



**NEBRASKA STATEWIDE ONE-CALL NOTIFICATION CENTER
BOARD OF DIRECTORS MEETING**

Approved

Nebraska Statewide One Call Board of Directors Meeting Minutes

February 21, 2019

Comfort Inn 10729 J St

Omaha, NE

Call to Order – The meeting was called to order by Chairman Val Snyder at 9:39 AM

Agenda was posted on Nebraska811 website (www.ne1call.com) on 2/15, Lincoln Journal Star newspaper on 2/12

Roll Call/Quorum:

Voting Members present: Jerry Augustyn, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Val Snyder, Nathan Stewart, Dave Stroebele, Stan Waterman

Voting Members absent: John Buckley, Jim McKeon, Al Meyer

Non-voting Members Present: Chris Jacobsen, Andy Hartmann

Non-voting Members Absent: None

OCC staff present: Tyler Nesheim, Matt Ruddo, Jill Geyer, Becky McClain

State Fire Marshal staff present: Regina Shields, Kevin Bumgardner, David Levering, Chris Cantrell, Doug Donnelson

Attorney General's office staff present: Milissa Johnson-Wiles

Public guests: Jamie Mikkelson-NDOR, BJ Woehler-NUCA, Chris Talley-USIC, Chris Barker-USIC, Trevor Roth-NPPD, Eric Klein-NUCA, Kade Neilson-Integrity Locating, Joey Majerus – NuStar Energy, Scott Alfaro-NuStar Energy, Dave Sehi-LES, Eric Schultz-LES

- Approval of the Agenda; Motion by Dave Stroebele, second by Lance Loschen
 - Voting Yes: Jerry Augustyn, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Val Snyder, Nathan Stewart, Dave Stroebele, Stan Waterman
 - Voting No: none
- Approval of the December 2018 Meeting Minutes with corrections; Motion by Lance Loschen, second by Dave Stroebele
 - Voting Yes: Jerry Augustyn, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Val Snyder, Nathan Stewart, Dave Stroebele, Stan Waterman
 - Voting No: none
- **Policy Committee**
 - The committee is waiting for info on new hearing regarding the proposed language.
 - The timeline for operators to become compliant with the new rules/regulations would ideally be immediately upon the rules/regs going into effect. Each member of the BOD should try to get the word out to operators in their area that this is happening so that they are prepared in advance and can comply on day one.

- The business rules have been established and will be included in the Next Gen rollout.
- The Status codes that are currently included in Locator Ticket Management are the ones that apply to the mandatory electronic response and are as follows:
 - Clear/no conflict
 - Marked
 - Not complete/In progress
 - Area of excavation cannot be determined
 - Maps or other documentation provided
 - No locate-work complete
 - Marked-Standby requested
 - Follow up should happen via the tools that are currently in place rather than setting regulations to do so.
 - Val will find out about the federal requirements for stand-bys and get back to Dave
 - Locator could not gain access to property
 - This would be considered a positive response – no follow up would be required formally via the system by start time or otherwise. The BOD will monitor how it's working after this goes in effect.
- Electronic Positive Response – will need outreach
 - Members that are not currently using the system voluntarily should be contacted. Approximately two-thirds of members are not currently on LTM however, this is only approximately 20% of the outbound tickets
 - Municipalities with multiple facilities can have multiple codes with same notification area and just one bill. Differing notification areas would be billed separately.
- Regarding damages to a private facility such as a sanity sewer, there was a question as to whether this should be reported as a damage ticket. In general, any damage to an underground line should be reported is so that the information is available for the purpose of tracking and documentation in relation to exemptions and not necessarily as a violation to the One Call law.
- Regarding plans for the next round of rules and regulations, the committee wants to get first round through before starting intensive work on second round.
- Legislative Committee
 - Senator Friesen's office indicated in a follow up meeting regarding LB462 that this bill is low priority.
- Advertising Committee
 - Advertising Committee activities will be covered in the DPRC Outreach report.
- By-laws
 - The by-laws were last reviewed in 2015. It was decided that this will be addressed once the dust settles on the new Rules and Regulations.
- DPRC Report
 - The year in review report provided to the group shows that 2018 was a record year for NE in many ways for the second year in a row.
 - The ITIC percentage is continually up. Ended at 71.7% average for end of year 2018.
 - The Header Summary graph showed no outliers on inbound tickets. There are naturally more emergencies and refreshes in colder months

