavation site. A decision will be made based on the ticket information whether to 'clear' the ticket or to dispatch the ticket to a field technician to mark the excavation site.

When a ticket is dispatched to a field locator to mark the excavation site with paint, stakes, and/or flags, the marking and identification of underground facilities will be in accordance with specific guidelines and color codes (see back cover of this manual).

SECTION VI: RESPONSIBILITIES OF THE FACILITY OPERATOR AFTER RECEIVING THE LOCATE REQUEST

After receiving and screening the locate request, each underground facility operator will mark, in a reasonable manner, the location of the exterior edges of their facilities in the field in order to enable the excavator to easily recognize the location and size of buried facilities.

Underground facilities marks will reflect the identity of the operator so the excavator is knowledgeable of the facility operator and can make contact if a question exists

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.

Underground facility operators will mark facilities according to the following color codes in accordance with Administrative Rules of South Dakota. (See section XI of this manual for state law and section XII for administrative rules).

Red - Electric Power Lines, Cables, Conduit and Lighting Cables

Yellow - Gas, Oil, Steam, Petroleum or Gaseous Materials

Orange - Communication, Cable TV, Alarm or Signal Lines,
Cable or Conduit

Blue - Water, Irrigation or Slurry Lines

Fluorescent Pink - Temporary Survey Markings

White - Proposed Excavation

Purple - Reclaimed Water, Irrigation or Slurry Lines

Green - Sewers and Drain Lines

The Common Ground Alliance Best Practices recommends that street lighting facilities with 90 Volts or greater be marked in red and facilities with less than 90 Volts be marked in orange.

Facility operators will determine the most suitable means to mark their under-

ground facilities by considering terrain, site conditions, and the type and extent of the proposed excavation. They will then use stakes, flags, paint or other suitable materials in varying combinations dependent upon the type of surface to be marked. **These marks will be in sufficient quantity to clearly identify the routes of the facility and the identity of the underground facility operator.**

NOTE: LOCATION MARKINGS ARE ONLY ESTIMATES AND THE EXACT LOCATE MAY VARY BY UP TO 18 INCHES.

When the surface over the underground facility is expected to be destroyed, supplemental offset markings may be used by the facility operator or may be requested by the excavator on the locate request. Such markings will identify the direction and distance to the actual facility.

Emergency locates are given top priority. The answering attendant will prepare the location request for immediate transmission. Underground facility operators shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later.

Site Verification (see definition in Section III) locate request are also given priority. The answering attendant will prepare a location request for immediate transmission. Underground facility operators shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later.

Damage notification requests will also be immediately transmitted to the facility operator. Underground facility operators shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day.

When 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 twenty-four hours excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1. Requests to reissue a routine ticket to remark the excavation site in violation of § 20:25:03:05.02 of this section are subject to penalties pursuant to SDCL 49 7A-18 and 49 7A-19. (See section XI of this manual for state law and section XII for administrative rules).

Please be aware that facility operators are required to only locate, without charge, those facilities that they operate. (See the definition of "operator" in 49-7A-1(7)).

When a property owner or tenant has any type of private underground facility, they are responsible to locate those facilities or hire someone to locate their private facilities. For example, if overhead distribution lines serve property and the power is then distributed on the property by underground service facilities, those service facilities may be considered private. Other private facilities can include: private water systems, data communication lines, underground sprinkler systems, fences, waste treatment lines, farm taps and other gas or propane distribution lines and many others. For homeowners, a common example of private facilities may be power to garages or additional phone lines or any facility that property owners or any previous party may have installed.

Excavators are reminded to constantly be looking for facilities not listed with the South Dakota 811 Center.

While not a statutory requirement, at the completion of the excavation activity, it is recommended that the excavator pick up all flags at the excavation site that have been placed as a result of the locate request. On sites with multiple excavators, caution should be exercised to insure that flags for a separate locate request remain at the site.

