

**2019 State Damage Prevention Program Grants Progress Report**  
**CFDA Number: 20.720**

**Award Number:** 693JK31940012PSDP

**Project Title:** State Damage Prevention (SDP) Program Grants – 2019

**Date Submitted:** April 14, 2020

**Submitted by:** Jonathan Wolfgram / Mike Mendiola

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

Fund enforcement, education, training, communication, support, analysis, partnership, and mediation activities associated with its damage prevention program. (Elements 1-9)

**Workscope**

Under the terms of this grant agreement, the Recipient will address the following applicable elements listed in the approved application, pursuant to 49 U.S.C. §60134 (a), (b).

- 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. (Applicable)
- 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 units in all phases of the program. (Applicable)
- 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. (Applicable)
- 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. (Applicable)
- Element 5 (Public Education): A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities. (Applicable)

- Element 6 (Dispute Resolution): A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues. (Applicable)
- Element 7 (Enforcement): Enforcement of State excavation laws and damage prevention 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. (Applicable)
- Element 8 (Technology): A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs. (Applicable)
- 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. (Applicable)

**Accomplishments for this period (See Reporting Requirements Sections of your Agreement)**

<b>Objective</b>	<b>Accomplishments (approximate numbers based on grant period as of report date)</b>
Enforcement actions and follow-up collections specific to SDP Grant	A total of 95 One Call violations were cited under the current SDP period for this mid-progress report, 9/28/2019 thru 3/27/2020. (refer to the Excel spreadsheet 'MNOPS_Enforcement' included as part of this report submittal)
In-office/field investigations and research	<p>Thus far, 11 cases were created for the purposes of investigating One Call damage investigations and/or complaints under the current SDP period for this mid-progress report, 9/28/2019 thru 3/27/2020 (see table on page 9).</p> <p>A majority of the One Call investigation &amp; complaint cases were handled under our current One Call grant (113 cases   619.75 hours)</p>
Statistical data analysis and damage trending	<p>Damage data analysis and reporting utilizing mandatory damage reporting submitted by pipeline operators and voluntary damage reporting by non-pipeline operators are attached at the end of this report. These figures are available to the public on MNOPS' website.</p> <p><a href="https://dps.mn.gov/divisions/ops/reports-and-statistics/Pages/voluntary-damage-reporting.aspx">https://dps.mn.gov/divisions/ops/reports-and-statistics/Pages/voluntary-damage-reporting.aspx</a></p>
Court proceedings and conciliations	Court cases and conciliations on-going as needed. Thus far, MNOPS has been able to successfully resolve its damage prevention cases without having to litigate in court during this grant period.
Compliance monitoring of one-call center operations, frequent offenders, and types of offenses	The Pipeline Safety Director sits on the Gopher State One Call board. Involvement and partnership with the one call center allows MNOPS to be aware of the one call center activities. Additionally, MNOPS collects and reviews all pipeline related gas releases due to excavation related activities. This allows MNOPS to track and appropriately address frequent offenders of the State's One Call law.

<p>Rules and law review</p>	<p>Minnesota stakeholders reconvened on September 19, 2019 to review survey results regarding proposed language changes to MS216D. MNOPS then facilitated stakeholder meetings during the weeks of Nov. 18-22, 2019 and January 13-17, 2020. Stakeholders had the opportunity to offer their input and feedback. MNOPS used this feedback to further refine the proposed language changes. The proposed language was submitted to the Governor’s office in January 2020 so that they can provide further guidance to MNOPS leading in to the 2020 legislative session beginning February 11, 2020. A copy of the survey results and proposed language are included at the end of this report.</p>
<p>Outreach</p> <ul style="list-style-type: none"> <li>▪ Safety presentations to excavators</li> <li>▪ Safety &amp; training presentations for utility operators, locators and other stakeholders</li> <li>▪ Annual conference with Damage prevention track</li> <li>▪ Safety messages for the general population</li> </ul>	<p><b>Damage Prevention Presentations</b></p> <p>MNOPS performed 23 damage prevention presentations from December 2019 through March 2020. The meetings consist of a presentation reviewing the excavation laws in Minnesota in the form of case studies. Some meetings are facilitated by utility coordinating committees; other meetings are facilitated directed with excavation companies. The case studies are actual on-site damage investigations performed by MNOPS inspectors. For the mid-term progress report dates of Sept. 28, 2019 through March 27, 2020, the following presentations were performed:</p> <ul style="list-style-type: none"> <li>• 12/19/2019 – Bloomington, MN</li> <li>• 1/2/2020 – Bemidji, MN</li> <li>• 2/14/2020 – ECI (excavation company)</li> <li>• 2/18/2020 – St. Cloud, MN</li> <li>• 2/21/2020 – C.W. Houle (excavation company)</li> <li>• 2/21/2020 – EDI (excavation company)</li> <li>• 2/24/2020 – St. Cloud, MN</li> <li>• 2/25/2020 – St. Cloud, MN</li> <li>• 2/27/2020 – MP Nexlevel (excavation company)</li> <li>• 3/4/2020 – Winona, MN</li> <li>• 3/4/2020 – Park Construction (excavation company)</li> <li>• 3/5/2020 – Shakopee, MN</li> <li>• 3/5/2020 – Hutchinson, MN</li> <li>• 3/6/2020 – Meyer Contracting (excavation company)</li> <li>• 3/6/2020 – Schafer Contracting (excavation company)</li> <li>• 3/6/2020 – New Ulm, MN</li> </ul>

- 3/9/2020 – Brooklyn Park, MN
- 3/10/2020 – Lakeville, MN
- 3/11/2020 – Andover, MN
- 3/12/2020 – Mankato, MN
- 3/12/2020 – Rochester, MN
- 3/13/2020 – Marshall, MN
- 3/13/2020 – LaTour (excavation company)

From the above damage prevention presentations, MNOPS inspectors were able to reach out and educate 2,473 attendees. Another 23 meetings were scheduled but were canceled or postponed due to the Covid-19 pandemic. A map of the DPP locations and a copy of the presentation are included at the end of this report.

**Public Education**

During the current grant period, MNOPS actively participated in two public education events: the annual Day of the Dozers, Sept. 28, 2019, and the annual Minnesota State Fire Chiefs Association Conference, Oct. 17-18, 2109.

The annual Day of the Dozers allows MNOPS staff and other industry stakeholders to engage the general public and educates families about underground utility safety and the importance of ‘Calling 811 Before You Dig’. The specific activity facilitated by MNOPS replicates locating underground utilities and identifying the type of utility according to color. This activity included the participation by industry operators, utility owners, locators, and Gopher State One Call members. The Day of the Dozers event is hosted and facilitated by the MN Utility Contractors Association. Per MUCA, an estimated 6,000 people attended the event.

MNOPS participated in the annual MN State Fire Chief’s Association Conference as a vendor. MNOPS staff used this opportunity to discuss underground utility safety and the importance of the ‘Call 811 Before You Dig’ campaign with emergency responders and the general public.

Photos of MNOPS staff and 811 promo items are included at the end of this report.

**Effective Communication Efforts with Telecommunication Stakeholders**

Due to the unprecedented challenges within the locating

	<p>Minnesota locating industry in 2019, MNOPS and Gopher State One Call took a proactive approach to meet with telecommunication companies to understand what challenges these companies encounter with the One Call center and state excavation laws. This was an opportunity learn what efforts could be made to bring the excavation and locating communities back together and rebuild positive relationships moving into 2020. MNOPS and GSOC met with the following telecommunication companies in this effort:</p> <ul style="list-style-type: none"> <li>• 12/19/2019 – Level 3/CenturyLink</li> <li>• 1/7/2020 – Arvig Communications</li> <li>• 1/22/2020 – Charter Communications</li> <li>• 2/10/2020 – Comcast</li> </ul>
<p>Involvement in regional Common Ground Alliance</p>	<p>During the mid-term grant period of Sept. 28, 2019 through March 27, 2020, MNOPS has not yet participated in regional CGA meetings. A majority of industry stakeholders were involved with attending the MS216D meetings that MNOPS was facilitating to review our state One Call laws. Future meetings are anticipated but not yet scheduled due to nation-wide and state-wide orders to minimize social interaction due to the Covid-19 pandemic.</p> <p>In prior years, MNOPS has engaged in the formulation of a Regional Common Ground Alliance in Minnesota (MNCAGA). The MNOPS damage prevention manager, who served as the facilitator for the MNCGA Best Practices Committee from 2015-2017, is still actively engaged with the committee. Another MNOPS inspector currently serves as facilitator for Agricultural Awareness Committee.</p>

<p>Active Participation in area Utility Coordinating Committees:</p> <ul style="list-style-type: none"> <li>• Metro Utility Coordinating Committee (MUCC)</li> <li>• Prairie Land Coordinating Committee (PUCC)</li> <li>• Lakes Country Utility Coordinating Committee (LUCC)</li> </ul>	<p>During the mid-term progress report dates of Sept. 28, 2019 through March 27, 2020, MNOPS participated in 10 UCC meetings:</p> <ul style="list-style-type: none"> <li>• 11/14/2019 – MUCC</li> <li>• 11/14/2019 – PUCC</li> <li>• 12/4/2019 - LUCC</li> <li>• 12/18/2109 – MUCC</li> <li>• 12/19/2019 – PUCC</li> <li>• 1/22/2020 - PUCC</li> <li>• 1/23/2020 – MUCC</li> <li>• 2/5/2020 - LUCC</li> <li>• 2/19/2020 – PUCC</li> <li>• 2/20/2020 - MUCC</li> </ul> <p>(see table on page 9)</p>
<p>Participation in the one-call center Operations and Communications Committees</p>	<p><b><u>GSOC Board Meetings</u></b>  MNOPS Participated in all Gopher State One Call Operations and Communications Committee meetings. The Director for MNOPS serves on the GSOC board. For each board meeting, either the MNOPS chief engineer or the damage prevention manager is invited to provide an update from our office.</p> <ul style="list-style-type: none"> <li>• 11/13/2019 – GSOC board meeting</li> <li>• 1/8/2020 – GSOC board meeting</li> </ul> <p><b><u>Effective Communication Efforts with Engineering &amp; Land Surveying Stakeholders</u></b>  In September 2019, MNOPS was approached by the City Engineers Association of Minnesota (CEAM) to discuss challenges that engineering and land survey companies have encountered with the One Call system and the State’s excavation laws. It was brought to MNOPS attention that a small ratio of engineering companies abide by MS16D.04 Subd. 1A in regards to submitting pre-design/engineering notification requests and pre-construction notification requests. And for the engineering companies that do abide and submit these requests, the challenge is that not all facility operators uphold their obligation to respond by either locating their facilities on site or providing mapping information of their facilities. MNOPS’ chief engineer and damage prevention manager met with members of CEAM to determine a best course of action to educate the engineering/land surveying community and inform of them of their requirements to abide by the State’s One</p>

	<p>Call laws, MS126D. It was decided that the best course of action was to co-present with CEAM’s leadership at key annual conferences. The dates that MNOPS interacted and educated with the engineering/land survey stakeholders are as follows:</p> <ul style="list-style-type: none"> <li>• 9/30/2019 – meeting with CEAM members</li> <li>• 10/31/2019 – meeting with CEAM members</li> <li>• 11/11/2019 – co-presentation dry-run with CEAM leadership</li> <li>• 11/22/2019 – Annual American Public Works Association (APWA) Conference co-presentation</li> <li>• 11/25/2019 – meeting with CEAM members</li> <li>• 12/2/2019 – panel discussion prep for annual Grading &amp; Base Conference</li> <li>• 12/3/2019 – Annual Grading and Base Conference co-presentation and panel discussion. Panel included MNOPS, CenterPoint Emery, Xcel Energy, Gopher State One Call and Veit Companies</li> <li>• 1/31/2020 – Annual City Engineers Conference co-presentation</li> </ul>
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**Quantifiable Metrics/Measures of Effectiveness ( “Where the output of the project can be quantified, a computation of the cost per unit of output.”)**

As of this report, The Minnesota Office of Pipeline Safety (MNOPS) has been actively performing Damage Prevention presentations throughout the state, however after March 13, 2020, all remaining damage prevention meetings were canceled or postponed due to the Covid-19 pandemic. Although, we were not able to participate all the meetings that MNCGA originally scheduled for the year, MNOPS was still able to educate over 2,470 individuals

The SDP grant aided in funding investigations resulting in 87 violations and \$69,700 in civil penalties.

The damage data noted below maintains the historic trend downward of damages per 1000 locates for all utilities and for gas utility damages. The 2018 gas utility damages reported to MNOPS were calculated to be 2.17 per 1000 locates, which is lower than the three previous years. The most recent damage data charts are included at the end of this report.

- 2014 – 2.09 damages per 1,000 locate notification requests
- 2015 – 2.24 damages per 1,000 locate notification requests
- 2016 – 2.22 damages per 1,000 locate notification requests
- 2017 – 1.99 damages per 1,000 locate notification requests
- 2018 – 2.20 damages per 1,000 locate notification requests
- 2019 – 1.98 damages per 1,000 locate notification requests

<b>Case Type</b>	<b>Number</b>	<b>Total Hours</b>
One Call Damage Investigations and/or Complaints *	11	36
Presentation	22	170.75
MS216D Stakeholder Meetings	10	56.5
UCC Activities	10	41.5
CEAM Partnership	9	23
Public Education Events	2	42.5
GSOC Board Meetings	2	9.5
Telecom Stakeholder Meetings	4	13.5
Contract Locating Audit Review	1	5
Data Analysis	11	38.5
<b>Total</b>	<b>82</b>	<b>436.75</b>

\* A majority of One Call damage investigations and/or complaints are covered by the State's One Call Grant

\*\*Administration hours is time applied to reviewing operators' damage reporting, case administration, communication with stakeholders, presentation(s) preparation, and assembly of publications

## One Call Damage Investigations and/or Complaints

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Jonathan Sogard	10/7/2019	6	SDP	20190930	MERC Hit - Rochester - 10.07.2019
Thomas Coffman	10/7/2019	0.5	SDP	20190622	STF Services Inc. Against Xcel Energy for not Marking Gas and Electric on Multiple Tickets.
Jonathan Sogard	10/10/2019	1.5	SDP	20190937	CPE - Prior Lake Hit - 10.10.2019
Jonathan Sogard	10/10/2019	12	SDP	20190939	CPE - North Mankato Hit - 10.10.2019
Claude Anderson	12/17/2019	2	SDP	20190608	Excavator failed to provide white marks prior to utility locating as required by MS 216D.05(2).
Michael Mendiola	12/19/2019	2	SDP	20190565	Michels Hit CPE's 4" Main - Mankato
Thomas Coffman	2/12/2020	3	SDP	20200228	Reported Damage of a 911 Line in St Peter
Thomas Chrisfield	3/16/2020	0.5	SDP	20200059	City of Red Wing Complaint against Fitzgerald Excavating
Thomas Chrisfield	3/16/2020	0.5	SDP	20200106	Universal Services Complaint Against Xcel Energy, Eagan
Adam J Ratzlaff	3/18/2020	1	SDP	20200329	AJR DPPOC week 03/16/2020 - 03/20/2020
Thomas Coffman	3/25/2020	5	SDP	20200334	Complaint Regarding the City of Woodstock Not Being Registered With GSOC.
Thomas Coffman	3/26/2020	1	SDP	20200334	Complaint Regarding the City of Woodstock Not Being Registered With GSOC.
Thomas Coffman	3/27/2020	1	SDP	20200334	Complaint Regarding the City of Woodstock Not Being Registered With GSOC.

**36**

**11 cases**

### Damage Prevention Presentations

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description	# Attendees
Joseph Hauger	11/14/2019	3	SDP	20191016	JDH case for 2019 Sewer Crossbore presentation for MPCA's wastewater operator training, Jimmy's Conference Center Vadnais Heights	
Joseph Hauger	11/18/2019	1.5	SDP	20191016	JDH case for 2019 Sewer Crossbore presentation for MPCA's wastewater operator training, Jimmy's Conference Center Vadnais Heights	
Joseph Hauger	11/19/2019	1	SDP	20191016	JDH case for 2019 Sewer Crossbore presentation for MPCA's wastewater operator training, Jimmy's Conference Center Vadnais Heights	
Joseph Hauger	11/20/2019	8	SDP	20191016	JDH case for 2019 Sewer Crossbore presentation for MPCA's wastewater operator training, Jimmy's Conference Center Vadnais Heights	79
Michael Mendiola	12/13/2019	4	SDP	20191052	2019 DPP - APWA UUCIS Inspector School	60
Olaf Engebretson	12/30/2019	2	SDP	20200045	NCS Safety Meeting Bemidji 1-2-20	
Olaf Engebretson	12/31/2019	2	SDP	20200045	NCS Safety Meeting Bemidji 1-2-20	
Olaf Engebretson	1/2/2020	4	SDP	20200045	NCS Safety Meeting Bemidji 1-2-20	106
Thomas Chrisfield	2/7/2020	1	SDP	20200189	Damage Prevention Presentation to Engineering & Construction Innovations	
Thomas Chrisfield	2/14/2020	4	SDP	20200189	Damage Prevention Presentation to Engineering & Construction Innovations	20
Michael Mendiola	2/18/2020	5.5	SDP	20200241	2020 DPP - St. Cloud Excavation Permit Class No. 1	60
Michael Mendiola	2/21/2020	2.5	SDP	20200250	2020 DPP - C.W. Houle	36
Thomas Chrisfield	2/21/2020	3	SDP	20200189	Damage Prevention Presentation to Engineering & Construction Innovations	20
Thomas Coffman	2/24/2020	7	SDP	20200247	2020 St Cloud Excavation Permit Class No. 2	44
Thomas Coffman	2/25/2020	5	SDP	20200248	2020 St Cloud Excavation Permit Class No. 3	30
Michael Mendiola	2/27/2020	6	SDP	20200268	2020 DPP - MP Nexlevel	215
Jonathan Sogard	2/27/2020	2	SDP	20200291	2020 DPP - Winona - 03.04.20	
Jonathan Sogard	2/28/2020	2	SDP	20200291	2020 DPP - Winona - 03.04.20	
Jonathan Sogard	3/3/2020	4	SDP	20200291	2020 DPP - Winona - 03.04.20	
Jonathan Sogard	3/3/2020	3	SDP	20200291	2020 DPP - Winona - 03.04.20	
Jonathan Sogard	3/4/2020	8	SDP	20200291	2020 DPP - Winona - 03.04.20	45

Michael Mendiola	3/4/2020	6	SDP	20200302	2020 DPP - Park Construction	130
Joseph Hauger	3/5/2020	7.25	SDP	20200296	2020 DPP Hutchinson for JDH	250
Michael Mendiola	3/5/2020	5	SDP	20200303	2020 DPP - Shakopee (MUCC)	175
Michael Mendiola	3/6/2020	3.5	SDP	20200312	2020 DPP - Meyer Contracting	70
Thomas Coffman	3/6/2020	8	SDP	20200249	2020 New Ulm DPP	83
Michael Mendiola	3/9/2020	3.5	SDP	20200316	2020 DPP - Brooklyn Park	
Estelle Hickman	3/9/2020	6.5	SDP	20200316	2020 DPP - Brooklyn Park	250
Jeff Blackwell	3/10/2020	5	SDP	20200318	2020 DPP -- Lakeville MUCC	
Thomas Chrisfield	3/10/2020	5.5	SDP	20200318	2020 DPP -- Lakeville MUCC	200
Joseph Hauger	3/11/2020	2.5	SDP	20200311	2020 DPP Mankato for JDH	
Michael Mendiola	3/11/2020	3.5	SDP	20200326	2020 DPP - Andover	220
Joseph Hauger	3/12/2020	8	SDP	20200311	2020 DPP Mankato for JDH	165
Thomas Chrisfield	3/12/2020	10	SDP	20200319	2020 DPP -- Rochester PUCC	131
Pat Donovan	3/13/2020	7	SDP	20200322	LaTour Construction DPP (26 Attendees) Case # 20200322	26
Joseph Hauger	3/13/2020	5	SDP	20200320	2020 DPP Marshall	58
Pat Donovan	3/16/2020	2	SDP	20200322	LaTour Construction DPP (26 Attendees) Case # 20200322	
Jonathan Sogard	3/16/2020	3	SDP	20200291	2020 DPP - Winona - 03.04.20	
Pat Donovan	3/20/2020	1	SDP	20200322	LaTour Construction DPP (26 Attendees) Case # 20200322	

**170.75**

**22 cases**

**2473**

## MS216D Stakeholder Review Meetings

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Pat Donovan	11/18/2019	4	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Thomas Chrisfield	11/18/2019	5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Thomas Chrisfield	11/22/2019	5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Olaf Engebretson	11/22/2019	2	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Joseph Hauger	11/22/2019	2	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Claude Anderson	11/22/2019	2.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Adam J Ratzlaff	11/22/2019	2	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Jeffrey J Cremin	12/27/2019	4	SDP	20191062	MS216D Stakeholder Review
Jeffrey J Cremin	12/30/2019	2	SDP	20191062	MS216D Stakeholder Review
Thomas Chrisfield	12/30/2019	3	SDP	20191062	MS216D Stakeholder Review
Thomas Chrisfield	12/31/2019	2	SDP	20191062	MS216D Stakeholder Review
Jeffrey J Cremin	1/3/2020	4	SDP	20191062	MS216D Stakeholder Review
Jeffrey J Cremin	1/7/2020	1	SDP	20191062	MS216D Stakeholder Review
Michael Mendiola	1/13/2020	3	SDP	20191062	MS216D Stakeholder Review
Olaf Engebretson	1/13/2020	2	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Estelle Hickman	1/13/2020	3	SDP	20191062	MS216D Stakeholder Review
Michael Mendiola	1/14/2020	1	SDP	20191062	MS216D Stakeholder Review
Todd Stansbury	1/14/2020	1	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Jeff Blackwell	1/17/2020	2	SDP	20191062	MS216D Stakeholder Review
Jeff Blackwell	1/21/2020	2	SDP	20191062	MS216D Stakeholder Review
Jeff Blackwell	1/22/2020	2	SDP	20191062	MS216D Stakeholder Review
Jeff Blackwell	1/24/2020	2	SDP	20191062	MS216D Stakeholder Review

**56.5**

**2 cases**

**10 stakeholder review meetings total**

## UCC Activities & Meetings

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Thomas Chrisfield	1/22/2020	5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	2/20/2020	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	2/19/2020	3.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	11/14/2019	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Thomas Chrisfield	11/14/2019	6	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Thomas Chrisfield	12/19/2019	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Estelle Hickman	1/23/2020	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	12/19/2019	2.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	2/5/2020	6	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	12/4/2019	6.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders

**41.5**

**10 meetings**

### CEAM Partnership Activities & Presentations

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Michael Mendiola	9/30/2019	1.5	SDP	20190051	SDP Element 5 - Partnership in Public Education
Michael Mendiola	10/31/2019	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	11/11/2019	2	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	11/22/2019	4.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	11/25/2019	2	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	12/2/2019	0.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	12/3/2019	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	1/6/2020	2.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	1/31/2020	4	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders

**23**

**9 events**

## Public Outreach & Education Events

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Michael Mendiola	9/28/2019	10.5	SDP	20190051	SDP Element 5 - Partnership in Public Education
Pat Donovan	10/18/2019	5	SDP	20190051	SDP Element 5 - Partnership in Public Education
Pat Donovan	10/17/2019	11	SDP	20190051	SDP Element 5 - Partnership in Public Education
Thomas Chrisfield	10/18/2019	5	SDP	20190051	SDP Element 5 - Partnership in Public Education
Thomas Chrisfield	10/17/2019	11	SDP	20190051	SDP Element 5 - Partnership in Public Education

**42.5**

**2 events**

### Gopher State One Call (GSOC) Board Meetings

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Michael Mendiola	11/13/2019	5.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	1/8/2020	4	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders

**9.5**

**2 meetings**

### Telecommunication Company Stakeholder Meetings

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Michael Mendiola	12/19/2019	2.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	1/7/2020	1.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Estelle Hickman	1/22/2020	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	1/22/2020	3	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders
Michael Mendiola	2/10/2020	3.5	SDP	20190035	SDP Element 2 - Fostering Support & Partnership of All Stakeholders

**4**  
**13.5** meetings

**Contract Locating Audit Review with CenterPoint Energy**

<b>Owner: Full Name</b>	<b>Date</b>	<b>Hours</b>	<b>Grant</b>	<b>Case Number</b>	<b>Case Description</b>
Jeff Blackwell	1/28/2020	2	SDP	20190117	CPE DP Evaluation w/ Contract Locating Partners
Pat Donovan	1/28/2020	1	SDP	20190117	CPE DP Evaluation w/ Contract Locating Partners
Michael Mendiola	1/28/2020	2	SDP	20190117	CPE DP Evaluation w/ Contract Locating Partners

**5**  
**1**  
**meeting**

## Data Analysis

Owner: Full Name	Date	Hours	Grant	Case Number	Case Description
Michael Mendiola	3/3/2020	4	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Michael Mendiola	3/2/2020	1.5	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Michael Mendiola	3/9/2020	3	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Michael Mendiola	3/6/2020	2	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Michael Mendiola	3/5/2020	3	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Estelle Hickman	2/21/2020	6	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Estelle Hickman	2/20/2020	6	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Estelle Hickman	2/19/2020	4	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Estelle Hickman	2/13/2020	4	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Estelle Hickman	2/12/2020	4	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness
Estelle Hickman	2/11/2020	1	SDP	20190052	SDP Element 9 - Data Analysis to Improve Program Effectiveness

**38.5**

**11 events**

**Issues, Problems or Challenges ( “The reasons for slippage if established objectives were not met. “)**

MNOPS has not encountered any issues or challenges during the current SDP grant period thus far.