- The Call Type graph shows that most tickets are handled in MO/NE Call Center but in heavy periods, some do go to the overflow center.
- NE is well below the ASA goal of 30. The Abandon rate goal of 5% will likely never be an issue.
- There will be continual tracking of the in/out ratio especially due to the fact that municipalities with multiple facilities may affect this.
- There should be no concern on graphs showing an extreme number for one month as this is often due to a weather variation and is corrected over the stretch of a year.
- The ITIC discount amount is significant.
- Tyler conducted a demonstration of the new system interface.
- Nonresponses under the new system requiring mandatory electronic positive response and ticket extensions were discussed. Whether non-response tickets will be automated and billed will be discussed at a future meeting as will the ideas of allowing ticket extensions to a mutually agreed upon time.
- Outreach
 - Activity since the last BOD meeting has mainly included industry conference presentations and preparing for the Excavation Safety Summit.
 - A 2018 Outreach Year in Review report was provided.
 - The Excavation Safety Summit was held on February 20th. Registrations totaled over 1200 but due to a very untimely snow storm, the attendance was approximately 560. The content was very good and there was a significant increase in sponsor/vendor support. The Excavator Rodeo was much improved with more of an emphasis on safety and more precise digging challenges simulated real life digging. A Locating Rodeo was added this year and had good participation.
- SFM – Chris Cantrell
 - Chief Cantrell addressed the group to say that the he feels system is not broken as others have stated. He emphasized the need for the system to be usable and efficient. The proposed rules and regulations will likely go into effect at some point in the near future. Newly appointed Board members must be active in implementing BOD initiatives. Communicating with the entire industry you represent is a must.
 - A BOD member expressed frustration regarding those that say the BOD is not moving fast enough while they are not implementing the BOD’s recommendations but acting on the recommendations of others outside the BOD.

Lunch 12:11; reconvened at 12:45

Melissa left at 12:30pm

Rick Melcher left at 1:32pm

- Treasurer’s report
 - Dave Stroebele distributed the current Treasurer’s report for YTD 2019 and end of year 2018.
 - Approval of Treasurer’s report; Motion by Eric Melcher, Second by Dave Stroebele
 - Voting Yes: Jerry Augustyn, Bruce Hoehne, Lance Loschen, Dan Maschka, Mark McFarland, Rick Melcher, Val Snyder, Nathan Stewart, Dave Stroebele, Stan Waterman
 - Voting No: none
- State Fire Marshal’s Report – David Levering
 - Adequacy:

- David Levering reported that Nebraska was deemed “adequate” for 2018. He **will forward a letter to the BOD reflecting this**. He attributes accomplishing this designation to better communication in answering the questions and providing more paperwork in doing so. Nebraska will not lose any grant funding.
- There has been no word on whether the requests to combine the One Call Grant with the State Damage Prevention Grant have been answered and there currently is no open application for the 2019 One Call Grant.
- AG report – Milissa Johnson-Wiles
 - There are 50 open cases currently; **a report will be provided at the end of first quarter 2019**.
- Damage Prevention meetings – Kevin Bumgardner
 - There are four Damage Prevention meetings scheduled; dates and a registration link can be found on the NE811 website.
- SFM Legal Counsel – Regina Shields
 - **The Title 155 Amendments are currently in the Governor’s office and there may be a hearing scheduled within the next two weeks**. The new submission included changes to the Rural Electric positions to divide the category by gross revenue as was done previously. The total number of Board Members in the Amendment is eighteen.
 - **The new application for board members will be published on the SFM web site in draft form**. The timeline is based on the required number of days prior to hearing that it should be posted. The new BOD could be in place by the June 2019 meeting.
 - The SFM office will solicit applicants if no application has been submitted for any certain category. If there are several applications received, they will evaluate based on several factors such as rural vs. metro, experience, qualifications in certain areas such as experience with trenchless excavation, etc.
 - The SFM will not put forth information regarding training/orientation for new BOD members because the way the BOD governs itself within the by-laws is up to the BOD, not the SFM. In order to get an opinion on whether the BOD is subject to the Open Meetings Law and/or the Public Records Act, the BOD would have to ask for an opinion from the AG.
- Old Business
 - Previous Stakeholder meeting notes: **Jill will send notes to Val to review and determine what should be covered at future BOD meetings**
 - OCC Midwest User’s Group meeting review: Those that were in attendance and present to report were Dave Stroebele, Stan Waterman, and Nathan Stewart. The overall consensus from those that attended was that the meeting was well presented and well run with valuable information for both utilities and excavators. They felt it was a good way to spark new ideas. One idea that could be considered for use was a system called Foresight which provides a risk score for each ticket based on several factors.
- New Business
 - Secretary’s position: The SFM has not received letter of resignation but has received an application someone at the same company as the previous secretary who is now out on disability. Jill Geyer agreed to take minutes until the BOD can get a permanent replacement when the new BOD is appointed.
 - 2019 SH meetings schedule – **Val and Jill will be working on a schedule for the spring and fall 2019**.
 - OCC User’s Group Meeting - Miami 2018: Stan and Dan provided a report since they were not at the previous BOD meeting. Both felt that the information provided at the meeting was information that is

uniquely valuable especially due to the fact that there are attendees from all over the nation that can provide a different perspective.

