



Bannock Utility Coordinating Council
3636 Jason Avenue | Pocatello, ID 83204
Phone (208) 681-9228

Merril Quayle, President
JJ Murphy, Vice President
Bridger Morrison, Secretary/Treasurer

Bannock Utility Coordinating Council

Meeting Minutes
May 10, 2023
10:00 a.m.

Iwamizawa Conference Room &
GoToMeeting App

Bannock Utility Coordinating Council Meeting Minutes
May 10, 2023 @ 10:00 a.m.
City Hall Iwamizawa Conference Room & GoToMeeting App

1. Welcome/Attendees Sign-In

- Meeting was called to order by Merrill Quayle at 10:00 a.m.
- Attendees: **See Attachment A**
- Excused: Franklin Delos Reyes (Marathon)

2. Approval of Minutes from the April 12th meeting

- Council was asked to approve the minutes from the April 12th meeting as written. Motion to approve made by Chris Sigrist and seconded by Doug Brooks. Motion passed.

3. Financial Report

- As of April 30, the Bannock UCC has a balance 1,847.55. An additional \$25 will be deposited today.
- The following have not paid the 2023 BUCC dues. Please reach out to Merrill if you think this is incorrect.
 - CenturyLink
 - Williams
 - Simplot
 - Utility Vac-N-Fill
 - USIC
 - Badger Daylight
 - FyberCom

4. Items from Idaho UCC

- Spring Meeting Report ~
 - Phil Colborn attended the meeting and reported the following:
 - OSHA presentation
 - Intermountain Gas industrial services rep spoke on renewable gas
 - House Bill 235 – changes to the language of the Digline law were reviewed – **see Attachment B**
 - Discussion regarding Ada County micro-trenching
- The IUCC is still in need of a Secretary/Treasurer.

- Any IUCC questions? Please contact one of the Idaho State UCC officers:
 - Alan Volbrecht, President alan.volbrecht@elmutility.com
 - Bruce Hathaway, Vice-President bruce@fatbeam.com

5. Digline Information and News

- Ticket information can always be found online at <https://www.digline.com/statistics>.

6. Damage Prevention Board News

- Next Board Meeting will be June 15, 2023.
- Bill Hale, Damage Prevention Program Specialist 208-332-7140
- Link to the meeting dates and agendas: <https://dbs.idaho.gov/boards/damage-prevention-board/>

7. Safety Fest

- Happening Now! May 9 – 11, 2023 at the Rendezvous Complex at 1111 Martin Luther King Jr. Way, Pocatello. See www.cetrain.isu.edu/safetyfest/ for more information.

8. Project Specific Discussion

- The US-91 Park Lawn to Siphon/New Day Project in Chubbuck – No new updates today. Andrea thanked Phil at IMG for doing some locates.

9. Open Discussion on Projects Within the Area of Influence

- **Idaho Power (Matthew Pallante)**
 - Joint Trench starting
- **Sparklight (Russell Christ)**
 - Joint Trench; building in existing subdivisions
- **Williams (Josh Hubbard)**
 - 22" line replacement at LDS Church Farm. Starting June 5th and will run for a couple of weeks.
 - Work at the meter station near the Women's Correctional Facility.
- **Intermountain Gas (Phil Colborn)**
 - Finished Hawthorne/Quinn relocation of mains
 - Small job at 850 Todd Street in Chubbuck
 - Three new JT jobs starting next week
 - Reg Station on Fore Road to start late August; still waiting on parts

- **City of Pocatello (Merril Quayle):**
 - **Reported working on the following projects –**
 - Carson Street Bridge Project – construction continuing; done by June
 - Hawthorne/Quinn Intersection – will be closed beginning on May 15th. The project should finish sometime in August.
 - **Street Department**
 - 2023 Master Treatment List, may be modified due to oil pricing.
 - South Valley Road and Bannock Hwy signal design.
 - **Water Department**
 - Pocatello Creek Booster Station starting back up after winter shutdown.
 - 5M Gallon Tank Transmission Line - cross Grant-Fore Road continuing.
 - Starting 2023 projects; currently working on Hayes.
 - **WPC**
 - Whitman lift station construction wrapping up.
 - WPC Phase I – working on upgrades at the plant.
 - Indian Hills Lift Station – upgrades in design.
 - **Other**
 - ESC
 - Asphalt Patching
 - Google Fiber coming to Pocatello; most will be done through micro-trenching.

