

**2015 State Damage Prevention Program Grants Final Report**  
**Funding Opportunity Number: DTPH56-15-SN-000001**  
**CFDA Number: 20.720**

**Award Number:** DTPH5615GPPS10

**Project Title:** Minnesota Department of Pipeline Safety State Damage Prevention Grant

**Date Submitted:** December 21, 2016

**Submitted by:** Jon Wolfgram

**Specific Objective(s) of the Agreement**

- Develop and implement methods for effective communication
- Foster support and partnership with stakeholders
- Reviewing the adequacy of internal performance measures
- Support a Damage Prevention Education Program for industry stakeholders
- Support Public Awareness and Stakeholder Education
- Resolving disputes to define State authority's role
- Foster and promote the use of improving technologies
- Review the effectiveness of Damage Prevention Programs

**Workscope**

**Article III. Specific Objective(s) of the Agreement**

Under the terms of this grant agreement, the Grantee will address the following elements listed in 49 U.S.C. § 60134 (b) through the actions it has specified in its Application.

- **Element 1 (Effective Communications):** Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.
- **Element 2 (Comprehensive Stakeholder Support):** A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.
- **Element 3 (Operator Internal Performance Measurement):** A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.
- **Element 4 (Effective Employee Training):** Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one-call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.
- **Element 5 (Public Education):** A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- **Element 6 (Dispute Resolution):** A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.
- **Element 7 (Enforcement):** Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.
- **Element 8 (Technology):** A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that my enhance communications,

underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

- **Element 9 (Damage Prevention Program Review):** A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

**Accomplishments for the grant period (Item 1 under Agreement Article IX, : “A comparison of actual accomplishments to the objectives established for the period.”)**

Objective	Accomplishments (numbers based on grant period, 9/30/2015 thru 9/29/2016)
Investigations, complaints, and enforcement actions specific to SDP Grant	27 Damage Prevention investigations and 33 One Call complaint cases have been opened, with 46 violations cited as a result of investigations funded by the SDP Grant. See pages 11-13 for specific enforcements.
In-office/field investigations and research	<p>During the grant period, conducting damage prevention field investigations continued to be effective through the enhanced use of computerized tablets (Apple iPad’s) using GIS software (ARCGIS) and application software. This allows on-site entry of descriptive information, photos, GPS coordinates into the GIS software which contains geographic mapping, topographic as well interstate pipeline locations.</p> <p>Specialized damage prevention inspections are performed for all intrastate gas pipeline operators and are scheduled on a 3-year rotation. Each inspection reviews the operator's damage prevention program and procedures and its effectiveness. When it is determined a program is not effective, appropriate actions will be taken to ensure that each issue is addressed. MNOPS performed 21 specialized damage prevention inspections on gas pipeline operators during the grant period, however these inspection hours were accounted for under per meter charges to the operators.</p>
Statistical data analysis and trending	<p>MNOPS requests Volunteer Damage Reporting (VDR) is requested from all underground utilities. Mandatory gas leak reporting is required for all regulated intrastate operator excavation related leaks.</p> <p>MNOPS uses various management reports from the OPS system which track case volumes, penalties assessed, penalties collected and</p>

	<p>rescinded, educational sessions w/ number of attendees, accidents/incidents, complaints, and pipeline specific inspections/ complaints, enforcement actions by type, and complaints by type. This information is used in month by month and year by year comparisons and analysis and can be sorted as a whole or by individual operators and/or excavators.</p> <p>MNOPS has also implemented the Voluntary Damage Reporting (VDR) program which has been populated with data since 1996. The information is used by MNOPS and others to determine: 1) the extent of excavation related damages, 2) the causes of excavation related damages, 3) trend damages over time, and as a tool for evaluating (or benchmarking) damage prevention efforts. The information is also used by MNOPS to direct resources where they would provide the most benefit in reducing damage and ultimately increasing public safety. VDR results are made available on the MNOPS website.</p> <p>These figures are summarized on pages 14 and 15 of this report. As shown in the figures, underground damages for 2015 for gas facility and all utilities were 2.24 and 1.67 damages per 1000 locates respectively. In spite of year-to-year variability, it appears the overall trend appears to be a reduction in the rate of damage to underground facilities.</p> <p>The largest percentage of damages for all utilities are attributed to failure to hand dig (29.2%), with failure to call in a locate ticket accounting for 14.4% of damages to all utilities. The 2015-2016 SDP grant period provided similar numbers to the 2014-2015 SDP grant period.</p>
Court proceedings and conciliations	<p>If MNOPS and the party receiving a notice of probable violation cannot reach an agreement through existing departmental processes, the issue is forwarded to the Attorney General's Office to handle state court proceedings and conciliations as needed.</p>
Cooperation with one call center (Gopher State One Call)	<p>The Pipeline Safety Director sits on the Gopher State One Call (GSOC) board. The MNOPS damage prevention manager works closely with the one call center chief operations officer</p>

	<p>and public relations manager to identify damage prevention needs. Cooperation with GSOC enhances MNOPS' ability to identify stakeholders who require more damage prevention attention for the benefit of public safety. GSOC also provides MNOPS with up-to-date locate request volumes and enhances MNOPS' ability to track overall damage trending and reporting throughout the year.</p>
<p>State law and rules review</p>	<p>Proposed statutory changes to the damage prevention law were placed on hold by the Governor's office and were not considered during the 2015 session. This was done to allow an emphasis on removing obsolete or unnecessary statutes. During the grant period, MNOPS focused on reviewing best practices in regards to MN rules and law through the MNCGA Best Practices Committee. Through positive and effective communications by this committee's stakeholders, verbiage proposals to two national best practices were submitted to the national CGA best practices committee for review in anticipation of enhancing the state's rules and laws related to safe excavation.</p> <p>For the 2016-2017 SDP grant period, MNOPS is currently facilitating MS216D review meetings with industry stakeholders. MS216D is Minnesota's One Call laws. The goal of the stakeholder review is to identify areas of improvement within MN's One Call laws and discuss proposed language changes for legislative review. The first meeting was held on Oct. 7<sup>th</sup>, 2016 and included 40 attendees. These attendees were comprised of stakeholders from the following areas: 1) state regulation, 2) pipeline operators, 3) excavators, 4) underground utility owners, 5) one call center, 5) utility locators, 6) municipalities, 7) contractors associations, 8) others. The agenda and meeting minutes from the Oct. 7<sup>th</sup> meeting are attached for reference (attachment A).</p> <p>The next review meeting is scheduled for Jan. 19<sup>th</sup>, 2017. MNOPS will plan to continue meeting with industry stakeholders on a quarterly basis at minimum with subcommittee</p>

	<p>groups likely meeting more frequently. The goal is to have prepared any possible language changes by fall of 2017 for the 2018 legislative session.</p>
<p>Outreach</p> <ul style="list-style-type: none"> <li>▪ Safety presentations to excavators</li> <li>▪ Safety &amp; training presentations for Operators &amp; locators</li> <li>▪ Annual conference with Damage Prevention track</li> <li>▪ Safety messages for the general population</li> </ul>	<p>MNOPS is currently scheduling damage prevention meetings for 2017. The meetings emphasize the importance of adhering to the state’s one-call laws via a case study presentation. The case studies showcase actual utility damage investigations conducted by MNOPS inspectors. The presentations are also available on the MNOPS and MNCGA websites to provide a computer based training opportunity to those interested. See attachment B for the locations of damage prevention presentations that MNOPS performed during the grant period.</p> <p>The damage prevention meetings are continually refined by obtaining feedback from attendees, feedback and comments from UCC groups, review of collected damage report data in the OPS system and discussions with excavators.</p> <p>MNOPS sponsored and presented at the MNOPS Spring Educational Conference which hosted the spring MNCGA quarterly meeting.</p> <p>During the grant period, the SDP grant was used to continue focus on underground utility damages as a result of Agricultural Tiling. The MNCGA Agricultural Awareness Committee focuses on the education and awareness of excavation safety in rural agricultural areas.</p> <p>MNOPS, in cooperation with the MNCGA, is developing publications that will be focused on damage prevention issues that are most relevant to farmer/rural excavators. These publications will be available electronically and as hardcopies for distribution to excavators and the interested public through various distribution channels such as equipment dealers, drain tile suppliers and excavating equipment rental stores. Another publication is a poster visual to use at agricultural elevator</p>

