

**Annual Damage Prevention / Safety Seminar**

***MNOPS Lateral  
Service Locate  
Rules –  
Panel  
Discussion***



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# Changes to MS216D Effective 8/1/04

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MUCA introduced legislation – became law 8/1/04

## Annual Damage Prevention / Safety Seminar

### 14 Calendar Days



Changes to  
MS216D  
Effective  
8/1/04



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Sec. 2. Minnesota Statutes 2002, section 216D.04, subdivision 1, is amended to read:

Subdivision 1. [NOTICE REQUIRED; CONTENTS.] (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide ***(deleted - an excavation or location)*** notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey...

Minnesota Statutes 2002, section 216D.04, subdivision 4, is amended to read:

(c) The ***(deleted - notification center excavation or location)*** notice ***(deleted - will be void six months from the issue date on the notice. A new notice will need to be issued to continue excavation.)*** is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice.

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### *Preliminary Design Meets Preconstruction Meets*



Changes to  
**MS216D**  
Effective  
8/1/04



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Sec. 3. Minnesota Statutes 2002, section 216D.04, subdivision 1a, is amended to read:

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

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### Good Faith Indemnification... Private or Customer Owned



Changes to  
MS216D  
Effective  
8/1/04



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Sec. 5. Minnesota Statutes 2002, section 216D.04, subdivision 3, is amended to read:

**(deleted - f) (g)** An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

## Annual Damage Prevention / Safety Seminar

### Cancel Through GSOC



Changes to  
MS216D  
Effective  
8/1/04



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Minnesota Statutes 2002, section 216D.04, subdivision 4, is amended to read:

(b) If the excavator or land surveyor (~~deleted - postpones the excavation or boundary survey commencement time stated in the excavation or location notice by more than 96 hours, or~~) cancels the excavation or boundary survey, the excavator or land surveyor shall (~~deleted – notify~~) cancel the notice through the notification center.

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### *Protect and Preserve Markings*



Changes to  
**MS216D**  
Effective  
8/1/04



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This was in the rules already...

Minnesota Statutes 2002, section 216D.04, subdivision 4, is amended to read:

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

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Changes to  
**MS216D**  
Effective  
8/1/04

**White Markings except where it can be shown not practical.**



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Minnesota Statutes 2002, section 216D.05, is amended to read:

(2) use white markings for proposed excavations except where it can be shown that it is not practical;



**Changes to  
MR7560  
Effective  
June 13, 2005  
(Jan 1, 2006)**

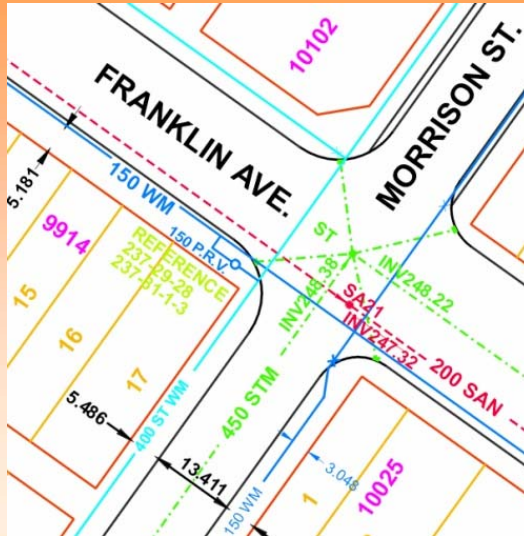
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### Utility Maps



Changes to  
MR7560



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7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.

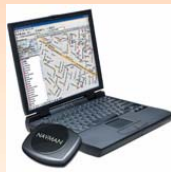
Subpart 1. Duty of operator to map. After December 31, 2005, an operator shall maintain a map, a diagram, a drawing, or geospatial information regarding the location of its underground facility within a public right-of-way installed after that date.

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***Operator shall install a tracer wire or other equally effective means of marking.***



**Changes to  
MR7560**



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7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.

Subp. 2. Duty to install locating wire. After December 31, 2005, an operator shall install a locating wire or have an equally effective means of marking the location of each nonconductive underground facility within a public right-of-way installed after that date. This requirement does not apply when making minor repairs to an existing nonconductive facility.

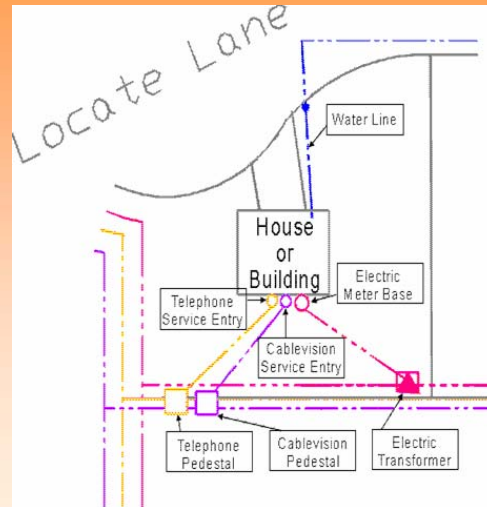
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### Locate Standards



Changes to  
**MR7560**

- Name
- Width if >8"
- Number of Lines



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#### 7560.0250 LOCATE STANDARDS.

