

# **GOPHER STATE ONE CALL**

This time and every time



## **2015 HANDBOOK**

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[www.gopherstateonecall.org](http://www.gopherstateonecall.org)

# What is New for 2015?

Each year Gopher State One Call (GSOC) makes several improvements to its operations and technology to better serve you. Based on your feedback, here are a few enhancements you can look forward to in 2015:

- ✓ **New Website:** On January 5, 2015, GSOC rolled out the new and improved Gopher State One Call website. We reenergized our online presence to make for a faster, smoother, and more intuitive GSOC experience – whether users are on a laptop, tablet, or smart phone.
- ✓ **New E-Ticket:** This spring/summer, anticipate a new look and feel with your E-Ticket experience. We've streamlined your E-Ticket as well as added some new tools and customization options to enhance E-Ticket.
- ✓ **New Leadership:** This January, GSOC added a new face to the team. Barbara Cederberg joins GSOC as Chief Operations Officer (COO). Barb comes to us with extensive business and operations experience and a passion for safety.

## ***What Does NOT Get Marked***

Some buried facilities in your work area may not be owned by an underground facility operator required to register with GSOC. These are considered private facilities and will NOT be marked.

Inspect your job site prior to entering a ticket to determine where private facilities may be buried. Investigate who may have installed them and determine if any records or maps exist.

Suggest that the property owner hire a private facility locator.

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## Submit Tickets

Using E-Ticket

[www.gsocsubmit.org](http://www.gsocsubmit.org)

E-Ticket is an easy-to-use online tool that allows you to submit tickets to GSOC 24/7/365.

- Available anywhere you have internet access, including your mobile device
- Increases ticket safety and accuracy
- Automatically provides a copy of your ticket
- Automatically provides a copy of the electronic responses as of the morning of your legal start date

### By Telephone

Emergency Tickets: **866-640-3637**

Twin Cities Metro: **651-454-0002**

Greater MN Area: **800-252-1166**

Nationally: **811**

**811** is a national phone number that uses your area code to connect you to your state's one call notification center. Visit [www.Call811.com](http://www.Call811.com) for contact information for other state one-call centers.

**Note:** Due to heavy call volume, it is suggested you avoid contacting GSOC via telephone between 7am–11am, on Monday–Wednesday.

**IMPORTANT** Emergency calls are exempt from this request and are always accepted.

# GSOC Hours of Operation

GSOC can be contacted for all ticket types Monday to Friday:

April–October: 6 am–6 pm

November–March: 7 am–5 pm

**IMPORTANT** Emergency calls are exempt from business hours and are always accepted.

## 2015 Holiday Schedule

Martin Luther King Jr. Day	Monday, Jan. 19, 2015
President's Day	Monday, Feb. 16, 2015
Memorial Day	Monday, May 25, 2015
Independence Day	Friday, July 3, 2015
Labor Day	Monday, Sept. 7, 2015
Veteran's Day	Wednesday, Nov. 11, 2015
Thanksgiving Day	Thursday, Nov. 26, 2015
Thanksgiving Friday	Friday, Nov. 27, 2015
Christmas Eve	Thursday, Dec. 24, 2015
Christmas Day	Friday, Dec. 25, 2015
New Year's Day	Friday, Jan. 1, 2016

# Online Resources Available To You

GSOC has several resources to help your business. Our website and online tools can usually help answer your questions without having to pick up the telephone. Our online resources are available to you 24/7/365.

## [www.gopherstateonecall.org](http://www.gopherstateonecall.org)

Our website allows you to access everything from ticket submission and ticket searching to videos, news, an electronic version of this handbook, information on our processes and services, sample tickets, promotional items and an FAQ.

## Frequently Asked Questions

Our FAQ section is your first stop to get the answers you need about GSOC, including:

- What do I do after I contact Gopher State One Call?
- If I believe my ticket is inaccurate, what should I do?
- What if I contacted Gopher State One Call and no one came to mark my excavation site with paint or flags?
- What is my responsibility while I am excavating?
- I've exposed or hit a utility line; what do I do now?

To read our FAQ: [www.gopherstateonecall.org/faq](http://www.gopherstateonecall.org/faq)

## E-Ticket

To submit a new ticket:

[www.gsocsubmit.org](http://www.gsocsubmit.org)

## Updating a Ticket

Did you know you can update your ticket online?

To update an existing ticket:

[www.gsocupdate.org](http://www.gsocupdate.org)

A ticket can be updated for the following reasons:

- Your work will be delayed
- You need your excavation site to be remarked due to obliteration of the original markings
- To correct spelling

A ticket cannot be updated to change the following:

- Company doing the work
- Nature of work
- Expand the scope of the original work
- Meet date/time
- Excavation address or intersecting street

**IMPORTANT** Should you need to change any of this information, you must cancel your existing ticket and submit an entirely new ticket.

## Canceling a Ticket

Did you know you can cancel your ticket online?

To cancel an existing ticket:

[www.gsoccancel.org](http://www.gsoccancel.org)

You should cancel your ticket for any of the following reasons:

- You find any information that is inaccurate once you have reviewed the ticket sent to you by GSOC
- Work is no longer taking place
- Work has been delayed
- Work site information has changed

## Searching for a Ticket

GSOC offers a simple online tool for you to review, print, and/or check the status of your ticket. You can search by your ticket# or if you don't have it, by the address of your excavation site.

To search for a ticket:

[www.gsocsearch.org](http://www.gsocsearch.org)

## Checking Your Ticket Status

Facility operators will mark their underground facilities at your excavation site, usually using colored paint or flags if they determine that their underground facilities are in conflict with the excavation. Sometimes they may not need to mark in the field. Facility operators will post this information in GSOC's system. This process is called "positive response." You should always check the latest status of your ticket BEFORE you excavate. Please see discussion on "What is NOT Marked: Private Underground Facilities" in

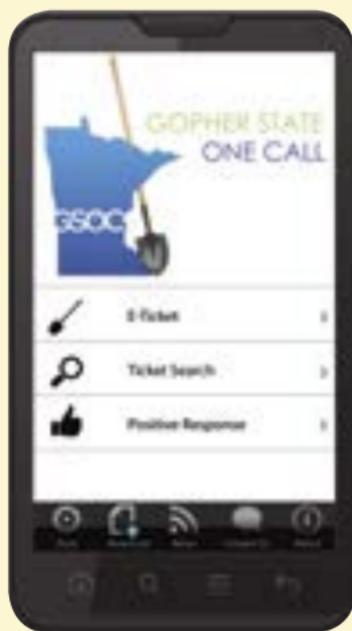
this manual as not all underground facilities will be marked.

To check positive response status for a ticket:

[www.gsocsearch.org](http://www.gsocsearch.org)

## Mobile Applications

You can also submit a new ticket and check your ticket status using GSOC's mobile suite on your smartphone or tablet device.



# GSOC Resource Center

The GSOC Resource Center can help you with the following:

**Website** – If you have an issue accessing our website or any of its content including documentation, training videos or the FAQ.

**E-Ticket Ticket Submission** – If you have an issue accessing, logging into, or using the E-Ticket online tool.

**E-Ticket Ticket Update/Cancel** – If you have an issue using the E-Ticket update ticket or cancel ticket features.

**Ticket Search** – If you have an issue accessing or using the Ticket Search tool.

## You can contact the Resource Center by:

Email: [resourcecenter@gopherstateonecall.org](mailto:resourcecenter@gopherstateonecall.org)

Telephone: **651-681-7326**

## Who Can Best Help Me?

Our Resource Center may not be able to directly help you with your question. Examples include:

- The Resource Center cannot process a ticket for you. That must be done online via E-Ticket or by calling the Call Center. See page 2015-4 for ticket submission options.
- The Resource Center cannot answer questions about your utility bill. Contact the utility company directly.

- The Resource Center cannot lookup information about your ticket for you.
  - If you know your ticket is incorrect, contact GSOC and either update that ticket or cancel that ticket and submit a new ticket with the proper information.
  - If you want to know what facility operators were notified for your ticket, look toward the bottom of your ticket under the MEMBERS section. The facility operators notified, along with their phone numbers, are listed there. If you do not have your ticket available, use our online Ticket Search tool, [www.gsocsearch.org](http://www.gsocsearch.org), to look it up. From there you can view, print, or email your ticket.
  - If you want to know what facility operators have responded to your ticket, use Ticket Search, [www.gsocsearch.org](http://www.gsocsearch.org), to look up your ticket and view the positive response status.
  - If a facility operator has not responded to your ticket, contact them directly using their telephone number listed under the MEMBERS section of your ticket.