	<p>locations to emphasize the importance of Calling 811 Before You Dig (see attachment C).</p> <p>During the grant period, water bottles were purchased as promotional items to use for public education events. The water bottles included both the MNOPS and 'Call 811 Before You Dig' logos. They were utilized as 'prizes' for answering questions regarding 811 and safe excavation (see attachment D).</p>
<p>Interaction and engagement with national Common Ground Alliance (CGA) and regional Minnesota Common Ground Alliance (MNCGA)</p>	<p>MNOPS played a role in the formulation of the Minnesota Regional Common Ground Alliance (MNCGA) and its Damage Prevention, Agricultural Awareness, Marketing and Special Projects Subcommittees. The MNOPS Damage Prevention Manager, Mike Mendiola, currently facilitates the MNCGA Best Practices Committee. MNOPS inspector, Claude Anderson, facilitates the MNCGA Agricultural Awareness Committee. Other MNOPS staff also actively participate in the MNCGA and its subcommittees.</p> <p>Thus far, the MNCGA has worked closely with numerous utility owners to ensure a consistent, unified approach to addressing Damage Prevention Education. MNOPS participated in 31 Regional MNCGA meetings during the 2015-2016 grant period.</p> <p>As in years past under MN's SDP grant, one MNOPS person has attended to the annual national CGA Conference to network with other damage prevention professionals and learn the latest industry news and information. In March 2016, Claude Anderson attended the conference and also gave a presentation titled "Efforts to Improve Use of the One Call System". This presentation provided insight on Minnesota's focus on outreach and engagement with agricultural and rural excavators.</p>
<p>Interaction and engagement with area Utility Coordinating Committees</p>	<p>During the grant period, MNOPS participated in 18 Utility Coordinating Committee meetings. MUCC covers the metro utility excavators. PUCC covers the prairieland utility excavators in the southern and western MN counties. LUCC covers the lakes utility excavators in the mid-state counties. VLUCC covers the Viking</p>

	<p>Land utility excavators in the NW counties. WCUCC covers the west-central portions of the state. These five UCC's cover over 49 counties.</p> <p>The purpose of the UCC groups is to discuss ideas and ways to positively engage with area excavators striving for the end goal of reducing underground utility damages to zero. MNOPS reviews feedback from previous damage prevention meetings with the UCC's and uses that information to enhance future damage prevention meetings by increasing attendance and participation by area excavators.</p>
<p>Participation in the one call center Operations and Communications Committees</p>	<p>MNOPS continues to participate in Gopher State One Call Operations and Communications Committee meetings. The Pipeline Safety director sits as a board member of Gopher State One Call.</p>

**Quantifiable Metrics/Measures of Effectiveness (Item 2 under Article IX, Section 9.02 Final Report: “Where the output of the project can be quantified, a computation of the cost per unit of output.”)**

<b>Case Type</b>	<b>Case Count</b>	<b>Total Hours</b>
Damage Investigation	42	104
One Call Inquiry or Complaint	33	60
Presentations to Excavator/Pipeline/Gen. Public	64	501
Public Education Events	9	62.5
CAER (Community Awareness Emergency Response) Meetings	2	9
Utility Coordinating Committees	4	51
CGA / MNCGA Meetings	11	87
<b>Grand Total</b>	<b>169</b>	<b>875</b>

**\*See pages 9-10 for breakdown**

## SUMMARY OF DAMAGE PREVENTION MEETINGS & EVENTS

(Grant Period September 30, 2015 to September 29, 2016)

### DP Meetings: 186 hours (1,876 attendees)

2015 DPP for MN Safety Council/MN Power - Proctor  
2016 Cross Bore Presentation for MPCA  
2016 DPP - Cass Clay Utility Council Fargo  
2016 DPP - 49'ers Training Hinckley  
2016 DPP - 49'ers Training Hinckley  
2016 DPP - Bemidji area Contractors  
2016 DPP - Carstensen Contracting, Inc.  
2016 DPP - Danner Inc  
2016 DPP - McNamara  
2016 DPP - Mn/DOT Soils Division  
2016 DPP - MP Nexlevel  
DPP  
2016 DPP - St. Cloud Excavator Training  
2016 DPP - City of Mpls Sewer & Water  
2016 DPP - City of Mpls Traffic Dept.  
2016 DPP - City of Mpls Traffic Dept.  
2016 DPP- City of Mpls. Water  
2016 DPP - GM Contracting  
2016 DPP Contractor - Mlaskoch Utility Construction  
2016 DPP Contractor - Ulland Brothers DPP, Albert Lea  
2016 DPP Fehn  
2016 DPP for S.M. Hentges in Jordan  
2016 DPP for session 7 of APWA  
City of Savage - League of MN Cities  
Damage Prevention Presentation at 49ers  
MSPS Excavation Presentation - St Louis Park Dec 4th  
DPP - St. Cloud Excavator Training  
Q3 Safety Meeting DPP

### DP Meetings w/ Operators: 17 hours

2016 DPP - Locator Workshop (56 attendees)  
Meeting w/ CPE & USIC Regarding Locating LOS  
Meeting w/ Xcel to discuss DP matters  
MNCGA Best Practices Committee Meeting

### Public Ed. Events (safety fairs, home shows, etc): 62.5 hours

2016 Farm Fest - GSOC booth/display  
Connexus Energy Safety Fair

### DP meetings w/ GSOC: 298 hours (4,063 attendees)

2016 DPP - Alexandria  
  
2016 DPP - Brainerd  
2016 DPP - Brooklyn Park (MUCC)  
2016 DPP - Carlton/Duluth  
2016 DPP - Crookston  
2016 DPP - Foley  
  
2016 DPP - Grand Rapids  
2016 DPP - Hibbing  
2016 DPP - Hinckley  
2016 DPP - New Ulm DPP  
  
2016 DPP - New York Mills  
  
2016 DPP - Oakdale  
  
2016 DPP - Park Rapids  
2016 DPP - Ramsey Safety Meeting  
2016 DPP - Roseau DPP  
  
2016 DPP - Rosemount  
2016 DPP - Internation Falls DPP  
2016 DPP - Marshal  
2016 DPP - Morris Area DPP  
2016 DPP - Thief River  
2016 DPP - Two Harbors  
2016 DPP - Willmar/Spicer  
2016 DPP Austin  
2016 DPP- Baudette area DPP  
2016 DPP Shakopee  
2016 DPP - Hutchinson  
2016 DPP - Mankato  
2016 DPP - Worthington  
2016 DPP Michels  
2016 DPP Winona  
Owatonna Area DPP  
Rochester area DPP  
DPP St. Cloud

### CAER (emergency response): 9 hours

Emergency Response Training Brainerd CAER  
MN CAER meeting Detroit Lakes

2016 North America Farm Show - Owatonna  
2015 MSFCA Conference  
Day of the Dozers  
Mpls Home & Garden Show  
2016 DPP - UMD Engineering Class  
SDP Grant - Element 4 - Effective Employee Training  
Stillwater Fire Dept. Open House

**CGA/MNCGA Events, Hours: 87 hours**

Regional CGA  
CGA Las Vegas  
MNCA Educational  
Committee  
MNCA Best Practices Committee  
MNCA Ag Awareness Committee

**UCC Meetings: 51 hours**

LUCC meeting Brainerd  
MUCC Meeting, Rosemount  
Roadway authority presentation - LUCC  
PUCC Meeting