10. Any other items from the council

N/A

11. Review of any action items

N/A

12. Next meeting

Scheduled for Wednesday, June 14 at 10:00 a.m. via GoToMeeting App OR in person in the City Hall Iwamizawa Conference Room.

13. Adjourn

Meeting adjourned at 10:32 a.m.

APPROVED BY:


MERRIL QUAYLE, PRESIDENT

ATTEST:


BRIDGER MORRISON, SECRETARY/TREASURER

PREPARED BY: Brenda Andrews

ATTACHMENT

A

Attendees Sign-In
Bannock Utility Coordinating Council Meeting
Location: City of Pocatello Iwamizawa Conference Room, City Hall
Date/Time: 5.10.2023/10:00am **Conducting: Merrill Quayle**

Name	Representing	Email	Phone Number	Initials
Andrews, Brenda	City of Pocatello Engineering	bandrews@pocatello.us	208-234-6225	BA
Austin, Robbie	Mickelsen Construction	mikoestimator@gmail.com	208-339-3805	
Bringhurst, Kirsten	Utility Vac N Fill	utilityvacnfill@gmail.com	208-417-8558	
Brooks, Doug	Syringa Networks	dbrooks@syringanetworks.net	208-520-9233	DB
Christ, Russell	Sparklight	russell.christ@sparklight.biz	208-223-0648	✓
Colborn, Phillip	Intermountain Gas Co.	phillip.colborn@intgas.com	208-220-6587	✓
Cutler, Jake	Direct Communications	jacbc@directcom.com	208-847-5785	
Darrington, Cade	Marathon Pipeline	crdarrington@marathonpetroleum.com	208-431-4365	
Delos Reyes, Frank	Marathon Pipeline	FHDelosReyes@marathonpetroleum.com	360-448-5137	
Farnsworth, Kerri	City of Pocatello Streets	kfarnsworth@pocatello.us	208-234-6250	
Funk, Zac	Badger Daylight	zfunk@badgerinc.com	208-484-4686	
Gumm, Sean	JR Simplot	sean.gumm@simplot.com	208-220-6018	✓
Hale, Bill	Damage Prevention/Div. of Building Safety	Bill.Hale@dbs.idaho.gov	208-332-7140	
Halstead, Melodie	ITD	melodie.halstead@itd.idaho.gov	208-239-3370	
Harding, Renae	HLE	renaeh@hleinc.com	208-785-2977	
Hubbard, Josh	Williams NW Pipeline Co.	josh.hubbard@williams.com	208-705-0623	✓
Kramer, Eric	USIC	erickramer@usicl.com	208-351-7215	
Maki, Julie	Digline	jmaki@digline.com		
Morgan, Ethan	Idaho Power	emorgan@idahopower.com	208-388-6510	
Morrison, Bridger	City of Chubbuck	bmorrison@cityofchubbuck.us	208-237-2430	BM
Murphy, JJ	Intermountain Gas Co.	james.murphy@intgas.com	208-241-8710	
Neville, Mike	City of Pocatello	mneville@pocatello.us	208-705-6308	M
Pallante, Matthew	Idaho Power	MPallante@idahopower.com	208-530-6924	✓
Parrish, Daniel	Direct Communications	danielp@directcom.com	208-406-3503	
Quayle, Merrill	City of Pocatello	mquayle@pocatello.us	208-681-9228	MB
Sheppard, Andrea	J-U-B	asheppard@jub.com	208-589-8756	✓
Sigrist, Chris	ITD District 5	christopher.sigrist@ITD.idaho.gov	208-239-3375	CS
Smith, Steve	Fybercom	steve.smith@fybercom.net	208-569-6851	
Villa, Jesus	JR Simplot	jesus.villaruz@simplot.com	208-223-8398	
Wood, Patrick	Damage Prevention/Div. of Building Safety	Patrick.Wood@dbs.idaho.gov	208-332-7140	

