

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

2423

2001 SENATE POLITICAL SUBDIVISIONS

SB 2423

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2423

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
1		x	23.8-50.0
2	x		0.0-0.3
Committee Clerk Signature <i>Mary Jo Wicken</i>			

Minutes:

The hearing was opened on SB2423: relating to the one call excavating system.

GREG SUNNED: Administrator of Dickinson spoke in support of SB2423. See written testimony.

SENATOR POLOVITZ: What I really wanted to say, why can't you use this somewhere in your office? GREG SUND: In the current systems the utilities that are notified by one call shall not show up at all. If they have conflicting utility they may not show up at all. But that doesn't give the excavator any sense of satisfaction cause they don't know if the one call system failed or if the message didn't get relayed or whatever happened. So there is no notice provided to the excavators regarding whether they were notified or not. We need to put the utility in a responsible position, notifying us. It says in the current language that if there is an agreement between the excavator and the utility, then there may not be need for a locator, but often times that agreement would have to be on paper. On excavator can move all over, digging into the

ground, and it wouldn't be tough to have an agreement all the time. This puts the utility in accountability for excavator, takes individual effort, each excavator, utility line. SENATOR POLOVITZ: Your GIS system is as only as good as you keep putting data in the system.

SENATOR FLAKOLL: To what extent would this mark thing put people? How detailed are we getting in terms of lots, that you talked about and what is the cost for a municipality to have to install the GIS system if they haven't done one? GREG SUND: There is a cost to installing a GIS system. This can be very expensive to do. I think that is the input from the engineers that there are some paper records that are equally accurate. If the utility has the information necessary to determine the location, its not necessary, that happens quite often with city utilities. In particular, most of our utilities are in the street. We know when someone is going to be digging.

Also, our utilities are several feet under ground. Other utilities, that is not the case. Phone companies often bury there lines. SENATOR FLAKOLL: How do we prevent the kind of tree house mentality to that when there is new additions made that they weren't aware of the new additions within a timely fashion of changes that would occur to the mapping that we have so the contractor can notify people of the different things that they have incorporated in it. GREG SUND: The responsibility for maintaining the GIS system, or any records that the utility has is the responsibility of that utility. The city, if we, put in operation a GIS system, wouldn't be making those decisions for other utilities. It is still there decision whether they want to send someone out locate for a purpose of excavation. They have to make that call. The responsibility should be on the utility, it should not be on the excavator. If the excavator has done what is required of that person to make the call to notify that they are excavating and they want a utility to either identify location of the lines, its the utilities responsibility to notify those people.

SENATOR MATHERN: I agree with your testimony as stated that the focus on the future, I

think, they have a little bit of a problem okaying approval of the clause of the one call when your system isn't in place. Do you know when your having a time frame, and when your expecting this to be completed? GREG SUND: Ours will probably take another year or two before we have it all done. Other cities have there's well developed. It is not just cities, there are some rural applications of the GIS system, rural water systems. I'm sure some of the larger utilities have them for whenever they want to. DAVE COHEN, Executive Director of the Rural Water Association, spoke as neutral of SB2423. As one member of the one call board of eight members, made up of representatives of the different entities that are involved in the one call system that operate in North Dakota. I appear before you today neither for nor against this bill, but strictly to provide neutral evidence. The bill does raise some concerns. One, the history of one call was instituted some liability issues. A vehicle that would clearly establish who was liable when utility line or facility are damaged. From a rural standpoint, it was a protection factor that we would not have an electrical cable for instance installed on top of a water line. When we're preparing a water line, that when your doing your excavation that you hit an electrical line or gas line. The theory was that there was one number in the state that you would call and when your going to excavate and the one call center would then tell you that we have these utilities in the area that your going to dig, and were going to notify within 48 hours so you can go ahead and do your excavation. Second, the one call center maintains a set of maps that reflect the utility maps that have been sent to the one call center so that they know where the lines are located and what operators they need to notify to go out and mark their location. The one-call system provides that it your notified of the location of where the dig is going to occur, that you can call the excavator and say I don't have any lines in this area, and that brings me to an important point, that a lot of people to the one call system and particularity new users. Third, the need to understand that one

call center does not do away with the personnel communication between the excavator and the various utilities. Fourth, that communication, there is a provision in there that you meet out on the sight and review what projects that it should entail, that communication still has to be. The one call center doesn't replace that, but it provides a place where someone can call and notify someone. If you then go forward, and dig without notifying the one call center, your liable. Your clearly liable under the law. If you don't go out and mark your facilities, and they are damaged, then the burden is on the utility that doesn't mark their facilities. I would like to tell you that the one call center is working well, but I can't. It has had its troubles. The one call center came back one year and said they needed more money to run the one call center. It only costs the utility one dollar a notice roughly to fund the operation of the center. We need a rate increase, and our response was, we have a three year contract with you so we don't see any provisions for doing a rate increase, so they bailed out. They gave us notice that they were bailing out of the contract. We had 90 days, and fortunately it was in the winter months, we went through the process and re-bid the contract and put a new center which happens to be the same center that Minnesota uses and its located in Minnesota. So we've transferred all the maps to Minnesota. We've gone through a rather rough initial phase, because the GIS system that they were employing that was supposed to be able to accurately locate all of these lines did not work the way it was advertised to work. We were receiving notices in Grand Forks County on excavations that were occurring in Bottineau County. So we worked through all the problems and when the contracts were bailed out on us, we also through away all the additions and corrections that they had made to the maps. So the new center started on the same bad footing as the first bidder started. We are working through that process and technology is helping us somewhat, but its not near as good as the people themselves in technology would have you believe it is. When it comes to accurately being