**Grand Total Hours, All Meetings, 710.5 hours**  
**Total Attendees - All Meetings, 6,150 attendees**

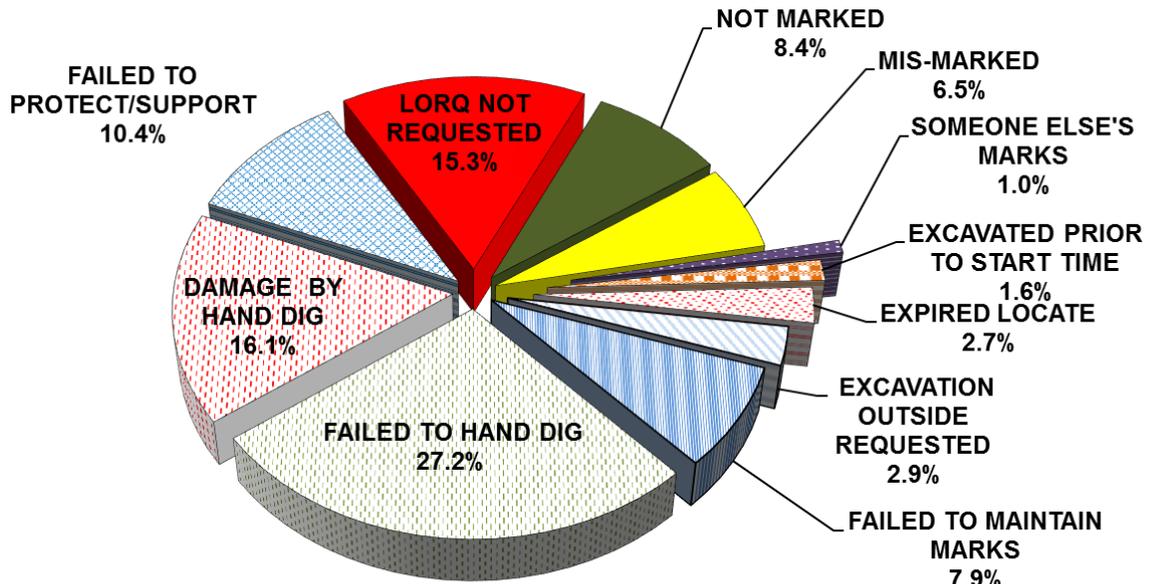
## 2015-2016 SDP GRANT FUNDED ENFORCEMENT ACTIONS

Enforcement Date	CaseID	Description	Penalty	Enforcement Action	Code
19-Oct-15	50586879	Arnt Construction Hit Xcel's 4-in PE Gas Main - St. Paul		Warning Letter (WL)	MS216D.04 Sub 4 (c)
21-Oct-15	50581281	MERC 3rd Party Damage by Arvig- Eagan	\$750.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
02-Nov-15	50592685	CenterPoint gas main hit - Willmar, Duininck Bros	\$500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (c)
09-Nov-15	50588379	Dresel Contracting Damaged Telecomm Utilities - Lent	\$375.00	Notice of Probable Violation (NPV)	MS216D.05 (3)
25-Nov-15	50567085	Wewer Tree Service complaint		Warning Letter (WL)	MS216D.05 (1)
25-Nov-15	50584185	NSP gas damage 10516 Shady Hills Trl		Warning Letter (WL)	MS216D.04 Sub 1
25-Nov-15	50584385	Xcel electric damage 4705 Merilane		Warning Letter (WL)	MS216D.04 Sub 1
25-Nov-15	50598393	Complaint against CentruyLink not providing locates		Warning Letter (WL)	MS216D.04 Sub 3 (a)
02-Dec-15	50602584	NPL Hit MERC 4-inch Main - New Richland		Warning Letter (WL)	MS216D.05 (5)
08-Dec-15	141404883	Contractor called in emergency tickets for non-emergency		Warning Letter (WL)	MS216D.01
14-Dec-15	141406983	Excavator called for marking entire golf course & surrounding streets		Warning Letter (WL)	MS216D.05 (2)
14-Dec-15	141408883	3PD on Xcel gas main by MP Nexlevel	\$100.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
15-Dec-15	50587393	Complaint by NNG of a One-Call Violation near LeSuer		Warning Letter (WL)	MS216D.04 Sub 1
18-Dec-15	141404792	Xcel reporting damage to PE service line in Rice, no locate ticket		Warning Letter (WL)	MS216D.05 (3)
21-Dec-15	141403384	3rd Party Damage to CPE 2-inch PE main - Willmar	\$500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
30-Dec-15	50588079	Contractor Damaged GMG's 2-inch Gas Main - Spring Lake Township		Warning Letter (WL)	MS216D.04 Sub 1
11-Jan-16	50570054	Comcast hit Mendota Heights cable line	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (a)
12-Jan-16	50565385	MERC gas main hit in Bemidji by NPL	\$500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)

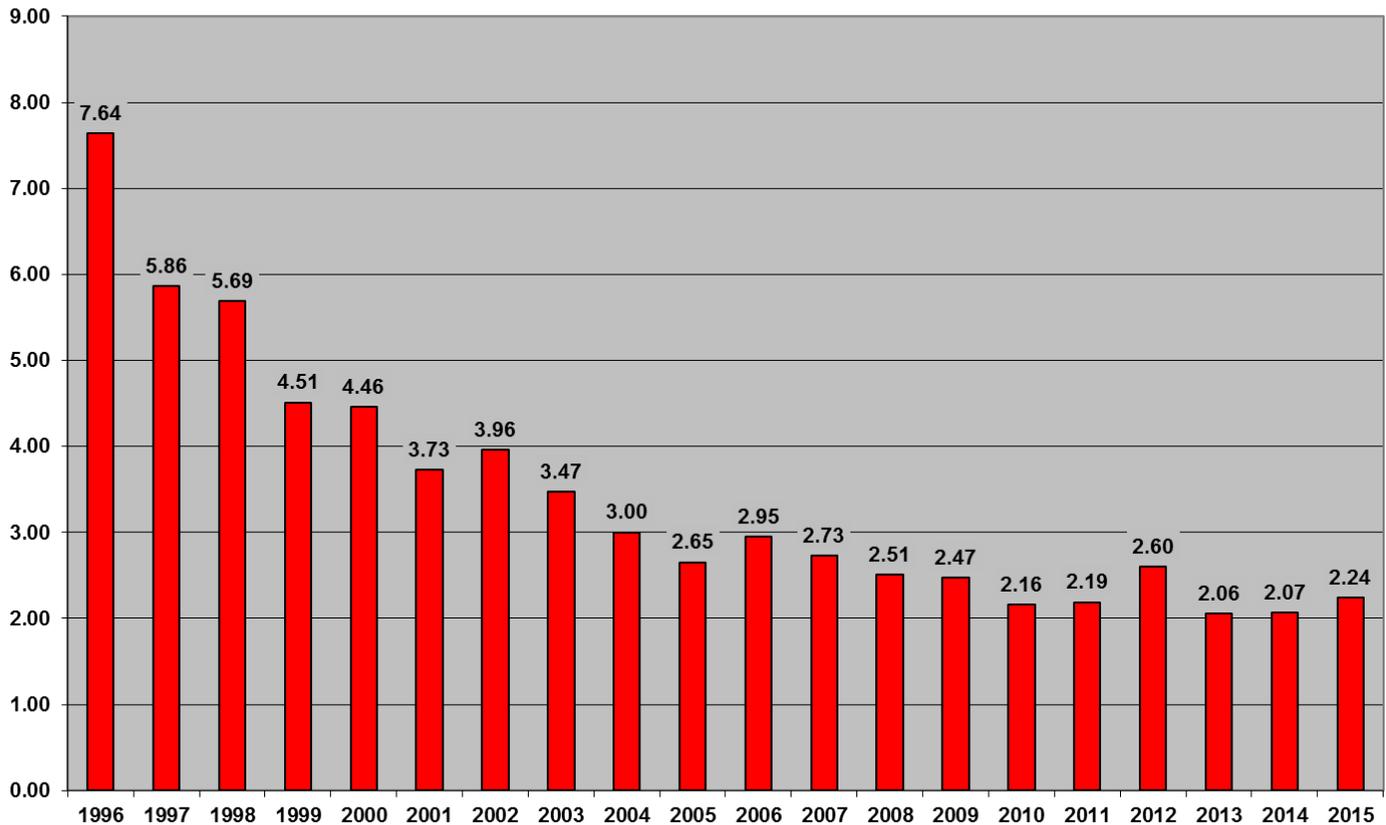
29-Jan-16	141420183	Different answers on same ticket work information	\$4,500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
01-Feb-16	141403484	3rd Party Damage of MERC 2-inch main - Claremont	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
02-Feb-16	141440683	3PD to Xcel service in Lake Elmo - no GSOC ticket	\$500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 1
22-Feb-16	27695818	W 86th St & Lyndale Ave Bloomington hit	rescinded	Notice of Probable Violation (NPV)	MS216D.05 (1-5)
24-Feb-16	141443084	Mlaskoch complained that Delta Didn't Locate Facility - Bloomington	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
07-Mar-16	27611690	Bleeker Landscaping hit gas service line.	\$1,000.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 1
11-Mar-16	141448354	MERC Byron unmarked service line hit	\$1,000.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
06-Apr-16	141453493	Complaint against homeowner by City of Kerkhoven not having a ticket		Warning Letter (WL)	MS216D.04 Sub 1
07-Apr-16	141453393	CPE One Call complaint against Meyer Contracting regarding locate ticket		Warning Letter (WL)	MS216D.05 (2)
15-Apr-16	141454683	Contractor dug too soon		Warning Letter (WL)	MS216D.04 Sub 1
15-Apr-16	141454783	Excavator repaired and buried damaged lighting cable	\$125.00	Notice of Probable Violation (NPV)	MS216D.06 Sub 1 (b)
19-Apr-16	141462079	NNG Complaint Against Farm Owner - Cambridge		Warning Letter (WL)	MS216D.04 Sub 1
19-Apr-16	141459281	Arnt > CPE - 1.5" PE Main Damage		Warning Letter (WL)	MS216D.04 Sub 1
21-Apr-16	141457383	Drain tiler hit MERC pipeline	\$2,000.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
25-Apr-16	141457784	MERC Pipeline Hit in Hubbard County	\$900.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
25-Apr-16	141458084	3rd Party Damage of 1" Plastic Service in Eagan	\$900.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
04-May-16	141460483	3PD to MERC service - no locate ticket		Warning Letter (WL)	MS216D.04 Sub 1
06-May-16	141460183	3PD to CPE line in Apple Valley		Warning Letter (WL)	MS216D.04 Sub 4 (a)
10-May-16	141459783	3PD in Savage - CPE / Didion	\$400.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (a)
31-May-16	141453193	3rd Party Damage by C.S. McCrossan to a CPE Main Mis-Located	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
31-May-16	141454093	CPE 3rd Pary Damage by Connexus Engery caused by Mis-Locate in Andover	\$800.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)