ATTACHMENT B

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 235

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO UNDERGROUND FACILITIES DAMAGE PREVENTION; AMENDING SECTION 55-2202, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-2205, IDAHO CODE, TO PROVIDE FOR CERTAIN RIGHTS OF UNDERGROUND FACILITY OWNERS, TO PROVIDE FOR EMERGENCY EXCAVATIONS, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2206, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ONE-NUMBER NOTIFICATION SERVICE; AMENDING SECTION 55-2207, IDAHO CODE, TO PROVIDE FOR LIABILITY FOR DAMAGE TO AN UNDERGROUND FACILITY AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-2202, Idaho Code, be, and the same is hereby amended to read as follows:

55-2202. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety.

(2) "Board" means the damage prevention board.

(3) "Business day" means any day other than Saturday, Sunday, or a legal, local, state, or federal holiday.

(4) "Damage" means any impact or exposure that results in the substantial weakening of structural or lateral support of an underground facility, or the penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the partial or complete destruction of the facility, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected underground facility owner determines that repairs are required.

~~(5) "Emergency" means any sudden or unforeseen condition constituting a clear and present danger to life, health or property, or a customer service outage, or the blockage of roads or transportation facilities that requires immediate action.~~

(5) "Emergency" means any sudden or unforeseen condition that compels immediate action to prevent or resolve:

(a) A clear and present danger to life, health, or property;

(b) An unplanned customer service outage; or

(c) The blockage of roads or transportation facilities.

(6) "Emergency excavation" means an excavation performed in response to an emergency.

~~(6) (7) "End user" means any customer or consumer of any utility service or commodity provided by an underground facility owner.~~

1 ~~(7)~~ (8) "Excavation" means any operation in which earth, rock, or other
2 material in the ground is moved or otherwise displaced by any means includ-
3 ing, but not limited to, explosives.

4 ~~(8)~~ (9) "Excavator" means any person who engages directly in excava-
5 tion.

6 ~~(9)~~ (10) "Excavator downtime" means lost time for an excavation project
7 due to failure of one (1) or more stakeholders to comply with applicable dam-
8 age prevention regulations.

9 ~~(10)~~ (11) "Hand digging" means any excavation involving nonmechanized
10 tools or equipment that when used properly will not damage underground fa-
11 cilities. Hand digging includes, but is not limited to, hand shovel digging,
12 manual posthole digging, vacuum excavation, and soft digging.

13 ~~(11)~~ (12) "Identified but unlocatable underground facility" means an
14 underground facility that has been identified but cannot be located with
15 reasonable accuracy.

16 ~~(12)~~ (13) "Identified facility" means any underground facility that is
17 indicated in the project plans as being located within the area of proposed
18 excavation.

19 ~~(13)~~ (14) "Locatable underground facility" means an underground facil-
20 ity that can be field-marked with reasonable accuracy.

21 ~~(14)~~ (15) "Locator" means a person who identifies and marks the loca-
22 tion of an underground facility owned or operated by an underground facility
23 owner.

24 ~~(15)~~ (16) "Marking" means the use of stakes, paint, or other clearly
25 identifiable materials to show the field location of underground faciliti-
26 es, in accordance with the current color code standard of the American
27 public works association. Markings shall include identification letters
28 indicating the specific type of the underground facility.

29 (17) "Notice of emergency excavation" means an excavator call to a one-
30 number notification service not less than two (2) hours prior to commencing
31 the emergency excavation to provide a description of the emergency, the lo-
32 cation of the emergency excavation area, contact information for an individ-
33 ual with the excavator who may be reached throughout the emergency, and ex-
34 pected time and date of the emergency excavation.

35 ~~(16)~~ (18) "One-number notification service" means a service through
36 which a person can notify owners of underground facilities and request
37 field-marking of their underground facilities.

38 ~~(17)~~ (19) "Person" means an individual, partnership, association, cor-
39 poration, a state, a city, a county, or any subdivision or instrumentality of
40 a state, and its employees, agents, or legal representatives.