SECTION VII: RESPONSIBILITIES OF THE EXCAVATOR AFTER MAKING THE CALL

Many people believe that, by notifying the South Dakota 811 Center of intended excavation, they have completed all of their responsibilities with respect to the locating process. This is not the case. Notifying the South Dakota 811 Center is only the first step and there are several other responsibilities that need to be considered.

After the markings have been made, excavators are required to maintain a minimum clearance of 18 inches between a marked and unexposed underground facility and the cutting edge or point of any power-operated excavating or earth-moving equipment. 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.

The depth of underground facilities varies due to changing soil conditions and other variables, therefore, excavators are cautioned that facilities may be shallower or deeper than are expected or than applicable codes require.

Excavators should be cautioned that estimates of facility depth given by locators, if given at all, are an indication of how deep the excavator can expect to dig, by hand, before encountering the facility.

If, during the course of excavation, a facility has been exposed, it is the excavator's responsibility to inspect and support these facilities prior to back filling. The excavator also must ascertain if the facilities have been struck or damaged in any capacity, including being pulled on or "kinked". **If damage of any kind is discovered or any suspicion of damage exists, it is the excavator's responsibility to immediately notify the underground facility operator or the South Dakota One Call System.**

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 in such a manner as 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 they are no longer required for proper and safe excavation work at or near the underground facilities.** Repeatedly having to call for re-marks could be evidence of a violation for failure to excavate in a prudent manner.

Many excavators mistakenly believe that the South Dakota 811 System is responsible for the actual marking of facilities. This is not the case. The South Dakota 811 Center takes information from the excavator and relays it to the underground facility operators. Facility operators are responsible for ensuring that their facilities are properly marked.

Excavators are reminded not to begin excavation until all underground facilities have been marked, including those that might be operated by facility own-

ers not required to participate in the South Dakota One-Call System and, therefore; not notified of the excavation by the South Dakota 811 Center.

SECTION VIII: INFORMATION RETRIEVAL

INFORMATION RETRIEVAL

The South Dakota 811 Center records all conversations which pertain to the locate request and maintains a computer media copy of the ticket. These records are maintained for seven years. In the event the excavator or facility operator is involved in a dispute, The South Dakota 811 Center can be of assistance by providing copies of these records. In most cases, if a manual search is required, there will be a fee for record retrieval.

The quickest method of obtaining ticket records is through use of Portal or by Mobil App. A copy of all tickets issued since August 31, 2010 are available, free of charge, Go to www.sdonecall.com to learn more.

SECTION IX: REPORTING PROBLEMS

PROBLEMS – SYSTEM OPERATIONS

The South Dakota One Call Board is interested in the effective and efficient operation of the South Dakota 811 Center which will mutually benefit all parties.

If you would like to report an operational problem with the system or suggest methods to improve the South Dakota One Call System, the Board would encourage you to notify them via the web site www.sdonecall.com

SECTION X: ENFORCEMENT PROCESS

Please note: The complaint process has no authority to resolve facility damage claims or down-time claims against another party.

The South Dakota Statute SDCL 49-7A provides for civil penalties for failure to comply with the Statue or with South Dakota Administrative Rules. (See section XI of this manual for state law and section XII for administrative rules).

The South Dakota One Call Notification Board encourages parties involved to discuss and resolve as many issues as possible without the utilization of the penalty process. When resolution cannot be obtained the following process is available to either party. Prior to filing a complaint, the party should review the statute in the back of this manual.

Any complaint must be filed not later than ninety days after the discovery of the alleged violation, but in no case may be complaint be brought more than one year after the date of the violation.

A copy of all complaints processed is available at www.sdonecall.com by clicking on the SD Complaints tab.