06-Jun-16	141452383	Unmarked gas line - near miss MERC Rochester	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
06-Jun-16	141460783	Northland Fence Encroached on NuStar line	\$50.00	Notice of Probable Violation (NPV)	MS216D.05 (5)
18-Jul-16	141470381	Arnt > CPE 3/4" Service - Apple Valley	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (c)
01-Aug-16	151803179	Kuechle Underground Hit Xcel's 2" PE Main - St. Cloud	\$400.00	Notice of Probable Violation (NPV)	MS216D.05 (3)
08-Aug-16	141474883	Hentges & Sons damaged MERC lines multiple times in Cannon Falls	\$100.00	Notice of Probable Violation (NPV)	MS216D.05 (4)
09-Aug-16	151803079	Crow River Construction Hit Xcel 2" Main - New London	\$200.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (d)
16-Sep-16	141404185	NSP - Gas pipeline Danner Inc. hit West St. Paul	rescinded	Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (a)

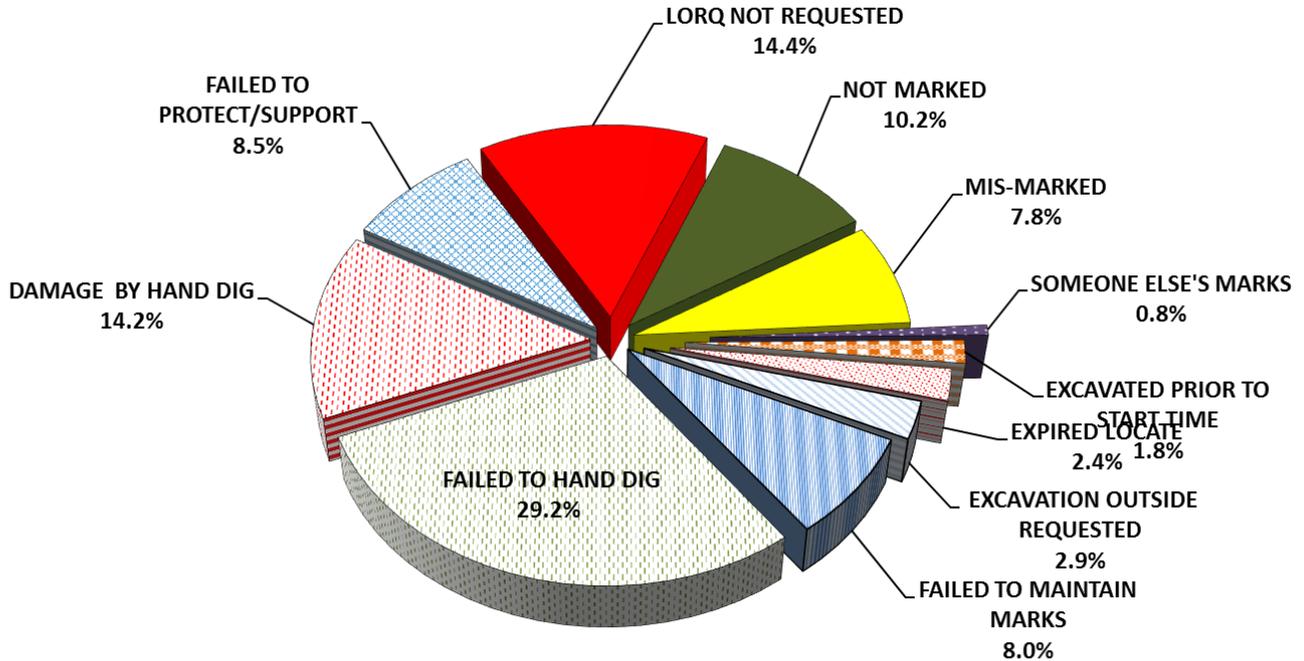
# 2015 - 2016 SDP Grant Period - Gas Utilities Damages by Cause



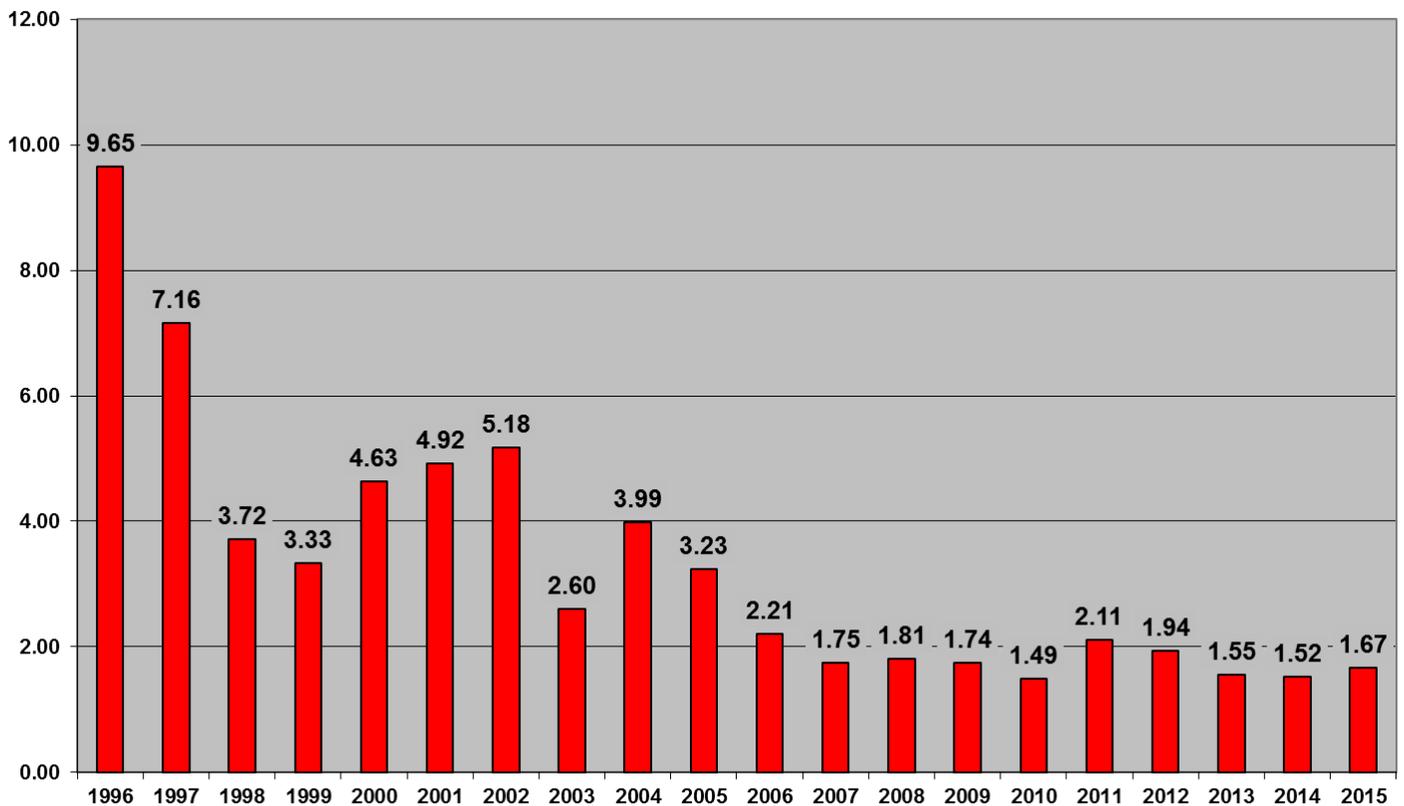
## 2015 - 2016 SDP Grant - Gas Damages Per 1000 Locates