- Company phone numbers on the ticket in the case of damage to a hazardous/natural gas pipeline: there have been requests to provide a company phone number on the ticket since the excavator is required at both the state and federal level, to contact the company. The Call Center is able to give a phone number for the utility if the excavator inquires. There are issues with giving the phone number of the contract locator. PHMSA has clarified their requirements to say that calling only 911 and 811 is acceptable since the call to 811 is being accepted as a call to the operator.
- CGA meeting March 2019: BOD members planning to attend are Nathan, Dan, Lance and Val. The BOD will pay for travel, registration, room and board. Some attendees will have expenses covered by their company. All are invited to the OCC event on Tuesday evening.
- New committees being considered: the BOD Chairperson is considering adding committees for finance and best practices. He will provide more information at a future date.
- BJ Woehler, request to address the BOD:
 - BJ asked the BOD to support LB462. NUCA worked with Senator Friesen since a hit court has to be legislated and the BOD can't do that. The bill as it was written was different than what NUCA anticipated after working with Senator Friesen. Locator licensing was not part of the original request and they are not sure where that came from. He feels that the AG doesn't need to be overburdened with things that the BOD and/or industry experts could do. He doesn't feel the BOD is broken.
 - BJ would like to be an excavator representative on the BOD and attend Policy Committee meetings. BJ thought there was a vote at a previous meeting by the BOD to add more excavators to the BOD. It was pointed out that the BOD doesn't appoint its own members as that is the SFM's duty however, the BOD may have voted to make a recommendation to the SFM office.
 - Regarding a hit court, he would like the SFM to be able to issue a fine as other states do. Nathan pointed out that the BOD is not a public entity and couldn't do enforcement on civil matters as the bill was written.
 - A BOD member mentioned that some BOD members may not want to sit on dispute resolution board and risk a conflict with companies they work with.
 - Matt Ruddo provided some guidance from his experience with a dispute resolution board that he was worked with. Getting a hit court in place can be a long process. A vast majority of the cases are for no cause and result in fines against excavators. Excavators are sometimes hesitant to come forward in fear of "biting the hand that feeds it". The area that has a DRB in place is one of the best in the country regarding percentage of damages however it is a governmental entity where the NE BOD is not. A DR Board can be financed through ticket price and grant money, specifically the One Call grant enforcement piece.
 - The question was asked, if "poor excavation practices" is the cause in 1 of 4 damages, shouldn't there be more focus on excavators rather locators? BJ mentioned that he would be ok with certifying excavators.
 - BJ would also like to see improvement in the BOD responses to public comments at BOD meetings.

- BOD Meetings: There was discussion regarding adding one more meeting per year and having a regular meeting in January in order to address bills if/when they come out.
- Legal counsel: The consideration of hiring legal counsel will be tabled until the next meeting.
- Board position on LB462: Currently the BOD has not taken a position on the bill. There is a consensus to do so but there is no quorum currently at this meeting as some have left. The topic should be put on the April meeting agenda unless it comes up earlier, in which case an emergency meeting would be necessary. The public should be included in all conference calls and closed session.

Dan Maschka left at 2:45.

- Public comment:
 - BJ Woehler is making a request on behalf of E & A to have the Design ticket be included in the law as billable with a 10 day response time.
- CGN
 - The next CGN meeting will be on 3/21; location and time is to be determined. There will also be a Safety Summit debriefing call on 2/22 at 10am.
- Closing Comments
 - The Board Chairman echoes the request of the SFM in asking each member to communicate to people they represent.
- Meeting was called to a close at 3:32PM

Respectfully submitted,
Jill Geyer

Action Items:

- LB462 progress – Policy Committee
- Outreach on MEPR – All, Call Center
- Find out what the federal requirements are for Stand-Bys for gas lines – Val
- By-Law updates – by-laws committee
- Non-response automation and billing after MEPR goes into effect.
- Audit results – David Levering
- First quarter AG report – Milissa
- Title 155 Amendment progress; BOD re-appointment process
- Stakeholder Meeting topics and schedule – Jill, Val
- CGA Meeting March 2019
- New Committee formation
- Public Comment follow up
- BOD Meeting schedule
- Legal Counsel hiring
- Board position on LB462