Forms are available to anyone that wishes to file a complaint alleging viola-

tions of the excavation laws. Copies of these forms are available at www.sdonecall.com click on the SD One Call Complaint – Forms tab or by calling Public Utilities Commission at (800) 332-1782. The South Dakota One Call Board is charged with enforcing the laws, and will only accept written complaints. Listed below is a summary of the process involved when filing a complaint:

1. The signature of the person filing the complaint must be provided. If the complaint is filed on behalf of a business, the signature should be that of an authorized person.
2. The Complainant must provide as much information as possible, and provide factual evidence to support the allegations (pictures, videotape, statements of witnesses, measurements, etc **The South Dakota One Call Notification Board will not conduct an investigation but will review the information for completeness and understandability. Incomplete forms will be returned.** All information provided in the complaint will be available to the complained against party in determining their response. **The burden for substantiating the complaint lies with the complainant.**
3. A copy of the complaint and associated material will be provided to the complained against party who will have twenty calendar days from the date the complaint is served on them to respond.
4. The Enforcement Committee (appointed by the Chairman of the Board) will review the information provided by both parties and will make a determination that a probable violation occurred or may dismiss the complaint. If a determination of probable cause is made, the Committee will recommend an appropriate penalty.
5. The recommendation of the Probable Cause Committee will be submitted to both parties for acceptance or rejection.
6. When both parties have accepted the recommendations of the Enforcement Committee; the South Dakota One Call Notification Board is required to accept the recommendation. By statute, failure to respond to the recommendations within twenty days is considered acceptance of the recommendation.
7. Either party may reject the recommendation of the Enforcement Committee by requesting a formal hearing before the South Dakota One Call Notification Board. The hearing will be conducted as a contested case under chapter 1-26. Following the hearing, the Board shall either render a decision dismissing the complaint for insufficient evidence or shall impose a penalty pursuant to the Statute. This finding may be appealed to Civil Court.

SECTION XI: THE LAW – SDCL 49-7A

The following is a reprint of South Dakota statute 49-7A. The official copy of this statute can be viewed at <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=49-7a&Type=Statute>

§ 49-7A-1. Definition of terms.

Terms used in this chapter mean:

- (1) "Bar test survey," a leakage survey completed with a non-conductive piece of equipment made by driving or boring small holes in the ground at regular intervals along the route of an underground gas pipe for the purpose of extracting a sample of the ground atmosphere and testing the atmosphere in the holes with a combustible gas detector or other suitable device;
- (2) "Board," One-Call Notification Board;
- (3) "Emergency," an occurrence which demands immediate action to prevent significant environmental damage or loss of life, health, property, or essential public services including the reerecting of critically needed traffic control signs or devices;
- (4) "Excavation," any operation in which earth, rock, or other material in or below the ground is moved or otherwise displaced by means of tools, equipment, or explosives, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe plowing or driving, except:
 - (a) Tilling of soil and gardening to a depth of twelve inches and the tilling of soil for agricultural purposes to a depth of eighteen inches;
 - (b) Pot hole repair and grading of an existing public road if the pot hole repair and grading does not extend more than eighteen inches below the finished roadway;
 - (c) Any vehicle operation or operation involving the use of any hand tool, other than a power tool, so long as such operation does not extend more than eighteen inches below the surface of the groundline within the right-of-way;
 - (d) Any road and ditch repair or road and ditch activity that does not extend more than eighteen inches below the surface of the original groundline within the right-of-way;
 - (e) Digging in a cemetery;
 - (f) Digging in a planned sanitary landfill; and
 - (g) Any bar test survey deemed necessary by an operator in response to a suspected natural gas, propane, or other combustible liquid or gas leak that is necessary to ensure public safety in an emergency;
- (5) "Excavator," any person who performs excavation;

- (6) "Member," any member of the one-call notification center;
- (7) "One-call notification center," the statewide one-call notification center established by § 49-7A-2;
- (8) "Operator," any person who operates an underground facility;
- (9) "Person," an individual, partnership, limited liability company, association, municipality, state, county, political subdivision, utility, joint venture, or corporation, and includes the employer of an individual;
- (10) "Underground facility," any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, fiber optics, cablevision, electric energy, oil, gas, hazardous liquids, or other substances including pipes, sewers, conduits, cables, valves, lines, wires, manholes, and attachments.

§ 49-7A-2 Establishment of One-Call Notification Board.