able to place utilities by merely looking at a computer screen, there are some liability issues for the people operating the center. They have a strict liability, they must notify everyone. So, even though, you may identify a 50 ft corridor that you want to be notified on, the software and stuff allows for a little bit of error in that so you want to be notified for what ends to be at least a corner section along your lines. So those liability issues for both the center have to deal with the utility operator and the excavator. The law hopes to establish clearly, where that liability rests. With that type of background, of course, it would defeat the purpose of the one call center in North Dakota if each community were to have their own local one call center. There are a number of states that have that situation. Montana was one of them, where each county had their own one call center and so when a contractor comes into the state who does he call and in what county is he in? All of those things the one call center tries to address those problems by having one member call. With each community having a one call center would put us back several steps to where we were before. The one call center board is a good representation of the utilities and the contractors, and the cities that are represented on the one call board and try to deal with these problems and address these problems to make this system work the way that everyone hoped and envisioned that it would work.

ALLAN WALTER: Director of Public Works for the city of Minot. I would not be opposed to this bill if it had some neutral, permissive words in it rather than "its not required" as stated in Line 11, in the bill. I have to speak on this bill, as an excavator and utility operator, because, to say, Minot has both. It concerns me that utilities would not be required to if they have a GIS system in place to show you where everything is at. All they would have to do is e-mail you on map on your computer and they are off the hook. If there maps are as accurate and there records as ours is in the city of Minot. In Minot, the located had located all of the lines for a new sewer project

and when we went to dig, they were direct buried and they ended up being 13 ft. Deep. I don't think the GIS system is going to show you that. I don't think also that the GIS system is going to be accurate by any means when your looking at a section of a map that is 10 X10 and there showing what is exactly there. Because I know the records kept on this. So if this bill was passed with permissive language in it, there would not be a question.

Hearing closed on SB2423

**February 9, 2001 ( Tape 1, Side A, 13.9-17.1)**

Senator Cook opened the committee discussion on SB2423.

Senator Flakoll moved a Do Not Pass

Senator Lyson 2nd

Roll call vote: 8 Yes, 0 No, 0 Absent

Carrier: Senator Mathern

Senator Polovitz: This doesn't limit the cities using it right now, does it?

Senator Cook: No, I think what this bill would've done is actually given somebody two places to tape a one call, rather than the one call right now. I think the signal were sending is to make sure that there is 100% confidence in the system before we do it. We had testimony yesterday that indicated we're not there yet. The safety of coming out and marking sometimes is actually come with the detectors and they search. Committee members said there is a consensus of this bill, they trust our wisdom on this.



**REPORT OF STANDING COMMITTEE (410)**  
February 12, 2001 8:05 a.m.

**Module No: SR-25-2983**  
**Carrier: D. Mathern**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2423: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2423 was placed on the Eleventh order on the calendar.**

2001 TESTIMONY

SB 2423

## TESTIMONY IN SUPPORT OF SB 2423

Greg R. Sund  
City Administrator  
City of Dickinson

Chairman Cook and members of the Political Subdivisions Committee. My name is Greg Sund. I am the Dickinson City Administrator. I support SB 2423 because it is a bill that will permit Dickinson and other cities the opportunity to use well developed Geographical Information Systems (GIS) as a means to identify the location or more particularly the absence of buried utility lines in an area someone plans to excavate before attempting to physically locate utility lines.

A GIS is computer enhanced mapping software that associates the visual aspects of a map with the information in databases. In this case, as Dickinson continues development of a GIS, we plan to identify all water and sewer mains and service lines. We also plan to work with other area utilities and include the location of their underground lines on the City's GIS to further enhance information available to excavators and property owners. Once we have all this information on our GIS, we believe the City can accurately use it to identify the location or absence of buried utility lines to assist an excavator in determining whether underground utilities conflict with their proposed excavation. This information could include the access to maps of particular locations and the possibility of accessing GIS maps on the Internet.

Since its establishment, the One Call system has been a continual source of frustration for Dickinson and many other communities. The One Call system has limited information available from which to determine the appropriate utilities to contact for locates. The One Call system usually contacts any utility that has buried utility lines within the quarter section (160 acre area) in which an excavation is proposed. For this reason, the city of Dickinson and other cities must dispatch employees to excavation sites, when it is often not necessary.

Because of this inaccuracy of data, the city of Dickinson finds itself dedicating one FTE to One Call locates throughout the spring and summer construction season. It is frustrating when we must dedicate employees to performing locations that pull them away from other work, especially when the location is unneeded. We believe the use of a comprehensive GIS will reduce our need to respond to unnecessary locates. By using a GIS in this way, we will be able to dedicate that FTE to more appropriate needs.

SB 2423 is a bill focused on the future. It anticipates that Dickinson and other communities will continue to develop and enhance their geographical information systems to include data about specific utility locations. If passed it will also serve as an incentive to develop local GIS's to the point that they can provide excavators and residents with accurate information, including maps, about buried utilities on their property.

When Dickinson's GIS is sufficiently developed to provide the approximate location of buried utilities, we will be able to employ several means to notify the public of this capability. The City broadcasts City Commission meetings. Hence this information can be provided during those meetings. We will be able to distribute information in utility bills and supply similar notices to other utilities to distribute as they desire.

Additionally, there is no reason a GIS ends at a City limits. We could form cooperative efforts with the county or counties in the area to extend the information available to areas outside our City limits.

Because this bill will offer local governments and other utilities additional options for providing excavators and property owners with buried utility information, I encourage the committee to support this bill.

Greg Sund