**IMPORTANT** The Resource Center **CANNOT** provide advice on legal issues or damage claims.

# GSOC Contact Information

## Chief Operations Officer:

### Barbara Cederberg

barbara.cederberg@gopherstateonecall.org  
651-681-7307

## Public Relations and Marketing:

### Estelle Richard

estelle.richard@gopherstateonecall.org  
651-681-7303

## GIS Coordinator (MSAM):

### Ryan Babler

gis@gopherstateonecall.org  
952-697-4283

## Accounts Receivable:

accounting@gopherstateonecall.org  
651-454-8388

## Mailing Address:

18946 Lake Drive East  
Chanhassen, MN 55317

# GSOC Telephone Contact Information

To file a routine locate request:

Twin Cities Metro: **651-454-0002**

Greater MN Area: **800-252-1166**

To file an emergency locate request:

**866-640-3637**

To contact the resource center for inquiries regarding GSOC's website, E-Ticket submissions, E-Ticket updates and cancellations, Ticket searches, member contact information and questions regarding the manner in which tickets are received:

**651-681-7326**

To order promotional materials:

**651-454-8388**

For general billing information:

**651-454-8388**

For member service area mapping information:

**952-697-4283**



# Gopher State One Call Responsibilities

## Who We Are

GSOC is the one-call notification system established to act as a communication link between underground facility operators, homeowners and excavators in the State of Minnesota. GSOC collects information from anyone who is planning to excavate and transmits this information to facility operators who may have underground facilities near the excavation site. After receiving a notice from GSOC, facility operators mark the approximate location of an underground facility with paint or flags, respond to the ticket electronically, or determine the work area is clear. Facility operators may then provide a response through GSOC's Positive Response site for anyone to view the results of the located underground facilities.

GSOC, a non-profit organization, was formed in 1987 in response to the legislature's adoption of Minnesota Statutes Chapter 216D. GSOC was approved by the Commissioner of Public Safety in 1988 as the state wide one call center and has served in that role ever since. Chapter 216D requires anyone who engages in any type of excavation anywhere in Minnesota to provide notice of at least two business days (48 hours excluding weekends and holidays). An excavator may notify GSOC up to 14 calendar days prior to excavation.

The cost of GSOC services is paid by underground facility operators. The service provided by GSOC to excavators is free of charge.

## What GSOC Does

- Acts as the statewide notification center for the State of Minnesota.
- Educates facility operators and excavators about GSOC and Minnesota Statutes Chapter 216D.
- Develops and implements processes to allow the communication between excavators, GSOC and facility operators.
- Maintains a database(s) of state wide maps and facility operator underground facility information.

## What GSOC Doesn't Do

- Physically locate and mark any underground facilities. This is done by the facility operator or their contractor.
- Settle disputes and claims between excavators and facility operators or between parties and the regulator.
- Maintain a database of the exact location or type of underground facilities.
- Handle facility billing, connection, subscription or other facility questions.
- Maintain underground facilities in any way, such as repairing damaged facilities or tracking the depth of facilities. Please contact the facility operator for any underground facility questions.

# Methods Of Providing Information For Locate Requests

GSOC asks for your help when you are processing your locate requests during the busy excavation season of April through October. Please use our E-Ticket system to submit your tickets, which can be submitted 24/7. If at all possible, avoid using the telephone to contact GSOC between the peak calling hours of 7am and 11am, Monday – Wednesday.

**Note: Emergency calls are exempt from this request and are always accepted.**

GSOC offers excavators several convenient options for providing information to process locate tickets:

## E-Ticket

[www.gsocsubmit.org](http://www.gsocsubmit.org)

E-Ticket is GSOC's online ticket submission website. Approximately two-thirds of GSOC's tickets are submitted using this tool. E-Ticket allows you to provide your excavation information to GSOC in a user friendly format. There are several additional benefits to using GSOC's E-Ticket system to submit tickets.

- Allows ticket submission 24 hours a day, seven days a week.
- Available anywhere you have internet access.
- Download the free GSOC mobile app.

- Eliminates time spent on the telephone.
- Gives you the flexibility to map your excavation location or allow GSOC to do it for you.
- Enhances damage prevention.
- Provides email confirmation of your ticket.

## Telephone

**Locates: 651-454-0002 or 800-252-1166**

**Emergency Locates: 866-640-3637**

GSOC can be contacted between 6am and 6pm, Monday through Friday, April through October, and 7am and 5pm, November through March to process excavation, meet and non-excavation locate requests. Emergency locate requests may be submitted 24 hours a day. Before contacting GSOC, make sure all excavation information is ready.

## 811

811 is another telephone number available to contact GSOC. 811 is helpful if you are excavating outside of Minnesota as it will help you reach one-call centers in neighboring states. To learn more, visit [www.call811.com](http://www.call811.com).

**Don't assume you know what's below. Protect yourself and those around you. Use GSOC this time and every time.**

# What is NOT Marked: Private Underground Facilities, Utilities and Distribution Networks

Private underground facilities, such as private utility lines and private distribution networks, do not get marked by facility operators. When a property owner or tenant has any type of private underground facility, they are responsible to locate those facilities or hire someone to locate them.

Private underground facilities are found everywhere, including single family homes, farms, multi-family housing units, businesses, industrial areas, mobile home courts, shopping centers and sometimes in the road right of way. GSOC encourages owners and operators of private underground facilities to include those facilities on the GSOC system. However, most private underground facilities are not listed with GSOC.

Unless the private facility owner participates in GSOC, private or customer owned facilities will not be notified and may not be marked. Therefore, it

is imperative that special precautions be taken by excavators as part of every excavation project.

If private facilities are suspected, the excavator should:

- Physically inspect the jobsite prior to entering a ticket or even bidding the job.
- Ask the property owner.
- See what equipment or power may serve buildings.
- Contact the original installer of the facilities for any records or maps of the lines.
- Excavate with caution and be aware of any warning signs of underground facilities.
- Visit [www.gopherstateonecall.org/contract-locators-directory](http://www.gopherstateonecall.org/contract-locators-directory) for information on private locating companies.

If you are installing private facilities consider doing the following:

- Prepare maps of any new facilities.
- Bury tracer wire with the new facilities.
- Use above ground markers or signs to indicate the buried facilities.
- Visit [www.gopherstateonecall.org/how-gsoc-works/private-facility-intro](http://www.gopherstateonecall.org/how-gsoc-works/private-facility-intro) for more information about protecting private facilities.

**Please note:** Facilities that run under or across public road right of way or any other public right of way are not “private facilities.” These facilities are “underground facilities” within the meaning of Minnesota Statute 216D and must be registered with GSOC. Please contact the Resource Center at [resourcecenter@gopherstateonecall.org](mailto:resourcecenter@gopherstateonecall.org) if you need information about registering with GSOC as a facility owner.

**Private Facilities** can be used to convey many different types of products. These products fall into two broad categories: **Energy Related Facilities and Non-Energy Related.**

### *Examples of Energy Related Private Facilities*

- Fuel sources for Ag buildings or equipment
- Heating systems for pools or grills
- Electricity for out buildings or equipment
- Farm Taps

### **Propane**

Propane facilities can be found in a variety of applications in residential, agricultural and industrial settings.

In residential settings, propane may be used to heat buildings, swimming pools, grills, fireplaces, appliances, and lighting. In agricultural settings, propane may be a fuel source for multiple farm buildings, corn dryers and other equipment.

Commercial and industrial locations also rely on propane for a fuel source. This can include a wide variety of facilities from heating to standby or off-peak backup facilities.

Visible indications of the use of propane at a location are above ground or buried storage tanks.

A buried propane tank usually has an exposed location with a fitting for refilling. Remember that a single propane tank can provide fuel for multiple buildings, mobile homes, single family homes, cabins or town homes.

For more information about propane, please visit the Minnesota Propane Association at [www.mnpropane.org](http://www.mnpropane.org).

## Natural Gas

Private natural gas lines in a residential setting may provide fuel for a number of different devices. Among them are barbecue grills, pool heaters, yard lights or heaters in outbuildings like sheds, garages or barns.

Natural gas may be delivered to a “master meter” at multi-resident properties, such as mobile home courts, townhome or apartment complexes. Buried facilities carrying natural gas between the master meter and units on the property are usually private facilities. As a general rule, natural gas providers will only mark underground gas lines from the main to the meter.

Any appliance or device fueled by natural gas that is on the “other side” of the meter is almost invariably served by the private facility.

For more information about natural gas, please visit the Blue Flame Association’s website at [www.blueflame.org](http://www.blueflame.org).

## **Farm Taps**

Many landowners in Minnesota are connected directly to natural gas pipelines. Known as “farm taps”, these connections may be considered private gas lines. All the equipment from the outlet of the meter (usually, but not always, located near the pipeline) to the house, corn dryer, milk house or barn belongs to the landowner. Many landowners may not realize that they are entirely responsible for the operation, maintenance, repair and locating of these underground gas line(s).