41 ~~(18)~~ (20) "Public right-of-way" means the area on, below, or above a
42 public roadway, highway, street, lane, path, sidewalk, alley, or other
43 right-of-way dedicated for compatible uses.

44 ~~(19)~~ (21) "Reasonable accuracy" or "reasonably accurate" means loca-
45 tion within twenty-four (24) inches horizontally of the outside dimensions
46 of each side of an underground facility.

47 ~~(20)~~ (22) "Rural underground facility owner" means an underground fa-
48 cility owner that is a public utility or a member-owned cooperative that
49 serves fewer than five thousand (5,000) total customers in a county or coun-
50 ties with populations that do not exceed fifty thousand (50,000) people.

1 ~~(21)~~ (23) "Service lateral" means any underground facility located in
 2 a public right-of-way or underground facility easement that is used to con-
 3 vey water (unless being delivered primarily for irrigation), stormwater, or
 4 sewage and connects an end user's building or property to an underground fa-
 5 cility owner's main utility line.

6 ~~(22)~~ (24) "Soft digging" means any excavation using tools or equipment
 7 that utilize air or water pressure as the direct means to break up soil or
 8 earth for removal by vacuum excavation.

9 ~~(23)~~ (25) "Stakeholder" means any party with an interest in protecting
 10 underground facilities including, but not limited to, persons, property
 11 owners, underground facility owners, excavators, contractors, cities,
 12 counties, highway districts, railroads, public entities that deliver irri-
 13 gation water and those engaged in agriculture.

14 ~~(24)~~ (26) "Underground facility" means any item buried or placed below
 15 ground belowground for use in connection with the storage or conveyance
 16 of water (unless being delivered primarily for irrigation), stormwater,
 17 sewage, electronic, telephonic or telegraphic communications, cable tele-
 18 vision, electric energy, petroleum products, gas, gaseous vapors, hazardous
 19 liquids, or other substances and ~~including, but not limited to,~~ includes but
 20 is not limited to pipes, sewers, conduits, cables, valves, lines, wires,
 21 manholes, attachments, and those parts of poles or anchors belowground.

22 ~~(25)~~ (27) "Underground facility easement" means a nonpossessory right
 23 to operate, control, bury, install, maintain, or access an underground fa-
 24 cility.

25 ~~(26)~~ (28) "Underground facility owner" means any person who owns or op-
 26 erates an underground facility or who provides any utility service or com-
 27 modity to an end user via an underground facility.

28 SECTION 2. That Section 55-2205, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 55-2205. PERMIT COMPLIANCE -- NOTICE OF EXCAVATION -- RESPONSE TO NO-
 31 TICE -- COMPENSATION FOR FAILURE TO COMPLY -- EXEMPTIONS. (1) Before com-
 32 mencing excavation, the excavator shall:

33 (a) Comply with other applicable law or permit requirements of any pub-
 34 lic agency issuing permits;

35 (b) Pre-mark on-site the path of excavation with white paint or, as the
 36 circumstances require, other reasonable means that will set out clearly
 37 the path of excavation. An excavator need not pre-mark as required in
 38 this subsection if:

39 (i) The underground facility owner or its agent can determine the
 40 location of the proposed excavation by street address or lot and
 41 block by referring to a locate ticket; or

42 (ii) The excavator and underground facility owner have had a meet-
 43 ing prior to the beginning of the proposed excavation at the ex-
 44 cavation site for the exchange of information required under this
 45 subsection.

46 (c) Provide notice of the scheduled commencement of excavation to all
 47 underground facility owners through a one-number notification service.
 48 If no one-number notification service is available, notice shall be
 49 provided individually to those owners of underground facilities known

1 to have or suspected of having underground facilities within the area of
2 proposed excavation. The notice shall be communicated by the excavator
3 to the one-number notification service or, if no one-number notifica-
4 tion service is available, to the owners of underground facilities not
5 less than two (2) business days nor more than ten (10) business days
6 before the scheduled date for commencement of excavation, unless other-
7 wise agreed in writing by the parties.

