

**DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING**

Thursday – September 27, 2018 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE SEPTEMBER 27, 2018 MEETING

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, it is intended to record the significant features of those discussions.

Chairman Mark Van Slyke called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:

Jeffrey Diehl, Chairman
Jerry Piper, Vice-Chairman
Mark Van Slyke
Nichole Rush
Jeanna Anderson
Bob Chandler
Roy Ellis
Scott Spears
Julie Maki
Vaughn Rasmussen

DBS Staff Members Present:

Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Patrick J. Grace, Regional Manager, Region 2
Jerry Peterson, Energy Program Manager
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

No issues were brought forward during open forum.

◆ **Approval of the September 27, 2018 Agenda**

MOTION: Bob Chandler made a motion to approve the agenda as presented. Vaughn Rasmussen seconded. All in favor, motion carried.

◆ **Approval of the July 26, 2018 Board Meeting Minutes**

MOTION: Scott Spears made a motion to approve the minutes as written. Jeffrey Diehl seconded. All in favor, motion carried.

◆ **2019 Board Meeting Dates**

Suggested were the following meeting dates for 2019: January 24th, March 28th, May 23th, July 25th, September 26th, and November 21st. Due to scheduling conflicts, the March and July meetings were changed to the 14th and 18th respectively.

MOTION: Nichole Rush made a motion to approve the 2019 board meeting dates with the changes to the March and July meetings. Vaughn Rasmussen seconded. All in favor, motion carried.

◆ **Election of Officers**

Statute states, “The chairman may serve in such capacity for a one year term and may not serve in such capacity for more than two (2) consecutive terms.” Board Member Mark Van Slyke has served two terms in succession; therefore, the Board must elect a new chairman.

Chairman

Board Member Jeffrey Diehl offered to be the chairman of the Board.

MOTION: Jerry Piper made a motion to appoint Jeffrey Diehl as chairman. Jeanna Anderson seconded. All in favor, motion carried.

Vice-Chairman

Board Member Jerry Piper showed interest in the vice-chairman position.

MOTION: Vaughn Rasmussen made a motion to appoint Jerry Piper as vice-chairman. Roy Ellis seconded. All in favor, motion carried.

◆ **Approve Language for 2019 Proposed Legislation--Service Laterals--Idaho Code § 55-2202**

Upon submitting the Board’s proposed rulemaking and legislation to the Governor’s office, the Deputy Attorney General (DAG) realized the proposed legislation needed further clarification on which underground facility owner is required to locate and mark the service lateral. Approving specific language at the September meeting, the DAG requested the Board’s approval on the modified language.

MOTION: Bob Chandler made a motion to accept the revised proposed language. Roy Ellis seconded. All in favor, motion carried.

◆ **Education and Training Update**

Advertising – The Education and Training Subcommittee continues to explore the possible use of the \$20,000 donation for advertising with the Idaho Broadcasting Association.

National Excavator Initiative (NEI) – The NEI is an effort to raise the awareness of the critically important 811 program. It is the hope of the subcommittee to use NEI’s 811 video hosted by Mike Rowe. In addition, NEI has a phone application that ties into 811, providing a locate request without going through a one-call center.

Excavator Handbook – The Division recently received 5,000 copies of *Idaho’s Guide to Safe Digging-2018*. Slated to print in July 2020, are an additional 5,000 copies.

Homeowner Brochures – Ordered were 1,000 copies of the updated *Private Line Informational Pamphlet for Homeowners*. Pamphlets are included with warning notices to homeowners, and are

available at training sites offered by DBS. As a form of advertising, the Division has the capability to add company logos to the brochures.

For incorporation into future board packets, Chairman Diehl requested the subcommittee chair create a list, bullet point format, of items/topics the subcommittee continues to pursue.

ACTION: The subcommittee chairperson will create a summary of items/topics the subcommittee continues to undertake for incorporation into future board packets.

Online Training Course – A one-hour online training course is complete. If interested, contact the Division for a login password. Sign-in information is required to assist DBS in tracking who and how often the course is used.

Training Report – Jerry Peterson, Energy Program Manager, updated the Board on training provided since July 2018, as well as upcoming training in October and November. Feedback received were problems with locates (multiple lines), low voltage (no fee to repair and no complaints), unknown irrigation lines (who to call when damaged), sewer laterals and excavators reluctant to file complaints.

Locates – The minimum 15 inch depth to excavate throws individuals off because they do not believe they have to call in to locate a line they are not digging that deep and they are on private property. Board Member Rush stated homeowners are not reading the complete sentence in statute and utilities cannot guarantee depth.

Lynn Tominaga, Executive Director of Idaho Groundwater Appropriators Association, Idaho Ground Water Association, and Idaho Irrigation Pumpers Association, offered to contact the Idaho Water Users Association and see whether they might want Jerry Peterson to come talk to them.