Farm taps support many farms, and as farms have expanded, adding more houses and buildings to the original farmstead, private lines attached to a single tap have increased in number. These private lines may cross a public right of way due to new roads or easements. Unfortunately, little to no documentation or maps of the original or subsequently installed facilities may exist.

As the farm tap may not be evident from a visual inspection, all landowners should specifically be asked about the possible presence of these private gas lines.

Excavators or landowners are encouraged to hire a private line locator to mark the location of farm tap lines. More information regarding farm taps and a partial listing of Minnesota private locators is available on our industry directory at [www.gopherstateonecall.org/private-facility-locators](http://www.gopherstateonecall.org/private-facility-locators). GSOC strongly recommends that specific questions regarding farm taps be directed to the gas provider or the Minnesota Office of Pipeline Safety.

## Electricity

Like natural gas, electric service may be supplied to a “master meter” at multi-resident properties, such as mobile home courts, townhomes or apartment complexes. Any line that connects the “master meter” to another unit or device on that property is a private facility and therefore not marked by the facility operator.

Any property (residential or commercial) may also have buried private electric lines serving power to, among other things, yard lighting, power to other areas of the property, pool heaters or pumps. Additionally, on residential properties or farms, private lines may connect outbuildings such as garages, sheds or barns to a source of power. Remember that the supplier of electricity usually only marks the power line up to the meter. If there is power in a garage or if a piece of equipment or building is served by electricity, make sure to look

for a private electric line. If one is present, have it professionally located before excavating.

Although the meter set is often found at the home or main building, in some areas it is located on a pole or other point of attachment. Red marks or flags leading up to a pole but not going on to other buildings are indicators that there are one or more private facilities in the area. Also, use care where a property is served by overhead lines that are buried after they enter the property. In this situation, it may be that all underground electric facilities are considered private at that location.

### ***Examples of Non-Energy Related Private Facilities***

Several other types of private buried facilities may be found on private property that are non-energy related facilities, but still need protection. These types of private facilities can range from, but are not limited to:

- Fiber optic lines
- Communications or phone lines
- Drain tile
- Irrigation lines
- Septic systems or waste collection lines
- Underground sprinkler systems
- Data communications cables
- Satellite dishes

- Invisible fences
- Low voltage landscape lighting
- Geothermal ground loops

### **Water, Sewer, Wells, and Septic Systems:**

Most cities consider any water or sewer lines that are connected to city services to be private lines when extending from the right of way into private property and therefore, any maintenance or locating is the responsibility of the landowner. Wells and septic systems exclusively serving a property are also considered to be private facilities and again the landowner is responsible for maintaining and locating the lines. A good indication as to where these lines are buried can be determined from where the lines leave the main or tank and where they enter the building.

**Geothermal Ground Loops:** The land or property owner should have a map of the buried ground loops or know the contractor who installed the loops. It is the responsibility of the property owner to locate the loops or hire someone to locate them.

### **What Should I Do If I Suspect I Have Private Facilities In The Area Of My Excavation?**

GSOC suggests that you delay any excavating until you have all private facilities identified and professionally marked. When a property owner or tenant has any type of private underground facility, they are responsible to locate those facilities or hire someone to locate them. The

contact information for a number of private locating companies can be found on the industry directory at Gopher State One Call's website at [www.gopherstateonecall.org/private-facility-locators](http://www.gopherstateonecall.org/private-facility-locators).



# Excavator Responsibilities

**As defined in Minnesota Statute 216D, an “Excavator is a person who conducts excavation in the state”.**

## Planning For Your Excavation

You are required to use white markings to define the entire area where excavation will occur, unless it can be shown it is not practical. Include a safety buffer when marking the area.

GSOC wants you, as the excavator, to have a very safe and successful excavation process. We suggest that you break your excavation down into multiple tickets if that makes it easier either for you to describe the work or for the locator to find your excavation site. For example, we would suggest you follow the following guidelines:

- Limit your ticket to a contiguous excavation area. Avoid the temptation to try to include two different excavation areas on one ticket. We suggest that even if the projects are related or part of the same job that you break them down into separate tickets.
  - When working along a stretch of roadway, ticket worksites must keep to 5 linear miles.
  - When working within an area, ticket worksites must not cross a roadway and must keep to an area that is 5 miles in perimeter.

Use common sense when defining your excavation area. Even if it is a contiguous single project, a ticket covering a mile, 250 trees, or 200 signposts is not a good idea. You want to help the facility operator know where you will be excavating. Make the job easier by using white markings and breaking down the work area into segments that will be more understandable. Also, think about the facility operator's work schedule. If the work will happen in stages, stage your tickets so that your marks will be fresh when you enter the area.

- GSOC reserves the right to put limits on ticket excavation area size as situations come to their attention.
- Remember you can contact GSOC up to 14 calendar days in advance.
- Prepare the information for your excavation site prior to submitting a ticket to GSOC. For example, when submitting a locate ticket, you will be asked to give detailed marking instructions for the specific area where locates are needed and driving directions to the excavation site.
- If you fail to have this information before you contact GSOC your request may be suspended until you obtain complete information. To prevent this, please plan ahead.

## Notifying GSOC

All Minnesota excavators, including homeowners and farmers, are responsible for notifying GSOC of their proposed excavations so facility operators with underground facilities near the excavation site can be informed of pending excavation.

### **Each excavator must have their own ticket.**

GSOC reminds you that anyone excavating in Minnesota must have their own one-call ticket. If you are a subcontractor and you are excavating, protect yourself and your company by obtaining your own one-call ticket. The general contractor's ticket does not apply to subcontractors.

You must contact GSOC to provide information necessary to complete a locate ticket at least two business days (not including weekends and holidays) before excavating. You may contact GSOC up to 14 calendar days prior to beginning excavation to provide facility operators additional time to mark the area of proposed excavation.

When your locate ticket is complete, you will be given a ticket number. Keep this ticket number to track which facility operators have responded to your one-call request.

## Always Use the Correct Work Type on Your Ticket

Anode	Fiber Main	Road
CATV Line	Fiber Service	Construction
CATV Main	Gas Line	Septic
CATV/Service	Gas Main	Sewer Line
Concrete	Gas Service	Sewer Main
Sidewalk	Geothermal	Sewer Service
Concrete Slab	Ground Loops	Sign(s)
Construction	Landscaping	Site Grade
Culvert	Mailbox	Soil Borings for Testing
Deck	Manhole	Sprinkler System
Ditch	New Home Construction	Stump Grinding/ Removal
Drain Tile	Other – See Remarks	Tent
Driveway	Phone Line	Tree(s)
Egress	Phone Main	Water Line/Water Main/Water Service
Window	Phone Service	Well
ElectricLine/ Electric Main/ Electric Service	Pipeline	
Fence	Pole/Anchor	
Fiber Line	Real Estate Sign	

**If installing multiple facility types:** select one as your work type and then note all facility types in the remarks sections.

## **Avoid the use of “Other-See Remarks” and select the most descriptive work type.**

If installing a street light pole: Electric

If building a retaining wall: Landscaping

If installing patio or pavers: Concrete Slab

If grinding or repairing asphalt: Road Construction

If installing invisible fence: Fence

If grading or skid steer work: Site Grade

If installing or removing sidewalks: Sidewalk

Any construction or remodeling: Construction

## **Always Check The Status Before You Excavate**

Many people believe that by notifying GSOC of intended excavation they have completed all of their responsibilities in the one-call process. This is not the case, notifying GSOC is only a step in the process.

Please provide an email address when you file a ticket with GSOC. GSOC will email you a copy of your ticket. Please carefully review all information on your ticket. It is important that we have received and interpreted your ticket information correctly. Pay particular attention to similar sounding street names, and whether you are physically located in a town or a township. If there are any necessary changes to your ticket, promptly contact GSOC. Depending on the nature of your change you may need to either update or cancel that ticket.

Your ticket also contains information on all underground facility operators who have requested

to be notified of excavation in a particular geographic area. Under Minnesota Law an underground facility operator can respond to a ticket in several ways. First, the underground facility operator may either mark the underground facilities in the field, or place a clear flag(s) in the field. Alternatively, the underground facility operator may respond through GSOC's positive response system.

GSOC's positive response system is accessible to you and we recommend that you review it prior to commencing any excavation in the field. You can access the GSOC positive response information by going to [www.gsocsearch.org](http://www.gsocsearch.org). Please remember that an underground facility operator may also mark or clear in the field so the responses in GSOC's system may be supplemented by information you observe in the field.

The following ticket response codes are used in the GSOC positive response tool:

**0** – Facility operator has not yet responded to the ticket. Please note that the facility operator has not given clearance to excavate if you see this code on a ticket. Look for marks or clear flags in the field. GSOC recommends that if you see this on a ticket and do not find marks or clear flags in the field, that you contact the facility operator directly to determine if it is safe for you to excavate.