**Mid-term Financial Status Report**

The mid-term financial report will be sent as a separate attachment to the AA and AOR (Form SF-425). Included with be a breakdown of costs for each object class category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual, Other and Indirect Charges). Please note that even though the report shows activity from September 28, 2019 through March 17, 2020 due to the timing of state pay period end dates, no hours were left unaccounted for since MNOPS staff did not charge any hours to the SDP grant from March 18-27, 2020

**Plans for Next Period (Remainder of Grant)**

MNOPS plans to continue with the objectives listed above.

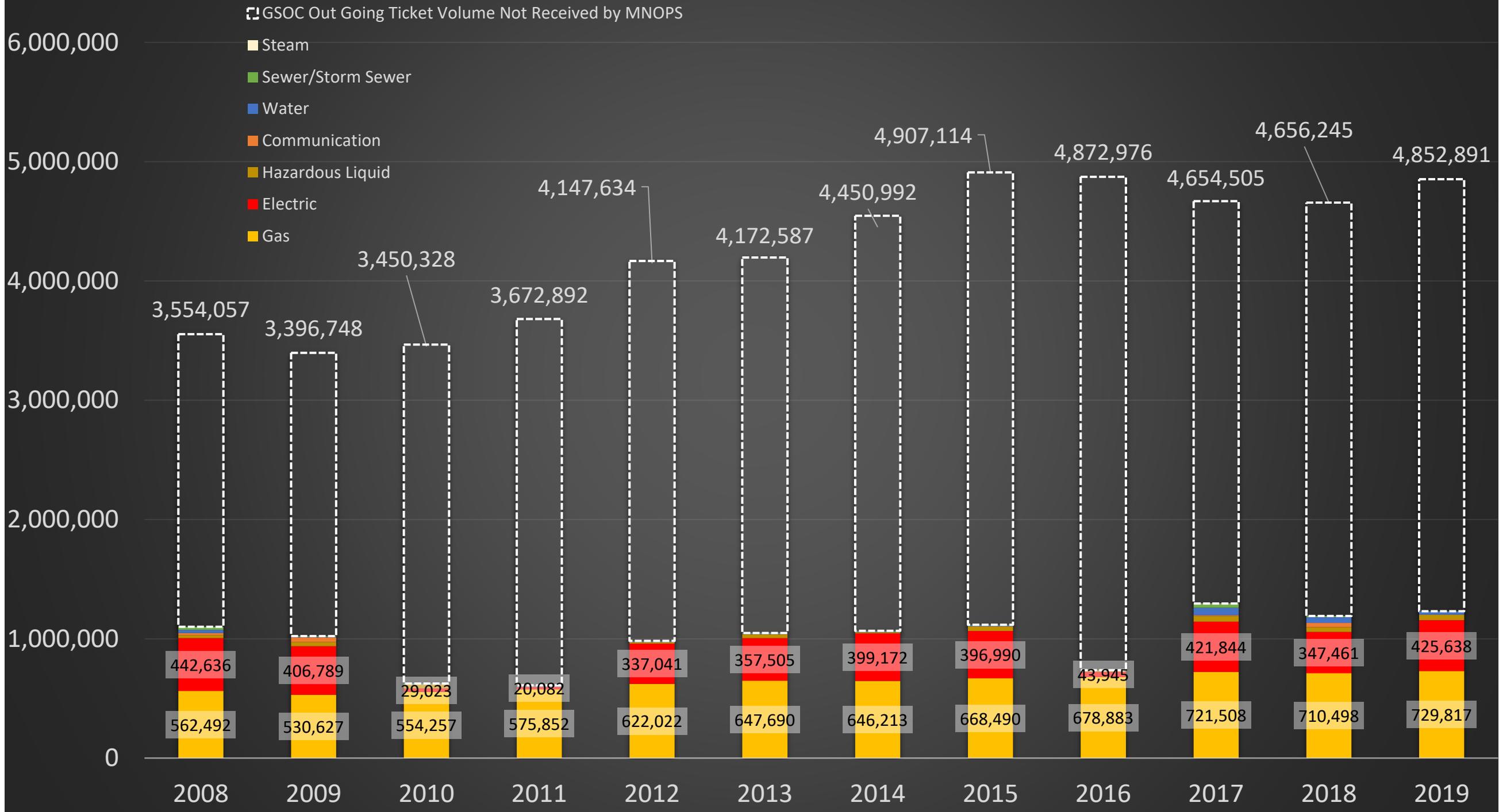
**Requests of the AOR and/or PHMSA**

No actions requested at this time.

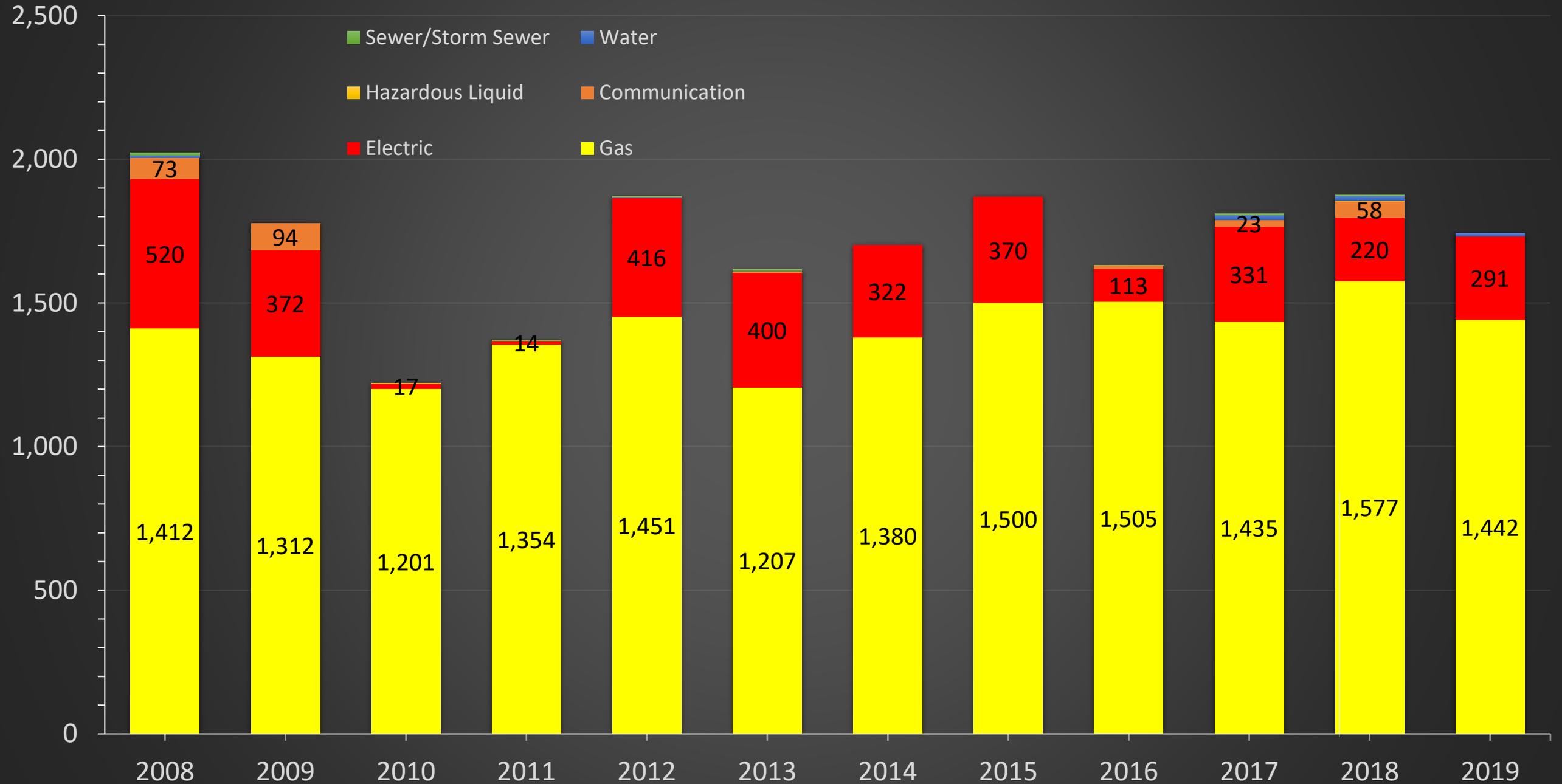
**Please refer to the following attachments mentioned earlier in the body of this report.**

**The pdf copy of the MNOPS 2020 Damage Prevention Presentation was too large to include as part of this report, however (over 170MB).**

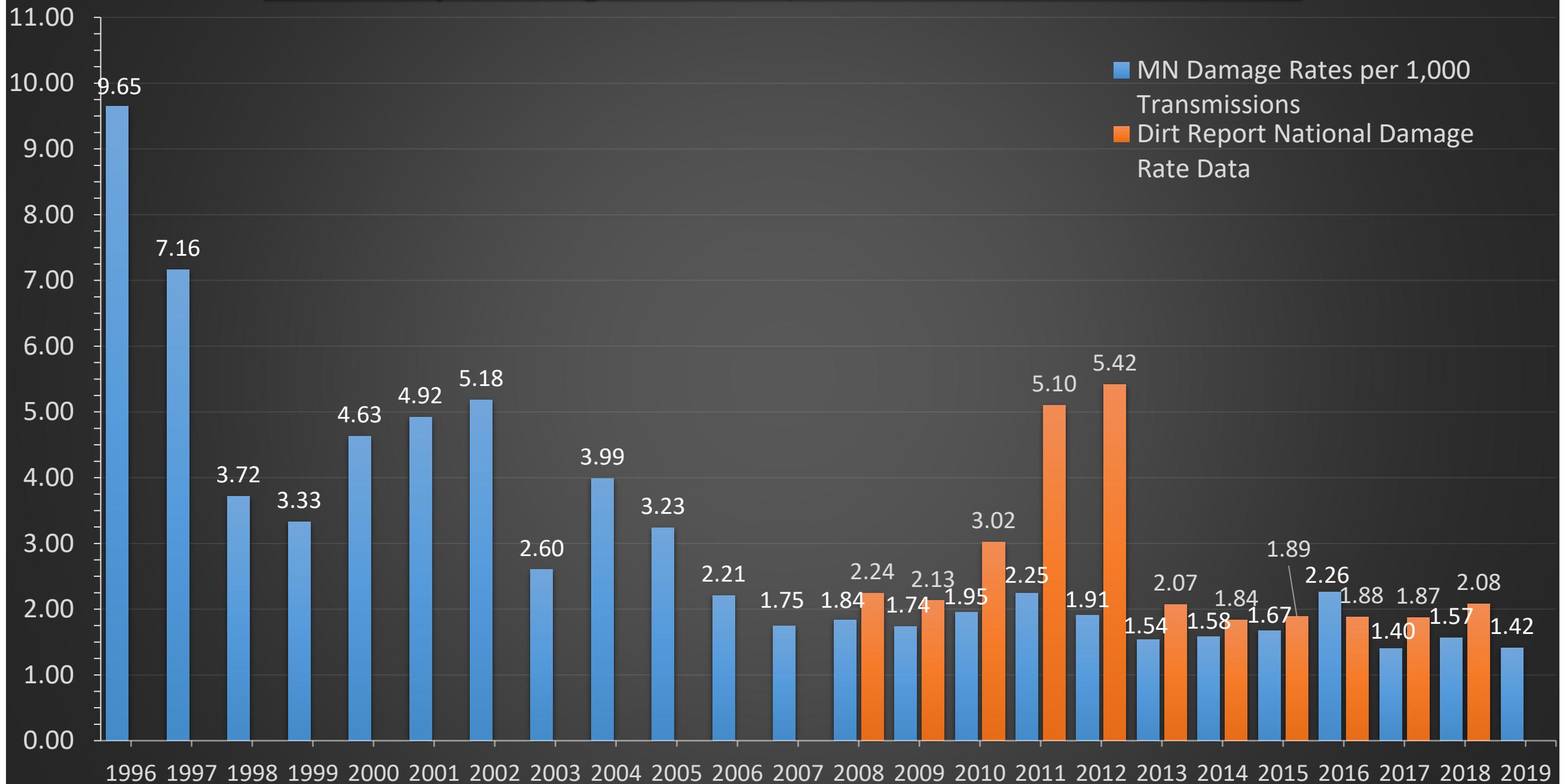
# Out Going Transmission Volume Received by MNOPS



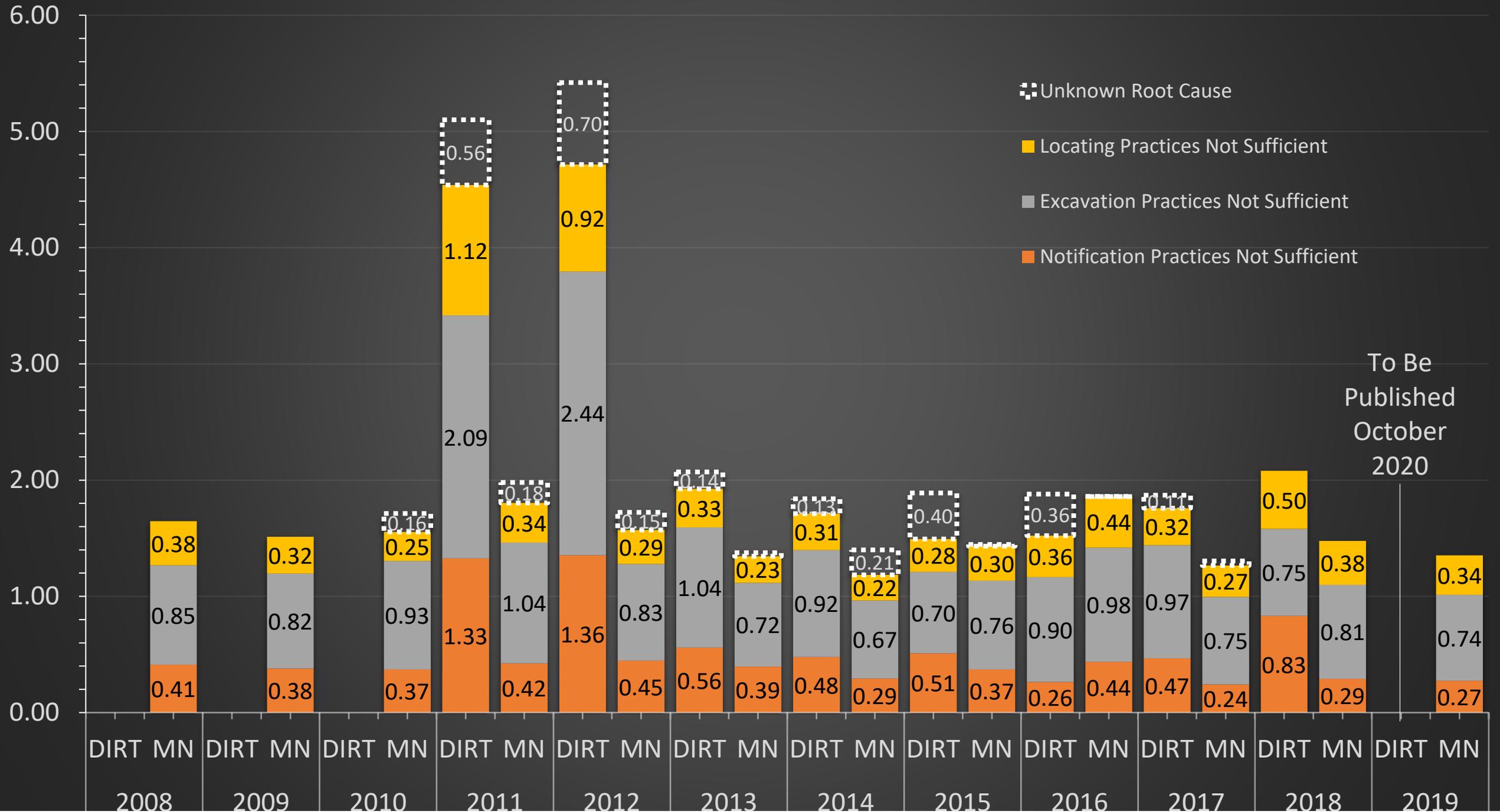
# Damages Submitted to MNOPS by Utility Type



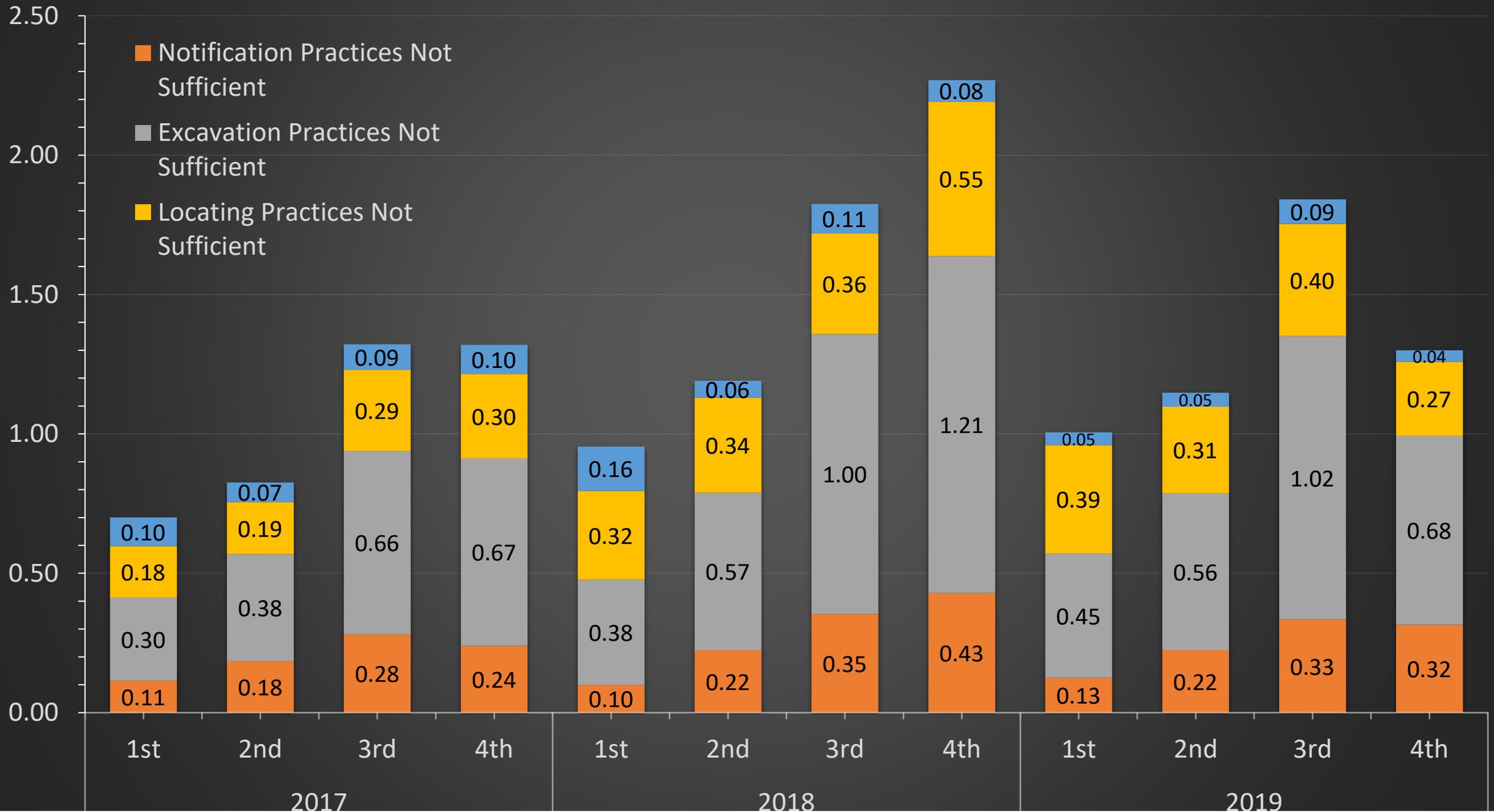
# All Utility Damages - Per 1,000 Locates - MN vs DIRT



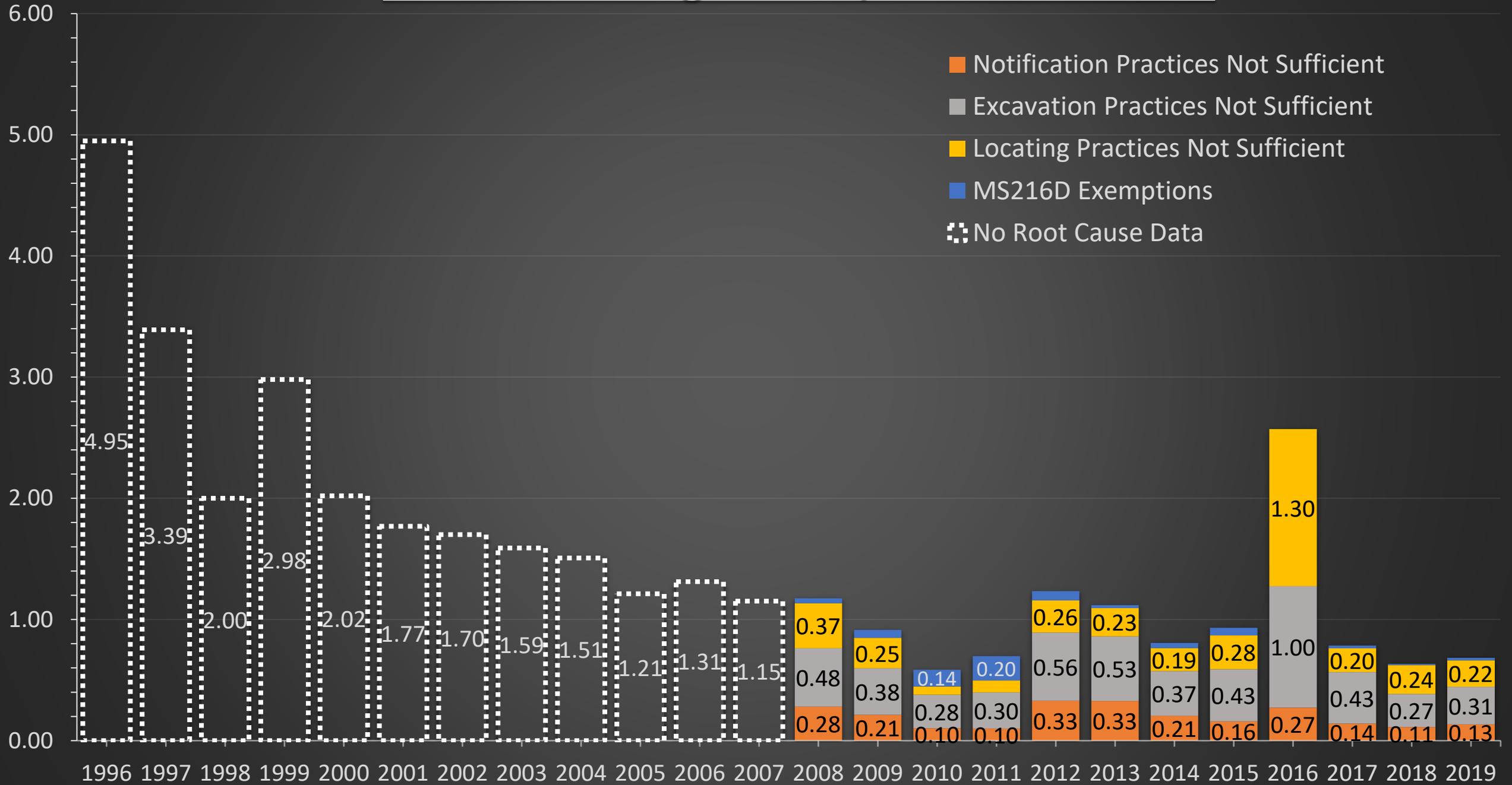
# All Utilities - Damages per 1,000 Locates - MN vs DIRT



