



# MN Statute Chapter 216 D Excavation Notice System 216D.04 City and County Responsibilities

**Presentation By: City Engineers Association of MN, County Engineers  
Association of MN, MN Office of Pipeline Safety**

# Function of MNOPS

- **MNOPS is a Division of the MN Department of Public Safety**
- **MNOPS has Two Main Functions**
  - **Inspect All Regulated Pipelines in MN**
  - **Enforce the State's One Call Law – MS216D and MN Rule 7560 (blue pages in back of GSOC handbook)**





# 216D.02 Notice to Excavator or Operator

- ▶ **Subdivision 1. Display and distribution.** Local governmental units that issue permits for an activity involving excavation must continuously display and excavators' and operator's notice at the location where permits are applied for and obtained. An excavator and operator's notice and a copy of sections 216D.03 to 216D. 07 must be furnished to each person obtaining a permit for excavation.
- ▶ **What this Means:** Local Government units can obtain a copy of the above described documents for distribution from the notification center (Gopher State One Call Center) These documents are typically sent out to local governments in January.

<http://www.gopherstateonecall.org/resources/downloads>

## MN Statute: Section 216D.04

### Subd. 1a. Plans for excavation.

(a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(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.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.



## Subd. 1a. (a) Plans for excavation

- ▶ (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and **general location** of underground facilities. Affected operators shall provide the information **within 15 working days**. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection.

## Subd. 1a. (a) Plans for excavation

### Best Practices:

- ▶ Perform utility 15-day design request through GSOC and request the utility owner provide contact information for their representative with maps. Also state your request for field locates by survey.
- ▶ Recommend periodic review of the GSOC website for utility owner status to the request:  
[https://mn.itic.occinc.com/mnrecApp/ticketSearchAndStatus.jsp?db=mn.](https://mn.itic.occinc.com/mnrecApp/ticketSearchAndStatus.jsp?db=mn)
- ▶ Request your one-call marking in the field so that it coordinates with your topographic survey
- ▶ If utility crossings are critical locations for your project design, potholing during the design process will give the cities and counties a higher level of accuracy.



## Subd. 1a. (a) Plans for excavation

### Best Practices:

- Have a bid item for potholing to further id conflicts.
- Understand the Cities or Counties Franchise Agreements, for your rights and responsibilities.
- Document when data was requested and when data was received, place in the project file. This data maybe be needed later if the operator does not deliver the information in time.
- Make additional requests if affected operator does not respond after the first request.
- If no data is received, document this on the construction plans and contact the MNOPS to file a complaint.

## Subd. 1a. (a) Plans for excavation

- The information obtained from affected operators **must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.**





## Subd. 1a. (a) Plans for excavation

### Best Practices:

- ▶ Perform secondary 15-day design request through GSOC 30 days prior to advertisement for bids. Clearly show Quality Level on the Plan Title Sheet.
- ▶ The level of accuracy of the utilities should be clearly marked on all plan sheets that utilities appear on. If the level of accuracy is at a C or D, the project designer, should consider adding the utilities to the plan sheets only and not the profile or cross sections sheets, as there are not xyz coordinates.
- ▶ If the utility has been located by potholing or other means and an xyz location can be made, the quality level, should clearly be noted and placed on profiles and cross sections.
- ▶ Cities and Counties could think about using color on their plan sheets, gas yellow, electric red, etc. Iowa DOT is using color on their plans.
- ▶ Some project sites/locations should have a higher level of accuracy such as hospitals, airport, schools etc

## Subd. 1a. (c) Plans for excavation.

- (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.



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## Subd. 1a. (c) Plans for excavation.

### Best Practices:

- An annual meeting with all private utility company's is recommended to review a City or County's 3 – 5 year Capital Improvements Plan.
- Formalize the process to notify utilities of the upcoming work and when they need to be completed with the work. MNDOT uses “Notice and Orders” Cities and Counties should look at this process
- For complex projects more than one preliminary design meeting is recommended, for utility coordination and these meetings could be held at the start, 30%, 60% and 90% design progress phases.
- Cities and Counties should actively engage with the Utility Operators to coordinate relocation.
- If facility operators do not attend, documentation shall be placed in the project file and a second meeting should be held to assure all information is communicated and the design and/or relocation of utilities can be properly addressed.

## Subd. 1a. (d) Plans for excavation

- (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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## Subd. 1a. (d) **Plans for excavation.**

### **Best Practices:**

- ▶ **If a critical facility operator does not attend, the city or county should work diligently to schedule another meeting to assure all information is communicated and the design and/or relocation of utilities can be properly addressed.**
- ▶ **Attendance to meeting shall be documented in your project files.**
- ▶ **If facility operators do not attend, document this and contact the MNOPS to file a complaint.**
- ▶ **Enforce Franchise Agreement rules if they exist.**

# MNOPS Enforcement

## MS216D.08 Civil Penalties

### Subdivision 1. Penalties.

A person who is engaged in excavation for remuneration... who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed by the commissioner not to exceed \$1,000 for each violation per day of violation. An operator subject to section 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed under section 299F.60...

# MNOPS Follow-Up

- **MNOPS is a complaint-base organization**
  - **MNOPS has received very little complaints regarding this requirement**
- **Compliance with the statute requires documentation**
  - **Engineering firm; documentation of pre-bid & pre-con meetings**
  - **Contractor; plans, specs, and other job-related documentation**
- **Enforcement; to date MNOPS has issued minimal enforcement**