The Statewide One-Call Notification Board is established as an agency of state government administered by the Public Utilities Commission and funded solely by revenue generated by the one-call notification center. Any interest earned on money in the state one-call fund shall be deposited in the fund. The money is continuously appropriated to the board to implement and administer the provisions of this chapter. The one-call notification center may be organized as a nonprofit corporation. The one-call notification center shall provide a service through which a person can notify the operators of underground facilities of plans to excavate and to request the marking of the facilities. All operators are subject to this chapter and the rules promulgated thereto. Any operator who fails to become a member of the one-call notification center or who fails to submit the locations of the operator's underground facilities to the center, as required by this chapter and rules of the board, is subject to applicable penalties under §§ 49-7A-18 and 49-7A-19 and is subject to civil liability for any damages caused by noncompliance with this chapter. Any penalties which may be assessed by the board under this chapter shall be collected as provided by law and deposited into the one-call fund.

§ 49-7A-3. Governing board -- Representation -- Term of appointment.

The one-call notification center shall be governed by an eleven member board who shall serve without pay. The board shall consist of one member representing telecommunication companies offering local exchange service to less than fifty thousand subscribers; one member representing telecommunication companies offering local exchange service to fifty thousand or more subscribers; one member representing rural water systems; one member representing rural electric cooperatives; one member representing investor-owned electric utilities; one member representing investor-owned natural gas utilities; one member representing community antenna television systems; one member representing municipalities; one member representing underground interstate carriers of gas or petroleum; and two members representing contractors who perform excavation services. The board shall be appointed by the Governor and shall serve staggered three-year terms.

§ 49-7A-4. Rules -- Operating procedures.

The One-Call Notification Board shall by rules, promulgated pursuant to chapter 1-26, establish the procedures to operate a nonprofit one-call notification center, establish the procedures that regulate the notification process and marking of underground facilities to prevent damage to underground facilities, establish the procedures for gathering information from facility operators that could further improve the ability to reduce damage to underground facilities, establish a competitive bidding procedure to select a vendor to provide the notification service, and establish a procedure whereby members of the one-call notification center share in the costs of the one-call notification center.

§ 49-7A-5. Notification of proposed excavation.

No excavator may begin any excavation without first notifying the one-call notification center of the proposed excavation. The excavator shall give notice by telephone or by other methods approved by the board pursuant to rules promulgated pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays of the state. The board may promulgate rules to reduce the forty-eight-hour interval for emergency or subsequent inquiries to the original locate request and may lengthen the forty-eight-hour interval for nonexcavation requests.

§ 49-7A-6. Notification requirements.

(Repealed by SL 2002, ch 211, § 4, effective January 1, 2003.)

§ 49-7A-6.1 Operator not to be billed when location of excavation on notice differs from location of operator's facility.

No operator may be billed for the costs of any notification of excavation if the location of the excavation described in the notice is different than the one call center's record of the description of the location of the operator's underground facilities.

§ 49-7A-7. Duties of one-call notification center.

The one-call notification center shall:

1. File with the register of deeds of each county the toll-free telephone number for notification of planned excavation activities in its area;
2. Maintain adequate records documenting compliance with the requirements of this chapter, including records of all telephone calls and records of all location requests for the preceding forty-eight months which can be obtained by request of either a member or excavator;
3. Provide the service at minimum, during normal working hours, on business days;
4. For calls received after normal working hours for the one-call notification center, or on non business days, provide information for callers which explains emergency notification and excavation procedures; and
5. Provide a timely method for notifying participating members of the information received regarding proposed excavation activities. The method of notification is to be determined by the one-call notification center and its members.

§ 49-7A-8 Location of underground facilities -- Marking.