**1** – Clear/No Conflict. If this is reflected on the ticket, the underground facility operator has

indicated that the area identified on the ticket (but not any other area) is clear of underground facilities. **Please note if the excavator marked the excavation area in white paint, then only the area identified in white paint is cleared and not the entire address identified on the ticket.**

**2** – Marked. This indicates that the area is marked in the field. Please confirm that marks are in fact in the field and if missing, do not excavate until the discrepancy is resolved.

**3** - Marking Will Be Delayed. This code is used by underground facility operators when an unexpected situation has been experienced that will not allow the underground facility operator to mark prior to the legal start date. If this situation has not been resolved prior to the legal start date do not start excavating. Contact the facility operator and determine why the facility has not either been cleared or marked. Until the situation has been resolved with the underground facility operator an unsafe condition may exist in the field. Please note GSOC cannot resolve an issue between an underground facility operator and an excavator regarding marking or positive response codes.

**4** – Not Complete/In Progress. This code is used when the locator has begun the process of locating underground facilities but that process is not yet complete. It may be used on an interim basis to indicate that some markings are in place

but others will be added later. The presence of this code means that the locator has not completed work and excavation should not begin.

Please note that prior to the legal start date of a ticket that the underground facility operator may, and frequently does, update or change the status of the positive response code(s) listed with GSOC. Further, many facility operators have multiple responses for a single ticket, and may list different departments or underground facilities operated by that same operator separately. Therefore make sure that each underground facility has been marked or cleared before you commence any excavation.

GSOC recommends that you keep a copy of the ticket in the field and that all field personnel are familiar with the scope of work for which the ticket was issued, the type of work it covers, and the response status for each facility operator. GSOC provides a variety of ways for an excavator to view a ticket, even in remote locations.

## Conducting An Excavation

**Remember: Always check for private facilities.**

While working at the excavation site, have your locate ticket information with you. With the GSOC mobile app, you can access your ticket information anywhere you have cell phone or web access.

If after you start excavating you determine that your excavation will need to move beyond the

original area described in your ticket, you must submit a new ticket for the expanded area.

During the course of excavating it is the excavator's responsibility to inspect and support all facilities that have been exposed. If during your excavation, equipment comes in physical contact with an underground facility, even if there is no noticeable damage, you must stop the excavation and contact the facility owner. If damage occurs, it is the excavator's responsibility to immediately notify the facility owner directly. This damage could include the pulling or kinking of the facility or damage to the protective coating, covering, or tracer wire.

The excavator is responsible for reasonably protecting and preserving locate markings until no longer required for proper and safe excavation near the underground facilities. If the excavator has reason to believe locate markings are obliterated, obscured, missing or incorrect, the excavator must notify the facility operator to refresh or remark the locate area. The excavator can also contact GSOC to update a valid ticket. It is important that all facilities be marked or cleared prior to excavating.



## Hand Dig With Care

Minnesota Law requires the use of hand tools (or vacuum excavation) when excavation will take place within the Tolerance Zone. GSOC reminds you to use care when you are excavating within this “Hand-Dig Tolerance Zone.” Respect the marks to protect yourself and the integrity of underground facilities. GSOC will accept all locate requests from excavators who plan on using hand tools.

GSOC also advises you that although hand tools are exempt from the requirement to contact GSOC before you excavate, in some circumstances it may be safer for you to have underground facilities marked even when using hand tools. Hand tools may pose a threat to you, others and underground facilities. Damages have occurred to underground facilities when working with metal objects that are pounded or screwed into the ground, even by hand. For example, tent stakes, anchor bolts, form pins, metal probes, survey stakes, hand augers, political signs and many other objects use sharp metal ends capable of damaging underground facilities.

## Agricultural Excavation

GSOC asks anyone excavating on a farm or in other agricultural settings to take extra precaution and understand when they should reach out to GSOC.

You are conducting “excavation” within the meaning of Minnesota Statutes 216D whenever you disturb the soil by any mechanical or hydraulic

means. Two narrow exceptions may apply in agricultural settings that carve out situations where you do not need to contact GSOC:

- plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth of 18 inches or more;
- planting of windbreaks, shelterbelts, and tree plantations, unless any of these activities disturbs the soil to a depth of 18 inches or more.

GSOC reminds you that anytime you use explosives you must contact GSOC in an agricultural setting. You can also contact GSOC any time, even if you are conducting hand digging or an exempt activity.

**In an agricultural setting the following types of work are not exempt and require contacting GSOC:**

- Fencing
- Well drilling
- Burying a wire, pipe or anything else
- Digging a foundation
- Setting a pole
- Cultivating, plowing or any field activity to a depth greater than 18"
- Installing drain tile
- Installing or extending a farm tap
- Any contouring, grading or changing of the land

In addition, please keep in mind that underground facilities may be present on a farm or agricultural property that are not located by underground facility operators. These private facilities must be located by either the owner of the property or the party conducting the excavation.

## **When Damage Occurs**

Minnesota law requires that if damage occurs to an underground facility or its protective coating the excavator shall notify the operator promptly. Damage is defined as any impact with the underground facility. An excavator cannot make an independent determination of if damage has in fact occurred, that must be done only by the facility operator.

In addition to notifying the underground facility operator if damage occurs, excavators shall:

- If the damage results in the escape of any flammable, toxic, corrosive gas or liquid the excavator must immediately notify 911.
- If the damage results in a situation that endangers life, health or property the excavator must also immediately notify 911.
- In either of these situations the excavator must also attempt to minimize the hazard until emergency responders arrive and complete their assessment of the situation. That may require the excavator to secure the scene or evacuate people from the hazard.

- As soon as practical notify the underground facility operator. Many underground facility operators list phone numbers on their permanent markers. Telephone numbers for underground facility operators are also listed on your GSOC ticket.
- Take pictures of the site if safe to do so, so that documentation is created for future reference.
- GSOC suggests operators have emergency training procedures in place for their field personnel for how to assess and respond to emergency situations in the field.

In all other situations the excavator must determine whether the damage has resulted in any risk to the public and take necessary action until representative(s) from the underground facility operator take control of the situation. The law requires any repair may only be performed by qualified personnel authorized by the underground facility operator. The excavator can never backfill or bury a damaged underground facility.

## **Emergency Excavations**

An “emergency” is defined by Minnesota State Statute 216D.01 subdivision 3 as “a condition that poses a clear and immediate danger to life, health or significant loss of property.” Please note that work-scheduling problems or customer demands are not considered an emergency.

GSOC reminds you to call **911** whenever there is a release of flammable, toxic or corrosive gas or liquid, or if a dangerous situation has been created. Examples of emergencies:

- A. An unforeseen excavation necessary in order to prevent a condition that poses clear and immediate danger to life or health.
- B. An excavation required to repair a service outage.
- C. An excavation required in order to prevent significant and immediate property damage.
- D. The repair of an existing unstable condition which may result in an emergency.

Emergency locates should be given top priority by utilities. An excavator must maintain a continuously staffed telephone number throughout the emergency.

*Gopher State One Call reminds excavators that upon receiving an immediate emergency notice the facility operator must contact the excavator within one hour by telephone and is required to visit the job site, locate and mark within three hours of receiving the notice, unless the circumstance dictates otherwise.*

## Abandoned Facilities

A

Facility owners *are* required to maintain maps, drawings, diagrams or other records of any abandoned or out of service underground facilities. It is the facility owner's responsibility to give the excavator any known information about the abandoned facilities' location.

If the facility owner notifies the excavator at the job site that abandoned facilities exist, the above symbol should be used, either painted on the ground or on a locate flag. The capital A inside a circle represents abandoned facilities. The symbol should be painted or put on a flag in the same APWA color as is required for marking the underground facilities. For example, if this symbol were found on a yellow flag it would represent an abandoned gas, oil or steam line.

Even though the facility may be abandoned it remains the property of the underground facility operator. As an excavator, you may not remove that abandoned facility from the ground without prior permission from the facility operator.

When notified of abandoned facilities existing in your proposed work site, gather as much knowledge and information as you can about the abandoned facility (i.e. type, size, color, material, location, and possible depth).

# Facility Operator Responsibilities

## Responding To A Locate Ticket

After receiving an excavation locate ticket the facility operator must locate underground facilities prior to the legal excavation start date and time on the ticket, unless it is otherwise agreed or an on-site meet is requested. GSOC will issue the start time requested by the excavator as long as the time requested allows the facility operator at least two full business days (excluding weekends and holidays) to do the following:

- Physically locate and mark the horizontal location of underground facilities within the excavation site according to the American Public Works Association (APWA) color codes;  
or

If the underground facilities at the excavation site cannot be located prior to the legal start date, contact the excavator.