# 2015 - 2016 SDP Grant Period - All Utilities Damages by Cause



## 2015 - 2016 SDP Grant Period - Damages Per 1000 Locates



**Issues, Problems or Challenges (Item 3 under Article IX, Section 9.021 Final Report: “The reasons for slippage if established objectives were not met. “)**

The Minnesota Office of Pipeline Safety did not encounter any issues or challenges during the grant period.

**Final Financial Status Report**

The final financial report was sent as a separate attachment to the AA and AOR via email on October 26<sup>th</sup>, 2016.

**Requests of the AOTR and/or PHMSA**

No actions requested at this time.

# ***MS216D Stakeholder Review Meeting Agenda***



**Know what's below.  
Call before you dig.**

**Date/Time:** Friday, October 7<sup>th</sup>, 2016 @ 10am – 3:30pm

**Location:** SBM Fire Station #3, 11920 Ulysses St NE, Blaine, MN 55434

**Note:** Coffee, water, & pastries will be available in the morning. Please plan on providing for your own lunch (BYOB or nearby restaurants).

## **Agenda Items**

- **10 – 10:15am:** Welcoming Remarks, Jon Wolfgram
- **10:15 – 10:30am:** Housekeeping Items and Brief Introductions
- **10:30 – 11am:**
  - MS216D Historical Overview
  - PHMSA Damage Prevention Rule, Part 196/198
  - Damage Reporting Data & Exemptions
- **11am – 11:45am:** MS216D Topics
  - Definition of Excavation
- **11:45am – 12:45pm:** Lunch
- **12:45 – 2:30pm:** MS216D Topics
  - Definition of Emergency
  - Boundary Surveys
  - 48-Hour Notification
  - Civil Penalties
  - Abandoned Facilities
- **2:30 – 3:25pm:** Open Forum
- **3:25 - 3:30pm:** Close Open Forum and Discuss Future Meeting Dates

**Thank You!**



# Attachment A

## MS216D Stakeholder Review Meeting Minutes

Friday, October 7<sup>th</sup>, 2016

SBM Fire Station #3, 11920 Ulysses St. NE, Blaine, MN 55434

### Attendees:

- |                       |   |
|-----------------------|---|
| 1. Bruce West         | MNOPS   |
| 2. Jon Wolfgram       | MNOPS   |
| 3. Mike Mendiola      | MNOPS   |
| 4. Dean Parker        | Gopher State One Call                         |
| 5. Barb Cederberg     | Gopher State One Call (via teleconference)    |
| 6. Estelle Richard    | Gopher State One Call                         |
| 7. Chuck Jensen       | Connexus Energy                               |
| 8. Alicia Berger      | Xcel Energy                                   |
| 9. Jeff Murray        | Xcel Energy                                   |
| 10. Ben Wallace       | USIC  |
| 11. Adam McAlpine     | USIC  |
| 12. Ryan Zelenka      | USIC  |
| 13. Keith Novy        | CenterPoint Energy                            |
| 14. Steve Olinger     | CenterPoint Energy                            |
| 15. Dean Headlee      | CenterPoint Energy                            |
| 16. Dan Maschka       | Northern Natural Gas                          |
| 17. Chris Madden      | City of Duluth                                |
| 18. Jon Blough        | Owatonna Public Utilities                     |
| 19. Arnold Kraft      | ARK Management Assoc., LLC                    |
| 20. Mike Moore        | NuStar Energy                                 |
| 21. Mike Broderick    | NuStar Energy (via teleconference)            |
| 22. Jerome Viske      | Duininck Inc.                                 |
| 23. Craig Knudsen     | Dakota Electric                               |
| 24. Rick Schlegel     | API   |
| 25. Tracy Lipinski    | MP Technologies                               |
| 26. Ward Westphal     | MP Technologies                               |
| 27. Matthew Miller    | BP Pipelines                                  |
| 28. Jeff Law          | Korterra                                      |
| 29. Amy Asche         | Montana-Dakota Utilities (via teleconference) |
| 30. Jodi Corrow       | Minnesota Power (via teleconference)          |
| 31. Todd Stansbury    | MNOPS   |
| 32. Elizabeth Skalnek | MNOPS   |
| 33. Sylvia Schwarz    | MNOPS   |
| 34. Thomas Coffman    | MNOPS   |

35. Claude Anderson	MNOPS
36. Jeff Blackwell	MNOPS
37. Adam Ratzlaff	MNOPS
38. Sean Mangan	MNOPS
39. Ole Engebretson	MNOPS (via teleconference)
40. Joe Hauger	MNOPS (via teleconference)

### **MNOPS MS216D General Discussion**

- MS216D Historical Overview
  - Last amendments in 2004 (over 20 years)
  - Purpose of stakeholder review and potential changes is to enhance safety regarding operating underground utilities and excavating around them
  - No changes to rules since adoption in 2005
  - Purpose of 2016-2017 stakeholder review meetings is to prepare for 2018 legislative session (if changes are deemed necessary)
- PHMSA Damage Prevention Rule
  - Part 196 – PHMSA enforcement on excavators. Primarily for states deemed inadequate in their own One Call enforcement.
  - Part 198 – PHMSA enforcement on state pipeline safety programs for damage prevention.
  - PHMSA audit on MNOPS’ damage prevention program – data to support current One Call exemptions?
- Damage Reporting Data & Exemptions
  - MNOPS utilizes mandatory damage reporting from pipeline operators and voluntary damage reporting from non-pipeline operators
  - In 2011, 115 non-pipeline companies reported their voluntary damage data, however the number of reports has declined since then
  - In an effort to support current One Call exemptions, MNOPS will seek support from industry stakeholders for increased reporting

### **MS216D Review Topics**

- **Definition of Excavation key comments:**
  - Is the concerning issue more about the definition or the exemptions?
  - Pounding stakes in the ground – there are people getting hurt from driving stakes into underground gas and electric.
  - The definition should be reviewed – redefining so that pounding a stake would be considered excavation but using a hammer to put in lathe is not.
  - What was the feedback from PHMSA’s DP audit?

