

IN THE SENATE

SENATE BILL NO. 1415

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO UNDERGROUND FACILITIES; AMENDING SECTION 55-2202, IDAHO CODE, TO DEFINE TERMS; AND AMENDING CHAPTER 22, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2213, IDAHO CODE, TO PROVIDE FOR ADVANCED NOTIFICATION REGARDING NATURAL GAS TRANSMISSION PIPELINES; 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) "Designated agent" means a company-designated employee of a natural gas transmission pipeline operator.

(6) "Developer" has the same meaning as in section 67-8203(6), Idaho Code.

(7) "Development" means one (1) or more buildings intended for human occupancy.

(8) "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.

(~~6~~9) "End user" means any customer or consumer of any utility service or commodity provided by an underground facility owner.

(~~7~~10) "Excavation" means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.

(~~8~~11) "Excavator" means any person who engages directly in excavation.

(~~9~~12) "Excavator downtime" means lost time for an excavation project due to failure of one (1) or more stakeholders to comply with applicable damage prevention regulations.

1 (103) "Hand digging" means any excavation involving nonmechanized
2 tools or equipment that when used properly will not damage underground fa-
3 cilities. Hand digging includes, but is not limited to, hand shovel digging,
4 manual posthole digging, vacuum excavation, and soft digging.

5 (114) "Identified but unlocatable underground facility" means an un-
6 derground facility that has been identified but cannot be located with rea-
7 sonable accuracy.

8 (125) "Identified facility" means any underground facility that is in-
9 dicated in the project plans as being located within the area of proposed ex-
10 cavation.

11 (136) "Locatable underground facility" means an underground facility
12 that can be field-marked with reasonable accuracy.

13 (147) "Locator" means a person who identifies and marks the location of
14 an underground facility owned or operated by an underground facility owner.

15 (158) "Marking" means the use of stakes, paint, or other clearly iden-
16 tifiable materials to show the field location of underground facilities, in
17 accordance with the current color code standard of the American public works
18 association. Markings shall include identification letters indicating the
19 specific type of the underground facility.

20 (19) "Natural gas transmission pipeline" means an interstate pipeline,
21 as defined in 15 U.S.C. 3301(15).

22 (~~16~~20) "One-number notification service" means a service through which
23 a person can notify owners of underground facilities and request field-mark-
24 ing of their underground facilities.

25 (~~17~~21) "Person" means an individual, partnership, association, corpo-
26 ration, a state, a city, a county, or any subdivision or instrumentality of a
27 state, and its employees, agents, or legal representatives.

28 (22) "Pipeline operator" means a person who engages in the transporta-
29 tion of gas, as defined in 49 CFR 192.3.

30 (23) "Plat" has the same meaning as in section 50-1301(8), Idaho Code.

31 (~~18~~24) "Public right-of-way" means the area on, below, or above a public
32 roadway, highway, street, lane, path, sidewalk, alley, or other right-of-
33 way dedicated for compatible uses.

34 (~~19~~25) "Reasonable accuracy" or "reasonably accurate" means location
35 within twenty-four (24) inches horizontally of the outside dimensions of
36 each side of an underground facility.

37 (206) "Rural underground facility owner" means an underground facil-
38 ity owner that is a public utility or a member-owned cooperative that serves
39 fewer than five thousand (5,000) total customers in a county or counties with
40 populations that do not exceed fifty thousand (50,000) people.

41 (217) "Service lateral" means any underground facility located in a
42 public right-of-way or underground facility easement that is used to convey
43 water (unless being delivered primarily for irrigation), stormwater, or
44 sewage and connects an end user's building or property to an underground
45 facility owner's main utility line.

46 (228) "Soft digging" means any excavation using tools or equipment that
47 utilize air or water pressure as the direct means to break up soil or earth
48 for removal by vacuum excavation.

49 (239) "Stakeholder" means any party with an interest in protecting un-
50 derground facilities including, but not limited to, persons, property own-

1 ers, underground facility owners, excavators, contractors, cities, coun-
2 ties, highway districts, railroads, public entities that deliver irrigation
3 water and those engaged in agriculture.

4 (2430) "Underground facility" means any item buried or placed below
5 ground for use in connection with the storage or conveyance of water (unless
6 being delivered primarily for irrigation), stormwater, sewage, electronic,
7 telephonic or telegraphic communications, cable television, electric en-
8 ergy, petroleum products, gas, gaseous vapors, hazardous liquids, or other
9 substances and including, but not limited to, pipes, sewers, conduits, ca-
10 bles, valves, lines, wires, manholes, attachments, and those parts of poles
11 or anchors belowground.

12 (2531) "Underground facility easement" means a nonpossessory right to
13 operate, control, bury, install, maintain, or access an underground facil-
14 ity.

15 (2632) "Underground facility owner" means any person who owns or oper-
16 ates an underground facility or who provides any utility service or commod-
17 ity to an end user via an underground facility.

18 SECTION 2. That Chapter 22, Title 55, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 55-2213, Idaho Code, and to read as follows:

21 55-2213. ADVANCED NOTIFICATION -- NATURAL GAS TRANSMISSION
22 PIPELINES. (1) For a new development that is located entirely or partly
23 within one thousand (1,000) feet of the center point of a natural gas trans-
24 mission pipeline that was constructed or operated prior to the development,
25 a public agency as defined in section 67-2327, Idaho Code, must notify the
26 pipeline operator of the planned development no later than ten (10) business
27 days after the date of application or ninety (90) days prior to commencement
28 of construction, whichever is earlier.

29 (2) Upon receiving notice of planned development, a pipeline operator
30 shall provide natural gas transmission pipeline location information to
31 the developer within forty-five (45) days, including but not limited to the
32 easement or other documents reflecting the actual location of the natural
33 gas transmission pipeline, marking facilities on design drawings, and maps.

34 (3) The developer of the development shall provide on a final plat filed
35 with the public agency a statement stating either:

36 (a) The developer has reviewed preliminary information about the pro-
37 posed development with the pipeline operator; or

38 (b) Reasonable means have been used to notify the pipeline operator to
39 verify the location of the natural gas transmission pipeline and the
40 pipeline easement, but no response was received within the required
41 time frame.

42 (4) On July 1, 2022, and by January 1 annually thereafter, in areas
43 where they operate, pipeline operators must file with the developer and the
44 public agency a document identifying a designated agent. The document must
45 contain the following information for the designated agent:

46 (a) First and last name;

47 (b) Title or position;

48 (c) Mailing address;

49 (d) Email address; and

1 (e) Telephone number.

2 SECTION 3. An emergency existing therefor, which emergency is hereby
3 declared to exist, this act shall be in full force and effect on and after
4 July 1, 2022.