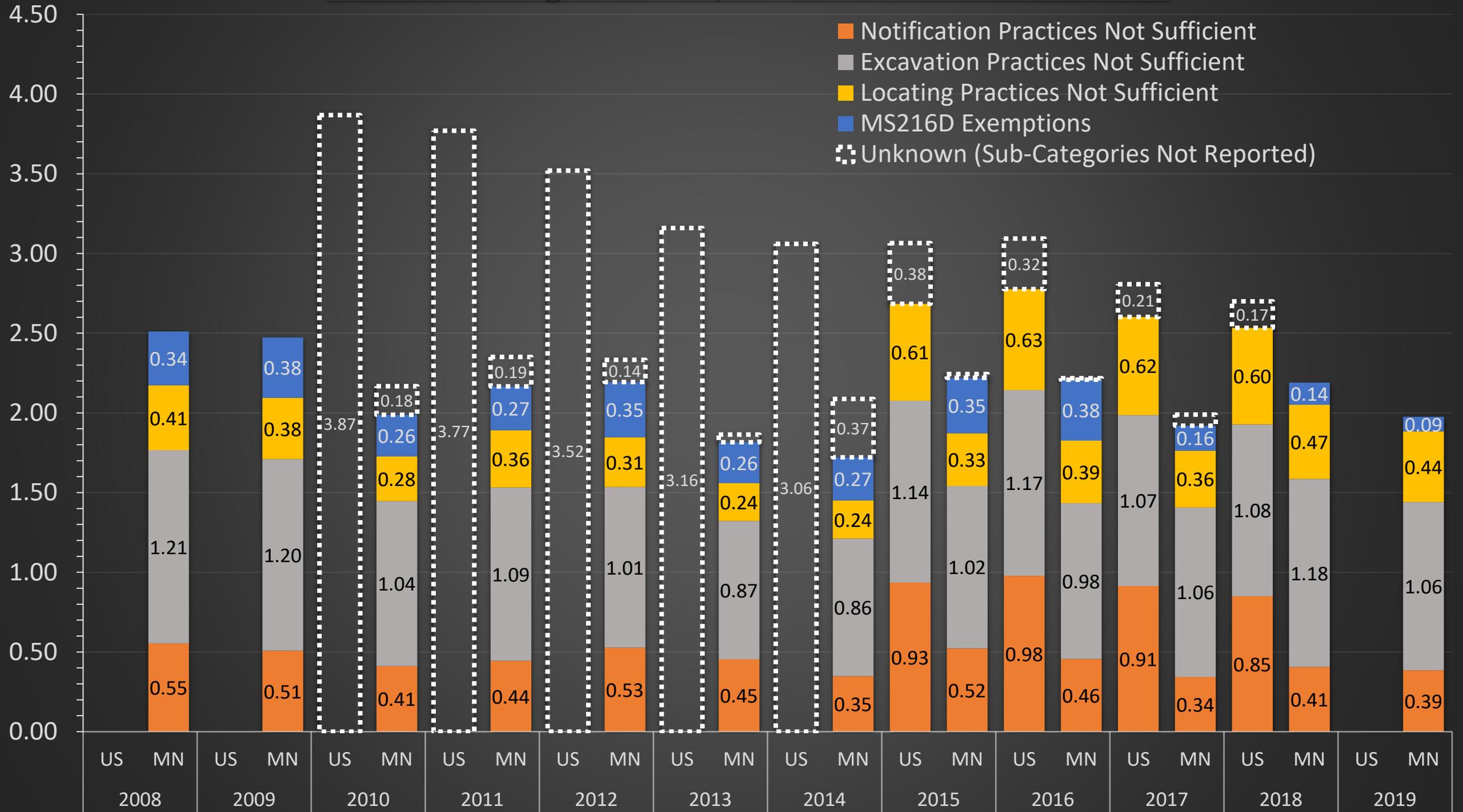
# All Utilities - Damages per 1,000 Locates - MN Quarterly



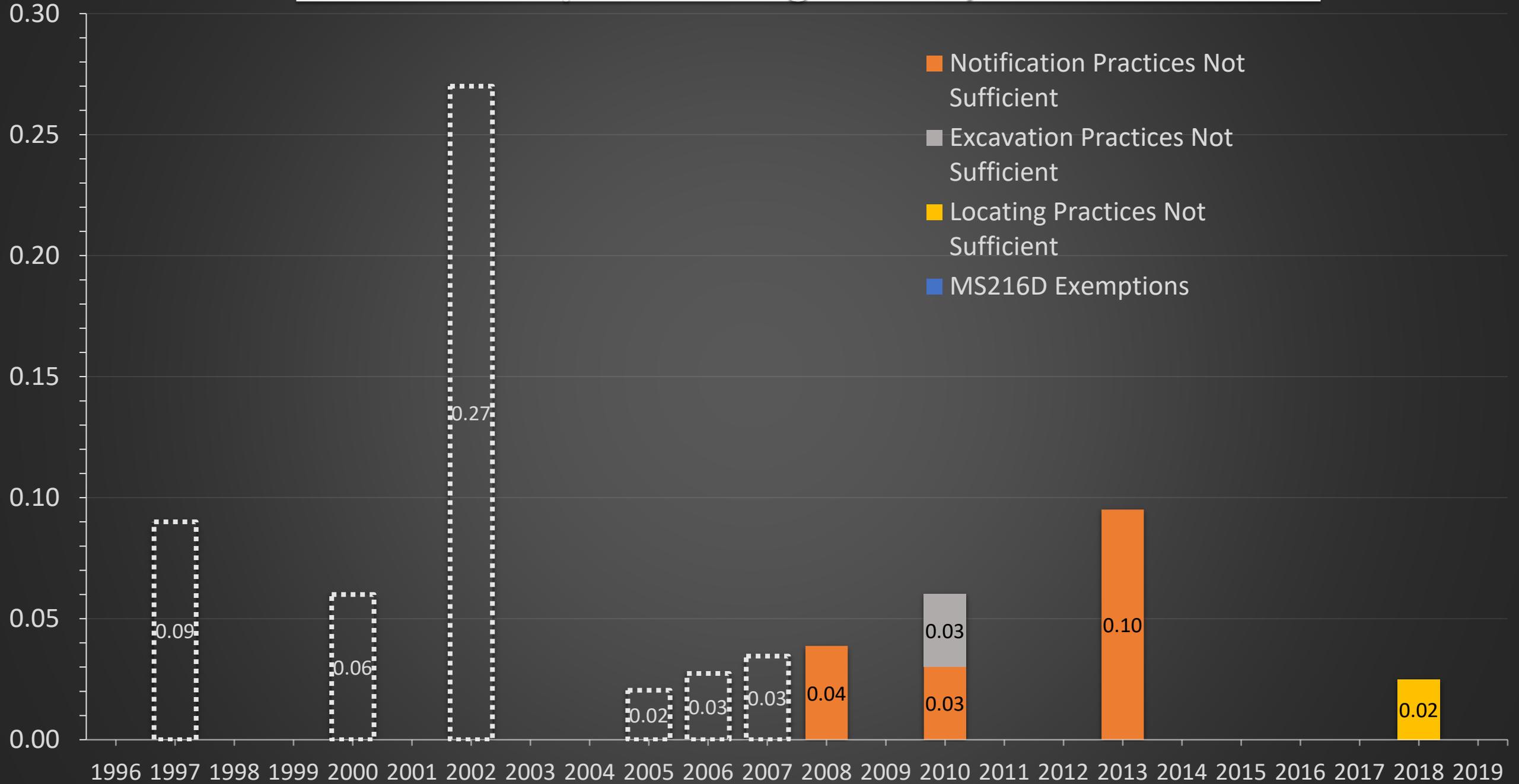
# Electric - Damages Per 1,000 Locates - MN



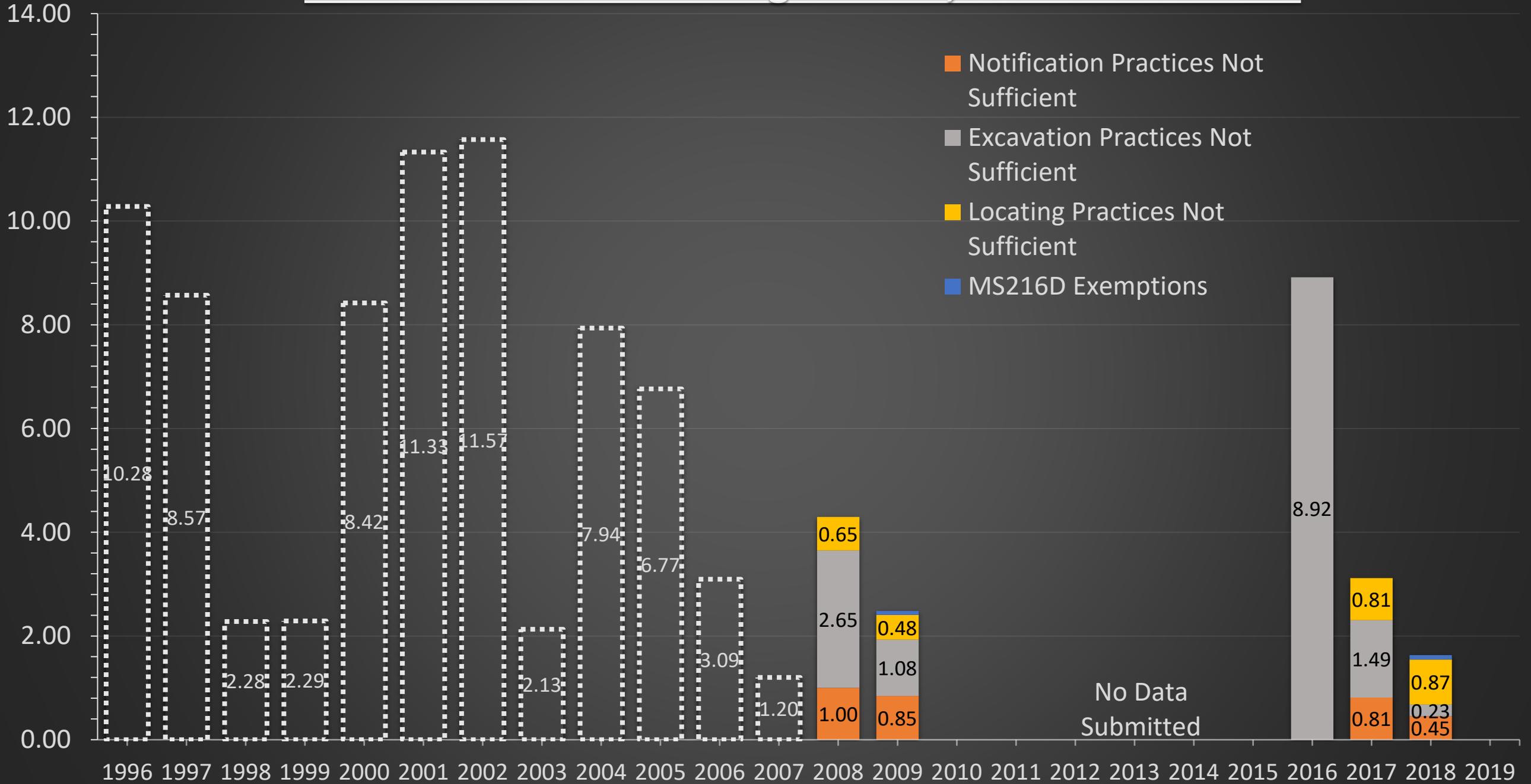
# Gas - Damages Per 1,000 Locates - US vs MN



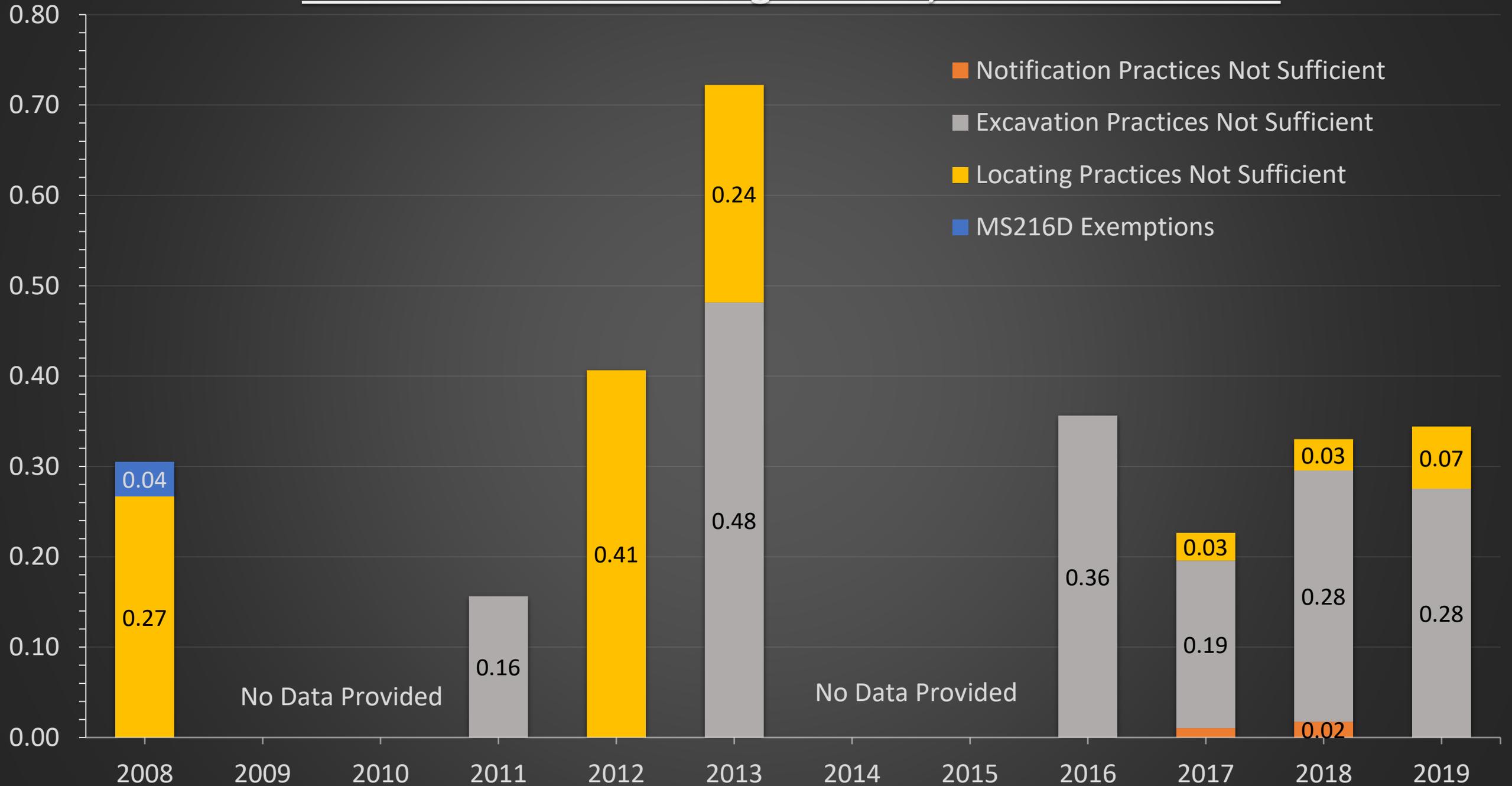
# Hazardous Liquid - Damages Per 1,000 Locates - MN



# Communication - Damages Per 1,000 Locates - MN

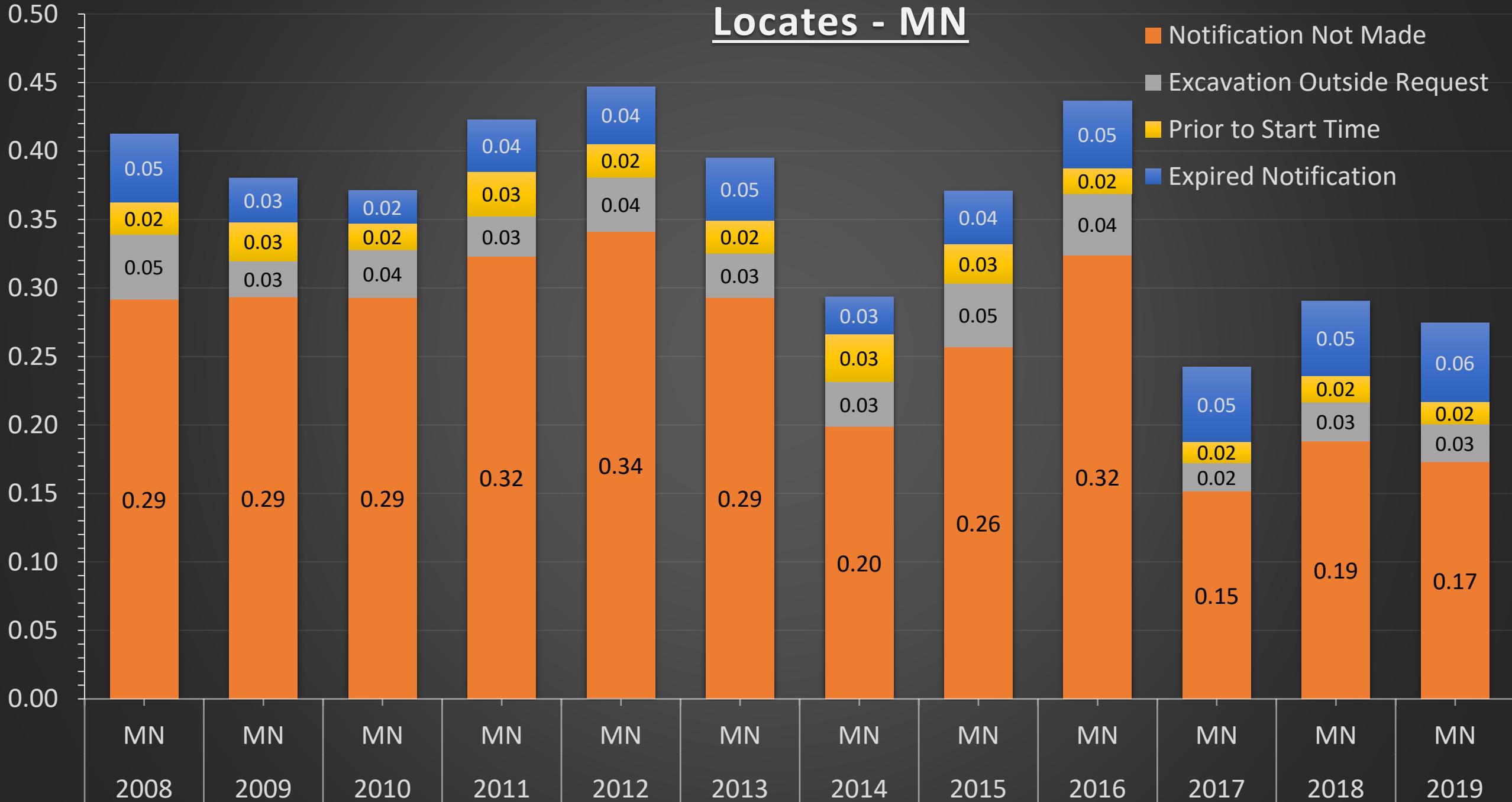


# Water & Sewer - Damages Per 1,000 Locates - MN



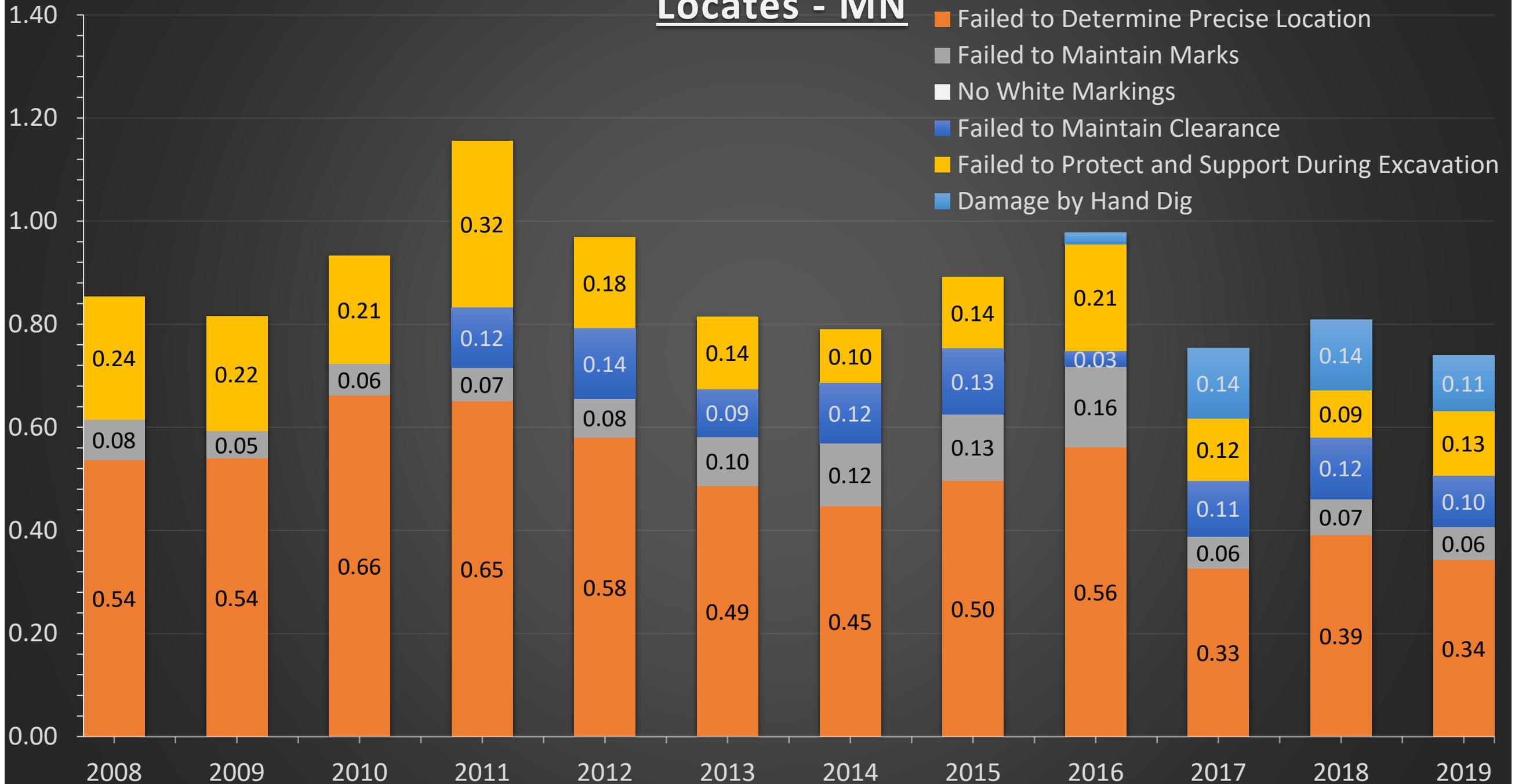
# All Utilities Notification Practices NS - Damages per 1,000

## Locates - MN



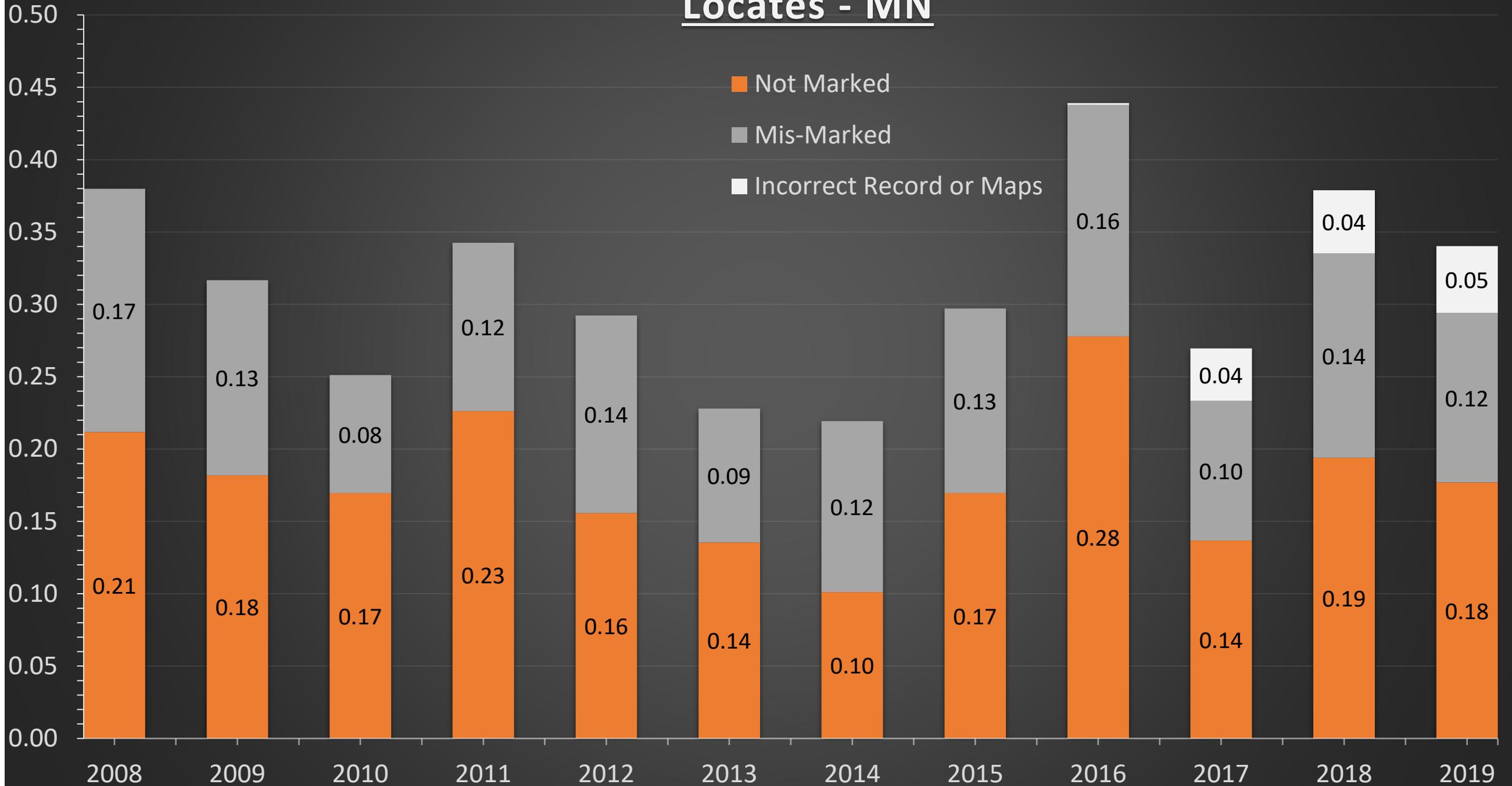
# All Utilities Excavation Practices NS - Damages per 1,000