Chairman Diehl suggested adding an informational item to the November 2018 Board meeting agenda on summary subjects of concern Jerry Peterson gleaned while providing training this year. This will allow the Board to develop specific action items for the subcommittee to address in 2019.

ACTION: The topic *Training and Industry Feedback* will be added as an informational item on the agenda for the November 29, 2018 Board meeting.

In addition, the Chairman would like a summary of issues, brought forth by the industry, included in future board packets for the Board's review prior to upcoming meetings.

ACTION: The Energy Program Manager will generate, for inclusion into future board packets, a list of topics by the Underground Facility Industry.

Compliance to 811 Law – When questioned, Education and Training Subcommittee Chair Jeanna Anderson made a note to inform all interested parties that, by law, they have to belong to a one-number notification service. Provided to individuals will be information on statute changes with regard to sewer laterals as well.

A lengthy discussion ensued as to who is the responsible party to drive the compliance requirement. DBS can provide outreach, education, etc.; however, by law, cannot issue a civil penalty against an alleged violator until it receives a complaint. When further pressed, at a previous meeting the Division provided proposed legislation to the Board that would authorize the DBS Administrator to initiate complaints in the event a third party did not do so. At that time, the Board decided the issue needed to be a part of training and education.

ACTION: The topic *Compliance to 811 Law* will be added as an informational item on the November 29, 2018 Board meeting agenda.

◆ **Financial Update**

Financial Subcommittee Chairwoman Nichole Rush continues to work with DBS to modify the financial report. Chairman Diehl will further review the report; bringing suggestions, if any, to the next subcommittee meeting. Board Member Anderson would like a better understanding of how the timeline works when funded, and when monies are available to spend.

In lieu of the regular financial report under the Administrator Report, Deputy Administrator Ron Whitney provided, as well as discussed in length, a more extensive spreadsheet (administration, training, education and compliance revenue and expenses) for FY 2019.

Chairman Diehl requested a financial script/narrative time line (consistent calendar parameters), in bullet format, be included in future board packets.

ACTION: For future board packets, DBS will include a script/narrative timeline of the Board's financial report.

◆ **Underground Facility Damage Response Time**

The question broached to Board Member Bob Chandler was, "What is a reasonable time for a facility to respond when an excavator has damaged an underground facility". In certain instances, it can take seven to ten days to repair underground facilities, and if the damage happens to be in the right-of-way, intersection or street, the excavator is liable. After researching this issue extensively, and as a way to expedite repairs, Board Member Chandler suggested including an emergency contact number on the one-call ticket or use the Positive Response web portal for contact information.

At this time, the current language is practical and mutually agreed upon by all stakeholders, and the Board can utilize industry standard language to move through a filed complaint and examine the case particulars.

◆ **Compliance Report**

Damage Prevention Case Report – Reviewed were the DPB statistics as of July 11, 2018, as well as the NOV Activity by Date report from May 15, 2018 to July 11, 2018.

Chairman Diehl requested a summary detail be included in future board packets of financial statistics on civil penalties.

ACTION: For future board packets, the Compliance Program Specialist will include a summary of civil penalty fees; i.e., paid, outstanding (60 days old), collections, etc.

◆ **Administrator Report**

Budget – Submitted was the Division’s 2020 budget on September 1, 2018 to the Division of Financial Management.

Financial Report – Addressed under the topic *Financial Updates* were the Board’s financials.

Summary Reports – For inclusion in future packets, the Chairman reminded contributors to provide to board support staff an outline or brief summary of their topics.

Acknowledgment – Chairman Diehl recognized Board Member Mark Van Slyke for his role as board chairman the past two years. The greatest testimony to Mr. Van Slyke’s contribution as chairman is PHMSA has deemed Idaho an acceptable state with the reduction of damages, through education and enforcement, to underground facilities. Through August 2018, Intermountain Gas is down in damages by 17% compared to this time last year.

◆ **Joint States Meeting**

The Washington Utility Coordinating Council will host the Joint States Meeting, October 2-4, 2018, in Vancouver, Washington. The current northwest partner states are Alaska, Idaho, Montana and Oregon. Representatives from Colorado and Arizona will attend as well. Board Member Rush offered to provide an update of the meeting at the November Board meeting.

ACTION: The topic *Joint States Meeting Update* will be added as an informational item on the November 29, 2018 Board meeting agenda.

◆ **Adjournment**

MOTION: Vaughn Rasmussen made a motion to adjourn the meeting. Roy Ellis seconded. All in favor, motion carried.

The meeting adjourned at 1:38 p.m. (MDT)

JEFFREY DIEHL, CHAIRMAN
DAMAGE PREVENTION BOARD

CHRIS L. JENSEN ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

11/08/2018rb