Subpart 1. Facility locate. Unless otherwise agreed to between the excavator and operator, an operator shall locate an underground facility using stakes, flags, paint, or other suitable materials in varying combinations dependent upon the surface. The locate must be in sufficient detail to clearly identify the approximate route of the underground facility. The locate must also include:

- A. name, abbreviation, or logo of the operator when more than one operator listed on the notice uses the same color markings;
- B. width of the underground facility if it is greater than eight inches; and
- C. number of underground facilities if greater than one.



## Emergencies



Changes to  
**MR7560**



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### 7560.0325 EMERGENCY EXCAVATION NOTICES.

Subpart 1. Duty of excavator to provide notice. An excavator shall provide notice before commencing an emergency excavation, unless subpart 2 applies. All emergency notices, regardless whether made prior to excavation, must be verbal or in a manner accepted by the notification center. In addition to the information required by the notification center, the notice must also contain:

- A. a description of the situation requiring the emergency excavation;
- B. the precise location of the proposed area of the emergency excavation;
- C. at least one continuously-staffed telephone number where the excavator can be contacted by the operator throughout the emergency; and
- D. the excavation start date and time if the need for excavation is not immediate.

Subp. 2. Excavating before notice. If an emergency is such that providing notice or waiting for an operator would result in an undue risk to life, health, or significant loss of property, the excavator may excavate without providing prior notice or waiting for an operator to mark an underground facility. In this situation, the excavator shall provide notice as soon as practicable and take all reasonable precautions to avoid or minimize damage. Excavation prior to notice under this subpart does not relieve an excavator from any responsibility for damage to an underground facility pursuant to Minnesota Statutes, section 216D.06.

Subp. 3. Emergency notice requesting immediate response. Upon receiving an emergency excavation notice requesting an immediate response, an operator shall:

- A. attempt to contact the excavator within one hour at the telephone number provided in subpart 1, item C, to provide any information concerning facilities at or near the area of excavation including an anticipated response time; and
- B. mark the underground facility within three hours of notice unless:
  - (1) otherwise agreed between the parties;
  - (2) the operator notifies the excavator that not locating does not present an immediate danger to life or health, or a significant loss of property; or
  - (3) there is an event or situation that cannot be reasonably anticipated or controlled by the operator.

Subp. 4. Emergency notice requesting scheduled response. Upon receiving an emergency excavation notice that does not require an immediate response, and before the scheduled excavation start date and time, an operator shall:

- A. mark the underground facility, unless otherwise agreed between the parties; or
- B. notify the excavator at the telephone number provided in subpart 1, item C, that there is not an underground facility within the area of proposed excavation. For purposes of this subpart, a requested start time of three hours or less from the time notice is provided to the center is considered an emergency notice requesting immediate response under subpart 3.

## *Meets*



**Changes to  
MR7560**



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### 7560.0100 DEFINITIONS.

Subp.7. Meet. When used as a noun in this chapter, "meet" refers to a meeting at the site of proposed excavation requested at the time of notice by the excavator with all affected underground facility operators to further clarify the precise geographic location of excavation, schedule locating, propose future contacts, and share other information concerning the excavation and facilities.

### 7560.0350 EXCAVATION NOTICE REQUESTING MEET.

Subpart 1. Excavator duties. When requesting a meet through the notification center, an excavator must provide at least one contact name and telephone number to assist in facilitating the meet. An excavator shall contact the notification center to cancel or reschedule the meet. When a meet is requested, an excavator's notice must include the entire geographic area of the proposed excavation and the specific location of the meet.

This part does not relieve an excavator from the duty to provide a precise geographic location of the proposed area of excavation, or to use white markings except where it can be shown that to do so is not practical.

Subp. 2. Operator duties. When a meet is requested, an affected operator shall make a reasonable effort to attend the meet at the proposed date and time, or contact the excavator before the meet and reschedule for a mutually agreed date and time.

Subp. 3. Excavation start date and time. When a meet is requested, the meet date and time must be at least 48 hours after notice is provided and the excavation start date and time must be at least 24 hours after the proposed meet date and time specified on the notice, excluding Saturdays, Sundays, and holidays. This subpart does not apply if these matters are provided for in a written agreement with all affected operators.

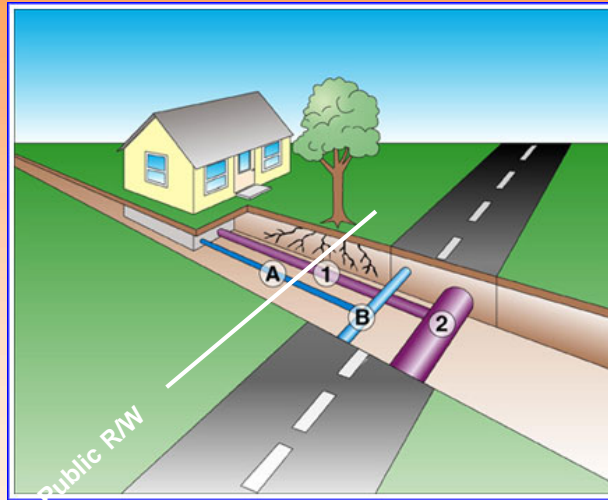
Subp. 4. Meet request documentation. An excavator shall maintain written documentation of each meet with an underground facility operator or representative. This documentation must be kept for the duration of the excavation conducted under the notice. The documentation must include:

- A. the date and time of each meet;
- B. the names, company affiliations, and contact information of the attendees of each meet;
- C. a diagram, sketch, or description of the precise excavation locations, dates, and times; and
- D. the agreed schedule of any future meets or communications.