8 (2) Upon receipt of the notice provided for in this section, the under-
9 ground facility owner or the owner's agent shall locate and mark its locat-
10 able underground facilities with reasonable accuracy, as defined in section
11 55-2202, Idaho Code, by surface-marking the location of the facilities. If
12 there are identified but unlocatable underground facilities, the owner of
13 such facilities or the owner's agent shall locate and mark the underground
14 facilities in accordance with the best information available to the owner
15 of the underground facilities. The owner of the underground facility or the
16 owner's agent providing the information shall respond no later than two (2)
17 business days after the receipt of the notice or before the excavation time
18 set forth in the excavator's notice, at the option of the underground facil-
19 ity owner, unless otherwise agreed in writing by the parties. Excavators
20 shall not excavate until all known facilities have been marked. Once marked
21 by the owner of the underground facility, or the owner's agent, the excava-
22 tor is responsible for maintaining the markings. Unless otherwise agreed in
23 writing by the parties, maintained markings shall be valid for purposes of
24 the notified excavation for a period of no longer than ~~three (3)~~ four (4) con-
25 secutive weeks following the date of notification as long as it is reasonably
26 apparent that site conditions have not changed so substantially as to inval-
27 idate the markings. If excavation has not commenced within three (3) weeks
28 from the original notice to underground facility owners through the one-num-
29 ber notification service, the excavator shall reinitiate notice in accor-
30 dance with this section.

31 (a) Excavators shall have the right to receive compensation from the
32 owner of the underground facility for costs incurred if the owner of the
33 underground facility does not locate its facilities in accordance with
34 this chapter.

35 ~~(b) The owner of the underground facility shall have the right to~~
36 ~~receive compensation for costs incurred in responding to excavation~~
37 ~~notices given less than two (2) business days prior to the excavation~~
38 ~~except for notices given for discovered facilities after the owner has~~
39 ~~identified facilities.~~

40 (b) An owner of an underground facility shall have the right to receive
41 compensation for costs incurred in responding to an excavation notice
42 given less than two (2) business days prior to the excavation except for
43 notices given for emergency excavations under subsection (4) of this
44 section and unidentified facilities discovered under subsection (5) of
45 this section.

46 (3) An end user shall not be required to locate or mark any service lat-
47 eral. An underground facility owner who provides any utility service or com-
48 modity via a service lateral shall locate and mark the service lateral in ac-
49 cordance with the provisions of subsection (2) of this section. Nothing in
50 this subsection shall be construed to impose an indemnification obligation

1 prohibited by law on any public agency as defined in section 67-2327, Idaho
2 Code, or to alter the liability of any public agency as provided by law, in-
3 cluding article VIII of the constitution of the state of Idaho.

4 (4) (a) Emergency excavations are exempt from the time requirements
5 for notification provided in this section notice as provided in this
6 section when an excavator determines a delay caused by providing notice
7 would cause an imminent risk to life, health, or property; however, an
8 excavator is required to provide notice of emergency excavation in all
9 other emergency situations.

10 (b) Upon receiving notice of an emergency excavation, an underground
11 facility owner or its designated agent shall:

12 (i) Within one (1) hour of receiving the notice of emergency ex-
13 cavation, attempt to contact the excavator at the telephone number
14 provided in the notice of emergency excavation to provide any in-
15 formation concerning underground facilities within the emergency
16 excavation area and the anticipated response time of the under-
17 ground facility owner or its designated agent; and

18 (ii) Unless the underground facilities owner informs the excava-
19 tor that it is impossible or impracticable under the circumstances
20 and provides the excavator with an expected arrival time that is as
21 soon as reasonably feasible, or if the parties agree to a differ-
22 ent arrival time, arrive at the emergency excavation site within
23 two (2) hours of receiving the notice of emergency excavation to
24 locate and mark underground facilities within the emergency exca-
25 vation area.

26 (c) If an underground facility owner or its designated agent is unable
27 to locate and mark underground facilities identified in the notice of
28 emergency excavation, the underground facility owner shall immediately
29 attempt to notify the excavator at the telephone number provided in the
30 notice of emergency excavation.