An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable marking within eighteen inches horizontally from the exterior sides of the underground facilities. The board shall promulgate rules, pursuant to chapter 1-26, to establish the response time for operators to mark the underground facilities. The response time shall be no later than forty-eight hours after the receipt of the notice, excluding Saturdays, Sundays, and legal holidays of the state or the excavation start time provided by the excavator, whichever is later. The response time may be less than forty-eight hours for emergency or subsequent inquiries to the original locate request and may be longer than forty-eight hours for nonexcavation requests. Excavators shall maintain a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment. If excavation is required within eighteen inches, horizontally, the excavator shall expose the facility with hand tools or noninvasive methods approved pursuant to rule and shall protect and support the facility prior to further excavation with mechanical equipment.

§ 49-7A-9. Failure to provide timely location markings -- Inadequate markings -- Liability.

If location markings requested by an excavator are not provided within the time specified by § 49-7A-8 or any rule promulgated pursuant to § 49-7A-8, or if the location markings provided fail to identify the location of the underground facilities in accordance with statute and rule, any excavator damaging or injuring underground facilities is not liable for such damage or injury except on proof of negligence.

§ 49-7A-10 Liability for damage to underground facility.

Compliance with this chapter and the rules promulgated pursuant thereto does not excuse a person from acting in a careful and prudent manner nor does compliance with this chapter and the rules promulgated pursuant thereto affect any civil remedies otherwise provided by law for personal injury or for property damage except as specifically provided in this chapter. If information requested pursuant to statute or rule, is provided within the time specified and if the information provided sufficiently identifies the location of the underground facilities in accordance with § 49-7A-8 or any rule promulgated pursuant to § 49-7A-8, any excavator damaging or injuring the underground facilities is strictly liable for all damage proximately caused thereby.

§ 49-7A-11. Emergency excavation -- Notification -- Location information -- Liability for damages.

(Repealed by SL 2002, ch 211, § 9, effective January 1, 2003.)

§ 49-7A-12 Notification of damage to underground facility -- Civil penalty.

If any underground facility is damaged, dislocated, or disturbed in advance of or during excavation work, the excavator shall immediately notify the operator of the facility, or, if unknown, the one-call notification center of such damage, dislocation, or disturbance. No excavator may conceal or attempt to conceal such damage, dislocation, or disturbance, nor may that excavator attempt to make repairs to the facility unless authorized by the operator of the facility.

§ 49-7A-13. Inability to locate underground facility.

If in the course of excavation the excavator is unable to locate the underground facility or discovers that the operator of the underground facility has incorrectly located the underground facility, he shall promptly notify the operator, or, if unknown, the one-call notification center.

§ 49-7A-14. Local permit requirements unaffected.

This chapter does not affect or impair any local ordinances or other provisions of law requiring permits to be obtained before excavation. However, a permit issued by any governing body does not relieve the excavator from complying with the requirements of this chapter.

§ 49-7A-15. Landowner's private underground facilities unaffected.

Underground facilities owned or operated by the landowner on his own land which do not extend beyond the boundary of the private property are not subject to the provisions of this chapter.

§ 49-7A-16. Right-of-way for carrier facilities unaffected.

Repealed by SL 1997, ch 263, § 7.

§ 49-7A-17. Complaints -- Rules of Practice.

Any person with a complaint against a party who violates or with a complaint against a party who procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8, may apply to the board for relief. No complaint may be dismissed because of the absence of direct damage to the complainant or petitioner. The board may promulgate rules of practice prescribing the form for complaints in accordance with chapter 1-26.

§ 49-7A-18. Penalties.

Except as provided in § 49-7A-19 and in addition to all other penalties provided by law, any person who violates or who procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 may be assessed a penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.

§ 49-7A-19. Penalties for intentional violations.

In addition to all other penalties provided by law, any person who intentionally violates or who intentionally procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 may be assessed a penalty of up to five thousand dollars for the first violation and up to ten thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.

§ 49-7A-20. Each violation as separate offense.

Each violation of any statute or rule of the Statewide One-Call Notification Board constitutes a separate offense. In the case of a continuing violation, each day that the violation continues constitutes a separate violation.