- Immediate response emergency excavation tickets are given top priority. Facility members will contact the excavator within one hour via the telephone, and if underground facilities need to be marked, be there within three hours.

If excavation, demolition or weather conditions change the locate marks and they are believed to be obliterated, obscured, missing or incorrect,

the excavator shall notify the facility operator. The GSOC notification center may be re-contacted to have the facility operator verify, refresh, or remark the locate. It is important that all facilities be marked or cleared prior to excavating.

## **Positive Response**

Underground facility operators must respond to every ticket they receive from GSOC, even if there are no underground facilities in the excavation area. Under Minnesota law a facility operator may either respond in the field or through GSOC. You can view the response of facility operator's using the GSOC positive response system at: [www.gsocrespond.org](http://www.gsocrespond.org).

## **Guidelines For Marking Underground Facilities**

Underground facility operators should use the recommended guidelines for uniform temporary markings of underground facilities as approved by the Common Ground Alliance ([www.commongroundalliance.com](http://www.commongroundalliance.com)) when marking the horizontal route of an underground facility.

The operator of an underground facility should be indicated by initials or by name along with the marks indicating the horizontal location of the underground facility.

When known, the total number of lines within the ground should be indicated. The number of lines indicated should be based on the actual number of physical lines. Multiple cables twisted together

to form a single facility, as in the case of electric lines, would be considered one cable for a locate purpose. If separated in the soil, they should be considered separate facilities.

If a facility is in a duct bank or a duct structure a corridor marker may be used. The corridor marker should indicate the approximate width of the facility.



A marking resembling the capital letter “H” lying on its side will indicate the corridor marker. Other times the word “Duct” or “Conduit” is used. When there is a strong likelihood that the marks may be destroyed, the contractor may want to request offset markings. Offsets are indicated on a permanent surface or stakes and are placed parallel to the facility. The offset should indicate the distance from the offset to the facility and should identify the facility owner and if necessary the size of the facility.

## Abandoned Facilities

Facility owners are required to maintain maps, drawings, diagrams or other records of an underground facility that is abandoned or out-of-service. It is the facility owner’s responsibility to give the excavator any known information about the abandoned facilities location.

Please refer to this manual under “Excavator Information” for Abandoned Facilities Requirements.

# Types Of Locate Requests

## Excavation Ticket Types

- Locate Request
- Emergency
- Meet

## Non-Excavation Ticket Types

- Non-Excavation Ticket
- Owner Inquiry
- Boundary Survey
- Engineering/Pre-Con Meet

## Locate

*Use this for standard excavation projects.*

Locate requests are the most common type of request processed at GSOC. This type of ticket must be requested by the excavator at least two business days (excluding weekends and holidays) and up to 14 calendar days from the planned start of excavation. The ticket is valid for 14 calendar days from the start time stated on the ticket, unless the locate markings become obscured or obliterated.

The excavator and operator can also make arrangements to periodically verify or refresh the marks, in which case the ticket is valid for up to six months from start time stated on the notice.

## Emergency Locate

*As defined by Minnesota Statute Chapter 216D.01 subdivision 3, emergency locates are used for “a condition that poses a clear and immediate danger of life or health, or significant loss of property.”*

**Note:** GSOC does not determine whether an emergency condition exists. If a ticket is submitted to GSOC as an emergency we have no choice but to process it as such.

When receiving an emergency notice, facility operators will locate and mark the facility unless otherwise agreed between the parties, or contact the excavator at the continuously staffed telephone number provided on the emergency notice that no underground facility exists within the area of proposed excavation.

### **There are two types of emergency locates:**

- Immediate Emergency
- Scheduled Emergency

### **Examples of Immediate Emergencies:**

- An unforeseen excavation necessary in order to prevent a condition that poses clear and immediate danger to life or health.
- An excavation required in order to prevent significant and immediate property damage.
- The repair of an existing unstable condition that may result in an emergency.

GSOC reminds you to first call 911 whenever there is a release of flammable, toxic or corrosive gas or liquid, or a dangerous situation is created. Next, contact the facility operator involved in the emergency, then contact GSOC.

### **Examples of Scheduled Emergencies:**

- A leaking water main that will be fixed the next morning.
- A power pole being replaced the next day.
- A water well repair.

### **Meet Requests**

*Use this ticket type to request the facility operator to physically meet at the excavation site.*

A meet should only be requested when it is difficult to precisely define the location of the excavation site in a routine locate request. The use of white markings can often be used to avoid the time and cost of a meet. Even if a meet is ultimately necessary, the use of white markings is required so that there is a clear understanding of the work to be done in the field, and its precise location.

The Minnesota Rules in 7560.0350 sets forth the requirements for a meet.

GSOC will ask additional questions of you including the approximate location of the worksite. Please note that the presence of a specific geographic area on a ticket does not replace the need of the operator or locator to attend the meet.

The information in the ticket may be only part of the work, may not encompass all of the work or may be missing other information provided to operators and locators at the meet. Please attend the meet and do not guess based solely on the information set forth on the ticket.

The scheduling of a meet request does not mean that the work site will be marked at the time of the meet. When the meet time is requested, the meet time must be at least 48 hours (excluding weekends and holidays) after contacting GSOC. The excavation start time must be at least 24 hours after the proposed meet date and time (again excluding weekends and holidays). For example, if you contact GSOC at 11am on Thursday (and the subsequent Monday is not a holiday) the soonest the meet can occur (assuming no need to reschedule) is 11am the following Monday, and the excavation cannot begin before 11am on Tuesday.

Excavators are reminded that all meets are tentative and subject to change. GSOC cannot make binding appointments on behalf of facility operators. If the facility operator or locator cannot make the proposed meet time it is important that you provide a telephone number that is staffed so they may contact the excavator to make other arrangements that work best for each party.

GSOC will only schedule a tentative meet location within the area for which excavation is proposed.

If the parties desire to physically meet in a location outside the boundaries of the proposed excavation, they are required to coordinate that alternative location among themselves. All parties are reminded to be at the meet on time.

GSOC encourages excavators to prepare prior to the meet. At the meet the excavator shall inform the facility operators and locators of the precise geographic location of the work (which must be within the area described on the ticket), the timetable, scope of work, and any other information needed so that the facility operator or locator can protect the underground facilities. Excavators need to anticipate changes in the job site, weather or other conditions that may change the direction or nature of the work and communicate those changes so that the facility operators and locators can adjust their protection efforts.

MN Rule 7560 requires the excavator to maintain written documentation of each meet. The rules require that at a minimum this documentation include:

- The date and time of each meet.
- The names, company affiliations and contact information for each attendee at each meet.
- A diagram, sketch, or description of the precise excavation locations, dates and times.
- And agreed schedule of any future meets or communications.

GSOC recommends that this documentation be started prior to the meet itself, so that the written diagrams or sketches and timetable can be handed out by the excavator at the start of the meet.

Engineering drawings and other detailed information is encouraged so that all parties clearly understand the work site. Pictures taken at the time of the meet, or of markings made after the meet, may be helpful as part of the documentation process.

An excavator meet form has been developed to assist in documenting the meet. The downloadable form can be found at [www.gopherstateonecall.org/meet-documentation](http://www.gopherstateonecall.org/meet-documentation) under Excavation Services.

## **Non-Excavation Ticket Types**

### **Owner Inquiry (Information) Ticket**

*Use this type of request to obtain a list of facility operators in an area when you do not intend to excavate.*

Owner Inquiry tickets are used to provide a list of underground facility owners and contact phone numbers to engineers, architects, surveyors, planners, or a person soliciting bids or entering into a contract for future excavation and who does not require field marks or a meeting at the proposed job site. GSOC will provide contact information and any special handling notes supplied by the underground facility owner. These tickets are not released

to facility operators. Therefore, no excavation whatsoever can be conducted on this type of ticket.

## **Non-Excavation Ticket**

*Use this type of ticket to request facility markings onsite or a map of underground facilities during the design phase.*

MN State Statute 216D.04 subdivision 1(A) requires contacting GSOC in many circumstances involving contract bid proposals. The law refers to these as “Plans for Excavation.” This ticket type is a way for engineers, architects, surveyors, planners or any person soliciting bids or entering into a contract for excavation to obtain the type, size and general location of the facilities. No excavation whatsoever can be conducted on this type of ticket.

Once the facility operator receives the Non-Excavation Ticket they must provide the requested information within 15 working days. Notification can be provided by either performing:

1. An actual field locate at the job site, and/or
2. Providing maps or diagrams of the facilities.

The information obtained from the affected operators must be submitted with the final drawing used for the bid or contract.