## Locates - MN

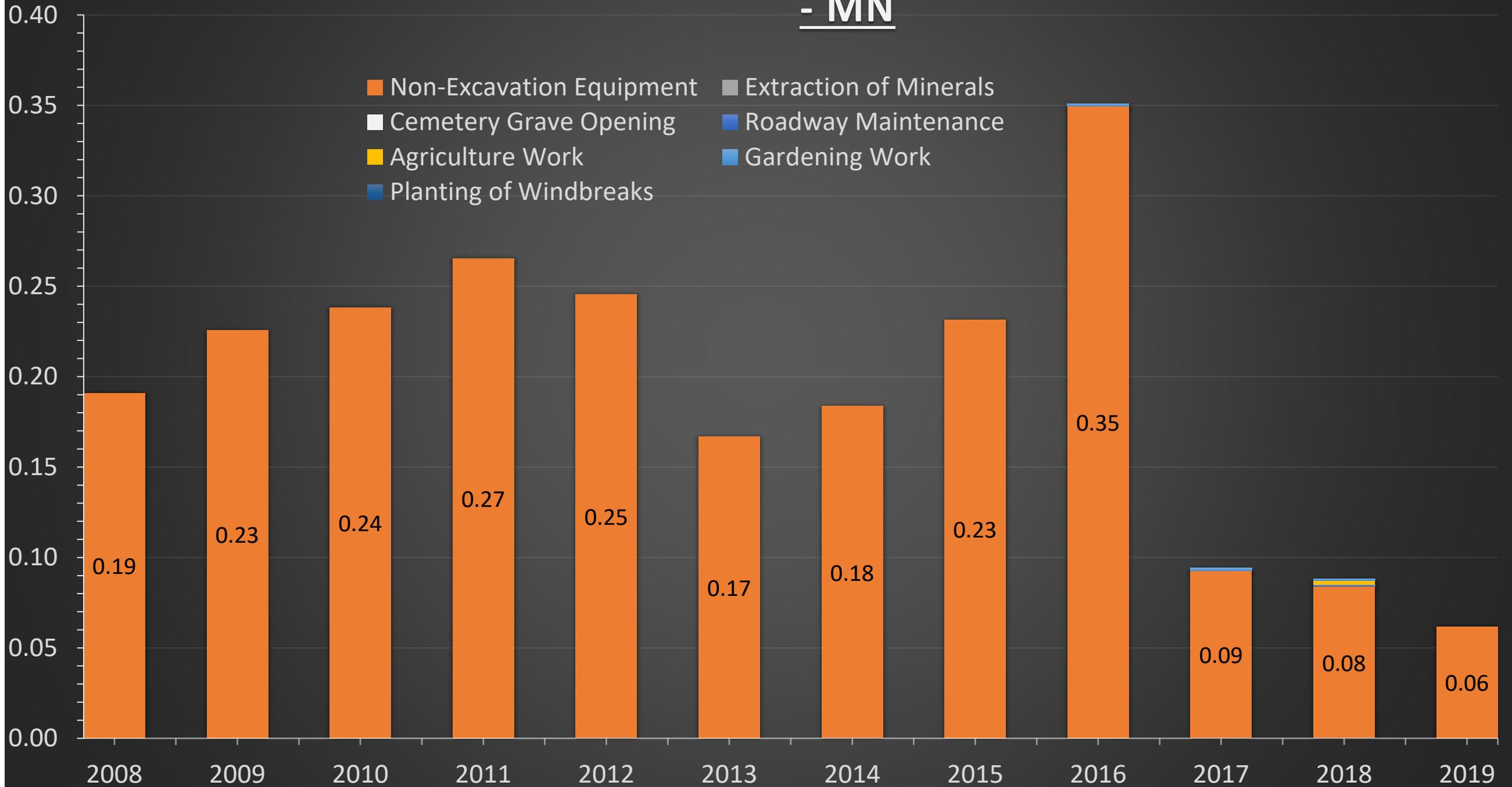


# All Utilities Locating Practices NS - Damages per 1,000

## Locates - MN



# All Utilities MS216D Exemptions - Damages per 1,000 Locates - MN



# Office of Pipeline Safety

MS216D One-Call Revision Survey



Minnesota Department of Public Safety  
Office of Pipeline Safety  
[ops.dps.mn.gov](http://ops.dps.mn.gov)

2019

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## Executive Summary

This report contains the results and analysis of the 2019 One-Call Revision Survey conducted by the Minnesota Office of Pipeline Safety (MNOPS). The survey was conducted in response to statewide issues and an increase in complaints received during the first part of 2019.

The survey was open from Sept. 3-11, 2019. MNOPS staff emailed the survey to 7,719 people on its GovDelivery contact list. During this period, 685 surveys were submitted through the online portal.

Table 1. Survey Respondents per Representative Group is the number of respondents from each of the representative categories.

Represented Group	Number of Surveys
Excavator	372
Utility Operator	185
Government	46
Locator	24
Gopher State One-Call	15
Engineering/Consulting	16
Emergency Response	12
Homeowner/Landowner	12
Land Surveyor	3
<b>Total</b>	<b>685</b>

Table 1. Survey Respondents per Representative Group

Utility operator, excavator and locator groups were required to self-report an associated size of small, medium or large. The distribution among sizes appears relatively even for the groups with the excavator weighing more heavily toward small and the locator weighing more heavily toward large. The percentage reported for each group is listed in Figure 1. Size Reported for Excavator, Locator, and Utility Operator.

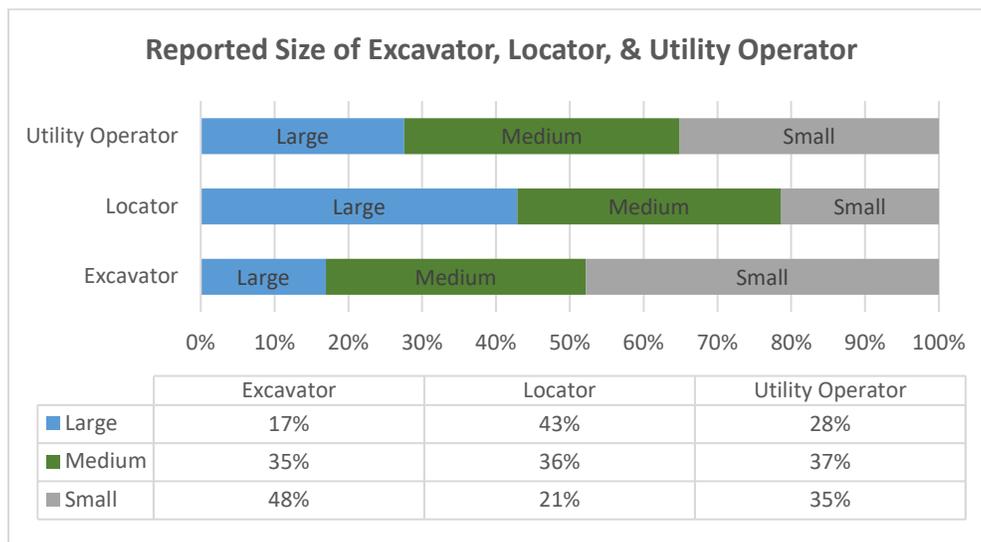


Figure 1. Size Reported for Excavator, Locator, and Utility Operator.

Summary survey results are provided by number of responses and percent of responses for each proposed revision are listed in Table 2. Survey Number of Responses per Proposed Revision and Table 3. Survey Percentages per Proposed Revision, respectively.

Proposed Revision	Number of Responses			
	Negative	Neutral	Positive	Total
1 – Vacuum Excavation	57	335	293	685
2 – Performance Metrics	81	402	202	685
3 – Notification Wait Time	403	132	150	685
4 – Electronic Positive Response	124	217	344	685
5 – Utility Operator Response	146	209	330	685
6 – Digital White Marking	131	183	371	685
7 – Damage Reporting	95	275	315	685
8 – Civil Penalties	155	367	163	685

Table 2. Survey Number of Responses per Proposed Revision

Proposed Revision	Percentage of Responses			
	Negative	Neutral	Positive	Total
1 – Vacuum Excavation	8%	49%	43%	100%
2 – Performance Metrics	12%	59%	29%	100%
3 – Notification Wait Time	59%	19%	22%	100%
4 – Electronic Positive Response	18%	32%	50%	100%
5 – Utility Operator Response	21%	31%	48%	100%
6 – Digital White Marking	19%	27%	54%	100%
7 – Damage Reporting	14%	40%	46%	100%
8 – Civil Penalties	23%	54%	24%	100%

Table 3. Survey Percentages per Proposed Revision

Detail on each proposed change is included in this report. It incorporates a graphical representation of the overall responses and a tabular chart that breaks down the responses by stakeholder group. A rationale has been provided that incorporates some of the comments, which hopefully clarified the intention of the change and would garner even more support than that indicated in the survey results.

Based on the results of the survey, and discussions with staff and stakeholders, MNOPS is proposing advancing the following seven proposals:

- #1 – Vacuum Extraction\*
- #2 – Performance Metrics
- #4 – Electronic Positive Response\*
- #5 – Utility Operator Response
- #6 – Digital White Marking\*
- #7 – Damage Reporting\*
- #8 – Civil Penalties

\*Updated language is provided for these four proposals, which are located at the end of each relevant section.

After careful consideration MNOPS has determined to table proposal #3 – Notification Wait Time, which would have increased the wait time on a notification from 48 hours to 72 hours (excluding weekends and holidays).

# 1 - MS216D.01 Definitions - Vacuum Excavation

## Proposed Change – Original

MNOPS has proposed changing Subd. 5 of [MS216D.01](#) to incorporate the use of vacuum excavation. The revised language reads as follows:

Subd. 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:

*(7) vacuum excavation equipment, when:*

- 1. Used by facility operators in a careful and prudent manner for the purposes of locating and marking their own facilities in response to a notice after all facility operators have responded to that notice or have otherwise coordinated with those facility operators; or*
- 2. Used by excavators in a careful and prudent manner to determine the precise location of a marked underground facility in accordance with MS216D Subd. 4(a) and any provisions communicated to the excavator by the facility operator.*

See the [Proposed Change - Revised](#) section for updated language.

## Rationale

Vacuum extraction currently meets the definition of excavation in Minnesota. This contradicts common practice as it has long been understood as a best practice for soft excavation or hand digging safely around utilities. This change codifies common practice with three benefits:

1. Update statute to meet the common practice of vacuum extraction for locating utilities;
2. Clarify that a one-call ticket is required with vacuum extraction as it does meet the current definition of excavation; and
3. Require vacuum extraction be performed in a careful and prudent manner.

Notwithstanding, vacuum extraction would continue to be an optional best practice. The proposed statute change would not require an excavator to utilize this method of excavation.

[Minnesota Rule 7560.0325, Subpart 2](#) has requirements for excavating before notice in an emergency. This provision would apply under the proposed regulation, and specifically allow vacuum excavation in an emergency.

## Survey Results

The majority of responses (91.7 percent) related to adding an exception for vacuum excavation were positive or neutral. The rationale was not provided on the survey and many of the comments submitted for this proposal demonstrate the need for additional explanation. Few (8.3 percent) respondents submitted a negative viewpoint.

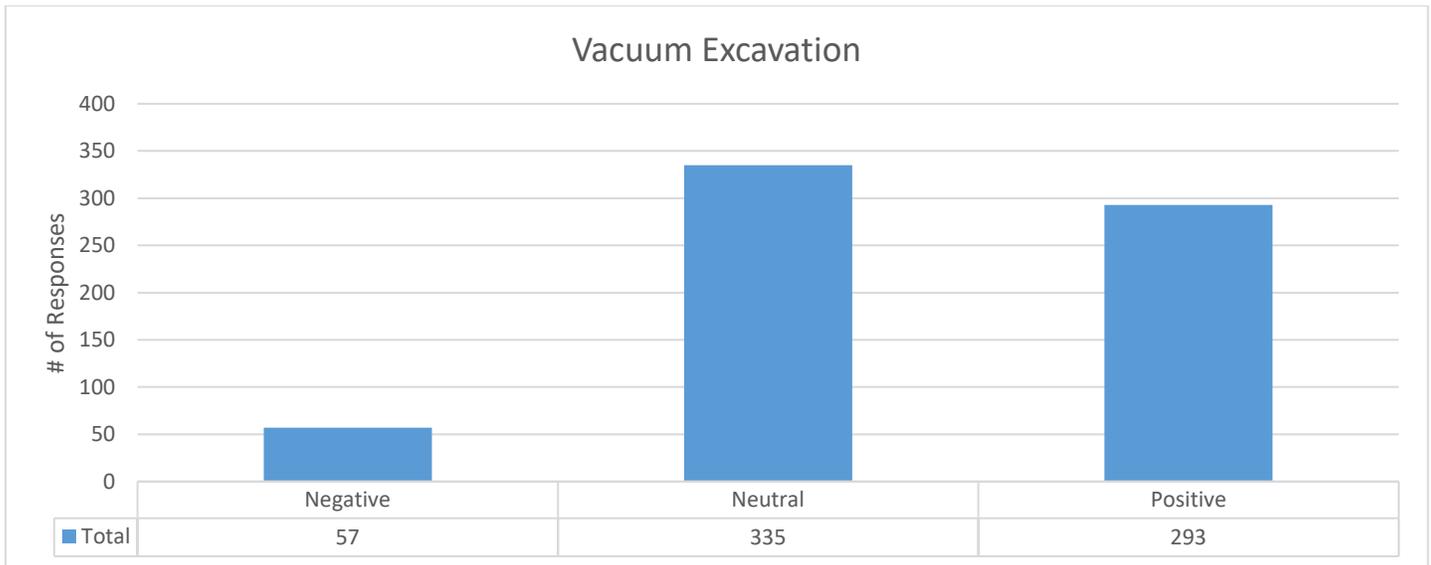


Figure 2. Number of responses per option on Vacuum Excavation

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	2	3	7
Engineering/Consulting	1	7	8
Excavator	25	215	132
Gopher State One-Call	1	9	5
Government	1	24	21
Homeowner/Landowner	3	6	3
Land Surveyor	1	1	1
Locator	2	14	8
Utility Operator	21	56	108
<b>Total</b>	<b>57</b>	<b>335</b>	<b>293</b>

Table 4. Number of responses per group on Vacuum Excavation

## Survey Comments

MNOPS received 70 comments regarding the proposed change related to vacuum excavation. The survey number and associated comment submitted are listed in Table 13. Comments on Vacuum Excavation.

## Proposed Change - Revised

Based on the comments and stakeholder feedback, the proposed statutory change has been updated. The green text denotes the change from the original proposal.

Subd. 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:

(7) vacuum excavation equipment, when:

1. *Used by facility operators in a careful and prudent manner for the purposes of locating and marking ~~their~~ its own facilities in response to a notice after all facility operators have responded to that notice or have otherwise coordinated with those facility operators; or*
2. *Used by excavators in a careful and prudent manner to determine the precise location of a marked underground facility in accordance with MS216D Subd. 4(a) and any provisions communicated to the excavator by the facility operator.*

## 2 - MS216D.03 Notification Center – Performance Metrics

### Proposed Change

MNOPS has proposed adding a Subd. 5 to [MS216D.03](#) with the following language:

Subd. 5. Excavation Notice System Metrics. The notification center shall collect all utility damage reporting required by MS216D.06. In addition, the notification center shall provide each operator with performance metrics in response to excavation notices required by MS216D.04. The notification center shall make all reporting, performance metrics and the information contained in each notice required by MS216D.02 available upon request by the commissioner.

### Rationale

These performance metrics will allow utility operators to track performance of their damage prevention program by measuring the timeliness and accuracy of responding to notices and marking utilities. This will provide MNOPS key data to determine the status of the state One-Call System, and determine if there are future needed changes.

### Survey Results

The majority of responses (88.2 percent) related to adding performance metrics were positive or neutral. Few (11.8 percent) respondents submitted a negative viewpoint. No represented stakeholder group had more negative responses than positive.

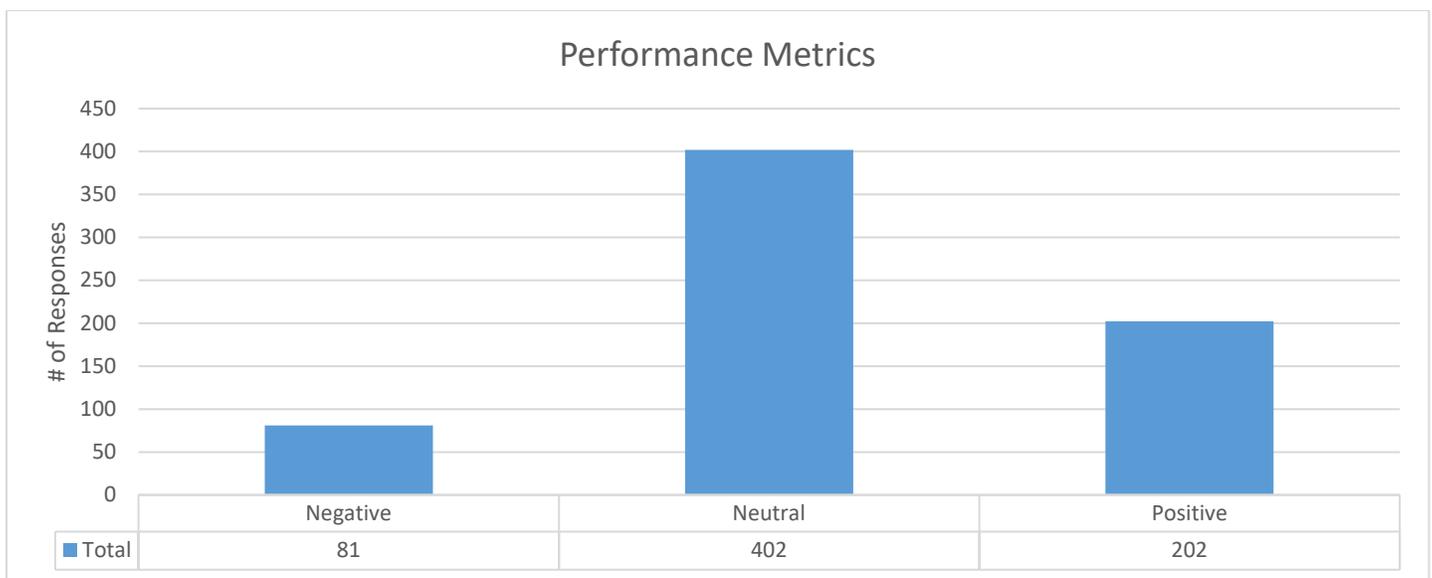


Figure 3. Number of responses per option on Performance Metrics

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	0	5	7
Engineering/Consulting	0	10	6
Excavator	54	230	88
Gopher State One-Call	2	11	2
Government	4	23	19
Homeowner/Landowner	1	3	8
Land Surveyor	0	1	2
Locator	3	13	8
Utility Operator	17	106	62
<b>Total</b>	<b>81</b>	<b>402</b>	<b>202</b>

Table 5. Number of responses per group on Performance Metrics

## Survey Comments

MNOPS received 51 comments regarding the proposed performance metrics change. The survey number and associated comment submitted are listed in Table 14. Comments on Performance Metrics.

### 3 - MS216D.04 Excavation; Land Survey – Notification Wait Time

#### Proposed Change

MNOPS proposed changing Subd. 1 of [MS216D.04](#) to require notification be made by an excavator 72 hours prior to excavation instead of the current 48 hours. The revised language reads as follows:

Subd. 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~~ 72 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.

#### Rationale

Many utility operators currently cannot meet the 48-hour notification time, especially during peak periods with high notification/ticket volume. The proposed time increase could allow utility operators to respond to notifications more effectively and timely.

Minnesota currently has a two-day (48 hour) waiting period, which is the most common as 34 additional states and the District of Columbia have. The number of states and territories along with a map indicating the wait time are listed on Table 6 and Figure 4, respectively.

Days to Call Before Digging				
# of Days	# of States	# of Territories & Washington DC	Total	%
2	35	1	36	67.9%
2+	3	0	3	5.7%
3	11	1	12	22.6%
4	0	1	1	1.9%
5	1	0	1	1.9%
<b>Total</b>	<b>50</b>	<b>3</b>	<b>53</b>	<b>100.0%</b>

Table 6. Days to Call Before Digging

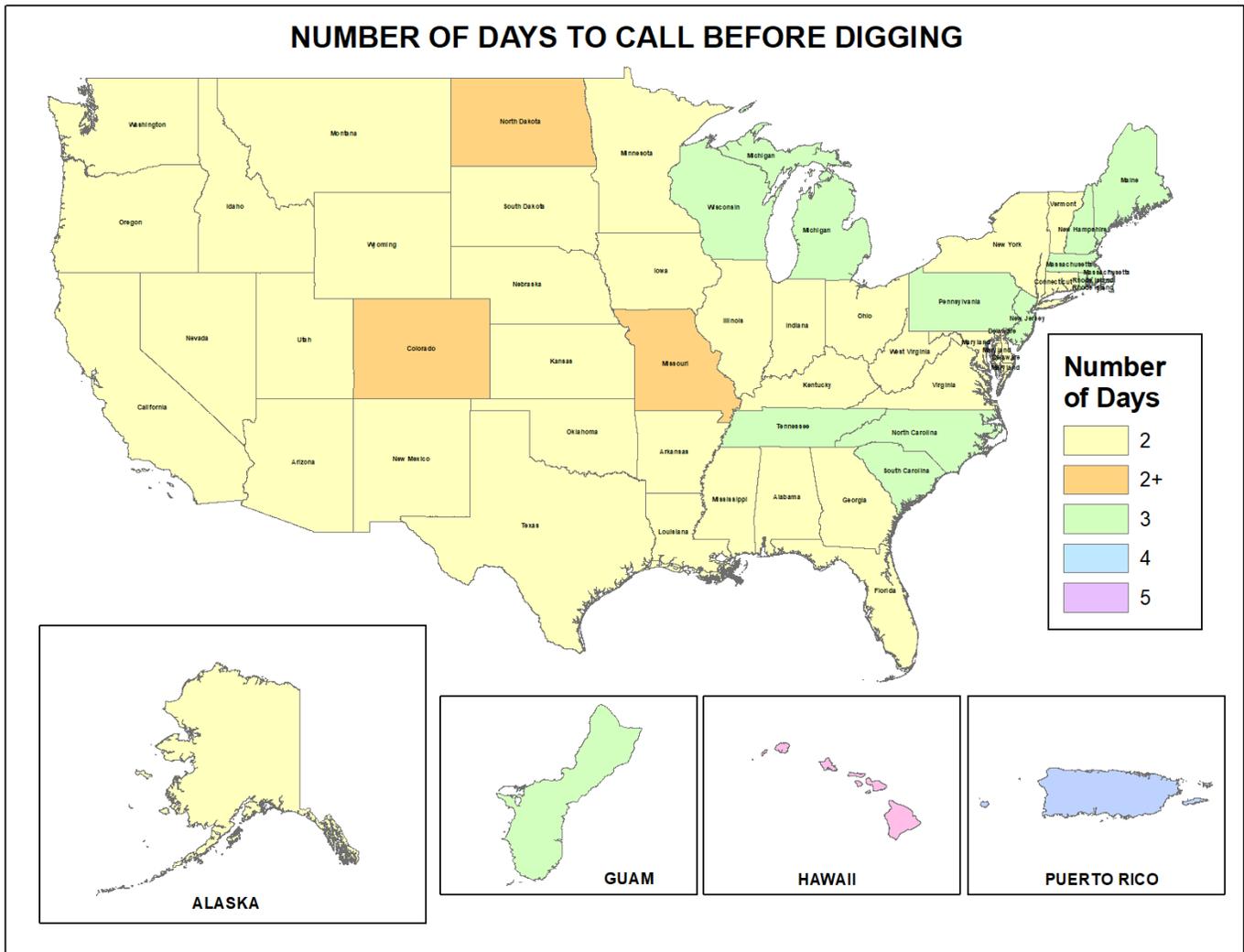


Figure 4. Map with Number of Days to Call before Digging. Data Sourced from PHMSA Survey, 2017, with updates

## Survey Results

The majority of responses (78.1 percent) related to changing the notification time from two days to three days were negative (58.8 percent) or neutral (19.2 percent). Few (21.9 percent) respondents submitted a positive viewpoint. The excavator represented stakeholder group had a preponderance of negative responses. Utility operators were most supportive of the change, yet less than half (45.4 percent) the respondents reporting this stakeholder group were positive toward the proposed revision.