§ 49-7A-21. Complaint and order as prerequisites for penalty. Time Limit

No penalty may be imposed pursuant to §§ 49-7A-18 and 49-7A-19 except by order following a complaint pursuant to § 49-7A-17. A complaint alleging a violation of any statute, except § 49-7A-12, or alleging a violation of any rule of the Statewide One-Call Notification Board shall be brought not later than ninety days after the discovery of the alleged violation, but in no case may the complaint be brought more than one year after the date of the alleged violation. Any complaint alleging a violation of § 49-7A-12 shall be brought within one year of discovery of the alleged violation.

§ 49-7A-22. Panel to determine existence of probable cause for violation -- Recommendation to board.

Upon the initiation of a complaint pursuant to § 49-7A-17, a panel of three or five members of the Statewide One-Call Notification Board shall be appointed by the chair for the purpose of determining whether there is probable cause to believe there has been a violation of any statute or rule of the board. A determination of whether there is probable cause to believe there has been a violation shall be determined by a majority vote of the panel. The panel shall then recommend to the board that the complaint be dismissed for lack of probable cause, or recommend to the board that there is probable cause to believe that there has been a violation and recommend what penalty, if any, should be imposed pursuant to the provisions of § 49-7A-18 or 49-7A-19.

§ 49-7A-23. Panel to forward complaint to respondent.

Upon receipt of a complaint and the appointment of a panel, the panel shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within twenty days from the date of service of the notice or within such further time as may be specified by the board.

§ 49-7A-24. Respondent to satisfy or answer complaint -- Procedure.

The respondent shall, within the time fixed by the notice served upon it, satisfy the complaint or answer the complaint by filing the original and two copies of the answer in the office of the board and serving a copy on each complainant.

§ 49-7A-25. Complaint, answer to be sole basis for probable cause determination.

A determination of probable cause shall be made by the panel solely on these submissions and no other evidence shall be considered.

§ 49-7A-26. Factors considered in determining amount of penalty.

The amount of recommended penalty shall be determined by a majority vote of the panel. Factors to be considered in determining the amount of the penalty shall be:

- (1) The amount of damage, degree of threat to the public safety, and inconvenience caused;
- (2) The respondent's plans and procedures to insure future compliance with statute and rules;
- (3) Any history of previous violations;
- (4) Other matters as justice requires.

§ 49-7A-27. Board to accept panel's recommendation -- Exception when party requests hearing -- Conduct of hearing.

The board shall accept the recommendations of the panel unless either party requests a hearing. A party requests a hearing by rejecting the panel's recommendation within twenty days from the date of service of the notice. However, the board may extend the time period for requesting a hearing. Failure to request a hearing is considered acceptance of the panel's recommendation. If a hearing is held, the hearing shall be conducted before the board as a contested case under chapter 1-26. Following the hearing, the board shall either render a decision dismissing the complaint for insufficient evidence or shall impose a penalty pursuant to the provisions of § 49-7A-18 or 49-7A-19.

§ 49-7A-28. Action to recover penalty.

If the amount of the penalty is not paid to the board, the Public Utilities Commission, at the request of the board, shall bring an action in the name of the State of South Dakota to recover the penalty in accordance with § 49-7A-33. No action may be commenced until after the time has expired for an appeal from the findings, conclusions, and order of the board. The costs and expenses on the part of the commission shall be paid by the board.

§ 49-7A-29. Record and evidence in court action.

In the trial of an action pursuant to § 49-7A-28, the evidence introduced in the proceedings before the board shall constitute the record and evidence on the trial of the case in court. No additional evidence other than that introduced before the board may be introduced at the court trial. The report and order of the board shall be taken and held to be prima facie evidence of the facts stated therein.

§ 49-7A-30. Board to maintain docket and index.

The board shall keep a docket in which shall be entered all matters coming before it for determination, with the date of the filing of each paper and the final action of the board in the matter. In connection with such docket, there shall be kept a carefully prepared index in which the names of the parties shall be cross-indexed under the names of both the plaintiff and defendant.

§ 49-7A-31. Board to keep transcript of proceedings -- Certification.