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green = excavator comments

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purple = locator comments

- What data is MNOPS collecting to substantiate the current exemptions? We have data from mandatory reporting from pipeline utilities but less data from non-pipeline utilities (electric, fiber optic, telecommunications, sewer, water, etc...)
- Damage reporting from pipeline operators show damages from driving stakes resulting in burns and in some cases, fatalities.
- Driving a stake into a gas line can lead to a house explosion. This occurred in Indiana.
- Distinction between locating a line and pounding a stake – should there be a difference between probing for a line 18” deep vs. driving a stake 12” deep?
- Example of a concrete contractor driving pins – forms were put in on Friday. Monday the pins were pulled and they had a gas release in front of a daycare. Definitely a risk. How do we scope the language to be effective on those risks but not be so broad so that a One Call ticket is not needed for a (kid’s) tent in the backyard?
- Has MNOPS reevaluated the language that was developed during the last stakeholder meetings?
  - Yes, but we did want to bring it to this first meeting yet. There are attendees present today that were not involved during the previous meetings and we wanted to allow them the opportunity to provide feedback from a clean slate. After today’s meeting, we will evaluate both today’s feedback and the proposed language developed from the 2013 stakeholder review meetings and continue both discussions for future meetings.
- Are we aware of any other states who have addressed definition of excavation recently? Was driving stakes addressed?
  - Not aware of other states who specifically discussed the issue of driving stakes. We will reach out to other states and learn more.
- For those who operate in multiple states, does extra regulation of hand dig help? What can we learn from those states?
- Would likely have to look at two separate buckets: 1) exemption status and 2) operators & excavators using probes, driving anchors, driving forming pins...
- Does anyone operate in South Dakota? Their definition of excavation is any operation in which earth, rock, or other material in or below the ground is moved or otherwise displaced by means of tools, equipment, or explosives, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe plowing or driving. Exceptions are tilling, pot hole repair, vehicle operation less than 18”, road or ditch repair less than 18”, digging in cemetery, digging in planned landfill, and any bar test for suspected gas or liquid leaks.
  - We don’t have the same volume in SD as we do in MN
  - Also, SD’s laws are enforced by the One Call center. We can compare with other states but we just want to make sure we’re comparing apples-to-apples given other states’ enforcement abilities.
  - The violator appears before a panel in SD
- We can go back and review the damages per 1000 locates data and try to dissect further – driving a stake in the ROW, road construction, scoping work...
- Can anything be addressed with utilities having little cover? Utilities such as cable, telephone and electrical services are as shallow as 2” deep.

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- Not aware of any states One Call laws that currently enforce a standardized depth for utilities. Typically, the company has a depth standard that they use. For pipelines, there is a federal regulation for depth during construction but it doesn't cover post-construction (i.e. – grade changes).
  - Do we need to consider gravel pits as part of the definition?
    - If there is enough supporting information that is causing an issue then we can certainly discuss it.
  - Are there any stakeholders today and moving forward that we need input from?
    - Curb contractors, fence contractors, landscaping businesses. If you have contacts let's get in touch with them to ensure that we're including them. We don't want to get to a point where we're ready to propose to legislature then get derailed because of missing another stakeholder's input.
  - I would like to see the first and sixth exemptions removed: 1) the extraction of minerals and 6) planting of windbreaks, shelterbelts, and tree plantations
  - Regarding gravel pits, depending on the situation you probably don't need to call for locates every time. What if there are no lines through the gravel pit.
    - The ticket is good for 14 days but you can extend it
    - If you're going to operate the gravel pit for next 50 years with no lines through it, does it make sense to call for locates every time?
    - There's nothing in MS216D to prevent an excavator from calling. Good judgment and common sense may prevail.
    - Perhaps it's more of an educational process with MNOPS, GSOC and others?
  - An exemption for soil boring and core sampling?
  - Is there a reason for the difference between gardening and farming? 12" vs. 18"?
- Action Item: MNOPS and other industry stakeholders to reach out to concrete contractors, fencing contractors, landscaping business and other companies that perform staking work and invite them to upcoming MS216D stakeholder meetings.
- 

- **Definition of Emergency key comments:**

- This issue relates to an increased number of emergency ticket complaints received by MNOPS and GSOC where municipalities and other groups question whether or not there is an emergency situation. The majority of complaints relate to sewer service companies who automatically default to calling in emergency tickets rather than determining if it should be an emergency ticket vs. a normal ticket.
- We have seen cases where multiple sewer service companies bid on the same job or location – 3-4 emergency locates requests for the same property. We have to respond to each ticket – mark three emergency locates if we get three emergency locate requests even if it's for the same location.
- We've had to send a locator to the same location three times because of three different emergency tickets.

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- In some cases, an emergency locate request will be submitted by the sewer service company but no excavation takes place.
  - If no excavation takes place, then why was it called in as an emergency? Was it truly an emergency? An emergency ticket is one of the excavation ticket types.
  - We've seen where sewer companies will call in an emergency ticket before they even get the job. They want the locates on site by the time they get there hoping they are awarded the job.
- As a homeowner, if my sewer is backs up I would consider it an emergency. I'd rather not wait 48 hours to have it fixed.
- Being a municipality, we are also a sewer operator. We consider sewer backups as an emergency.
- Some cases are legitimate emergencies that pose a clear and immediate danger to life, health, or property – where the backup is entering the house. Other cases are where the sewer service drains but not very well - it doesn't back up into the house. Are they both emergencies per the current definition?
- When we get the call of a sewer backup, we send a crew out to expose it. Until we expose it, the cause is labeled as 'unknown' until we see it after we excavate and expose. Similar to a grade A leak, we can't downgrade an 'unknown' until it is investigated.
- If they are doing the bid but not excavating, then it's not an emergency – installation of a pool, deck, dog fences, trees, etc...
- MNOPS can deal with abuses of emergency locate requests
  - Correct. And we have, but it has to be reported to us first. I'm sure there's many that aren't reported to MNOPS.
- Doesn't the One Call center make that judgment when they receive the request?
  - The CSR's have to put the ticket in after reading the definition of emergency to the requestor. One the operator gets the ticket, they have to respond to it and mark.
- If the excavator didn't white mark, that should be enforceable. It would prevent them from doing it next time.
- What is MNOPS telling municipalities?
  - We ask muni's and other groups that if feel you an emergency locate request didn't meet the definition of 'emergency', then please contact us and we can investigate. We are aware that there are groups who automatically call in for emergency tickets without assessing the nature of the emergency. We've seen emergency tickets where there was argument for a normal ticket.
- Perhaps training and education would be a better fit rather than language of law. We sent mailings to customers to address this stating that we would bill you. The problem lessened after that.
- Other people's thoughts? Address this issue via education vs. law change?
- Only address sewer line backups. General public may not understand what exactly what constitutes an emergency under the One Call law.
- What is MNOPS' authority? If someone abuses, what can MNOPS do?
  - MNOPS can enforce the misuse of an emergency ticket.
  - Can you fine them?

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- Yes.
  - Municipalities can refuse to issue a permit if they see problem.
  - Plumbers and sewer service companies have to utilize Call Before You Clear if they encounter a conflict during camera verification.
  - There is also the option to submit a scheduled emergency ticket. Some may not be aware of this. Perhaps that's another effort we need to educate further.
- Action Item: MNOPS and other industry stakeholders to reach out to sewer service companies and invite them to the upcoming MS216D stakeholder meetings. At this time, more feedback may be required to consider new language proposal vs. stronger educational efforts.
- 

- **Boundary Survey key comments:**

- MNOPS and GSOC have received increased complaints involving boundary survey requests the past 3-4 years. Engineering, land surveying and subsurface utility engineering (SUE) firms are submitting more of these tickets for the purposes of acquiring information of existing utilities so that they can design their projects accordingly. The majority of the complaints are that the boundary survey tickets are not getting located and/or no response.
- Misuse of boundary survey tickets – 2 block radius for a Taco Bell on ¼ block but they call in for the whole campus for a small section, thus inundating our locators and taking them away from normal tickets that they must also locate.
- We have dealt with cases where the entire MN Zoo area was requested to be located. Also large park areas in the metro area.
- In many cases, there was no intent to excavate. SUE companies request flags and paint so they can use their tools to gather that data then sell the information to...? This information should be utilized for damage prevention, not for profit only.
  - Mn/DOT is requiring more SUE work. That could be one reason for the increase.
  - It can be valuable for persons planning work to minimize interruption for all parties. There are boundary survey tickets where there is no intent to excavate, only to sell information to clients who may buy property. When we ask who the client is, they won't tell you.
  - Boundary survey tickets are a non-excavation ticket type, so no excavation should be taking place. But yes, there were many meet tickets where SUE was involved and we had to address this <above>. Meet ticket is an excavation type ticket.
- The GSOC Handbook states that "if you are a licensed surveyor, use this type of ticket to request facility markings". However, this isn't described in MS216D. Perhaps operators and facility owners are not responding to boundary survey requests because of this?
- Per MS216D, "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."
- Cannot have a boundary survey unless prepared by licensed surveyor per MN laws.
- Where are the limits?