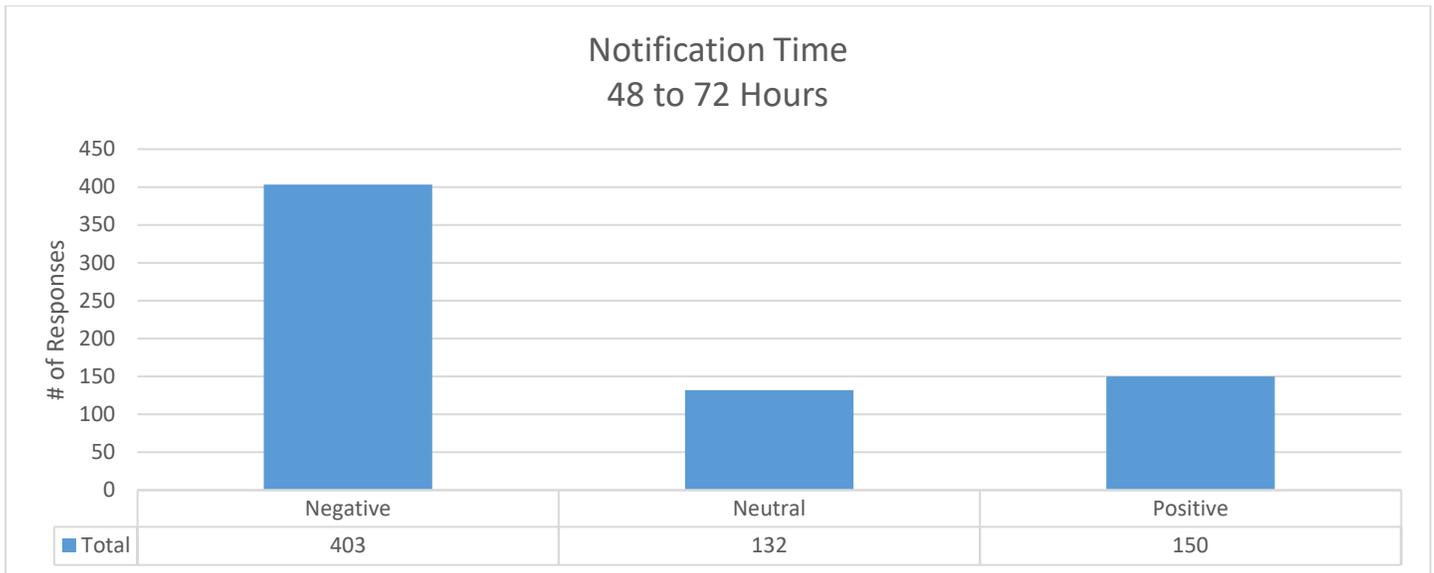


Figure 5. Number of responses per option on Notification Time Increase

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	3	6	3
Engineering/Consulting	8	3	5
Excavator	291	59	22
Gopher State One-Call	8	3	4
Government	15	15	16
Homeowner/Landowner	6	4	2
Land Surveyor	3	0	0
Locator	5	5	14
Utility Operator	64	37	84
<b>Total</b>	<b>403</b>	<b>132</b>	<b>150</b>

Table 7. Number of responses per group on Notification Time Increase

## Survey Comments

MNOPS received 187 comments regarding changing the notification period from 48 to 72 Hours. The survey number and associated comments submitted are listed in Table 15. Comments on Notification Time Increase.

## 4 - MS216D.04 Excavation; Land Survey – Electronic Positive Response

### Proposed Change - Original

MNOPS has proposed changing Subd. 3 by adding section (h) of [MS216D.04](#) to require electronic positive response. The revised language reads as follows:

Subd. 3. Locating underground facility; operator.

(h) Prior to the excavation start time on the notice, an operator shall provide an electronic status to the notification center. The operator shall also electronically submit any updates of the status to the notification center.

See the [Proposed Change - Revised](#) section for updated language.

### Rationale

Minnesota has required positive response for notifications since 2005, where a utility must: 1. Mark utilities, 2. Clear Onsite, or 3. Respond electronically to the notification center, or any combination of options. This proposal requires what many utility operators are already providing – an electronic status to the notification center. It would allow excavators to have a centralized source of information at the start time of their ticket, and subsequent updated information regarding a utility operator's status in responding to the notification. It would also provide more accurate performance metrics when tracking the timeliness of locates.

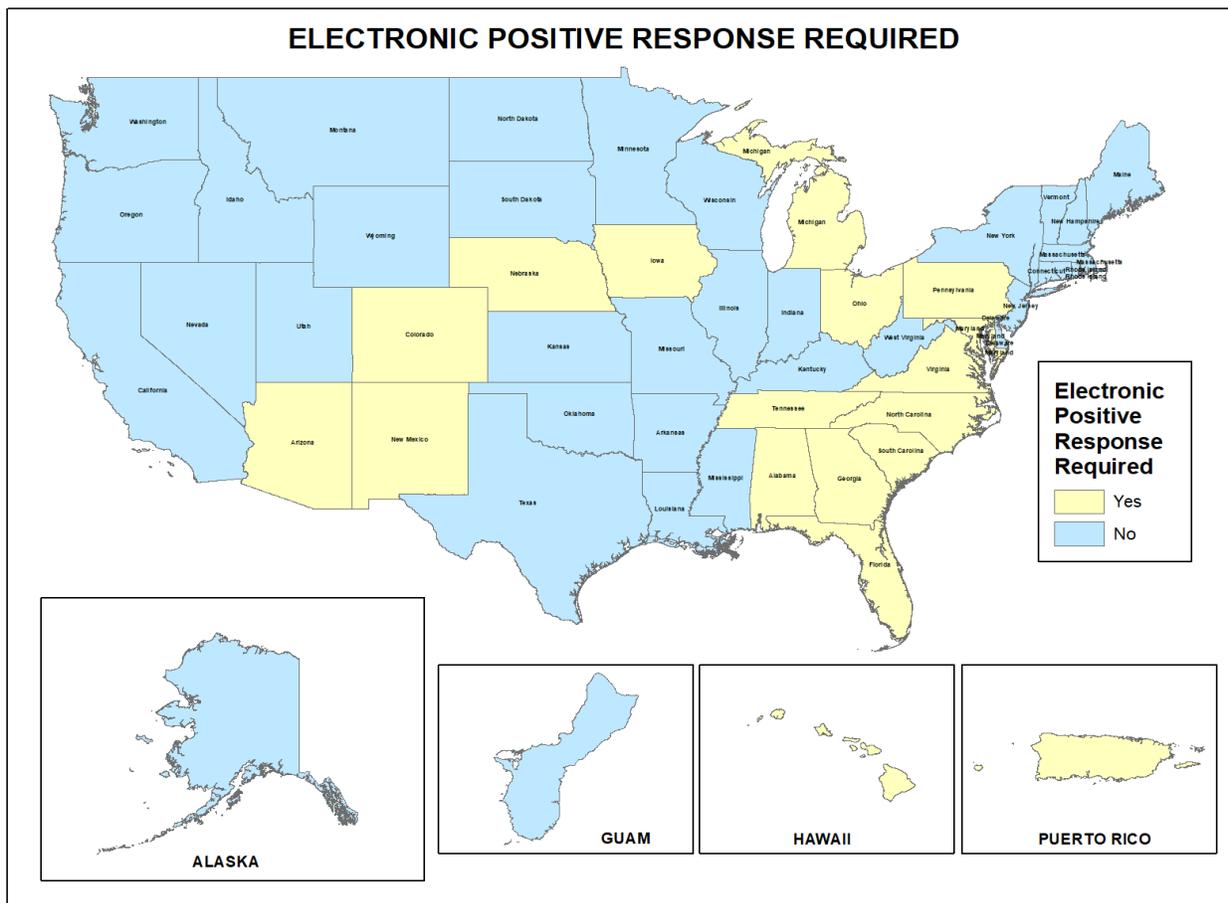


Figure 6. Map of States where Electronic Positive Response is required. Data Sourced from PHMSA Survey, 2017, with updates.

## Survey Results

The majority of responses (81.9 percent) about requiring electronic positive response were positive or neutral. Approximately 18 percent (18.1 percent) of the responses were negative. All stakeholder categories reported more positive responses than negative.

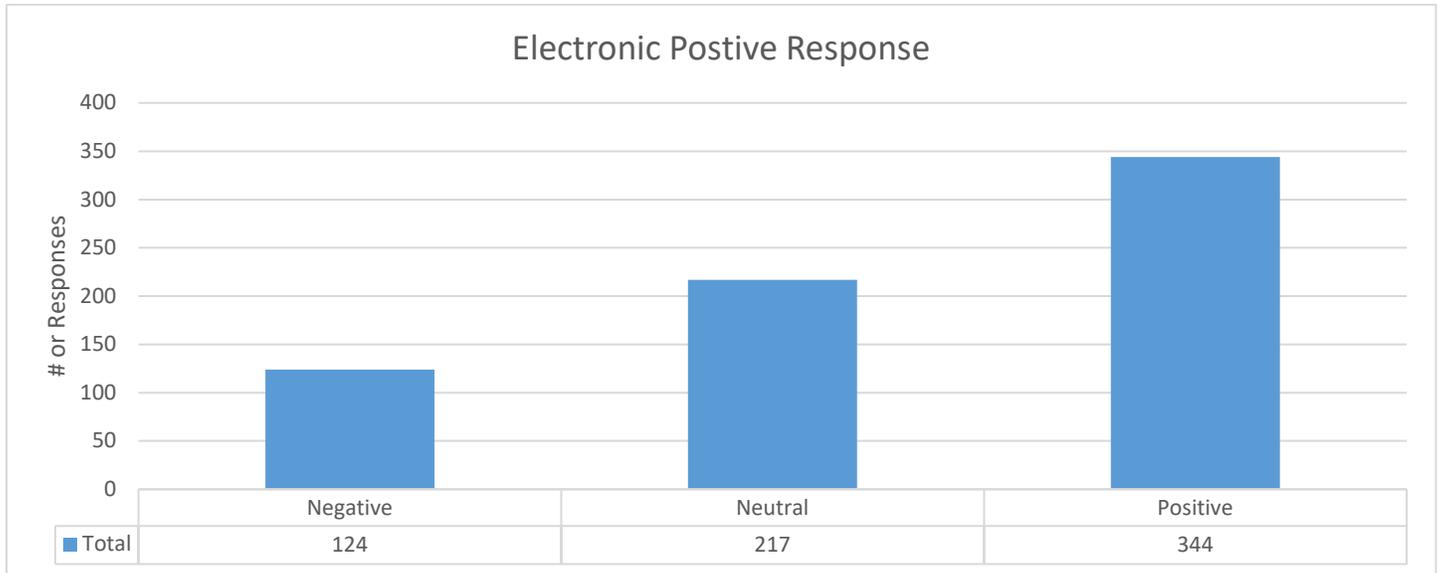


Figure 7. Number of responses per option on Electronic Positive Response

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	1	6	5
Engineering/Consulting	1	4	11
Excavator	84	104	184
Gopher State One-Call	2	10	3
Government	4	17	25
Homeowner/Landowner	1	3	8
Land Surveyor	0	0	3
Locator	3	8	13
Utility Operator	28	65	92
<b>Total</b>	<b>124</b>	<b>217</b>	<b>344</b>

Table 8. Number of responses per group on Electronic Positive Response

## Survey Comments

MNOPS received 89 comments regarding the proposed positive response requirement. The survey number and associated comment submitted are listed in Table 16. Comments on Positive Response.

## Proposed Change - Revised

Based on the comments and stakeholder feedback, the proposed statutory change has been updated. The green text denotes the change from the original proposal.

Subd. 3. Locating underground facility; operator.

(h) Prior to the excavation start time on the notice, an operator shall provide an electronic status to the notification center. The operator shall ~~also promptly electronically submit any~~ also promptly electronically submit all updates of the status to the notification center.

## 5 - MS216D.04 Excavation; Land Survey – Utility Operator Response to Notice

### Proposed Change

MNOPS has proposed changes to Subd.4 (d) and adding a section (e) to [MS216D.04](#) to require excavators to notify the notification center if marks are missing or incorrect. Section (e) would require an operator to contact the excavator within three hours once notification has been made. The revised language reads as follows:

(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 [~~DELETE facility operator~~ ~~or~~] notification center in order to have an operator verify or refresh the marks.

(e) The operator shall contact the excavator within (3) hours in response to a notification made by the excavator subject to MS216D.04 Subd. 4 (d).

### Rationale

This change would allow for better management and tracking of notifications that require additional field markings. It would feed into the performance metrics and data analytics required under the proposed revision - 2 - MS216D.03 Notification Center – Performance Metrics.

The current statutes require the excavator to contact either the utility operator or the notification center regarding absent or missing marks. Additionally, there is no current requirement for prompt communication back to the excavator. The proposed change to have all communications facilitated through the notification center allows for the tracking and routing of the notification. The proposed change would require that the utility operator contact the excavator within three hours to coordinate marking.

### Survey Results

The majority of responses (78.7 percent) about requiring a utility operator to respond to an excavator within three hours of receiving a request for additional marks were positive. Just over 21 percent (21.3 percent) of responses were negative. With the exception of Locator, all stakeholder categories reported more positive responses than negative.

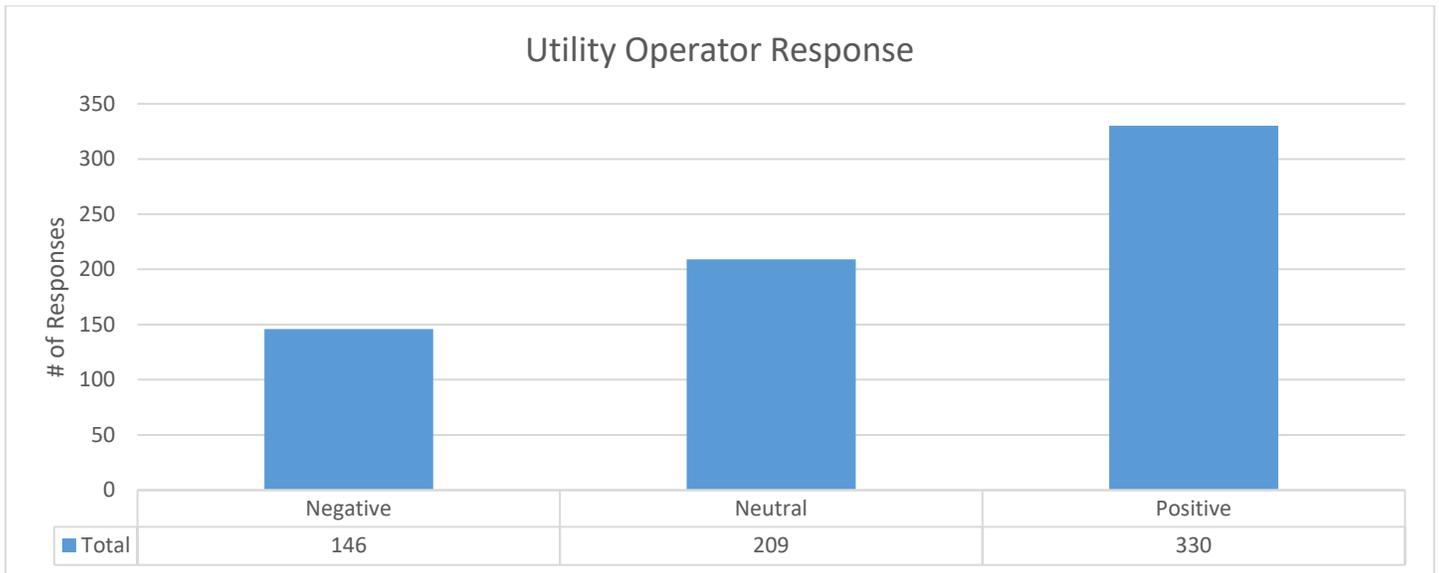


Figure 8. Number of responses per option on Utility Operator Response to Notice

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	1	3	8
Engineering/Consulting	2	6	8
Excavator	72	104	196
Gopher State One-Call	3	6	6
Government	6	16	24
Homeowner/Landowner	3	4	5
Land Surveyor	0	0	3
Locator	9	8	7
Utility Operator	50	62	73
<b>Total</b>	<b>146</b>	<b>209</b>	<b>330</b>

Table 9. Number of responses per group on Utility Operator Response to Notice

### Survey Comments:

MNOPS received 130 comments regarding the proposed operator response changes. The survey number and associated comment submitted are listed in Table 17. Comments on Utility Operator Response to Notice.

## 6 - MS216D.05 Precautions to Avoid Damage – Allow for Digital Premarking

### Proposed Change - Original

MNOPS has proposed changes to section (2) of [MS216D.05](#) requiring excavators to place white markings prior to submitting notification and also allowing digital white marking if the notification center has such technology. The revised language reads as follows:

**[ DELETE: ~~(2) use white markings for proposed excavations except where it can be shown that it is not practical!~~ ]**

**ADD THE FOLLOWING:**

*(2) communicate the location of the proposed excavation in sufficient detail by performing at least one of the following:*

*(a) white lining the area of a proposed excavation, with white paint or flags, or both, before giving notice to the notification system; or*

*(b) digitally lining the area of a proposed excavation on a map submitted to the notification center.*

See the [Proposed Change - Revised](#) section for updated language.

### Rationale

Forty states including Minnesota currently require white marking or pre-marking. MNOPS complaint investigations have shown that current compliance rates with this requirement are low. The proposed change continues the requirement for white marking, but provides the ability for digital pre-marking when mapping and submittal options allow. This provides valuable information to the locator and should result in higher compliance rates. It also removes the “when practicable” component of the regulation, which has historically caused unnecessary confusion.

Current statutes require excavators to provide white markings indicating the proposed excavation area associated with an excavation notice. The proposed revisions will ensure white markings are provided before the notice is made. This change will ensure that the utility company has the white marking information when responding to the notice. The addition of “digital marking” would allow for an electronic means of providing information pertaining to the excavation area without making a trip to the excavation area prior to submitting the notice.

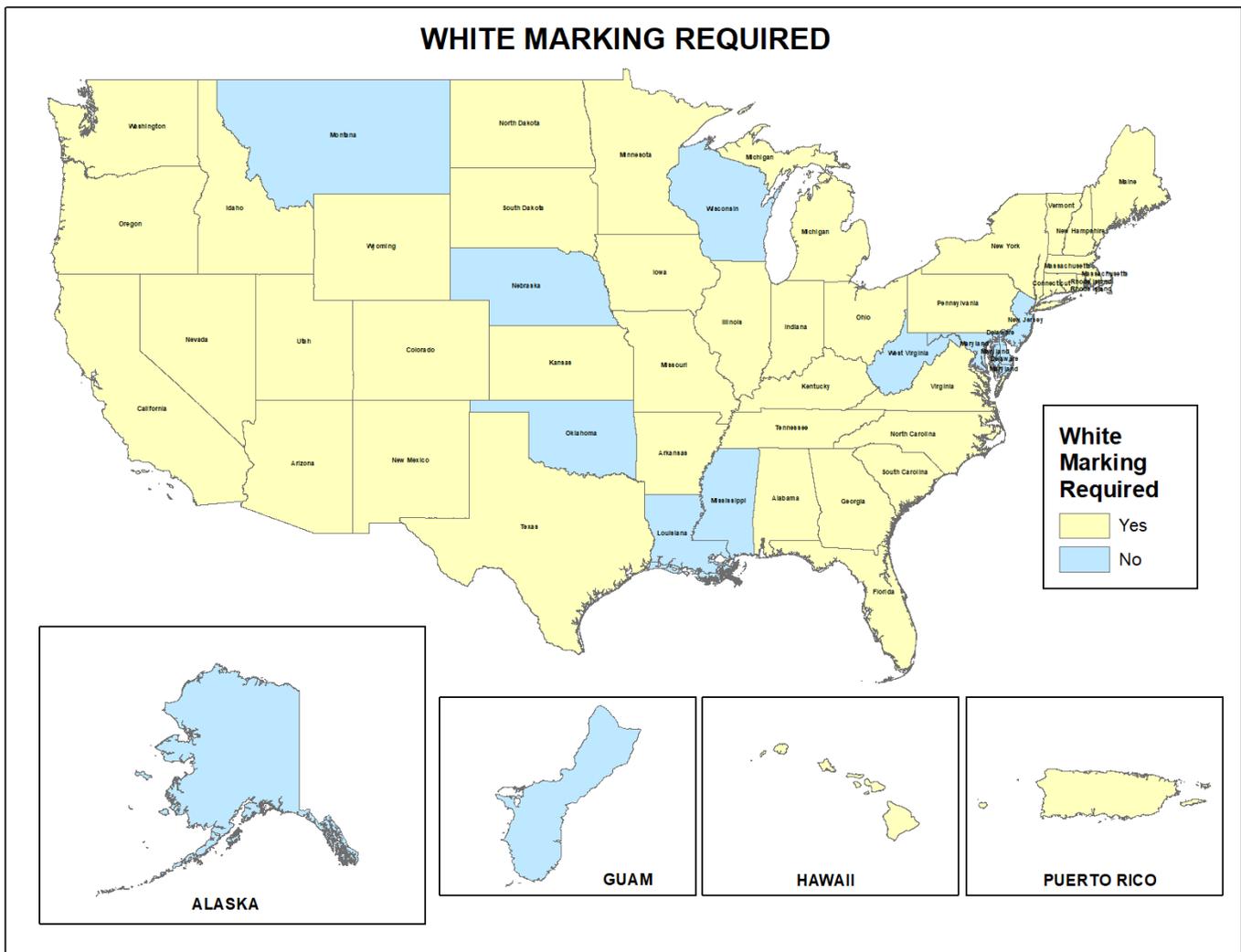


Figure 9. Map of states that required white marking. Data Sourced from PHMSA Survey, 2017.

## Survey Results

The majority of responses (80.8 percent) related to allowing for digital/electronic white marks – “pre-marking” were positive or neutral. Just over 19 percent (19.2 percent) of responses were negative. All stakeholder categories reported more positive responses than negative.

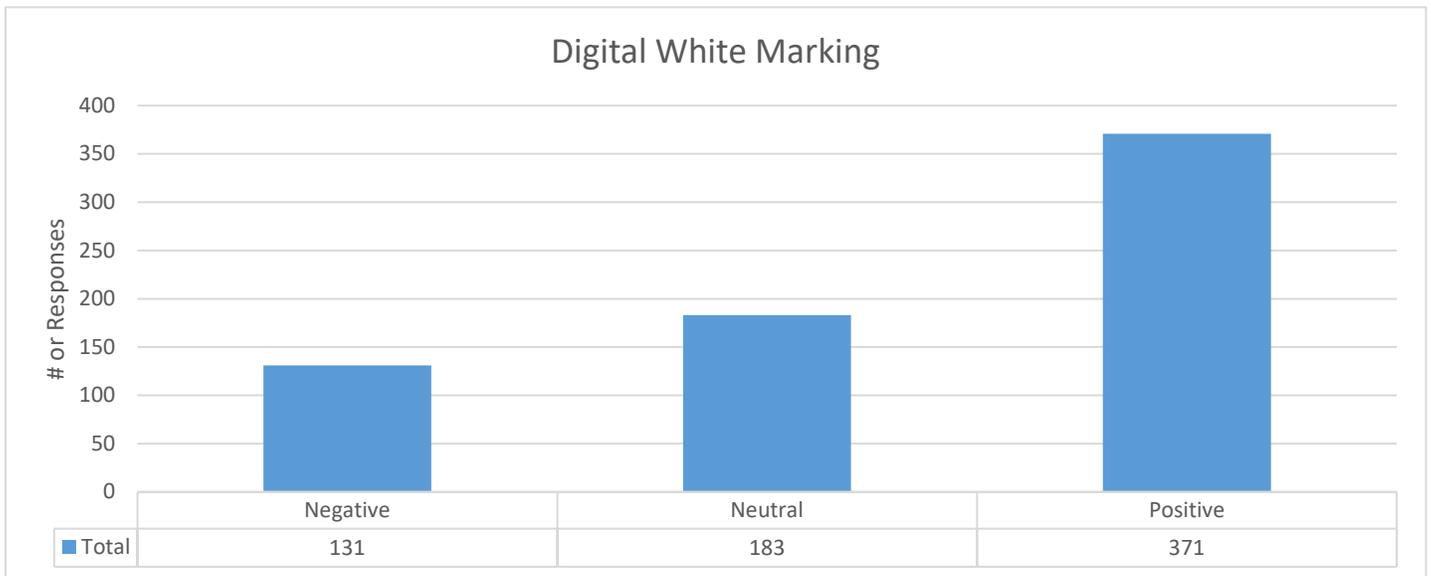


Figure 10. Number of responses per option on White Marking

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	0	4	8
Engineering/Consulting	2	5	9
Excavator	84	108	180
Gopher State One-Call	5	2	8
Government	3	16	27
Homeowner/Landowner	3	3	6
Land Surveyor	0	1	2
Locator	8	4	12
Utility Operator	26	40	119
<b>Total</b>	<b>131</b>	<b>183</b>	<b>371</b>

Table 10. Number of responses per group on White Marking

### Survey Comments:

MNOPS received 145 comments regarding the proposed digital white marking changes. The survey number and associated comment submitted are listed in Table 18. Comments on Digital White Marking.

