



## **EXCAVATION PERMIT**

### **CRITERIA FOR COMPLETION AND IMPORTANT INFORMATION**

#### **General Provisions**

1. Excavation permits are for **digging** only.
2. No work shall be started until an authorized representative of the department has given notice to the permittee to proceed.
3. Any replacement of, addition to, or change in the facility granted by this conditional permit shall require a new conditional permit prior to such work.
4. Adequate drawings or sketches shall be included showing the existing and/or proposed location of the facility with respects to the property on which it is located, adjacent properties and existing rights.
5. The permittee shall maintain at its sole expense the structure or subject for which this conditional permit is granted.
6. If trench or pavement settlement should occur within two years from the date of installation, repairs shall be made by the permittee as directed by the City Engineer at the permittees sole cost. If the permittee fails to make necessary repairs the City may make the repairs and bill the permittee. No new permits shall be issued to the permittee until such claims are settled.
7. During the progress of the work, barricades, lights and other traffic control devices shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public. Said barricades, lights and other traffic control devices shall conform to the current issue of the manual on Uniform Traffic Control Devices for streets and highways. Parked equipment and stored materials shall be as far away from the travel way as feasible. Items left overnight within 30 feet of travel way shall be marked and or protected.
8. In accepting this permit, the permittee, its successors and assigns, agrees to hold the City of Victor harmless from any and all liability on account of the erection, installation, construction, maintenance or operation of the facilities located under this permit.
9. No excavation shall be made or obstacle placed within the right of way of any roadway or walkway in such a manner as to interfere with travel over said right of highway or walkway.

10. Any disturbance of the traveled surface of the road and/or traffic control devices, or walkway, shall be restored to the satisfaction of the City Engineer.
11. If the work done under this conditional permit interferes in any way with the drainage of any roadway, the permittee shall at his own expense make such provision as the City Engineer may direct to take care of the drainage interference.
12. On completion of the work, all rubbish and debris shall be immediately removed, and roadway, roadside, or walkway shall be left neat and presentable to the satisfaction of the City Engineer.
13. All work shall be done to conform with the current government and industrial standards under the supervision and to the satisfaction of the City Engineer and the entire expense of the supervision shall be borne by the permittee.
14. The City reserves the right to order the change of the location or the removal of any structure or facility authorized by this conditional permit, the change, relocation or removal to be made at the sole expense of the permittee or its successor and assigns, unless such structure or facility had been located as specifically approved by this permit.
15. The conditional permit is not an exclusive one and shall not prohibit the City from granting other permits of rights of like or other nature to the public or private utilities or persons, or shall it prevent the city from using any of its roads, streets or public places to affect its right to the full supervision and control over all or any part of them, none of which is hereby surrendered.
16. The City may revoke, amend, amplified, or terminate this conditional permit if permittee fails to comply with any or all of its provisions, requirements, or regulations, or through willful or unreasonable neglect fails to heed or comply with notices given, or if a utility, the utility granted is not installed or operated and maintained in conformity with this conditional permit.
17. A \$1,000 deposit is required; \$900 of the deposit is refundable after the project is complete and the site has been inspected by the Public Works Department.

**YOU MUST CALL THE IDAHO DIGLINE  
BEFORE YOU BEGIN EXCAVATION**

**“CALL BEFORE YOU DIG”:**

Before you dig you must call the following locator service telephone number: (208) 787-2940 or DIGLINE #1682, 1 (800) 342-1585. If no one can be reached, applicant must still comply with the notice requirements of Idaho Code section 55-2203(1)(B) and other applicable provisions of the law.

# City of Victor EXCAVATION PERMIT APPLICATION



Permit #: \_\_\_\_\_

Date: \_\_\_\_\_

## Property Owner Information:

Property Owner's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Property Owner's Mailing Address: \_\_\_\_\_

If permit applicant is other than the owner, verification that you are the owner's authorized representative must be confirmed by submitting an [authorization letter](#).

Representative's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Representative's E-mail Address: \_\_\_\_\_

## Excavation Information:

Excavator's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Excavation Date: \_\_\_\_\_

Address / location and description of excavation: \_\_\_\_\_

## Attachments:

(1 paper copy and 1 digital copy of each are required)

- Warranty Deed
- Site Plan indicating
  - Location of proposed work, with dimensions noted
  - Property lines
  - Underground utilities (water, sewer, irrigation, phone, internet cable)
- Signature certifying Criteria for Completion and Important Information have been read
- Authorization Letter (if applicable)

## Certification Signature:

By signing this application I agree that I have read it in its entirety, including all of [Idaho Code sections 55-2201 through 55-2210](#), that I understand what I have read and I agree to be bound by the law and all of the terms and conditions of this application at the time the conditional permit is granted.