## **Engineering/Pre-Con Meet Ticket**

*Use this type of ticket to meet with facility operators during the design phase of a project.*

Engineering/Pre-Con Meet Tickets are used when a person is required to comply with Minnesota Statutes 216D.04 subdivision 1a (C) and (D) by holding a design meeting at a proposed future excavation site with potentially affected facility operators in the area. A minimum of 15 working days must be allowed by callers requesting an Engineering/ Pre-Con Meeting. Facility operators or their designated personnel will attend the meeting to exchange information. No excavation whatsoever can be conducted on this type of ticket.

### **Boundary Survey**

*If you are a licensed land surveyor, use this type of ticket to request facility markings.*

A boundary survey is another type of a non-excavation ticket processed by Gopher State One Call. By law, underground facility operators must respond to a Boundary Survey request within 96 hours. The facility operator must perform an actual field locate unless both parties agree otherwise. No excavation whatsoever can be conducted on this type of ticket.

### **Information Requested On A Locate Ticket**

Below are brief explanations of the information that you will be required to provide when processing a locate ticket. The information is listed in the order it appears on the ticket.

All identified information is also made available to facility operators, excavators and government agencies. This is not private information and no expectation of confidentiality or privacy shall be assumed.

1. **Telephone Number**
2. **Name and Company Name** – Provide GSOC with your name. Do not submit a ticket under someone else’s name.
3. **Mailing Address**
4. **E-mail Address**
5. **Alternate Contact Name and Phone Number** – Please provide the cellular telephone number of the person to be contacted during the excavation project.
6. **Explosives** – GSOC must ask whether explosives will be used in an effort to assist gas and pipeline facility operators.
7. **Tunneling & Boring** – A means of tunneling horizontally without disturbing the ground above, also known as trenchless construction.
8. **Right of Way (ROW)** – GSOC defines the ROW as the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the government unit has an interest, including other dedicated rights-of-way for travel purposes and utility easements of government units. Make sure you are familiar with the ROW in the area you

are working. Please note that the ROW is not the same as an easement.

9. **Duration** – An estimate of how long you plan on being at the job site. A locate ticket is valid for 14 calendar days. If the duration of the work will extend beyond 14 calendar days, you must request an update on the ticket at least two business days prior to the expiration of the 14 day period (unless arrangements are made with the affected operators to periodically remark). If the project will exceed 6 months, a new ticket must be sought prior to the expiration of the 6 month period.
10. **Type of Work** – The specific reason for the work as compared to the work method. For example, “installation of a sanitary sewer lateral” is much more helpful than “digging a sewer line.”
11. **Work Being Done For** – Your name, the customer’s name, or the general contractor’s name is sufficient.
12. **Street Address of Work Site** – Be careful to accurately describe the
  - County name
  - City/Township name
  - Street address of the work site

You must use the physical address of the excavation site, not your mailing address.

“Blanket tickets” are not an acceptable practice. If you are a subcontractor and you are excavating, protect yourself and your company by processing a ticket. The general contractors’ ticket does not apply to anyone except for the general contractor.

GSOC recommends a homeowner not to obtain a ticket for an excavator doing work on their behalf.

13. **Nearest Intersecting Street** – The nearest intersecting street to the excavation site. Provide the closest intersecting street, even if it is not a major crossing.
14. **Marking Instructions** – Identifies the specific portion of the excavation site that needs to be marked. Here are some examples of how to effectively use marking instructions.
  - Work keeping within (###) (feet, meters, yards, miles) of (pre-marking: flag, paint, lath, etc.).
  - Work area is located (describe property orientation—front, back, side(s), inside/outside fence, etc.).
  - Please note: (dog onsite, gates locked, guard/restricted access, hazards, etc.).
  - Additional information: (TRSQ, Map page and grid, GPS coordinate, landmarks, etc.). Avoid default to “mark entire lot” unless the nature of the work requires this designation.

Please note this does not relieve the excavator from using white markings to define the excavation site.

15. **Driving Directions** – Describe clearly how to get to the work site from a known intersection.

- *From (Cross Road) travel (N-S-E-W) for (###) (feet, meters, yards, miles) on (Dig Street) to the (location, Flag, Lath, etc.) on the (N-S-E-W) side of the road.*
- *From (Dig Street) travel (N-S-E-W) for (###) (feet, meters, yards, miles) on (driveway, service/gravel/farm road) into the property to (pre-marking).*

16. **GPS Coordinates** – Provide the GPS points of the excavation site. Please identify if the GPS coordinates, if available, represent the center or four corners of location.

17. **Township, Range, Section and Quarter**

**Section** – Provide the TRSQ numbers of the excavation site if available. This information can be found on the E-Ticket website: [www.gsocsubmit.org](http://www.gsocsubmit.org) or on most property tax statements from your county.

To provide TRSQ information, indicate the township, range, and section by their numeric designations and quarter sections by their directional qualifier (NE, NW, SE, and SW).

*Example TRSQ: Township: 108N Range: 28W  
Section: 12-NE*

# Preparing Marking Instructions

## Excavation Site Description

After identifying the location (address and corresponding driving directions) of the excavation site, you will be required to identify the portion of the excavation site that is to be marked. The marking instructions section of the ticket allows you to convey important information to the facility operator so that they understand your job site. Think ahead about how best to describe any specific needs or situations that a facility operator or locator may need to know. In identifying this area, the following guidelines should be considered:

1. Use North, South, East, and West rather than left or right.
2. If the excavation is in the roadway, marking instructions could include: mark from centerline of road to the (North, South, East, West) (lot line, curb or right of way) and designate footage to the ending point.
3. Mark 30' radius of white stake at job site.
4. Mark in the rear of the property along alley.
5. Mark from pedestal going east along white painted route for 120-ft. by 5-ft. wide path. Ending at stake with white ribbon.
6. Avoid using “mark entire lot” unless that is in fact what you need done.



# Minnesota State Law Chapter 216D

## **One Call Excavation Notice System**

**As Amended August, 2004**

### **216D.01 - Definitions**

#### **Subdivision 1 – Applicability.**

The definitions in this section apply to sections 216D.01 to 216D.07.

#### **Subdivision 1A – Commissioner.**

“Commissioner” means the commissioner of public safety.

#### **Subdivision 1B – Boundary Survey.**

“Boundary survey” means a survey made to establish or to reestablish a boundary line on the ground or to obtain data for preparing a map or plat showing boundary lines.

#### **Subdivision 2 – Damage.**

- (1) the substantial weakening of structural or lateral support of an underground facility;
- (2) penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or
- (3) impact with or the partial or complete severance of an underground facility to the extent that the facility operator determines that repairs are required.

**Subdivision 3 – Emergency.**

“Emergency” means a condition that poses a clear and immediate danger to life or health, or a significant loss of property.

**Subdivision 4 – Emergency Responder.**

“Emergency responder” means a fire department or company, a law enforcement official or office, an ambulance or other emergency rescue service, or the Division of Emergency Management created by section 12.04, subdivision 1.

**Subdivision 5 – Excavation.**

“Excavation” means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

- (1) the extraction of minerals;
- (2) the opening of a grave in a cemetery;
- (3) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;
- (4) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth of 18 inches or more;
- (5) gardening unless it disturbs the soil to a depth of 12 inches or more; or

(6) planting of windbreaks, shelterbelts, and tree plantations, unless any of these activities disturbs the soil to a depth of 18 inches or more.

### **Subdivision 6 – Excavator.**

“Excavator” means a person who conducts excavation in the state.

### **Subdivision 6A – Land Surveyor.**

“Land surveyor” means a person licensed to practice land surveying under sections 326.02 to 326.15.

### **Subdivision 7 – Local Governmental Unit.**

“Local governmental unit” means a county, town, or statutory or home rule charter city.

### **Subdivision 8 – Notification Center.**

“Notification center” means a center that receives notice from excavators of planned excavation or other requests for location and transmits this notice to participating operators.

### **Subdivision 9 – Operator.**

“Operator” means a person who owns or operates an underground facility. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property,

unless the person is the state, a state agency, or a local governmental unit.

### **Subdivision 10 – Person.**

“Person” means the state, a public agency, a local governmental unit, an individual, corporation, partnership, association, or other business or public entity or a trustee, receiver, assignee, or personal representative of any of them.

### **Subdivision 11 – Underground Facility.**

“Underground facility” means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water including storm water, steam, sewage, and other similar substances.

### **Subdivision. 12 – Utility Quality Level.**

“Utility quality level” means a professional opinion about the quality and reliability of utility information. There are four levels of utility quality information, ranging from the most precise and reliable, level A, to the least precise and reliable, level D. The utility quality level must be determined in accordance with guidelines established by the Construction Institute of the American Society of Civil Engineers in document CI/ASCE 38-02 entitled “Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data.”

## 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 an excavator's 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.