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- If I as an owner or buyer of property was going to the point of having a registered land surveyor prepare a survey then it is not a casual request. Under NSPS construction quality surveys, a buyer of a survey can request that locates can be done. This is new in 2016. Not sure if this was done through CGA? National movement that goes beyond MN.
- There's also an engineering/pre-con ticket for the development of plans. However, a lot of groups don't call in that ticket because there is no expectation of flags and paint. They want the flags and paint so they can pick it up with their survey rods and GPS equipment and export the data into GIS. Don't want engineering drawings from 1964 which may not be accurate. Hence, also the increased issues with boundary survey tickets.
- GSOC would be interested in hearing about perceived abuses of boundary survey tickets. The intent is the request should not cover any more than what is necessary, not for the intent to sell information.
  - The concern of SUE companies doing SUE work and selling that information related to meet tickets. We met last year with those parties involved. MNOPS has seen less complaints regarding that issue but some still occur.
- Perhaps we need to consider newer technology and expand the issue to licensed engineers and engineering companies. More and more work is required in the pre-design and planning stages.
- Part of the reason for the MS216D stakeholder meetings is to consider new technology and how it impacts the industry. If technology is driving a need for change for language change, then it should be considered.
- Possibility of looking at all non-excavation tickets to see what is needed? Maybe redo the types of tickets – restructure them?
- Provide GIS mapping of facilities?
  - If the requestor feels that the GIS information is accurate, then may feel more comfortable receiving it.
- GIS maps or other mapping would have to be detailed to 2 feet. If service map only shows that it is in a corner of the yard, then that would not be accurate.
- If you send an engineer a map, they will claim that it is accurate. The paint should be on the ground.
  - Disagree – when they are ready to dig, then would call in a locate ticket and then have the utilities marked. Should trust map enough for planning. If something is wrong, it can be dealt with at that time. Marking twice doesn't seem fair.
  - But the pre-planning and the actual excavation could take place a year apart.
- If the data that the SUE and other engineering companies collect will be for creating plans to sell and make a profit, why can't we charge them for our time? If they're not doing for damage prevention, then it's likely for something to help them make money.
- So if the purpose of a normal locate ticket is to prevent damage and a boundary survey ticket is for profit – what if we separate the two tickets? Can one be charged for?
- Especially if the boundary survey people want it.
- One process for both digging and planning – alleviate damage by designing for less conflict.
- Argument for boundary survey for safety. We can start by working with GSOC to clarify the process. In the meantime, feel free to email or call with boundary survey thoughts and comments.

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➤ **Action Item: Continue discussion during future stakeholder meetings.**

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- **48-Hour Notification key comments:**

- Currently, MN's One Call law requires operators to mark their utilities within 48 hours. In some states like WI, they have 72 hours. In other states, operators have until the end of the second day (11:59pm) to finish a locate request. It appears there is success with this in those states. Would MN benefit from allowing locate requests to be completed incumbent upon an end-of-second day requirement vs. a 48-hour requirement?
- CO have the end-of-day requirement. ND has the end-of-day language awaiting approval. For CO, this has streamlined the ability to plan and perform locates. No need to worry about what time the locate was submitted. Also allows excavators to start at 6am or 7am the following day instead of having to wait for a specific start time. For locators, it allows them to prioritize their work by geographic location vs. chasing start times.
- It could also help minimize damages. Example – there was a significant damage that shut down a railroad because the excavator thought his ticket was good to start digging on in the morning when in fact it wasn't due to start until 2pm. By allowing the start time to be 12:01am after the second day, it's less confusion for the excavator.
- MN does have the "agreed upon" language if excavators want to start early.
  - "Agreed upon" doesn't work so well. When you talk to a lot of excavators, many don't have their ticket in the truck so they end up calling the locators asking "what time does my ticket clear?"
  - So automatically allowing the ticket to clear after the end of the second day eliminates the need to look up information?
  - Correct.
- It's better than the 72-hour rule. Technology has changed. Locators have better prints and equipment but in the end it is still a human being who is walking on foot and locating. There are a lot more utilities in the ground.
- 2 days is a tight window. 3 days is too long but the midnight due date is a good compromise.
- For CO, did they have problems changing the excavators' thought process? There is an advantage of always knowing what time ticket is good rather than trying to figure out when it is due. Many call in early to avoid issues but this can lead to other complications.
- Most crews start their work right away in the morning. Knowing their ticket is good at 12:01am affords the ability to do so.
- I believe MO also has the end-of-second day requirement.
- It sounds like there is general acknowledgment by this group that this would benefit MN. If so, we would likely seek to form a subcommittee to continue discussions and formulate proposed language.

➤ **Action Item: Review similar language adopted by CO, ND, and MO and request stakeholders to form a subcommittee.**

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- **Civil Penalties key comments:**

- Currently MNOPS has the ability to fine up \$1,000 per day per violation. Exact amounts may vary based on the violation, previous history of the company, level of prudency, degree of impact to public safety, etc... Per MN law, pipeline operators can have higher penalty amounts. Is the current amount adequate to minimize recurrence of damages?
- Simplify the fines so that's it's consistent for everybody? From an enforcement perspective, it would be easier. Still a difference between pipeline and others.
- \$10,000 cap on pipeline operator. Per pipeline safety regulations, it can be \$100,000 or \$200,000 per day. For non-pipeline, MNOPS doesn't always penalize to the \$1,000 cap. It can be less.
- Why are we reviewing this?
  - Some stakeholders feel fine caps should be raised.
  - Goal is to prevent excavation damages. Are the current penalties enough to achieve safety?
- What is PHMSA's input? Do they feel it is significant enough of a deterrent? Wasn't WI scrutinized because of no civil penalties?
  - What PHMSA looks at for each state is: 1) is there state oversight over damage prevention? 2) is there a civil penalty structure? 3) do rules drive damages down? Overall, MN has had a downward trend in damages.
- What are other states doing?
  - \$1,000 is used in other states in some fashion.
  - And that's for states that have enforcement. Some states don't have an authorized agency to pursue enforcement.
- Can MNOPS shut an unsafe excavation down?
  - No, but OSHA or law enforcement can.
- From an excavator viewpoint, if hit then more cost in downtime. If no ticket, the fine amount should be much higher than \$1,000.
- If no ticket, the find should be double.
- For us (muni operator), we can double the fine on an excavator for repeat violations and double the cost of the permit. We can also choose to deny a permit after too many damages.
  - Correct, muni operators can seek support from their city council to enhance their policies to prevent damages. One of which is to choose to deny a permit.

➤ **Action Item: Continue discussion during future stakeholder meetings.**

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- **Abandoned Facilities key comments:**

- GSOC and MNOPS have had to address the issue of what should be done with underground facilities where a company goes out of business. When a company goes defunct but the lines are still there, who is responsible to locate those lines?
- If I cut out steel then I can't locate any more. Very difficult to keep record and locate abandoned lines. Typically, it is abandoned because it is in the way of something. Example – I had a utility in a service area but it's not locatable anymore.

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- We had a location where we installed a new line at 8' depth. We encountered abandoned lines at 3' depth. There was no information on the abandoned line. We spend time on the phone trying to determine if it was live or dead. If we knew it was dead before hand, we could cut it and move it out of the way and make it easier to compact our trench. Very few abandoned lines are located.
  - A good scenario is where the excavator can at least reach a contact with utility operator(s) who can help identify the abandoned line. In many other cases, excavators encounter abandoned lines with no contact and no maps.
  - **The One Call center has polygons for abandoned facilities but no maps.**
    - For underground utility operators with abandoned facilities, GSOC keeps track of that information.
  - In the more recent case related to this, GSOC was able to address the issue after the fact, but in the future, as more companies possibly go defunct, we need to consider a proactive approach to handle abandoned lines.
  - **Are we looking to change the law?**
    - If it's in the best interest of the state and its stakeholders. Remember also that the current language requires utility owners to maintain maps and other information of their abandoned lines after December 31, 1998.
  - We could also look at a process where if a company goes out of business, they have to submit their maps to someone.
  - Like superfund sites – EPA will go after existing companies who can pay for it.
- **Action Item: Continue discussion during future stakeholder meetings.**
- 

- **Depth of Utilities key comments:**

- Many utilities are installed via directional drilling. Some HDD work is very deep. By law, we have to pothole at each crossing but sometimes we pothole and still don't find it because it's so deep. A lot of time is spent.
- Provide depth information?
- If grade gets cut then it's tough to say a correct depth.
- The typical depth should be known. If you pothole and still don't find it, you can call the locator to assist.
- Locators won't tell you how deep. Some sewer pipe is 26' deep. When we don't find it we also have to question if it's located in the right spot.
- Is there a method, tool or practice to find depth accurately? Perhaps we could apply this topic to the MNCGA best practices group.
- Maybe the permitting authority could maintain location information because they would be knowledgeable of grade changes.
- Most utilities have ideal depths for their utilities but may have to go deeper if necessary. How do we find it once that occurs?
- Natural gas companies have minimum service depths. However, changes in depth of existing facilities is always an issue.