31 (5) If the excavator, while performing the excavation, discovers un-
32 derground facilities (whether active or abandoned) ~~which~~ that are not iden-
33 tified or were not located in accordance with subsection (2) of this sec-
34 tion, the excavator shall cease excavating in the vicinity of the facility
35 and immediately notify the owner or operator of such facilities, or the one-
36 number notification service. The excavator shall have the right to receive
37 compensation from the underground facility owner for standby cost (based on
38 standby rates made publicly available) incurred as a result of waiting for
39 the underground facility owner or the owner's agent to arrive at the work
40 site to identify the unidentified facilities and provided that if the under-
41 ground facility owner or the owner's agent supplies the locate information
42 required under subsection (2) of this section within eight (8) hours of the
43 time that the excavator notifies the underground facility owner of facili-
44 ties not previously located, the excavator's compensation for delay of the
45 excavation project shall be limited to actual costs or two thousand dollars
46 (\$2,000), whichever is less.

47 SECTION 3. That Section 55-2206, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 55-2206. ONE-NUMBER NOTIFICATION SERVICE -- ESTABLISHMENT -- PARTIC-
 2 IPATION REQUIRED -- FUNDING. Two (2) or more persons who own or operate un-
 3 derground facilities in a county may voluntarily establish or contract with
 4 a third person to provide a one-number notification service to maintain in-
 5 formation concerning underground facilities within a county. Upon the es-
 6 tablishment of the first such one-number notification service, all ~~others~~
 7 ~~operating and maintaining underground facility owners with~~ underground fa-
 8 cilities within said county shall participate and cooperate with the ser-
 9 vice, and no duplicative service shall be established pursuant to this chap-
 10 ter. The activities of the one-number ~~locator~~ notification service shall be
 11 funded by all of the underground facility owners ~~or operators~~ required by the
 12 provisions of this section to participate in and cooperate with the service.
 13 ~~All~~ Each underground facility owners ~~or operators~~ who are required to par-
 14 ticipate in a one-number notification service ~~are~~ is subject to the juris-
 15 diction of the damage prevention board established in section 55-2203, Idaho
 16 Code, and shall maintain accurate contact information, updated at least an-
 17 nually, with the one-number notification service for individuals responsi-
 18 ble for the operation of the underground facilities of the underground fa-
 19 ility owner, including contact information for individuals responsible for
 20 responding to an emergency.

21 SECTION 4. That Section 55-2207, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 55-2207. EXCAVATION CONTRACTS -- LIMITATIONS -- PRECAUTIONS TO AVOID
 24 DAMAGE -- LIABILITY FOR DAMAGE. (1) Project owners shall indicate in bid
 25 or contract documents the existence of underground facilities known by the
 26 project owner to be located within the proposed area of excavation.

27 (2) An excavator shall use reasonable care to avoid damaging under-
 28 ground facilities. An excavator shall:

29 (a) Determine by hand digging, in the area twenty-four (24) inches or
 30 less from the facilities, the precise actual location of underground
 31 facilities ~~which~~ that have been marked;

32 (b) Plan the excavation to avoid damage to or minimize interference
 33 with underground facilities in and near the excavation area; and

34 (c) Provide such support for underground facilities in and near the
 35 construction area, including during backfill operations, as may be rea-
 36 sonably necessary for the protection of such facilities.

37 (3) If an underground facility is damaged and such damage is the conse-
 38 quence of the failure to fulfill an obligation under this chapter, the party
 39 failing to perform that obligation shall be liable for ~~any damages the dam-~~
 40 age to the underground facility ~~owner~~. Nothing in this chapter prevents the
 41 parties to an excavation contract from contracting with respect to the allo-
 42 cation of risk for changed or differing site conditions.

43 (4) In any action brought under this section, the prevailing party is
 44 entitled to reasonable attorney's fees.

45 SECTION 5. An emergency existing therefor, which emergency is hereby
 46 declared to exist, this act shall be in full force and effect on and after
 47 July 1, 2023.