### Subdivision 2 – Form.

The notification center shall prescribe an excavator and operator's notice. The notice must inform excavators and operators of their obligations to comply with sections 216D.03 to 216D.07. The center shall furnish to local governmental units:

- (1) a copy of the notice and sections 216D.03 to 216D.07 in a form suitable for photocopying;
- (2) a copy of the display and distribution requirements under subdivision 1; and
- (3) the telephone number and mailing address of the notification center.

## 216D.03 Notification Center

### Subdivision 1 – Participation.

An operator shall participate in and share in the costs of one statewide notification

center operated by a vendor selected under subdivision 2.

### **Subdivision 2 – Establishment Of Notification Center; Rules.**

- (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.
- (b) The commissioner shall adopt rules:
  - (1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;
  - (2) governing the operating procedures and technology needed for a statewide notification center; and
  - (3) setting forth the method for assessing the cost of the service among operators.

- (c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.
- (d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

### **Subdivision 3 – Cooperation With Local Government.**

In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation

of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

#### **Subdivision 4 – Notice To Local Government.**

The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

#### **216D.04 – Excavation; Land Survey.**

##### **Subdivision 1 – Notice Required; Contents.**

- (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.
- (b) The notice may be oral or written, and must contain the following information:
  - (1) the name of the individual providing the notice;

- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

### **Subdivision 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.

### **Subdivision 2 – Duties Of Notification Center; Regarding Notice.**

The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey.

### **Subdivision 3 – Locating Underground Facility; Operator.**

- (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

- (b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.
- (c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.
- (d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.
- (e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.
- (f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.
- (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.

#### **Subdivision 4 – Locating Underground Facility; Excavator Or Land Surveyor.**

- (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.
- (b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.
- (c) The notice 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.

- (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.

### **216D.05 Precautions To Avoid Damage.**

An excavator shall:

- (1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;
- (2) use white markings for proposed excavations except where it can be shown that it is not practical;
- (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;
- (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and
- (5) conduct the excavation in a careful and prudent manner.

## 216D.06 – Damage To Facility.

### Subdivision 1 – Notice; Repair

- (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.
- (b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.
- (c) An excavator who knowingly damages an underground facility, and who does not notify

the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

### **Subdivision 2 – Cost Reimbursement.**

- (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.
- (b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

### **Subdivision 3 – Prima Facie Evidence Of Negligence.**

It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05.

### **216D.07 Effect On Local Ordinances.**

- (a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

## **216D.08 – Civil Penalties; Proceeds To Safety Account; Rules.**

### **Subdivision 1 – Penalties.**

A person who is engaged in excavation for remuneration or an operator other than 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 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. The district court may hear, try, and determine actions commenced under this section. Trials under this section must be to the court sitting without a jury. If the fine exceeds the maximum limit for conciliation court, the person appealing the fine may request the commissioner to conduct an administrative hearing under chapter 14.

### **Subdivision 2 - Settlement.**

The commissioner may negotiate a compromise settlement of a civil penalty. In determining the

amount of the penalty, or the amount of the compromise settlement, the commissioner shall consider the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. Unless the commissioner chooses to proceed in district court under subdivision 1, the contested case and judicial review provisions of chapter 14 apply to the orders of the commissioner imposing a penalty under sections 216D.01 to 216D.07. The amount of the penalty, when finally determined, may be deducted from sums owing by the state of Minnesota to the person charged.

### **Subdivision 3 – Credited To Pipeline Safety Account; Appropriation.**

Penalties collected under this section must be deposited in the state treasury and credited to the pipeline safety account to be applied to the reduction of expenses or costs assessed by the commissioner against persons regulated under this chapter. Penalties collected under this section are annually appropriated to the commissioner of public safety.

### **Subdivision 4 – Rules.**

The commissioner shall adopt rules establishing reasonable guidelines for imposing penalties. The rules must provide for notice that a penalty is assessed and may exempt activities from

penalties unless the excavator or operator as defined in this section has evidenced a course of action in disregard of this chapter.

## **216D.09 – Injunctive Relief.**

### **Subdivision 1 – Jurisdiction.**

The district courts of the state of Minnesota have jurisdiction, subject to the provisions of the statutes and the rules of practice and procedure of the state of Minnesota relative to civil actions in the district courts, to restrain violations of sections 216D.01 to 216D.07, on petition by the attorney general on behalf of the state of Minnesota. When practicable, the commissioner shall give notice to a person against whom an action for injunctive relief is contemplated and afford the person an opportunity to present views and, except in the case of a knowing and willful violation, shall afford the person reasonable opportunity to achieve compliance. However, the failure to give the notice and afford an opportunity to present views does not preclude the granting of appropriate relief.

### **Subdivision 2 – Venue.**

Actions under this section must be brought in district court in the district where the defendant's principal place of business in the state is located, and process in these cases may be served in any other district in the state of Minnesota where the defendant may be found or in which the defendant is an inhabitant or transacts business.

# Minnesota Rules Chapter 7560

## **Office Of Pipeline Safety**

### **Excavation Notice System**

**As Amended October, 2005**

#### **7560.0100 – Definitions**

##### **Subpart 1. – Scope.**

The terms used in this chapter have the meanings given them. Terms not defined in this part have the meanings given them in Minnesota Statutes, section 216D.01.

##### **Subpart 1A. Abandoned Facility.**

“Abandoned facility” means an underground facility that is no longer in service and is physically disconnected from a portion of the operating facility that is in use or still carries service. An abandoned facility has been deemed abandoned by the operator.

##### **Subpart 2. Director.**

“Director” means the director of the Office of Pipeline Safety of the Minnesota Department of Public Safety.

##### **Subpart 3. Good Cause To Believe.**

“Good cause to believe” means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

A. information from a person;

- B. facts supplied by the notification center defined in Minnesota Statutes, section 216D.01, subdivision 8;
- C. facts of which the director or an agent of the director has personal knowledge; and
- D. information provided by excavators or operators.

#### **Subpart 4. Locate.**

“Locate” means an operator’s markings of an underground facility.

#### **Subpart 5.**

[Renumbered as subp 8]

#### **Subpart 5A.**

[Renumbered as subp 9]

#### **Subpart 6.**

[Renumbered as subp 11]

#### **Subpart 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.

**Subpart 8. Office.**

“Office” means the Office of Pipeline Safety of the Minnesota Department of Public Safety.

**Subpart 9. Out-Of-Service Facility.**

“Out-of-service facility” means an underground facility that is no longer maintained and is not intended for future use, but has not been deemed abandoned. An out-of-service facility may still be connected to a portion of the operating facility that is in use or still carries service.

**Subpart 10. Public Right-Of-Way.**

“Public right-of-way” means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and sidewalk in which a government unit has an interest, including other rights-of-way dedicated for travel purposes and utility easements of government units.

**Subpart 11. Remuneration.**

“Remuneration” means direct or indirect compensation or consideration paid to the person or the person’s agent, employer, employee, subcontractor, or contractor. A person who excavates as part of the person’s duties as an employee, employer, agent, subcontractor, or contractor is considered to be acting for remuneration.

## **Subpart 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.

## **7560.0125 Abandoned And Out-Of-Service Facilities.**

### **Subpart 1. Duty Of Operators To Provide Readily Available Information.**

Operators shall provide readily available information, as shown on maps, drawings, diagrams, or other records used in the normal course of business, on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following:

- A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in Minnesota Statutes, section 216D.04, subdivision 3, with an abandoned or out-of-service facility

identified by an uppercase A surrounded by a circle;

- B. providing informational flags at the area of proposed excavation;
- C. communicating information verbally; or
- D. providing copies of maps, diagrams, or records.

### **Subpart 2. Duty To Notify Operator.**

An excavator shall notify the operator:

- A. before moving, removing, or otherwise altering a facility that is thought to be abandoned or out of service; or
- B. if damage to the facility occurs, pursuant to Minnesota Statutes, section 216D.01, subdivision 2.

### **Subpart 3. Verification Of Abandoned Or Out-Of-Service Facility.**

Upon receipt of notification by an excavator pursuant to subpart 2, an operator shall verify that an underground facility is abandoned or out of service, by either reference to installation records, testing, or other comparable standard of verification, before an excavator is allowed to move, remove, or otherwise alter an underground facility.

### **Subpart 4. Liability.**

An operator providing information pursuant to Minnesota Statutes, section 216D.04,

subdivision 3, is not responsible to any person for any costs, claims, or damages for information provided in good faith regarding abandoned and out-of-service underground facilities.

## **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.

### **Subpart 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. As applied to this chapter, “minor repairs” means repairs to or partial replacement of portions of existing service laterals located within a public right-of-way for purposes of routine maintenance and upkeep.

## **7560.0200 [Repealed, 24 Sr 448]**

## **7560.0225 Excavator Responsibilities Regarding A Locate.**

### **Subpart 1.**

[Repealed, 29 SR 1503]

### **Subpart 2. Responsibility To Protect And Preserve.**

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

### **Subpart 3. Use Of Locate.**

A locate is valid for 14 days from the excavation commencement time stated on the excavation or location notice, unless the excavator has made previous arrangements with the operators affected to periodically verify, refresh, or re-mark the locate.