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- We have found lines as shallow as 2". When we installed utilities, there is an inspector there to make sure it is installed according to plan.
- Natural gas projects also have inspectors on site.
- Mn/DOT lines follow the easiest route that tend to zigzag.

➤ **Action Item: Consider this topic for the Best Practices group.**

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- **Each Excavator to Have Their Own Ticket key comments:**

- GSOC Handbook (page 18) suggests that everyone must have their own ticket. However, MS216D can be interpreted differently. Multiple subcontractors will work under the general's ticket.
- There have been cases where there were multiple tree contractors. Don't know which contractor will plant on each street.
- MNOPS and GSOC have conveyed at damage prevention meetings and elsewhere that if you are an excavator, you should have your own ticket.
- Propose verbiage to require everyone to have their ticket?
- Need to add a requirement that each excavator must have their own ticket.
- Interpretation – page 65 of GSOC Handbook – attorney general. Not an exclusive statement. Not every person is required to have a ticket.
- MNOPS enforcement?
  - Violation is that they are doing something careless or expired, etc... Someone else can work under a ticket as long as all other requirements are met.
- What is the benefit of keeping it the way it is?
  - Having a sub with their own ticket = ownership of their excavation.
- If you have a ticket and the sub is working in the same area, does it make sense to require another ticket?
  - It would be in the best interest for subs to have their own ticket
- All subs should have their own
- From locators view, if subcontractors don't have tickets, it is difficult to know who is excavating and to ensure that things are marked for all excavators. They will generally say "I thought he had a ticket".
  - It would fall to the sub if agreement doesn't cover sub's work
- General contractors cover themselves by saying that subcontractors must get their own tickets for liability reasons.
- The general expectation is that subs should have their own ticket
- Is this similar in other states?
  - Shouldn't matter. If people are not generating tickets, then it's not safe.
- When Michels bores for us they get their own ticket
- We are getting own tickets for Xcel jobs
- Consensus to consider language change to require every excavator to have their own ticket?
  - I think we need to have more contractor presence than we have today. Sometimes contractor and subcontractors are both excavating at the same job.

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- Action item: Stakeholders to reach out to additional contractors and invite them to upcoming MS216D stakeholder meetings.
- 

- **Meet Tickets key comments:**

- Do we still have the language that was drafted last time?
  - We do and I apologize again for not having it available for this meeting. Since we have members here today that weren't part of the last stakeholder meetings, we wanted to allow everyone a fresh viewpoint to start with. After today's meeting, we will include and reconsider the draft language that the group then proposed.
  - We will also publish that information on our website along with meeting minutes and other draft language developed during these ongoing meetings.
- Meet tickets stacked too close time-wise. Makes is difficult for our locators to attend some meets.
- Everyone wants to meet at 8am on Monday.
- We usually call to request a different time for a meet if we can't make it.
- We talked about a software tool to schedule meets. Did not go anywhere.
- Tool proposed for excavators to schedule a meet. Could see all the meets already scheduled in an area to see times that might not work. Some states schedule meets. It may be a one call or other type of operation.
- How do states address meet tickets in 12:01 ticket due time schemes? Half of meet tickets give an area bounded by XX:XX starting tomorrow. Could be a concern for locators.
- How about "parent" and "children" tickets. Notice of meet ticket – "sibling" tickets would know of meet tickets. This would address issues in a communication fashion rather than a law change.
- Meets can save utility locators a lot of time rather than individual tickets. Do a whole town – initial meet and try to call in new meet every two weeks. Advantage for locators – tickets are called in every two weeks to ensure they can be paid.
- Also need telephone number of operator contact. We can get the number for locators but not operators.
- Phone numbers for all locators and operators should be on the ticket.
- It has changed. In the past, there were three separate columns. One for locator, one for utility operator, one for emergency contact. Not sure when it changed, but for some time now, tickets only provide one column for utility operator contact. Sometimes those numbers lead you to customer service centers who don't have knowledge of the site.
  - Excavators are required to call the utility operator in case of a hazardous condition but that number for an emergency is not available on the ticket.
  - We could go back and look to have operator's and locator's numbers back on the ticket.
- Substantial number of homeowners – if emergency numbers added back on tickets, we may also get non-emergency calls from homeowners. May need to receive more input to ensure that everyone wants emergency numbers.
- We can form a user's group to discuss further.

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- Action Item: Consider forming a user's group to develop enhancements for meet tickets.
  - Action Item: One Call center to consider reestablishing locator and emergency contact info on tickets.
- 

Moving forward, the plan is to continue meeting quarterly and continue discussions as needed. For topics where language change is deemed prudent, we will consider forming subcommittees. All stakeholders are welcome to volunteer as lead facilitators for subcommittees. MNOPS will coordinate such efforts appropriately.

**MEETING ADJOURNED at 15:30 CDT**

**\* Please join us for the next MS216D stakeholder review meeting on January 19<sup>th</sup>, 2017 at Connexus Energy, 14601 Ramsey Boulevard, Ramsey, MN 55303 from 10am to 3:30pm.**

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**Attachment C**



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# Purchase Order



## Attachment D

**Public Safety Department  
Pipeline Safety**

**Dispatch Via Email**

<b>Purchase Order</b> P0701-3000042199	<b>Date</b> 07/21/2016	<b>Revision</b>	<b>Page</b> 1 of 1
<b>Payment Terms</b> Net 30	<b>Freight Terms</b> FOB Destination, Prepd & Allow	<b>Ship Via</b> Ground	<b>Event ID</b>
<b>Buyer</b> Susan Elizabeth Brommer	<b>Phone</b> 651/201-7242	<b>Currency</b> USD	<b>Agency Reference</b> FY17 Water Bottle Quote 16074

**Vendor:**  
0000800950  
SPECIALTY PROMOTIONS INC  
1973 CAMPBELL CIRCLE  
WHITE BEAR LAKE MN 55110  
United States

**Ship To:**  
DPS OFFICE OF PIPELINE  
SAFETY  
445 MINNESOTA ST  
STE 147  
ST PAUL MN 55101-5147  
United States

**Attention:**  
Not Specified

**Bill To:**  
DPS OFFICE OF PIPELINE SAFETY  
445 MINNESOTA ST  
STE 147  
ST PAUL MN 55101-5147  
United States

Tax Exempt?		Tax Exempt ID:	Replenishment Option: Standard				
Line - Sch	Item/Description Mfg Itm ID	Manufacturer Name	Quantity	UOM	PO Price	Extended Amt	Due Date
1 - 1	(375) 22 Oz. Excursion Bottles, Imprint Information: WHITE IMPRINT on TWO SIDES 3" W x 4" H; PER SIDE, Colors: Black/Blue, Quote Number: 160743 \$3.74 per bottle - QUOTE TOTAL: 1402.50		1.0000	LO	1402.50000	1402.50	07/21/2016

**Contract ID:** 000000000000000000000000077746

**Contract Line:** 1

**Schedule Total** 1402.50

**Item Total** 1402.50

**Total PO Amount** 1402.50

MAX TRUCK HEIGHT 12' 6"

- Show the purchase order number on invoice and all tags, packages and correspondence.
- This purchase order incorporates by reference all terms, conditions and specifications of the Contract, the RFP/RFB and vendor's response. In case of a conflict in terms, the order of precedence shall be: First, this P.O., second the contract, third the RFP/RFB, and fourth the vendor's response.
- All deliveries hereunder shall comply with all applicable State of Minnesota and Federal laws.
- Invoicing must match line items on the purchased order.
- DO NOT CHARGE SALES TAX unless otherwise instructed to do so on this purchase Order or the solicitation document. State agencies will pay all applicable taxes directly to the Department of Revenue. Per Department of Revenue Tax Fact Sheet 142, State agencies are not required to submit an ST3 form to their suppliers.
- Payment terms are Net 30 unless a discount is offered for early payment.

**Issuer certifies that funds have been encumbered  
and appropriate approvals have been obtained.**

**Issued By:**  
*Susan Elizabeth Brommer*

# Attachment D



# Attachment D