## Proposed Change - Revised

Based on the comments and stakeholder feedback, the proposed statutory change has been updated. The green text denotes the change from the original proposal.

[ ~~DELETE: (2) use white markings for proposed excavations except where it can be shown that it is not practical!~~ ]

### **ADD THE FOLLOWING:**

*(2) communicate the location of the proposed excavation in sufficient detail by performing at least one of the following:*

*(a) white ~~lining~~ marking the area of a proposed excavation, with white paint or flags, or both, before giving notice to the notification system; or*

*(b) digitally ~~lining~~ marking the area of a proposed excavation on a map submitted to the notification center.*

## 7 - MS216D.06 Damage to Facility – Damage Reporting

### Proposed Change - Original

MNOPS has proposed changes to Subdivision 1 section (a) of [MS216D.06](#) to require excavators and operators to report damages to the notification center within 24 hours. The revised language reads as follows:

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. An excavator and operator shall each report damage to an underground facility to the notification center within 24 hours.

See the [Proposed Change - Revised](#) section for updated language.

### Rationale

Currently, 23 states require utility operators to report damages and 13 states require excavators to report damages. Adding mandatory damage reporting provides the following benefits:

1. Track the performance of both utility operators and excavators;
2. Determine the effectiveness of the state's One-Call laws and possible changes, including justifying existing excavation exemptions; and
3. Allows stakeholders to identify areas for increased education, outreach, and possible enforcement.

The proposed change requires excavation damage reporting to the notification center. This information will be important for tracking and trending of utility damages. This information will be used to ensure the adequacy of state excavation laws and to educate on safe digging. MNOPS currently has mandatory reporting for pipeline operators, but not other utilities or excavators.



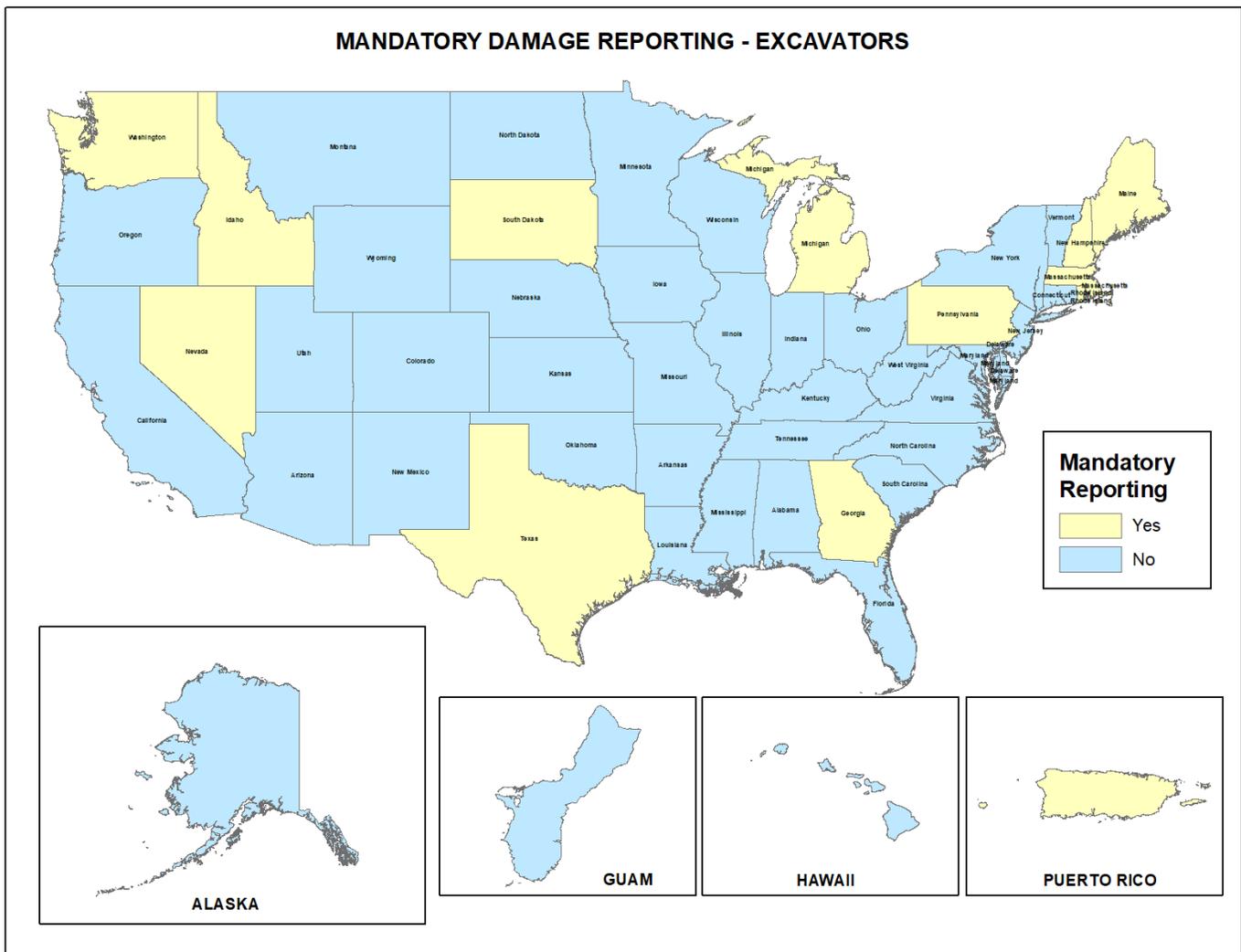


Figure 12. Map of States that require Damage Reporting by Excavators. Data Sourced from PHMSA Survey, 2017, with updates.

## Survey Results

The majority of responses (81.9 percent) about requiring damage reporting by facility operators and excavators were positive or neutral. Nearly 14 percent (13.9 percent) of responses were negative. All stakeholder categories reported more positive responses than negative.

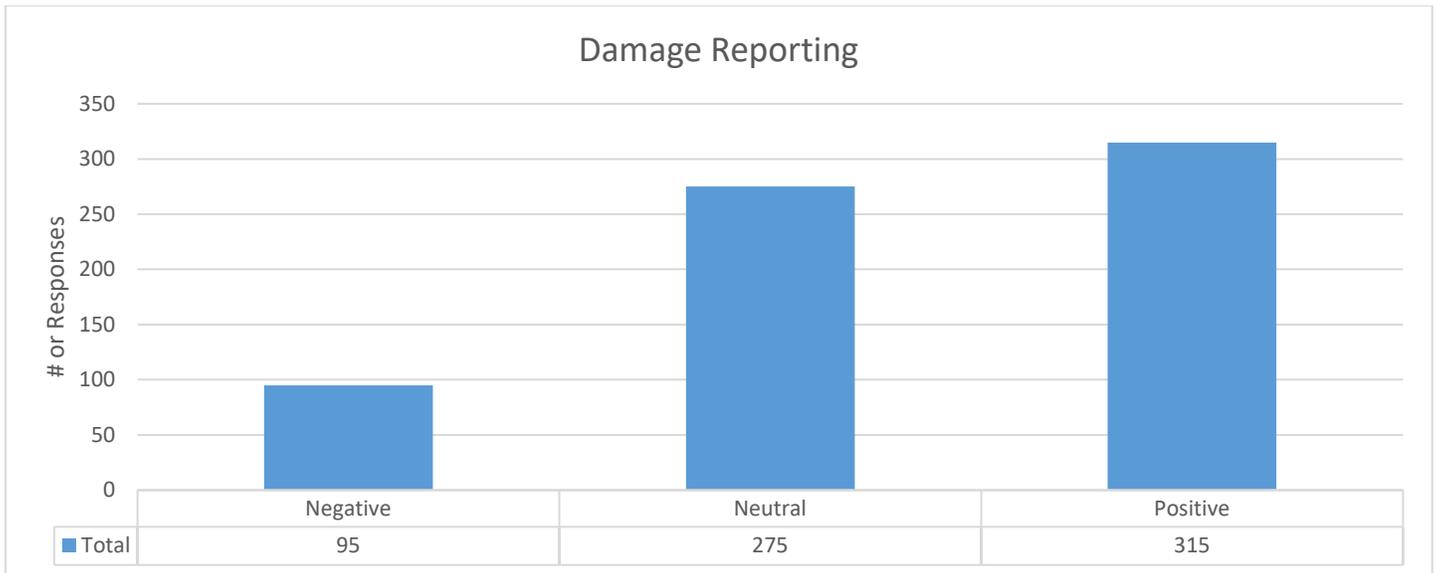


Figure 13. Number of responses per option on Damage Reporting

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	0	1	11
Engineering/Consulting	1	5	10
Excavator	53	179	140
Gopher State One-Call	0	8	7
Government	3	18	25
Homeowner/Landowner	2	3	7
Land Surveyor	0	1	2
Locator	1	10	13
Utility Operator	35	50	100
<b>Total</b>	<b>95</b>	<b>275</b>	<b>315</b>

Table 11. Number of responses per group on Damage Reporting

## Survey Comments

MNOPS received 85 comments about the proposed damage reporting changes. The survey number and associated comment submitted are listed in Table 19. Comments on Damage Reporting.

## Proposed Change - Revised

Based on the comments and stakeholder feedback, the proposed statutory change has been updated. The green text denotes the change from the original proposal.

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 and operator shall each report damage to an underground facility to the notification center within 24 hours. The 24 hour period begins when the damage is discovered, and excludes weekends and holidays.

## 8 - MS216D.08 Civil Penalties: Proceeds to Safety Account; Rules – Civil Penalties

### Proposed Change

MNOPS has proposed changes to Subdivision 1 of [MS216D.08](#) to change the limits of penalties for excavators and non-pipeline utility operators. The revised language reads as follows:

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 initially violates any 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 \$5,000 for each violation per the notice required by MS216D.04. Subsequent violations of sections MS216D.01 to MS216D.07 are subject to a civil penalty to be imposed by the commissioner not to exceed \$10,000 for each violation per the notice required by MS216D.04. The maximum civil penalty amount imposed shall not exceed \$20,000 per the notice required by MS216D.04.~~ 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.

See the [Proposed Change - Revised](#) section for updated language.

### Rationale

MNOPS follows existing [Minnesota Rule 7560.0800 Subp. 3](#) when determining a proposed civil penalty with a notice of probable violation. This change would bring Minnesota more in line with other state civil penalty structures. It would act as an additional deterrent for utility operators and excavators who continue to violate the One-Call statutes and rules.

The proposed change increases civil penalties for both the utility operator and excavator. In addition to increased civil penalties, a progressive structure would allow for lesser civil penalties for the first violation with increased penalties for subsequent violations. The change establishes a maximum civil penalty amount for an individual ticket. The change would include removal of the per-day structure in the associated rules. The increased penalty amounts and flexibility allow for higher penalties for violations resulting in severe consequences (fatality, injury, mass outages, evacuations, etc.) or continued violations of the law.

Civil penalties for violations of One-Call statutes/rules by **intrastate pipeline operators** are governed by Minnesota Statute 299F.59 and Minnesota Rule 7560.0800. The current limits for a pipeline operator is \$10,000 for each violation, per day of violation, not to exceed \$500,000 for any related series of violations. These limitations are already in excess of those being proposed above and would not be effected by this proposal.

Office of Pipeline Safety – MS216D Enforcement History				
Year	Excavator		Facility Operator	
	# Violations	\$ Collected	# Violations	\$ Collected
1994 - 2010	3,575	\$564,147	1,090	\$257,050
2010	96	\$18,700	31	\$13,000
2011	97	\$32,450	37	\$27,000
2012	119	\$19,500	30	\$19,550
2013	55	\$6,650	14	\$3,250
2014	40	\$6,000	15	\$6,300
2015	83	\$7,925	21	\$9,650
2016	70	\$11,450	29	\$24,750
2017	80	\$11,600	72	\$56,500
2018	69	\$7,250	89	\$130,300
2019*	15*	\$2,050*	87*	\$24,500*
<b>Total</b>	<b>4,299</b>	<b>\$687,722</b>	<b>1,515</b>	<b>\$571,850</b>

**\*2019 Open Cases are excluded from results. Data as of 9/12/2019\***

Figure 14. Number of MS216D Violations Issued and Civil Penalties Collected, Excavator and Facility Operator, 1994-Current

Survey Results

The majority (77.3 percent) of respondents were neutral or positive to the proposal to increase to civil penalties. Excavators were the group with the most negative view (31.4 percent), yet the majority (68.6 percent) still were neutral or positive.

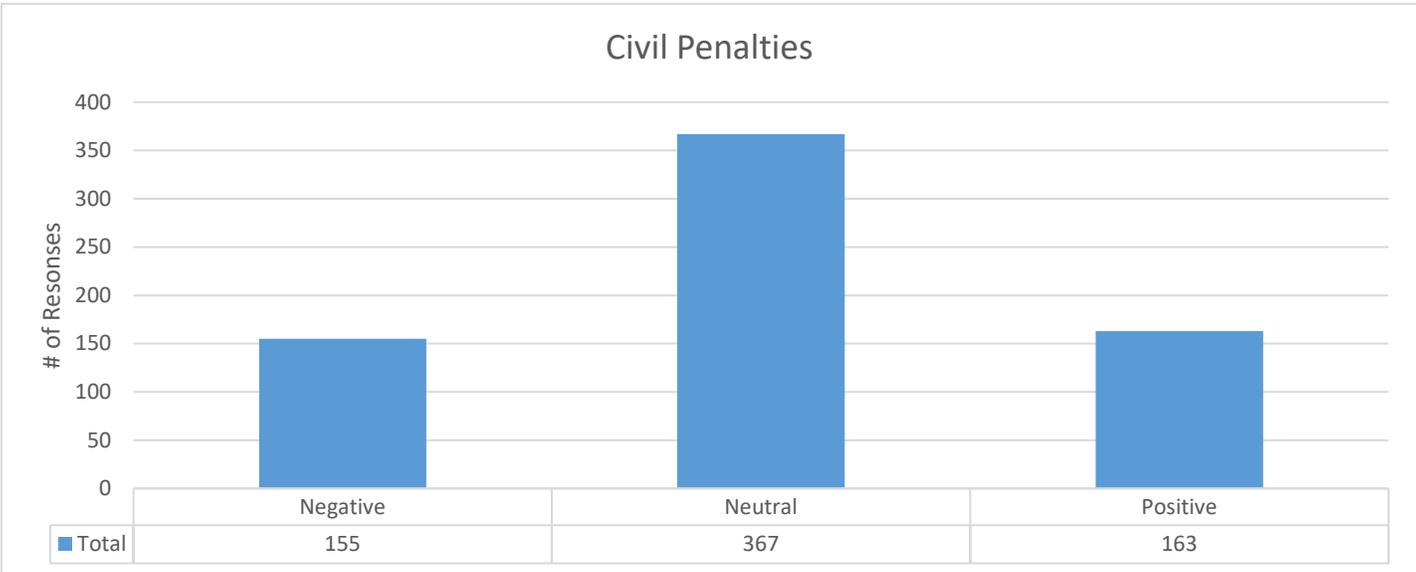


Figure 15. Number of responses per option on Civil Penalties

Represented Group	Number of Responses		
	Negative	Neutral	Positive
Emergency Response	1	5	6
Engineering/Consulting	2	9	5
Excavator	117	208	47
Gopher State One-Call	3	9	3
Government	4	25	17
Homeowner/Landowner	4	5	3
Land Surveyor	0	2	1
Locator	3	18	3
Utility Operator	21	86	78
<b>Total</b>	<b>155</b>	<b>367</b>	<b>163</b>

Table 12. Number of responses per group on Civil Penalties

## Survey Comments

MNOPS received 65 comments regarding the proposed civil penalty changes. The survey number and associated comment submitted are listed in Table 20. Comments on Civil Penalties.

## Overall Survey Comments

MNOPS received an additional 57 overall comments at the end of the survey. The survey number and associated comment submitted are listed in Table 21. Additional Survey Comments.

# Survey Comment Detail

## Comments on Vacuum Excavation

Table 13. Comments on Vacuum Excavation

Survey #	Comments on Vacuum Excavation
10	I will say positive on this portion. To note, I want to make sure that it is taken into consideration that excavation also incorporates the installation of ground rods, curb stakes, something that gets pounded into the ground more than 12-18 inches that would need locates.
14	We do not use this procedure.
25	no change for what we do
38	If you are going to get specific about the type of excavation being used, where will it end. Are you going to add to the statute Excavator; Skid steer; Backhoe; Stump Grinder; Trencher; etc.? Digging underground, no matter the method, needs to be safe. Why would you want to complicate a simple process by asking more unnecessary questions. Get the lawyers out of the process and let the real workers have a say-so for a change.
72	I would include any Post Pounding to be included (ie Fence t-post or any other post that require pounding by a tool). This has happened to us that someone pounded in a post that went 3 feet into the ground and never called in a ticket.
73	it's still excavation by machined powered equipment. Plus many times water under pressure is incorporated into the vacuum excavation.
86	Will not affect my role one way or the other.
90	not applicable for our company.
94	Seems to align with current best practices.
107	We require utility companies to get a permit when they excavate so we can follow-up and ensure proper restoration is completed and we know who/what is occurring in ROW. We need "vacuum excavation equipment" to still remain in the "excavation" context for that purpose.
117	Will there be any PSI requirements associated with this change? If not then vac ex is as dangerous as any other digging and should not be precluded from the one call law. Facility operators have requirements for a reason, high PSI will rip right though elec feeder cables and gas mains with ease.
125	I read this to say that vacuum excavation is not an excavation. I am not sure that this is consistent with OSHA regulations regarding excavations and the associated requirements. Vacuum excavations can move, remove, or disturb a lot of soil. I am all in favor of vacuum excavation - just do not want a possible conflict in State regulations.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
128	Don't use so don't know enough to comment
129	Not sure I understand what you're asking. Excavation should include vacuum and any type of excavation should require one call.
130	This gives a competitive advantage to companies that have a hydro vac in their fleet. The costs with hydro vac are high and demand is also high and therefore will hurt small business greatly.  Also, I can see this being a scheduling advantage that can be used to win projects.  With that, I do agree that it can be used, I just think that there will be unintended consequences in the market.
131	... for the purposes of locating, exposing and marking its own...  add the word exposing and replace the word their with its. (to be grammatically correct, look it up)
135	If we wait for all others to locate their facilities we will be late to complete locate tickets, because some facilities operators are marked in the last minutes before tickets are due
142	Vacuum excavation is a highly useful and safe device for these situations.
149	This is long overdue, and makes it legal to do what all good excavators are doing regularly.

220	That's how everyone currently operates.
224	Very good practice, prevent accidents that could come up, especially private services that are not located or forgotten.
235	The size of the vacuum excavation hole should be limited and possibly limit the number of holes within a single location. Multiple holes, large holes, and searching and find methods can cause issues.
246	does not effect me
252	Vacuum systems have been a major contributor to the reduction of facility damages and now are a part of each crews work everyday.
268	Trust me with the number of utilities going in the ROW we will have to start doing vacuum excavations to just put in a sign.
271	Vacuum excavation equipment is a "machine-powered equipment" as stated in the definition of "Excavation". As a surveyor, majority of the time utility locators do not provide markings of their utility lines. They do however respond pretty well to people who are digging with equipment. It is imperative for accurate markings in the field prior to excavation. It blows my mind why it is being proposed that vacuum equipment is not included in the definition of excavation.
286	Less invasive than using a shovel
302	I have witnessed vacuum excavation first hand, and when done properly as the proposed verbiage reads, it is very effective at locating utility lines to verify their location before mechanically digging nearby.
309	Excavation "should" include vacuum excavation equipment because there has been significant damage caused by high pressure water used actually cutting the utilities, removed or damaged pipe coatings, undermined utilities causing serious strain having removed the compacted soil from the bottom side of utilities, Improper compaction when replacing removed soils
316	I have never had a problem with "vacuum" excavation. I would like a locate to know when my utilities are opened.
319	However, damage caused by vacuum excavation will be the responsibility/liability of the excavator
320	the underground facilities are still being located first. So the vacuum excavation is a good way to excavate safely.
321	Agree 100% that Excavation should NOT include Vacuum Excavation
331	this is the stupidest thing in the world. We use the hydro excavator extensively for locating my own utilities. We use the hydroexcavator for almost every natural gas hit. when there is a gas hit, we go back a safe distance and hydroexcavate down and squeeze off the line. If you pass this change, the gas will blow for 2 hours until the emergency one call is clear.
333	Hydro Excavation does not cause or lead to causing third party utility damage. Besides using the extremely wonderful hydro excavation tool for locating utilities that could not be excavated safely with other methods, it is used extensively by our utility to create excavations in situations where the 2 hour or 2 day waiting period would be inconvenient. Particularly in the situation of remediating a damaged utility, the use of the hydro excavator can speed up the repair and minimize the risks of, or actual losses of property.
364	Language should be included describing hand digging with a hand tool (shovel).
376	I agree with vacuum excavation, but will be a cost to contractors.
379	A vacuum/mud sucker has a motor, engine, and is a machine powered piece of equipment...might want to clear that definition up
380	This is a positive change, with proper use, vacuum excavation equipment is a safe and efficient means to locate facilities.
383	Vacuum excavation does not work in our heavy clay soils !
417	Vacuum excavation shall not exclude one from requesting a utility locate ahead of the excavation.
437	I think more contractors/companies need to use more vacuum excavation especially when spotting underground facilities. We still see multiple instances of 'blind boring'. I also think some areas are so congested with existing underground utilities that the only safe way to install is by vacuuming a trench alongside existing facilities and installing that way.  I have head of instances where using vacuum excavation has caused damage to gas lines and electrical conduit by peeling of the coating
439	Having been in the underground utility industry for over 1/4 of a century I can fully attest to the fact that vacuum excavation is a vital tool in the industry today. But if not used properly it will damage facilities. I believe that even when using this tool a valid and complete locate should be required by all for locating and verifying location. Utility owner or excavator should have their separate tickets for the use of this tool

445	Vacuum excavation is either excavation, or it isn't, regardless of who is performing it. The qualifiers "careful and prudent manner" are subjective, and should be avoided. It seems the only practical benefit to the change is for facility operators to not have to make an excavation notification for locating their facilities. Even if an excavator contracted with a vacuum excavation contractor for exposing facilities, the vacuum excavation contractor is covered by the excavation notice (fits within the definition of "person").
478	Please add exceptions for use under emergencies.
485	Vacuum excavation should still be classified as excavation.
517	I also think that any state, county, or city should request to have a project S.U.E. be done before issuing permits in areas that are so full of utilities to determine and alternative routes to avoid cluttering up the right a ways.
520	The use of vacuum excavation is being used by several people now
521	Up to person doing work
546	95 % of what I do is sign posts, I don't see having to invest in a vacuum for just signs
558	Would provide notification of work being completed or encroaching on operator facilities.
566	no need to have a ticket for work that does not have a threat to our facilities. as a corporation we should not be charged for work that had no impact to damage our facilities. no danger would be done to our facilities if they us a vac truck.
569	This would eliminate the need for an excavation ticket if all excavating would be done using a vacuum. I think this would be a positive change for small excavations (example: sign post placement using a vacuum.)
576	never had damage from a vac
581	As vacuum excavation is a non-evasive type of excavation no locate should be required for the work.
590	The Facility Operator must be aware of any hydro excavation of their assets so we can be present. As long as there is a requirement to notify the Operator, this would be acceptable. The way I read this, a One Call ticket would have been generated that would notify us of the work.
591	We don't do this kind of excavation.
600	Yes, as long as the operator is aware of.
602	We already use vac .
606	#1-6 do not require locate marks. Adding #7 is confusing - both 7)A & B read that you need locate marks before vacuum can take place. All vacuum should require a dig ticket - we need record of who was digging where incase careful practices are not followed and damage occurs - we need to be able to trace the excavator with a dig ticket for that location. Vacuum excavation is excavation - it's moving the dirt, you need a ticket.
617	Excavation also should not include milling or the removal of the asphalt pavement. Sometime utilities are in, or adjacent to the asphalt pavement.
630	Magellan prefers no exemptions for excavation.
645	Would the time or costs savings to an excavator or operator be of material significance?  If so, the estimated amounts of money or time savings?  Is this a benefit to most operators and excavators or only certain entities?
665	Giving to much lea way to the excavator operator (vacuum excavation) if they were to use hydro vac they could without the facility operator on site hit the pipe with the high pressure water blast and damage the coating.
676	Concern of damage to pipe coating. I never care for any one call exemption, hand digging, vacuum excavation etc.... Just call 811 and tell people what you are doing regardless of the depth or tools being used.
677	This would negate the 2 foot rule. Current use of a vacuum truck, we require the operator reduce water pressure of the wand so as not to damage our pipe coating. The only way to communicate that is when we are on site, without the 2 foot rule we would not be contacted to be on site.
678	As an operator we are supportive of "(7) vacuum excavation equipment, when: 1. Used by facility operators in a careful and prudent manner for the purposes of locating and marking their own facilities in response to a notice after all facility operators have responded to that notice or have otherwise coordinated with those facility operators; or" And would suggest including language for during emergency work However, we could not support the exception when considering all excavators " Used by excavators in a careful and prudent manner to determine the precise location of a marked underground facility in accordance with MS216D Subd. 4(a) and any provisions communicated to the excavator by the facility operator."