## Service Laterals



Changes to  
MR7560



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### 7560.0375 LOCATING A SERVICE LATERAL.

Subpart 1. Operator duties. Unless otherwise agreed, an underground facility operator shall locate a service lateral before the start date and time on the notice and in accordance with items A through C:

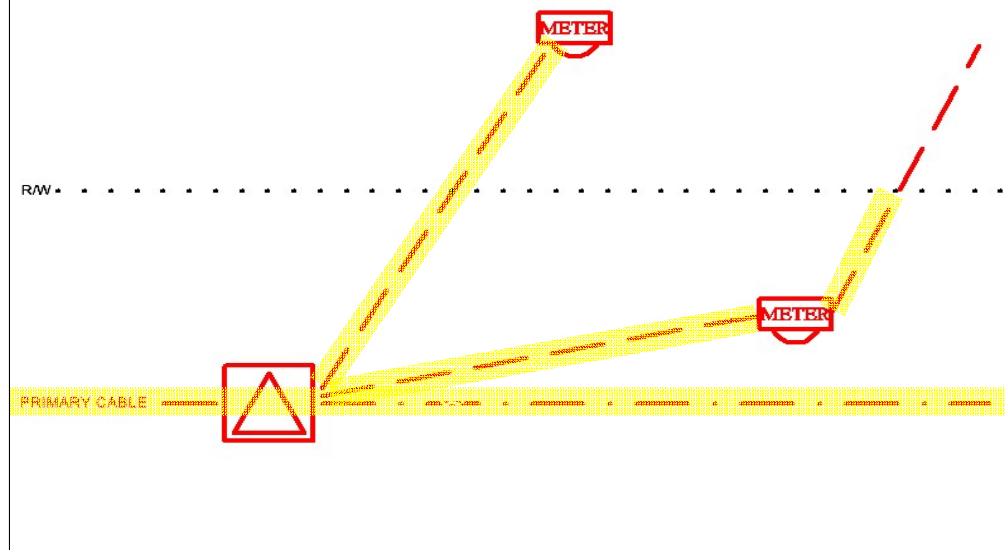
A. An operator of a natural gas, propane, or electric facility shall locate a service lateral up to the meter or the connection to a customer's underground facility, whichever is closer to the end-use customer. If the meter or connection to the customer's underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way.

B. An operator of a communication facility shall locate a service lateral up to the entry of the first building. If the service lateral does not enter a building, the operator shall locate up to the utilization equipment, fence, or wall that surrounds the equipment.

C. After December 31, 2005, an operator of a sewage or water facility, at a minimum, shall locate that portion of the service lateral within a public right-of-way installed after that date. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a sewer or water service lateral installed before January 1, 2006. If no information is available on a sewer or water service lateral installed before January 1, 2006, then notifying the excavator that no information exists fulfills the requirements of this section.

Subp. 2. Exception. An operator is not required to locate a service lateral of a customer who currently participates in the statewide notification system, provided the customer is notified in writing of the duty to locate the service lateral.

## Service Laterals



### 7560.0100 DEFINITIONS.

Subp. 12. **Service lateral.** "Service lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

### 7560.0375 LOCATING A SERVICE LATERAL.

Subpart 1. **Operator duties.** Unless otherwise agreed, an underground facility operator shall locate a service lateral before the start date and time on the notice and in accordance with items A through C:

A. An operator of a natural gas, propane, or electric facility shall locate a service lateral up to the meter or the connection to a customer's underground facility, whichever is closer to the end-use customer. If the meter or connection to the customer's underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way up to the point where the service lateral first leaves the public right-of-way.

B. An operator of a communication facility shall locate a service lateral up to the entry of the first building. If the service lateral does not enter a building, the operator shall locate up to the utilization equipment, fence, or wall that surrounds the equipment.

C. After December 31, 2005, an operator of a sewage or water facility, at a minimum, shall locate that portion of the service lateral within a public right-of-way installed after that date up to the point where the service lateral first leaves the public right-of-way. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a sewer or water service lateral installed before January 1, 2006. If no information is available on a sewer or water service lateral installed before January 1, 2006, then notifying the excavator that no information exists fulfills the requirements of this section.

Subp. 2. **Exception.** An operator is not required to locate a service lateral of a customer who currently participates in the statewide notification system, provided the customer and operator mutually agree that the customer will assume locate responsibilities. The agreement must be in writing.

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### MINNESOTA OFFICE OF PIPELINE SAFETY

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↙ Grand Rapids (218) 327-4218

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