In any action or proceeding based upon a complaint which comes before the board, the board shall keep a full, true, and verbatim record of all evidence introduced at any hearing or trial and prepare and file as a part of its record in the action or proceeding a true and correct transcript of the evidence, and attach all exhibits introduced at the trial. There shall be attached to the transcript a certificate from the recording secretary to the effect that it is a true and correct transcript of all testimony introduced at the trial.

§ 49-7A-32. Removal of board member for conflict of interest.

Either party may request the removal of a board member from any hearing based on a conflict of interest.

§ 49-7A-33. Demand for penalty required before suit brought.

A demand in writing on the party shall be made for the assessed penalty before suit is brought for recovery under § 49-7A-28. No suit may be brought until the expiration of thirty days after the demand.

§ 49-7A-34. Board action has presumption of validity.

Any action or proceeding or order of the Statewide One-Call Notification Board raises a presumption of validity. The burden is upon the party claiming the order to be invalid to plead and prove the facts establishing the invalidity.

**SECTION XII: THE ADMINISTRATIVE RULES
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) "High profile underground facility," a high profile underground facility is any:

- (a) High pressure natural gas pipeline with a maximum allowable operating pressure greater than 300 psi;
- (b) Natural gas transmission facility in a high consequence area;
- (c) Petroleum pipeline;
- (d) Hazardous material pipeline;
- (e) High-voltage electric supply line, conductor, or cable that has a potential to ground of greater than or equal to 60 kilovolts; or
- (f) Underground facility that, if damaged, has the potential for significant public safety, economic, or environmental impact;

(3) "High consequence area," as defined in 49 CFR § 192.903 as of October 1, 2009;

(4) "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;

(5) "Normal business hours," 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays as defined by SDCL 1-5-1;

(6) "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;

(7) "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;

(8) "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date;

(9) "Respond," the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator operates any underground facilities in the area of the proposed excavation;

(10) "Routine locate request," a communication between an excavator and the one-call center in which a request for locating underground facilities for excavation activity;

(11) "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 chair and another as vice-chair, 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 Rulings: 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. The One-Call Notification Board filed a second declaratory ruling with the Legislative

Research Council dated October 7, 2010. This ruling provides guidance as to how close a buried facility may be placed to an existing facility according to SDCL 497A-8. Further, it provides guidance regarding marking the center and outside edges of a buried facility.

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. Each facility operator shall identify and list its high profile underground facilities in such a way it can provide the center with a separate database;

(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 ini-

tial 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 location 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;
 - (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) Upon request by the excavator at the time a ticket is produced, the operator shall provide notification if the operator identifies, without making a site visit, that it has no underground facilities located within the excavation area. When such request is made, the excavator shall provide information that allows notification by email, facsimile, and telephone;

(5) 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

(6) 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. (Effective May 1, 2010) 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, a list of underground facility operators who will be notified of this request, and a list of any high profile underground facility operators within the excavation area;

(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.

20:25:03:10.02. Procedures for excavation near high profile underground facilities. Prior to the legal excavation start date and time, the operator shall communicate with the excavator if, based on information in the ticket, the operator believes a high profile underground facility is in close proximity to the excavation site. If it is determined by the operator that no high profile underground facility is at risk, the operator may allow the excavator to commence excavation without a site meeting. The excavator may proceed and excavate according to all other rules and statutes.

If the operator is either unable to clearly identify the specific excavation site or determines that the excavation site may be in close proximity to the high profile underground facility, the following steps shall be taken prior to the legal excavation start date and time:

(1) The operator and excavator shall conduct an on-site meeting at a mutually agreed upon time to verify the exact excavation site relative to the location of the high profile underground facility;

(2) No excavation activity may commence until the completion of the site meeting; and

(3) If a determination is made at the site meeting that excavation will be within 25 feet of the high profile underground facility, the operator may require that the operator be present during all excavation within 25 feet of the high profile underground facility. Failure of the excavator to comply is considered a violation and subject to all penalties according to applicable law.

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.