	We could not support an excavator be exempt from calling in locates if their excavation means was vacuum excavation
<b>682</b>	<p>As an operator we are supportive of “(7) vacuum excavation equipment, when:</p> <p>1. Used by facility operators in a careful and prudent manner for the purposes of locating and marking their own facilities in response to a notice after all facility operators have responded to that notice or have otherwise coordinated with those facility operators; or”</p> <p>And would suggest including language for during emergency work</p> <p>However, we could not support the exception when considering all excavators “ Used by excavators in a careful and prudent manner to determine the precise location of a marked underground facility in accordance with MS216D Subd. 4(a) and any provisions communicated to the excavator by the facility operator.”</p> <p>CNP could not support an excavator be exempt from calling in locates if their excavation means was vacuum excavation</p>
<b>686</b>	<p>Vacuum excavation causes on average less damage to underground facilities than hand digging with a shovel. Currently Minnesota One Call laws do not specifically allow vacuum excavation in place of hand digging.</p>

## Comments on Performance Metrics

Table 14. Comments on Performance Metrics

Survey #	Comments on Performance Metrics
20	When requesting maps or marking through the GSOC site for City roadway projects, we have experienced consistently poor responses from utility representatives. It often takes multiple calls to receive the maps (even when a non-excavation ticket specifically for maps is submitted). The maps are often very poor quality as well, which makes the paired field markings even more important for designing and correctly showing private utilities on the plan sets.
21	No idea what you are talking about
25	no change for us
29	I don't believe this to be real accurate data that is gathered.
35	A waste of government money
38	Thought you would be doing this already. Huh
84	What the **** is performance metrics. Could you please discuss the changes you are proposing in manner we could all comprehend.
94	Be nice if the metrics for this and damages were made available publicly. If it can't be for an individual utility, then at least for groups/types.
112	I'm not sure what the merit is. There is no positive result that I can see. Excavators and locators are required to complete positive response currently.
117	Wouldn't the operators have this information already? is The Notification Center acting on any of this information to better the industry or is it only for tracking and then targeting certain groups in the form of a NPV?
125	I think tracking metrics is generally a positive effort that informs future needs and measures existing effectiveness.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
129	Isn't this already available?
135	Where are they going to get the data from?
142	Is this required reporting to the center. Not sure what this entails.
149	This adds a layer of reporting that is not needed at all.
160	we failed to impart the metric system in the US many years ago and do not think that anytime soon we will be changing. why the **** are you trying to impose metric reporting when it is not the standard. if the locators are from a different country that is used to the metric, then they should be learning a new way of reading measurement!
172	Unsure what this means
179	Language is so contrived that I do not know what it says
213	I may not be interpreting this correctly but I don't feel it's the notification center's responsibility to collect this data.
242	A process must be implemented to standardize the reporting of damages. Also a definition of what a utility damage is must be defined.
252	In a lot of cases fault is sometimes difficult to ascertain. Who would be the judge of damages and what kind of costs will be associated with this towards the contractors. Information is always good but has this been thought through to determine if this would be a valid method of grading contractors.
278	Will this increase bureaucracy and decrease efficiency?
302	Sounds like locators and utility companies will be held accountable for locating their utilities in a timely manner. Which is a good idea because some locate requests have never been responded to.
309	information sharing and transparency is always a good thing. We really wish there to be more enforcement action taken when 3rd party contractors continually damage gas mains and services. Accidents happen but their are certain contractors who brag about never having paid the fines they have been issued and or never paid for the cost to repair the damages to the facilities. Bold they say they never will. As a first responder, I grow ever more angry at these few

	reckless contractors that put my safety at risk, along with our customers safety! I would love to see a 3 strike rule placed into legislation.
315	This looks like a hit on the excavation companies. As many times damage is due to bad locates, A argument we never win with the BIG utility companies. We have locates that do not even get done on time or they don't even show up. excavation companies need to be able to invoice (and get paid) when they have a full crews on site waiting the locates.
316	Is this a report about excavators or about locators and their response?
319	Performance metrics that compare different utility types may lead to inaccurate conclusions. Reporting requirements are the responsibility of the operator to facilitate with the appropriate regulatory body. Transferring responsibility to the call center for tracking and building a metric will add additional steps to the reporting requirements for some utility companies(gas)
323	Positive for project designers that need info on all utilities in the right of way. Negative on Cities that may not have the resources to dedicate solely to marking sewer, water, and storm sewer lines for the purpose of avoiding negative scores rather than preventing conflicts if the City is aware of the nature of the work and likelihood of conflicts.
344	not sure what that would mean for me.
361	This should allow for people to determine when working with high risk contractors, so extra precautions can be taken.
363	I like there will be a direct number to contact and report any issues that might happen on a work site.
380	Currently the damages caused to our facilities is tracked in-house, and don't see a need to have the notification center collect this data as well. Has additional staffing at the notification center been taken into account, to receive the calls or electronic messages in order to track the damages? I understand wanting the metrics, but this will put an additional burden on Excavators and Operators to report the damages as well as the Notification Center to track.
387	I don't understand what performance metrics this is referring to.
432	This is a positive change if it allows damage reporting when it occurs and eliminates the need to file periodic damage reports whether a damage has occurred or not.
485	This would improve accountability for all parties involved.
498	Potentially positive if all stakeholders in a damage scenario have an opportunity to provide their input.
533	I would have additional questions about how these damages are reported to the one call center as well as the accuracy of the information being reported.
572	Cost factors - scheduling
585	The performance metrics standards being proposed are not clearly defined, but I can see poor performance resulting in losing the ability to be included on contracts in the State of Minnesota as a good deterrent to poorly performing to metrics performance standards.
591	N/A
606	Every damage or just ones that result in flammable/toxic/corrosive gas? How are we reporting the damage? What software? Pre-made form so everyone is reporting same metrics?
617	Seems very difficult to track and provide the correct documentation needed.
627	I am not sure what that is trying to tell me.
645	It would be helpful if the options for the format and content of this data is subject to a draft review by operators and excavators.  It would be helpful if data was distributed in Excel or Access and not as Acrobat. This would enable entities to further compile data.
661	What specifically are the performance metrics?
676	It would identify repeat offenders.
677	The ability to pull up damage metrics on an excavator would be a positive for us as an operator.
678	We believe this would be over reporting and do not fully understand the need or intent , but since we are already providing to MNOPS, if valuable, we can provide to the one call center as well.
682	We believe this would be over reporting and do not fully understand the need or intent , but since we are already providing to MNOPS, if valuable, we can provide to the one call center as well.

**686**

Gopher State One Call will require additional staff to collect and process damage information resulting in additional operational costs that will need to be passed along to the facility operators. Alternative options for reporting could include required quarterly reporting by all operators to the Office of Pipeline Safety or requiring submissions to the DIRT Report.

## Comments on Changing from 48 to 72 Hours

Survey #	Comments on Changing from 48 to 72 Hours
5	I think the 48 hours should be sufficient in allowing the locators to mark out the utilities they are responsible for. Giving them 72 hours will set excavators back another day only to arrive on site and not have the proper locates anyhow. Right now we are averaging about 50% of our locates asking to be extended. Once we agree we show up to have unlocatables and our crew has to leave for another job site. The contract locators should be responsible for staffing accordingly.
17	sometimes weather requires a last minute tent to be installed and I already have to turn work away because of 48 hour notice so longer will make it worse
18	we should be getting quicker at locating, not slower. wise up!
21	there are a lot of times we need to move quickly on a job
25	makes it that much harder to get locates called in on short notice
26	This extended notification period will push back survey field work and interfere with the deadlines for a majority of topographic surveys that we request GSOC markings for.
29	The waiting period is too long.
33	We will be scheduling work a week out. 48 hour weather forecast are pretty reliable, 72 hours is pretty much a guess. Painted lines are more prone to wash away and or workers will wear out the lines on construction sites.
35	All this does is allow the locator to take even longer to not respond to a ticket. We have a real problem in this state with delays in locates already. We need to force the utility owners to staff up there locating companies to meet demand.
36	48 Hours is and should be ample time.
38	I always thought 48hours was aggressive although it helps my business. 72 hours would be fine.
46	It is worth trying this out to see if locators will spend more time on locates or if they will actually locate as required.
59	seems fair due to lack of employees
61	Excavators barely wait the 48 hours right now in our area. Adding on 24 more hours is not going to help locators clearing or marking tickets, it will just frustrate excavators whom are on a tight timeline. I feel it will increase 3rd party damages due to them just moving forward with digging operations prior to having a legal ticket.
64	We constantly get calls from frustrated surveyors who routinely DO NOT receive any field markings in response to their requests and even receive CLEAR positive responses when topsides evidence obviously indicates the presence of their facilities. The failure of contract locators to mark survey tickets must be addressed.
65	An increase to 72 hours from 48 hours for a company like ours will require us to locate smaller projects (i.e. fill in work) more often than currently, which could lead to relocates.
66	48 hrs is good
67	For small companies doing smaller jobs, there are occasionally instances where the schedule shifts daily. The addition of an extra day to get location marking done could have a detrimental effect on those companies efficiency and also increase the chance that they may not get locates done just to keep the production schedule moving forward.
71	why give them more time when they are already late? at least if you say 48hrs you can hope that it will actually be done in 72hrs. if you extend it, it will just continue to push that time limit back
72	If this is what is being asked, I would give four more days to the max length of time before starting. (ie instead of only 14 days being the max, 18 days should be the new max as this would be acceptable to us.
73	As long as all the facility operator complete their marking in that time frame.
84	Do not use contract locators. Make the Utility hire there own in-house employees to perform the locating. It's a dysfunctional mess.
90	Weather dependent work scheduling changes too fast. Increase in time will make our management very difficult.
91	Most marking companies rarely mark within the 48 hours anyhow. Is there anyway to make mapping for design tickets faster than the current timeline? Maybe send maps within 7 business days?
92	It will require more lead time on my end from my team, but overall does not change much.
94	Utilities will just hire / contract less staff and tickets will still be late.

101	It was difficult enough for us sewer and water guys when you went from 24 to 48 hours, this change would be fine if we could get the meteorologists to accurately predict the weather so we could plan ahead a lil better eh!!
103	I believe that extending the notification time will result in more emergency calls. Particularly in situations if we find something that needs to be excavated on a Tuesday or Wednesday. These situations would be waiting until the following week rather than digging them on a Thursday or Friday. Therefore, it would likely be called in as an emergency instead because it can't wait through the weekend. For instance, we've had water leaks that we call in as a regular one call instead of an emergency because we know we can wait to dig them later in the week. But if we had to wait over the weekend, we would call it in as an emergency because we couldn't wait through the weekend.  I think extending the notice time will result in more emergency calls and therefore reduce the time that is available to locate now.
104	I don't like it, but I can live with it.
107	48-hrs seems adequate, this would be unfavorable and is already sometimes too long. Another 24-hrs would result in additional undesired delays.
112	Quite often these are bigger projects so to me it makes sense
117	Wisconsin is 72 hrs and not any better as far as timeliness. Make all tax due at midnight, see ND and Colorado as examples, 72 hrs will do nothing.
125	Gives locate more time to accomplish their mission and potentially reduce the margin of error
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
128	it is so hard to schedule with keeping marks and locates safe for 48 hours. It means no one else can work in my area for 2 days already. This will greatly impact schedule
129	Surveys locates should be at least 72hours since some are large areas that requires more time to locate.
131	.... excluding Saturdays, Sundays, and State recognized holidays....  add State recognized
132	As a facility operator who also has a construction department, this would serve to delay providing service to new customers.
139	Another day for them to mark the facility is not going to solve the late ticket issues. The contract locators are under staffed that is the problem. If the hours are change is it going to drop the hand dig zone from 24 inches to 18 inches like Wisconsin is with the 72 hour law?
141	72 hours is too long of a time to wait for a locate company. 3 days Than we still only have 14 days to work and another 3 days for the relocate? Some one need to have their heads checked. If they cant get it done in 48 hours they should hire more people to the job. If we do not do our jobs in the time they give us they fine us. It should be the same for locators.
142	It is positive if it improves the locate on time percentages through the season. It makes little difference to an excavator to call in work 2 or 3 days ahead. Some short notice jobs may make this difficult for some. See more positives than negatives here.
143	The Locating companies are running shorthanded now and feel this would give them one more excuse.
146	48 hours is reasonable, 72 is way too much. If the locators are having a hard time getting there in 24 hours, they should be hiring more people.
149	48 hours has been and is plenty of wait time.
150	It is hard enough to schedule 48 hours out in our short work season, much less 72. It would be detrimental to the small companies.
160	in recent years, locating requests have always never been completed and at least one utility is delayed past the 48 hr requirement. Assumed due to cost cuts made to locators and now have a shortage of locators resulting. Prior to this, we rarely had issues getting locates performed inside the 48hr time frame. There should be no reason in the technology today dispatching requests within that period of time. if the 72hr rule is to be changed, then there should be a statement included that there will be a capital investment to guarantee more accurate location and depth of utility along with special information access regarding the specific mark.
171	48 in plenty of time

179	It looks like this is in response to the trouble some utilities have had in marking within 48 hours. It is doubtful that more time will solve this. Overloaded is overloaded. They should expand their capabilities instead.
189	plans and projects change constantly. as a contractor we fight with 48 hours notice now you want 72 who does this benefit other than locators sure don't help excavators.
190	Up until this season-2019- There were no issues for getting the property marked in 48 hours. Why this year? Not sure I think an additional day is unnecessary have the locate companies fully staffed to get the job finished in a timely manner I still have tickets out from May and June that are incomplete--so in this example an extra day wouldn't fix the issue
196	48 hours is plenty of notice. It makes planning even harder for us contractors. Terrible idea.
198	48 hours is already too long of a delay. Our customers want us to dig ASAP.
199	I can see who is pushing this, the locators. They are frequently late with locates and don't even bother to notify the excavators. I've had it happen several times this year and heard others with the same experience. Like any other industry, if you can't get the work done on time, you hire more workers, you don't change the rules for the ones who aren't breaking them.
201	One day is not terrible but makes it more difficult to make short scheduling changes when the need arises.
207	This will create more work for locators, no doubt. The longer lead time I have for utilities, the more times I will call in to have each project marked. It's quite simple. We have a super short work season, and each job has multiple factors that may or may not allow us to work. So, we need multiple project options available at all times. If I need a 3 day lead time, there is no way I will ever end up calling utilities in only once on a project like I always did in years past when the locators pretty much had a 100% success rate in marking sites with the 48 hr lead time. This year had been the worst I've every experienced, by far. Almost none of the utilities I've called in have been marked either on time, or in full, something is always late, or missing. My opinion, longer lead time = more times each project will need to get marked, which in my business, = more cost involved with each project getting located. I'd be a fan of going the other direction and doing 24 hrs notice, I think you'd end up remarking fewer times.
213	Why doesn't a land surveyor have to follow the same "shall" requirement rather than a "may" requirement?
216	With the advancements in technology and communications I would expect the notification lead time to get shorter, not longer.
220	All you are doing is letting locate companies like USIC and DirectSat off the hook for not hiring enough people to cover the areas that they signed contracts to maintain.
221	This will delay projects that have changes due to unknown utilities or changes to construction plans.
228	Due to the issues Century Link had this year, the time should not be changed. With the feature that is already in place with being able to extend out the start of a ticket, not sure why a change is needed. It would just be another obstacle in the scheduling process for the excavators.
234	Water main breaks should not wait that long!!!!
235	This would serve to make excavators plan their work a bit more in advance, which is a positive.
241	that time frame is long enough for people to get out and check, giving more time is ridiculous as to procrastination is procrastination.... why should we have to wait another day to conduct business? I usually give 3-4 days lead time anyway. people procrastinate so why give them more time to do a rush job anyway. half the time things aren't located and or located in wrong spot.
242	48 hours is an adequate time for notification and marking. Extending it to 72 hours may just increase the use of "Emergency" tickets rather than regular locates.
245	There is no reason the current 48 hours needs to change to 72 hours. In the excavation industry our work is often dependent on the weather and we are often forced to move work locations depending on where we can work. Requiring a 72 hour notice will make it extremely difficult to forecast what projects to request a utility locate on. I don't believe that a longer notification period will help ease the work load at all but will only lead to a procrastination of the tickets being completed.  The fiasco we experienced this year with the CenturyLink utility locate contractor was not due to a 48 hour notice period, but poor management.  Premier Locating, another utility locating contractor doesn't send the locate tickets to their locators until the day after I submit the ticket, If I submit a ticket before 8:00 a.m on Monday, Premier's locators don't get the ticket until Tuesday. How will 72 hour notice help this?

	Requiring contractors to provide 72 hours notice will only result in frustration with the system, digging without marking complete, and an increase in hits.
246	absolutely not needed. I had lots of tickets that Century link did not locate in the 14 day life of the original ticket, but now they are getting them done on the day they are submitted. Are you going to extend the life of the tickets? Is the locator going to be responsible for damage if not located by the time the ticket is valid?
249	Good for the locator to have more time, but marks may be damaged by weather or other contractors. Also makes it more difficult for contractors to schedule.
252	This only pushes time lines out even further. This is not a time issue it is a resource and retention issue within the locating industry. They need to be paid more money so they can retain good employees and solidify coverage areas for the locators.
256	<p>Things change constantly on job sites, and the current notification/ waiting period is long enough. I think it will cause an increase in emergency locates, pushing regular locates back. Also with all the issues I've had this year; having to call and wait for locates that should have been completed, yet a locator wasn't even close to the dig site would push it back even further.</p> <p>In the past things have run smooth with the 48 hour notice, and because "companies" try to skate by with minimal employees to save a buck is costing the contractors 4,5, and more times the amount of money. This is not a new requirement, maybe these companies need to start paying rent to the right of way owners where their utilities are to off set the cost increase due to lack of efficiency for locates that the contractor will ultimately transfer to the owner. I vote for big penalties when utilities are not placed below the minimum depth as required, again they hire the cheapest contractor and do not perform quality control.</p> <p>Big companies on both side can and will absorb/ transfer the additional cost this will incur, but again the smaller guys will suffer all to save the utility companies money so they can hire less people. That is a loss of jobs on both sides and bad for the economy.</p>
260	<p>Comments as a soil boring company.</p> <p>The negative is that in the winter that's 1 more day for snow to cover the site. Last February we called in markings for a site 4 times because snow kept covering up the borings/markings and by the time the roads were cleared all the paint was gone and it had to be remarked.</p> <p>I think for the most part, the utility locators who struggle to get sites marked in 48 hours will still likely struggle to mark sites in 72 hours. Their bosses will likely give them a higher workload if they see they have more time to complete each individual ticket. I get what is trying to be accomplished, but I don't believe this will make a big difference.</p>
264	For a general land survey, I'm for a 72 hour notice. For an excavation, 48 hour notice. Some of the land survey's can be quite large and take more time to locate than a single address site.
268	Might save a lot of unnecessary phone calls for ticket extensions??
269	homeowners are already too lazy to wait. Hate to think this will increase the number of folks who just decide NOT to call 811.
271	My questions would be, since it deals with excavation, why is it being proposed to be 1 extra day?
278	Do utilities need more time to respond to dig requests? 72 hours may not sound like a lot but it could negatively impact construction and survey plans. Also, it may create a lot more "emergency" digs.
279	Not practical
286	If locates need to be sooner, there will be a larger increase in emergency tickets
292	<p>The proposed change will have substantial impacts on the ability of local governments to complete public infrastructure improvements within public rights of way. Each contractor and subcontractor, in addition to surveyors collecting topographic data, is required to have an individual ticket. Extending this requirement by 24 hours will add multiple days to each phase of a multi-phased infrastructure projects. The public would suffer extended construction durations as a result.</p> <p>Additionally, pressure would be added to public entities and contractors to call in more 'emergency' locates, which assuredly add inefficiency to the system for contract locators and utility owners.</p>
294	This will benefit the locating company's as it will give them more time to respond to the ticket, since they do not have control of what the contractor can call in and has to make an educated guess as to how many employees the locating companies need. I would like all tickets due at Midnight at the end of the 72 hours. I would also like to see the notification center not allowing tickets being due on weekends and holidays as they are allowing today.
295	Allow Excavator to select 48 or 72 hours.

301	to long of a time for locates to disappear
302	Gives the locators more time to mark everything they need to with perhaps fewer personnel. Will also require excavators to plan better and know where they will be digging and when. Unsure if this is a good idea or not.
306	If this change is made, when will it take effect? Certain customers of ours do not always give sufficient notice to make this change practical
309	Not sure why a change is required. If it helps the locators be more accurate, and talent retention improves, then why not?
310	WE DO NOT SCHEDULE BASING THAT FAR IN ADVANCE - WE ONLY DO SMALL JOBS - MOST RESIDENTIAL - AND WE DO NOT HAVE THE ABILITY TO SCHEDULE THAT FAR IN ADVANCE - WEATHER / MACHINERY / EMPLOYEE SICK / TO MANY THINGS COULD MESS UP THE TIME
314	Should be 24 hrs
319	With the scope of the projects and the ever increasing number of locate tickets locating resources can't staff adequately for a 48 hour system any longer. This would also force excavators to plan their work more effectively.
320	Being people don't provide enough information on the locate tickets. This would give more time for the markings and/or investigations.
321	72 hours is too long. How does this compare to the National average? In Minnesota our construction season is already very limited. Adding days throughout the season because Facility Operators are ill-staffed, will literally be the difference between finishing a project and being forced to quit due to running out of workable days.
323	Positive if it increases participation and accuracy. Negative if it only makes scheduling surveys more difficult with no improvement in outcome.
328	For small government entities that try to do several small ditch cleaning jobs when time and weather allows this will really hamper our productivity.
329	I do not like this idea.
330	Some locate requests require a lot more time, and excavators are not always willing to compromise. The more notice the better!
332	48 hours is a good amount of time to have the marks done in.
333	If I understand this correctly I believe changing excavation tickets to a 72 hour waiting period creates more hardship upon the industry trying to get things accomplished. 48 hours is reasonable for excavation tickets. Now boundary survey locates seem to generally be more complex, they require more research and often have much larger request areas. I wouldn't mind seeing the boundary surveys locates required 5 days in advance, and logically so the ticket creator should be able to plan the boundary survey request in advance, it's not usually a spur of the moment necessity.
338	This will affect us a lot, but I don't see it as a bad change. We do appreciate the speed of the 48 hour time frame, but 72 hours makes more sense for the locators
340	48 hours has been and is plenty of time
341	I suppose it is a positive for the locators but not for contractors and utilities
344	i have all day
346	This would delay projects even further because the locators will still ask for additional time do to there current staffing situation. 48 hours should stay as is.
349	Then will you take away the locators ability to extend the ticket 24 hours?
351	Projects are dynamic and change constantly. Schedules are getting more demanding to meet. With that said adding another day delay if changes occur will not be a positive change for the current system
355	Why should we have to wait any longer. It will just keep getting longer anyways. Some have travel time so it will costs excavators more money.
361	This should allow for contractors and operators to plan better for their jobs as well as give locators more time to better accurately mark for said jobs.
363	This will push back some of the ongoing projects that will cause our crews to make multiple trips.
364	yes
366	Over half of the work week will be spent waiting for the notice time frame. We often do not receive award/permit of work location more than a couple days ahead of time. This would greatly reduce the ability for company and excavator to plan work and progress with work.
368	locate requests for survey purposes definitely need more than 48 hour notice in particular because they sometime require extra research into facility location for the operator because the requested can sometimes be in an area that is not marked with regularity and the area can be large

373	This added delay will negatively impact Minnesotans. It will further threaten their safety and help to empty their wallets.
376	It should help all locates get processed, instead of incomplete.
379	Be nice if the tickets life could be extended to 21 days or longer
380	The construction season in Minnesota is a short season, by increasing the notice from 48 hours to 72 hours it will put more pressure on the Operators and Excavators. Contract locating companies need to have the proper staffing to meet the current 48 hour deadline, and if increased to 72 hours, a case could be made that contract locating companies could reduce the amount of workforce due to the time extension to locate. This will not do the industry justice do not increase the time for notification to 72 hours.
381	The change to 72 hours will increase the number of locate tickets and relocate tickets for the utility operators, increasing there work load. The increase will make it harder for the excavators to estimate the work load for their crews. Having to guess three days in advance how much work their crews will be able to complete, excavators will call in extra tickets to guarantee their crews have good locates. These tickets will be more likely to have to be relocated before the work gets completed.
387	I feel this will make more excavators fail to comply with putting in one-calls. They have trouble enough planning 48 hours ahead. 72 hours ahead is much harder to plan ahead. We will lose willing cooperation with the system.
405	Contractors are busy. Making them wait longer will lead to increased levels of non-compliance.
413	48 works and has always worked, leave it alone.
420	I completely disagree making the notification period longer!
421	This is going to have many negative effects. The first being there will be a greater need for relocates as things are going to get called in far in advance. this will not help eliminate the staffing shortages, it will only delay and create more confusion. Many of us have a limited window for working any delay will be catastrophic to our bottom line and keeping up with the work.
425	It would cause more locates to be done twice in the long run. We have multiple jobs going at any given time and things change on a daily basis. I would personally start to submit locate tickets earlier and then simply renew the ticket for a refresh more often. There would be more cases of submitting our locate and then not even showing up for 3 weeks due the the constant ebb and flow of the industry.
434	If you can't locate within 48 hours you should have more locators
436	With a very short construction season in MN and the rapid nature of our business, that is too long to wait sometimes.
440	Can I start using emergency locates for out of waters? Sometimes we need to dig up around a well to get people back into water.
441	I think the 24 hours is good.
445	48 hours should be sufficient. There are currently provisions within the statute that allow for circumstances where facility operators are unable to complete marking.
450	Keep it at 48 hours
457	The current rule of 48hrs has proved to be a sufficient amount of time for years. The lack of response time for 1 facility operator this year does not warrant a change going forward. all owners and Excavators are used to the 48hr rule. delaying locating for another day will cause project delays in an already short season. Another issue will be timing of the located being placed. if a locator comes out to the project site early in the 72 hr period and another excavator already has a good locate ticket called, the 3 day time line will make the likely hood of the marks being erased very high. This extension of time will not change the number of tickets called in it will increase the number of update tickets due to marks being lost
473	The time change doesn't bother us. But, in our business, the homeowner has more detailed information regarding their property than we do. We have always felt the homeowner should contact gopher one call to make excavation locates, because those utility companies and gopher one always have questions about the property, intersecting roads, etc.
478	Too long
484	Some locators will still not respond to calls even if you give them a week. Locating companies need to add more staff so they can clear the tickets in the allotted 48 hours. 72 hours will also make it more likely that marks or flags get wiped out due to weather or people (lawn mowers, kids, etc.) which will then require the locator to come out and remark again costing both the contractor and locator more time.
485	Not conducive to real world pace of construction needs.