If 55-2201 through 55-2210 do not apply, please explain: \_\_\_\_\_

\_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**IMPORTANT NOTICE:** [Idaho Code 55-2201 through 55-2210](#) contains notice provisions which must be complied with by applicant in order to prevent damage to the underground facilities. **Applicant is solely responsible to see that he and his excavator comply with such notice provisions and other requirements under that law.** This permit shall not be valid for excavation until or unless these notice provisions have been fully complied with. The City is not responsible at any time to explain to applicant or to determine if applicant has timely or fully complied with such notice provisions or any provisions of that law. The City assumes no liability arising out of the applicant's failure to comply with any of the provisions of the law and applicant agrees to so indemnify the City against any and all resulting damages and claims.

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**Application Fee:**

**Excavation Permit Fee** - \$1,000 deposit, with \$900 refundable after project is complete and has been inspected by the Public Works department

**Fee aid by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Amount of deposit refunded:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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*For Office Use Only*

**Public Works Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Planning Department Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Conditions:** \_\_\_\_\_

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**Issuance of permit:**

Subject to all terms and conditions, and provisions shown on this form or attachments. A permit is hereby granted to the above named applicant to perform the work described.

**Date:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Staff Signature:** \_\_\_\_\_

**Application Materials Checklist:**

Application Materials	Digital Copy Yes/No	Date Requested	Date Received	Paper Copy Yes/No	Date Requested	Date Received
1. Warranty Deed						
2. Applicant's Signature/Certification						
3. Site Plan						
4. Authorization Letter (if applicable)						

TITLE 55 PROPERTY IN GENERAL

CHAPTER 22 UNDERGROUND FACILITIES DAMAGE PREVENTION

**55-2201. LEGISLATIVE INTENT.** It is the intent of the legislature in enacting this chapter to assign responsibilities for locating and keeping accurate records of underground facility locations, for protecting and repairing damage to existing underground facilities, and for protecting the public health and safety from interruption in services caused by damage to existing underground facilities.

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

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

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, 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.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "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.

(5) "Excavator" means any person who engages directly in excavation.

(6) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(7) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

(8) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

(9) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(10) "One-number locator service" means a service through which a person can notify owners of underground facilities and request field-marking of their underground facilities.

(11) "Person" means an individual, partnership, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(12) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(13) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

(14) "Underground facility owner" means any person who owns or operates an underground facility.

**55-2203. PERMIT COMPLIANCE -- NOTICE OF EXCAVATION -- RESPONSE TO NOTICE -- COMPENSATION FOR FAILURE TO COMPLY -- EXEMPTIONS. (1)**

Before commencing excavation, the excavator shall:

(a) Comply with other applicable law or permit requirements of any public agency issuing permits;

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

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

(ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.

(c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number locator service. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator to the one-number locator service or, if no one-number locator service is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.

(2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of

the underground facilities and with reasonable accuracy as defined in section 55-2202(12), Idaho Code. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, or the owner's agent, the excavator is responsible for maintaining the markings. Unless otherwise agreed in writing by the parties, maintained markings shall be valid for purposes of the notified excavation for a period of no longer than three (3) consecutive weeks following the date of notification so long as it is reasonably apparent to the excavator that site conditions have not changed so substantially as to invalidate the markings.

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

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

(3) Emergency excavations are exempt from the time requirements for notification provided in this section.

(4) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies reasonably accurate locate information within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or one thousand dollars (\$1,000), whichever is less.

#### **55-2204. ONE-NUMBER LOCATOR SERVICE -- ESTABLISHMENT --**

**PARTICIPATION REQUIRED -- FUNDING.** Two (2) or more persons who own or operate underground facilities in a county may voluntarily establish or contract with a third person to provide a one-number locator service to maintain information concerning underground

facilities within a county. Upon the establishment of the first such one-number service, all others operating and maintaining underground facilities within said county shall participate and cooperate with the service, and no duplicative service shall be established pursuant to this chapter. The activities of the one-number locator service shall be funded by all of the underground facility owner/operators required by the provisions of this section to participate in and cooperate with the service.

**55-2205. EXCAVATION CONTRACTS -- LIMITATIONS -- PRECAUTIONS TO AVOID DAMAGE -- LIABILITY FOR DAMAGE.**

(1) Project owners shall indicate in bid or contract documents the existence of underground facilities known by the project owner to be located within the proposed area of excavation.

(2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall:

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

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

(c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.

(3) If an underground facility is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for any damages to the underground facility owner. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.

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

**55-2206. DAMAGE TO UNDERGROUND FACILITIES -- DUTIES OF EXCAVATOR AND OWNER.**

(1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the underground facility owner and the one-number locator service. If the damage causes an emergency condition, the excavator causing the damage shall also alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may



permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

**55-2207. DUTIES OF PUBLIC AGENCY ISSUING EXCAVATION PERMITS.** (1) Any public agency issuing permits authorizing excavation operations shall notify persons seeking such permits of the existence of this chapter and the one-call locator service telephone number.