## **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.

### **Subpart 2. Operator Duties In No Conflict Situation.**

After December 31, 2005, an operator who receives notice and determines that an underground facility is not in conflict with the proposed excavation shall complete one or more of the following:

- A. mark the area “NO” followed by the operator’s name, abbreviation, or logo in the color code of the underground facility not in conflict;
- B. place a clear plastic flag at the area that:
  - (1) states “N/C” or “NO CONFLICT” in lettering matching the color code of the underground facility that is not in conflict; and
  - (2) includes the operator’s name, abbreviation, or logo, the date, a contact telephone number, and the ticket number; or
- C. contact the notification center through procedures required by the notification center

and indicate that there are no underground facilities in conflict with the proposed excavation and that no markings or flags were left at the proposed excavation site.

### **Subpart 3. Placement Of Flags Or Markings.**

If using N/C (no conflict) flags or markings pursuant to subpart 2, an operator shall place the flags or markings in a location that can be readily observed by an excavator. When an area of proposed excavation is delineated by the use of white markings, an operator shall place the N/C flags or markings within, or as near as practicable to, the delineated area.

### **Subpart 4. Duties Of Notification Center.**

After December 31, 2005, the notification center shall make the information received under subpart 2 available to the excavator before the start date and time on the notice. The notification center may fulfill this requirement by making the information accessible through one or more Internet addresses, by transmitting the information to a continuously working facsimile machine maintained by the excavator, or by other methodology developed by the notification center. The notification center shall make available the information received by operators pursuant to this section through an electronic means. The notification center is not required by this subpart to contact an excavator verbally via telephone.

## **7560.0300 Operator Participates And Shares Costs.**

An operator shall participate in and share the costs of the one call excavation notice system by:

- A. submitting the information required by the notification center to allow the center to notify the operator of excavation activity;
- B. updating the information provided to the notification center on a timely basis;
- C. installing and paying for equipment reasonably requested by the notification center to facilitate receipt of notice of excavation from the center;
- D. paying the costs charged by the notification center on a timely basis; and
- E. receiving and responding to excavation notices, including emergency notices, as required by Minnesota Statutes, chapter 216D.

## **7560.0325 Emergency Excavation Notices.**

### **Subpart 1. Duty Of Excavator To Provide Notice.**

An excavator shall provide notice to the notification center 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.

### **Subpart 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.

### **Subpart 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. locate and 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.

#### **Subpart 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. locate and 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.

## **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 and the notification center shall relay this information to the affected operators. 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.

### **Subpart 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.

### **Subpart 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, excluding Saturdays, Sundays, and holidays, 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.

### **Subpart 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.

## 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.

### **Subpart 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.

## **7560.0400 Citations.**

### **Subpart 1. Notice Of Violation.**

The office shall issue a notice of probable violation when the office has good cause to believe a violation of Minnesota Statutes, sections 216D.01 to 216D.09 or this chapter has occurred.

### **Subpart 2. Contents Of Notice Of Violation.**

A notice of violation must include:

- A. a statement of the statute or rule allegedly violated by the person and a description of the evidence on which the allegation is based;

- B. notice of response options available to the person cited;
- C. notice that the person has 30 days in which to respond;
- D. notice that failure to respond within 30 days precludes administrative review under this chapter; and
- E. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law.

### **Subpart 3. Receipt Of Notice.**

The notice of violation is deemed received three days after mailing to the person's last known address.

### **7560.0500 Response Options.**

The person shall respond to the notice of violation in the following way:

- A. When the notice contains a proposed compliance order, the person shall:
  - (1) agree to the proposed compliance order;
  - (2) request the execution of a consent order;
  - (3) object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; or
  - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

- B. When the notice contains a proposed civil penalty, the person shall:
- (1) pay the penalty and close the case;
  - (2) submit an offer in compromise of the proposed civil penalty;
  - (3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or
  - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- C. Failure to respond in writing within 30 days precludes administrative review under this chapter. A final order will be issued and penalties will be forwarded for collection.

### **7560.0600 Director Review.**

If the person objects to the proposed civil penalty or compliance order and submits written explanations, information, or other materials in response to a notice of violation, within the time specified in part 7560.0500, the director shall review the submissions and determine whether to negotiate further, to change or withdraw the notice of violation, or to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

## 7560.0700 Consent Order.

An executed consent order must contain:

- A. an admission by the person of the jurisdictional facts;
- B. a waiver of further procedural steps and the right to seek judicial or administrative review or otherwise challenge or contest the validity of the consent order; and
- C. an agreement that the notice of violation may be used to construe the terms of the consent order.

## 7560.0800 Civil Penalties.

### Subpart 1. Proceedings Against Excavators.

When the office has good cause to believe that an excavator is engaging or has engaged in conduct that violates Minnesota Statutes, section 216D.04, subdivision 1, 2, or 3; 216D.05, clause (1), (2), (3), or (4); or 216D.06, subdivision 1, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14. An operator who engages or has engaged in excavation that violates Minnesota Statutes, chapter 216D, is subject

to the proceedings specified in subpart 2 and is subject to the penalties specified in subpart 4, item B or C.

## **Subpart 2. Proceedings Against Underground Facility Operators.**

The office may negotiate a civil penalty under item A or B.

- A. When the office has good cause to believe that an underground facility operator, other than an operator set forth in item B, is engaging or has engaged in conduct that violates Minnesota Statutes, sections 216D.01 to 216D.07, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.
- B. When the office has good cause to believe that an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility is engaging or has engaged in conduct that violates Minnesota Statutes, sections 299F.56 to 299F.641, or a rule adopted under Minnesota Statutes, section 299F.60, subdivision 5, the office, if appropriate, shall

negotiate a civil penalty under Minnesota Statutes, section 299F.60, subdivision 2. A penalty imposed under Minnesota Statutes, section 299F.60, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

### **Subpart 3. Assessment Considerations.**

In assessing a civil penalty under this part, the office shall consider the following factors:

- A. the nature, circumstances, and gravity of the violation;
- B. the degree of the person's culpability;
- C. the person's history of previous offenses;
- D. the person's ability to pay;
- E. good faith on the part of the person in attempting to remedy the cause of the violation;
- F. the effect of the penalty on the person's ability to continue in business; and
- G. past reports of damage to an underground facility by a person.

### **Subpart 4. Maximum penalties.**

For the purposes of this part, penalties imposed under this part must not exceed the limits in items A to C.

- A. Penalties imposed against excavators must not exceed \$1,000 for each violation per day of violation.
- B. Penalties imposed against underground facility operators, other than an operator set forth in item C, must not exceed \$1,000 for each violation per day of violation.
- C. Penalties imposed against an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility must not exceed \$10,000 for each violation for each day that the violation persists, except that the maximum civil penalty must not exceed \$500,000 for a related series of violations.

### **Subpart 5. Payment procedure.**

The person shall pay a civil penalty that has been proposed, assessed, or compromised by submitting to the office a check or money order in the correct amount, payable to the commissioner of public safety.

# Contact Information For Minnesota Office Of Pipeline Safety



## **Address:**

MN Office of Pipeline Safety  
445 Minnesota Street  
Suite 147  
St. Paul, MN 55101

## **Telephone:**

Phone number . . . . . **651-201-7230**  
State Duty Officer . . . . . **800-422-0798**

## **Web Address:**

<https://dps.mn.gov/divisions/ops>

## Notes

## Notes

## Notes

## Notes

# COLOR CODE FOR MARKING UNDERGROUND FACILITIES

White	Proposed Excavation
Pink	Temporary Survey Markings
Red	Electric Power Lines, Cables, Conduit, and Lighting Cables
Yellow	Gas, Oil, Steam, Petroleum, or Gaseous Materials
Orange	Communication, Alarm or Signal Lines, Cables, or Conduit
Blue	Potable Water
Purple	Reclaimed Water, Irrigation, and Slurry Lines
Green	Sewer and Drain Lines



[www.gopherstateonecall.org](http://www.gopherstateonecall.org)

# GSOC Website Shortcuts

Bookmark these shortcuts on your computer to quickly access the most frequently used sections of our website:

- To submit an E-Ticket: [www.gsocsubmit.org](http://www.gsocsubmit.org)
- To search for a ticket: [www.gsocsearch.org](http://www.gsocsearch.org)
- To positively respond to a ticket: [www.gsocrespond.org](http://www.gsocrespond.org)
- To update a ticket: [www.gsocupdate.org](http://www.gsocupdate.org)
- To cancel a ticket: [www.gsoccancel.org](http://www.gsoccancel.org)



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