(2) A permit shall not be valid for excavation until or unless the notice provisions of this section have been complied with.

**55-2208. EXCAVATIONS EXEMPT FROM NOTICE REQUIREMENT.** Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, the following excavations shall not require notice of the excavation pursuant to section 55-2203(1)(c), Idaho Code:

(1) An excavation of less than fifteen (15) inches in vertical depth outside the boundaries of an underground facility easement of public record on private property.

(2) The tilling of soil to a depth of less than fifteen (15) inches for agricultural practices.

(3) The extraction of minerals within recorded mining claims or excavation within material sites legally located and of record, unless such excavation occurs within the boundaries of an underground facility easement.

(4) Normal maintenance of roads, streets and highways, including cleaning of roadside drainage ditches and clear zones, to a depth of fifteen (15) inches below the grade established during the design of the last construction of which underground facility owners were notified and which excavation will not reduce the authorized depth of cover of an underground facility.

(5) Replacement of highway guardrail posts, sign posts, delineator posts, culverts, and traffic control device supports in the same approximate location and depth of the replaced item within public highway rights-of-way.

(6) Normal maintenance of railroad rights-of-way, except where such rights-of-way intersect or cross public roads, streets, highways, or rights-of-way adjacent thereto, or recorded underground facility easements.

**55-2209. VIOLATION -- CIVIL PENALTY -- TREBLE DAMAGES -- OTHER REMEDIES UNIMPAIRED.** (1) Any person who violates any provision of this chapter, other than the failure to provide notice pursuant to section 55-2203(1)(c), Idaho Code, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each violation. All penalties recovered in such actions shall be deposited in the state general account.

(2) If an underground facility is damaged as a result of an excavator's failure to provide notice pursuant to section 55-2203(1)(c), Idaho Code, unless otherwise exempt, the excavator shall receive a written warning from the underground facility owner and shall be liable for actual costs of repairing the facility if it is the excavator's first failure to provide the notice required pursuant to section 55-2203(1)(c), Idaho Code, during any consecutive period of twelve (12) months.

(a) If the court finds, by a preponderance of the evidence, that the excavator has, on more than one (1) occasion during any consecutive period of twelve (12) months, failed to provide the notice required pursuant to section 55-2203(1)(c), Idaho Code, and that such failure has been a proximate cause of damage to an underground facility, the court may increase the civil penalty in an amount up to five thousand dollars (\$5,000).

(b) If the court finds, by a preponderance of the evidence, that the excavator has, on three (3) or more occasions during any consecutive period of twelve (12) months, failed to provide the notice required pursuant to section 55-2203(1)(c), Idaho Code, and that such failure has been a proximate cause of damage to an underground facility, the court may increase the civil penalty in an amount up to ten thousand dollars (\$10,000) for the third occurrence taking place during the twelve (12) month period.

(3) (a) An action to recover a civil penalty under this section may be brought by a prosecuting attorney. If the prosecuting attorney does not file an action for such civil penalty within sixty (60) days from the date of a request for such action by the owner of an underground facility, the underground facility owner may file such action. Venue for such an action shall be proper in the judicial district for the county in which the damaged underground facility is located or the county in which the excavator resides or maintains a principal place of business in this state. The prevailing party in such action shall be entitled to recover its costs and reasonable attorney's fees incurred in such action.

(b) The penalties provided in this section are in addition to any other remedy at law or equity available to an excavator or to the owner or operator of a damaged underground facility.

(c) The court shall consider, as a mitigating factor in determining the amount of civil penalty to be imposed, evidence showing by a preponderance of the evidence that the violation occurred solely as a proximate result of the excavator or underground facility owner's reasonable response to an emergency beyond the control of the offending party.

(d) Any civil penalty imposed pursuant to this section shall be deposited in the state general fund. Attorney's fees shall be paid solely to the party successfully bringing the action.

(4) Any excavator who damages an underground facility on a third or subsequent violation pursuant to subsection (2) of this section may be liable for treble the costs incurred in repairing or relocating the facility.

(5) Unless expressly provided herein, nothing in this chapter eliminates, alters or otherwise impairs common law, statutory or other preexisting rights and duties of persons affected by the provisions of this chapter; nor does anything in this chapter, unless expressly so provided, eliminate, alter or otherwise impair other remedies, state or federal, including those at common law, of an underground facility owner whose facility is damaged; nor do the provisions of this chapter affect any civil remedies for personal injury or property damage except as expressly provided for herein.

**55-2210. WAIVER PERMITTED BY OWNER OF UNDERGROUND FACILITY.** The notification and marking provisions of this chapter may be waived for one or more designated persons by an underground facility owner with respect to all or part of that underground facility owner's own underground facilities.