486	If this change is in response to the contract locate companies not completing their locates on time, then this is a total fail. I have been in business for 24 years and the law has always been 48 hours. The contract locators are just going to abuse the extra day. If this change is made, it would be a total give in by GSOC, OPS, Legislation, and anyone else involved in this. Once again big company (Utility operator, Contract locate companies and government) wins and the little guy loses. I spoke with an OPS official this summer with the problems we face daily with no locates, poor locates etc, and he said it was going to be a record year for fines given. Maybe the fine amounts aren't big enough or maybe there needs to be more repercussion when the law isn't followed. Maybe these companies shouldn't be able to buy their way out anymore. We are the ones out in the field dealing with no locates, poor markings, mismarked utilities, and excuses why our project hasn't been located. We are the ones in the field that deal with the daily dangers of possibly damaging a gas main or high voltage power cables that could cause harm or fatally injure myself or my employees because contract locate companies can't properly do their job. I'm a small contractor, like so many other small contractors that work our fingers to the bone trying to make a living, so when there are delays in our projects that are uncalled for, it is totally unacceptable. But what can we do when nobody enforces the law and puts their foot down? I would absolutely be willing to discuss this further, but changing the law to 72 hours won't fix a darn thing.
487	As a utility provider (water, sewer, storm) additional time for marking would be of benefit, particularly during times that staffing is short. However, the additional time may cause minor project delays that would require minor modifications to management of that work.
504	I work in the northeastern part of the state and our construction season has enough limitations as it is. I work 7 days a week to meet my demands. I would be OK with 72 hours if it was any 72 hour period, including weekends and holidays.
507	Not a good idea, with weather and constant schedule changing for contractors 48hrs is plenty of time
511	if the statement would read 48hrs OR 72hrs depending on the contractors time frame for start of there project.
512	That change is fine as long as sites get completely marked in that 72 hour window. Currently many utilities are not meeting the 48 hour window which makes getting work done difficult
517	We are already working with locators and giving them the extra days for them to locate, but almost all locators are abusing it cause they are under staffed.
520	48 hours is enough
521	Will not help ,more hours will not change anything
523	72 hours is way too long if you feel you need to change it stay with 48 hours but also add the day the request was submitted, example, request submitted Monday would be ready to dig Thursday
527	Projects change as we are on site and need marking as soon as possible to keep things moving smoothly. If you increase the wait time you are going to get a lot more wasted tickets for people protecting themselves and backing you up further. or your going to get a lot of remarks as people will have you do large areas until they get closer to the work area. 48 hours is too long in some cases, I can't imagine 72 hours working. You may get emergency tickets that aren't emergencies then. I get there is a shortage of locators as well as we have it with laborers. Need to be more efficient and have the online mapping be exactly where we are digging and not just a large boxed area. Have it so anything we box in needs to be marked. Why do we need to give directions from an intersection, this box should all be GPS located and come up right on the locators maps in there trucks.
530	too long
532	Giving the locate companies one extra day will not make them on time any faster. This summer of 2019 some tickets of mine took 7 days until it was fully painted
534	I am fine with the 72 hour notice. I would like to see the utility company responsible for any damage that occurs because they did not get the utilities marked in the 72 hours. Excavator (Party Rental company driving tent stakes) to have a legal start time no matter if the locators gets the marking done or not. Eliminate the fine print that we are supposed to verify that the locator did their job. I set up tents for events that are set up months in advance, with a lot of guests invited. I do not want to tell someone that I can not set up the tent because the locator did not get their job done.
544	I believe that moving to a 72 hour notification window will allow facility operators to have their plant marked more accurately and efficiently. With one extra day in-house and contract locators will be given more time to properly locate utilities. This should result in less damages.
551	During busy construction season, often our contractors don't give us enough notice as is to complete our underground work. Moving the requirement from 48 hrs to 72 hrs. will further frustrate people in the industry.  In the winter, the longer the request is open, the more likely the marks will get covered by snow while other utilities are marking and the ticket hasn't yet cleared.

558	The 72 hour may cause some people to avoid calling if they have to wait 3 days.
562	48 hours is long enough in our area at least
569	We have the ability currently to have a later start date or time which should give locators the ability to prioritize. I'm not in favor of having to put in a locate three to five days ahead of excavation beginning. I feel this could delay projects unnecessarily.
572	scheduling problems
573	I would agree with extending to 72 hrs, but also think that the two week ticket life is too short in many cases. I have called in sites that are marked entirely clear or the utility is so far from my work zone that it will never be an issue and have a weather or scheduling issue and end up unable to get the dig done and need to call the utility back to mark again. I feel like this is a waste of both my time and the time of the utility company,
576	more excuses for locators not to show up when needed.
581	This would impede the contractor for any short notice work
585	The law was changed about 12 years ago to add an additional 24 hours after a scheduled utility meet for locators to complete the locating required & the response from the locators (operators) has been that they are taking up to a week to locate utilities on excavation sites. I can only imagine that giving them another 24 hours will add additional time and excuses of why they can't do their jobs when excavators are following the law to get the utilities marked or cleared for excavation.
591	Maybe giving locaters 3 days would help them get more volume done but would make our customers wait longer to get their services buried which would be a negative thing.
593	While this change will be effective long term, I do believe we all will need to be aware of the implementation of this change ensure we are all educating all parties of this change.
600	I feel this could be a positive as it seems many locators are over burdened w/ the amount of tickets they are responding to, but can also see an increased burden on the contractor in scheduling.
606	Doesn't affect us much. No reason to be against it. If this is just for land survey.
615	We aren't always given that much notice of a dig let alone to get locates done in a timely manner
617	The locators are not responsive to the 48 hours now, if it goes to 72, there is nothing preventing them to push it off till last minute and going over the 72 hours. The issue is not the time, but the personal the locators hire.
618	48 hours is already too long.
620	OUR COMPANY IS USUALLY ON A TIGHT SCHEDULE WITH INSTALLING SIGNS AT THE END OF PROJECTS, OR FITTING AN EXTRA SIGN AFTER THE JOB IS UP AND THE 3 DAY PERIOD MAYBE A LITTLE LONG IN SOME CASES BUT I UNDERSTAND LOCATORS SOMETIMES NEED MORE TIME FOR LARGER JOBS IN ORDER TO INSURE EVERYONE'S SAFETY. SO AS LONG AS CONTRACTORS ARE MADE AWARE OF THE CHANGE AND ARE AWARE THEY WILL NEED TO GIVE US EARLIER NOTICES I DONT HAVE A PROBLEM WITH IT.
624	It will make it that much slower to meet the demands of our clients.
626	I feel that more contractors will not do one calls because of the longer wait and if this does change there will be more emergency locates called in, so they don't have to wait.
627	That becomes quite an inconvenience with the weather so unpredictable. Also a long wait when you are just waiting upon a refresh the markings!
629	Definitely need more time to perform locates safely. By the time the locator gets the locate ticket from GSOC we have lost a day of locate time.
630	high risk with the change from 48 to 72 hours to ensure all excavators are following the new 72 hour rule
643	Why don't they also extend the 14 days to 28-30 days?
645	Would like to hear the arguments in opposition to this change.
646	With the ever changing environment and weather in our area, adding another full 24 hours could certainly add to the number of tickets submitted, as to weather dependent jobs. Thus making another backlog of multiple tickets...
647	48 hours has and should remain sufficient.
649	No need to change from 48 hours except for companies who do not have adequate manpower. This is there problem to solve. Do not place there burden on the remaining operators.
650	48 hours is plenty of time for the locators to perform their work. I have not heard any complaints from any locators in our area of work.
653	leave time line at 48 hrs.
657	Changing the locating time from 48 hours to 72 hours will drastically hurt our business. We will lose customers to companies that do not currently order locates. This includes companies based out of Wisconsin. It will decrease

	safety, increase the risk of accidents, and result in more untrackable digging. Changing the time to 72 hours is a drastic change to help alleviate a short term issue. The amount of late and rescheduled tickets (in our industry) is small in comparative to the total amount of tickets. I've been told that the few problems that have arisen have come from a difficulty in hiring. Those hiring challenges can be resolved without drastic changes in the law. And they will likely resolve themselves as the current economic climate changes. Making this change will be bad for resident safety, utility companies, and Minnesota businesses.
659	For land survey tickets the locate time is already closer to 72 hrs than the required 48 hrs. Allowing an extra amount of time would put an actual locate time at around 1 week do to weekends not counting in the time frame.
661	I'm in favor of this if we can extend the ticket length from 14 to 21 days
665	Very much agree with this change
671	48 Hours is enough
674	From the perspective of a locator this will be very beneficial to the industry.
676	I think you will have more violations with contractors starting to dig early. This does not seem to be an issue with most utility companies. Make the 48 hours start after midnight when the ticket was called in.
677	Management of one-call tickets would be positively impacted.
678	This allows for better ticket management, locate quality, and forecasting of resources
679	This will make some of the operators think ahead more instead of ramming work onto both excavators and contract locators
682	This allows for better ticket management, locate quality, and forecasting of resources.
683	3 days is a long period to wait when our dig season is short the way it is. I feel we would have more excavators pushing and testing the start time by testing it and this would mean an extra day that marks could disappear is someone located on the first day. I do think a change similar to North Dakota's 2 days would be a better option than this.
686	Allowing facility operators an additional day to complete locate requests provides greater flexibility to manage ticket volume fluctuations, however, language should also be added to allow excavators and operators to agree upon a different start date or work together on an ongoing basis. Communication and collaboration between operators and excavators are key to damage prevention and public safety.

Table 15. Comments on Notification Time Increase

## Comments on Electronic Positive Response

Survey #	Comments on Electronic Positive Response
16	This would be acceptable, so long as the electronic positive response system is easier to navigate.
25	useful as long as the company who calls in the locates don't do a lot of locates. for example my company has 20 crews working and that would be a lot of confirmations to track
33	Safety first, but could be very time consuming.
46	It doesn't benefit the contractor who has to work around the lines. In the prior system we received notification on status without logging in to check and we would get notified if someone hadn't marked or responded. Now we have to log in to see the status. The other issue is that the facility operator can change their status at any point but we don't know that without logging into the system again.
65	will there be any ramifications to the utility companies that do not comply with this now? there are quite a few that never submit responses
84	Very confusing, is the operator the owner of the underground utility, or is the excavator the operator.
90	we usually get these notices already.
92	This is confusing.
94	Great idea.
97	As long as this does not translate into getting more meaningless communication spam status emails from operators. like "we have received the ticket" or "marking is complete" That is all on the final ticket . Windstream finally stop that... now CenturyLink is doing it. Important communications could be lost in all that spam.
103	I don't see how this will help with the process. Some places have operators that electronically clear or submit stuff without ever setting foot on the actual dig site. If their maps are wrong and they automatically put in the electronic response without putting the all clear on site, it could make room for mistakes.
104	I don't want any more contact with the location companies. It already requires a lot of time to get them located. We don't want to have to check in with anybody.
117	This will make less excavators actually visit the site ahead of time, I'd go the other way and make them visit sites and have more of an active role in the industry. Excavators can already do whatever they want when they want and call in and waste operators time as many times as they want. Have them, positively respond when their job is done so additional tix are not called in by someone in the office after excavation is complete.
125	Not sure what electronic status reporting is or how it is accomplished.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
128	Great! We never know if the lack of markings is failure to mark or a clear area
129	Yes. Isn't this already required?
141	In rural MN we do not always have service or access to internet during the day.
143	We need to know that all companies on ticket have responded.
146	More communication is always better.
149	Great proposal. Takes out doubt and confusion.
160	not enough information. what is an electronic status?
179	Neutral because again this is confusing. What is electronic status? Not every small company can read legalize
201	We don't make changes to the proposed digging until we are on site and see the marked areas.
216	We have not found this to be a problem. As long as we are notified when a locator is unable to locate prior to the start time we are fine.
237	As a small business we do not have personal to do this.
241	clear no conflict? i thought this was already practiced?

244	I submit hundreds of addresses at a time and to have to submit an electronic positive response for every address would be a nightmare and probably impossible and also keep up with work flow.
249	Is this why your asking for 72 hours? That's just adding another step in an already difficult task.
252	If it is followed through on it is a good idea, that would lessen phone calls and would keep the contractor aware of where the ticket is it and able to respond accordingly.
260	It is not clear what you mean by an electronic response. You mean on the day of excavation we should enter "site being excavated today" or when excavations are finished we write "excavation complete?". What is the purpose of this rule change? Whom does it benefit and how? If I understood the reasoning and methodology of this better I could provide a better response.
264	As long as the ticket still becomes valid and I can begin work after the 48 hour waiting period. I don't want to get into a Centurylink issue since they notified me and the call center, now I have to wait would not be acceptable.
286	This should not replace the locators responsibility of marking "No Conflict" or "OK" Also, excavators should be given some response if no utilities are in an area of excavation. If MNOC has mapping that shows no utilities and no operator is notified, that information should be shared with excavator rather than assuming locates have or have not been done.
294	I would also like to see an enforcement of the contractor looking at on call center for positive response.
295	How will this be done?
301	we are already giving notifications when we are digging that's what the locate is for updates about what ? that we are digging
302	Positive response from the operator is always appreciated by the excavator so that we know if stuff has been marked or not.
306	Many times the positive response states "not yet responded". This takes much time and delays crews while trying to contact operators. How will this be enforced as many of these no responses come from city owned facilities
309	I do not know anything about the current requirements. There have been instances where a utility provider locator did not make it out to the Excavation site and the Excavator tears into the facility causing significant damage. When asked, the excavation equipment operator often times admits that they suspected there might be something there but it wasn't located so oh well its not my problem. This puts public safety in danger and should not be tolerated. My hope would be that the improved notification system requirements would help eliminate many missed locates damage.
310	HOW WOULD A SMALL COMPANY BE ABLE TO GET THAT INFORMATION
313	electronic notice is fine if the area has been located or there are no impacts. If there are facilities present and they will not be marked by the start time, the operator must call the number on the ticket.
316	This can possibly be hard to respond to excavators when, as the only person with access to positive response, what if I am on vacation and my temp locator makes the locate but I can't respond?
319	There are a number of situations that don't fit into the current positive response definitions. Furthermore, there are still a number of small utility companies that don't have the technological resources for a mandatory positive response.
320	I thought this was already required?
328	Too much time involved. If the locators are doing their job this is not necessary
333	This could be nice for the ticket system in general, kind of a positive affirmation of locate, but overall negative for the guys locating. This will slow locating activities down resulting in more expense for operators and more expense ultimately to consumers.
341	a lot of the time the contractor doesn't even look at this.
346	The only "updates" the operators will be sending is the request for more time. The operators should just send their positive response that the ticket has been marked.
352	I prefer phone calling.
363	This makes it hard when multiple addresses are given on a group meet, and one entity doesn't respond in a timely manner. this in turn makes all the locations void.
364	No. Maybe "may", not "shall".
376	agreed
379	Is the contractor supposed to wait until every notified utility responds, smaller towns and in the rural areas. Some towns and smaller companies do not reply to the status

380	Requiring electronic positive response is a great change to the ticketing system, this will aid Operators and Excavators alike to work more efficiently and have a secure means of knowing the status of a ticket, rather than relying on an all clear flag or physically being on site, to only find out a locate isn't complete.
381	I'm not sure if this should be mandatory, but it should be highly encouraged.
387	Many utility operators, especially smaller operators, do not use electronic ticket management. Forcing them to enter the positive response back to GSOC would impose undue hardship.
413	alone. Communication tools, I currently check most located for the status of the facilities on the tickets
425	We should get one email summarizing who is clear, marked, etc. ONE EMAIL!! I don't want and individual email from every operator.
428	Not everyone has the capability
445	There is value to oral communication associated with positive response. It should not be eliminated as an available option.
457	this will help in notification to the excavators be assured that the locates have been done prior to excavation rather than assuming that they are done inside of the 48hr timeline
467	Positive response is already required by the utility operators. Required electronic notification will not provide much benefit to the excavator and will just ad an unnecessary step to the utility operators. This seems over-regulating and making a rule just to make a rule.
484	Not all locators are updating the status on the tickets, even if they have been to the site and have marked their utilities. This is troublesome because then you are unsure if they have completed their locate or are coming back later to finish.
485	Easy to keep track of and organize.
504	Internet/cellular are good tools to use for expediency. That notice would presumably be sent to the excavator as well which would be valuable.
510	The updates that a lot of the Utility companies are currently providing, via email, are meaningless.
511	small contractors do not have time to be sitting at the computer sending notifications to all of there tickets.
524	Need to make changes to 811 to allow notifications post 14 days if there is an ongoing ticket or require an refresh or update ticket 14 days after start of the ticket.
533	We have seen this in North Dakota as they have made positive response a requirement and it has not gone well. We have had many instances that utility operator has responded to the request to locate and completed marking their facility, but it the electronic positive was delayed and thus delayed our work for another day.  Requiring a positive response is a good thing, but making it exclusive to electronic will cause a lot of issues as well as non compliance by the majority of excavators.
545	They need to be held responsible for updating the response ticket and be held liable.
563	Time consuming for the locator.
569	I like this. It lets you know before sending a crew out that the utility has been located.
573	I have had to contact utilities several times to be certain a ticket is cleared or marked. Also have issues contacting some utilities period..
576	not always available
581	Can Gopher One call provide a simple link to direct operator to electronic site where documentation is required.
585	This may help the locating/utility companies to comply with the law as the excavating contractors have been doing (obviously century link is the most obvious example of an operator not complying with the law and holding up projects in the recent past) Honestly USIC has been big on calling last minute and saying they can't get the locating done by planned excavation time, which delays projects sometimes days & days.
591	This would give the One call at least a way to track the tickets and track their status as well
592	The excavator has a job to do, and shouldn't have to worry about checking in all the time. The ticket has a start date and time, the excavator needs to wait until that time to do anything.
600	As long as the responses are easily seen by the ticket originator (or all involved parties actually.
605	There should be a response no matter the outcome of the locate. Without requiring a response, we as contractors/excavator do not know if the location is actually safe to dig. Calling the utilities that did not respond puts an undo burden on office staff and holds up the work.
606	We're already doing this. Locaters should be updating positive responses.

<b>617</b>	If the contractor is the operator in this sentence, why would we be required to provide updates. Were not the markers!
<b>624</b>	Municipalities are especially poor at using the electronic response already. How will this change that?
<b>643</b>	Very POSITIVE!!! They don't know how to use it currently and no respond. Many contractors are forced to excavate without the ticket having a 100% response due to schedules and fines enforced on the excavator.
<b>645</b>	Would like to hear the arguments in opposition to this change.
<b>676</b>	Less interaction with the contractor, a phone call is always good to make sure everyone is on the same page.
<b>677</b>	We already do this.
<b>683</b>	I think this would be a good idea since our current language has a lot of choices.
<b>686</b>	Requiring positive response to the center will benefit excavators by providing ticket status from all operators.

Table 16. Comments on Positive Response

## Comments on Utility Operator Response to Notice

Survey #	Comments on Utility Operator Response to Notice
5	However, I think the response time should be 1 hour and treated like an emergency. We have crews on site with down time. This will also put extra cost on the utility operator.
18	3 hours of pipe crew on site waiting for a call is about \$3,000. who pays that?
25	a good change
29	Excavators are not protecting marks and will call for relocate all the time. You can't always respond in that amount of time.
35	I would prefer to work directly with the facility owner
38	This puts a lot of pressure on an already short handed labor force.
46	What happens when they don't respond? If there is not a penalty then the contractor is sitting and waiting and it is costing them money. There needs to be consequences to reimburse the CONTRACTOR for the expenses they incur. We have to pay for lines we damage and are at fault for so why don't we get reimbursed for expenses when they mismark a line or don't locate the lines at all?
59	we cant have someone checking on marks all day this is a baddddd idea. we would need an employee to maybe go back to the same site numerous times to check marks. This is a dumb idea, I can see three hours after the start time of an excavation but there are numerous companies that mark one property
65	usually we have quicker response with contacting locators direct
73	Three hours is too long. Two hours would be more acceptable. What would the ramifications be if this time deadline is not met? An excavation company loses money each hour no work can be done because of missing or inaccurate marks.
84	X-cel, Comcast, Century link and all others similar to them must have there own in house employees marking there infrastructure. This needs to go to the Public Utilities Commission ASAP to preventive more damage and or injury. The current flaw in the system is the sub- contractor locator from Texas making \$12.00 per hour with a high turn over rate.
91	How would an excavator know if marks are partially missing or if multiple lines? I feel maps should be sent to excavator on every ticket and at a faster rate than the current design ticket timeline.
94	Not really sure this is feasible in practice.
103	I don't see this actually happening. How does the excavator know if the marks are missing or incorrect? The excavator is relying on the operator to ensure that they mark things correctly.
104	Our goal is to not hit any wires. We are willing to do this if it helps.
117	[ADD excavation must be halted until marks have been refreshed or given the all clear]
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
127	How do we know if something is missing or incorrect?
128	???
129	Why not leave the "facility operator or" in? If the excavator knows which facility operator needs to refresh marks they should be able to contact them directly and not all facility operators in that area.
132	We already do everything we can to assist excavators in these situations, but it is occasionally impractical to be able to get a proper response in that limited amount of time, such as being on a job site with limited or non-existent cellular coverage (a genuine problem in rural northern Minnesota areas).
135	Eliminating the option of calling the operator could delay response and discourage excavators from calling if they find a un-located line this could stop work for 3 plus hours
139	This is another change to give the contract locators more reason to not do there job in the first place. Who is going to pay for down time while we the excavator sit and wait for the locator to come and do there job
142	Seems like this would be abused.

146	Sure, don't we all just issue an update in the one call system?
149	3 hours is unreasonable. Contacting locators directly is normally the best response. Downtime is killing us. 3 hours of a crew sitting due to the incompetence or laziness of a locator is unacceptable. Adding a layer of notification is not a good idea. Who will pay for the extra manpower at the call center? Doubtful the operators want to do that, while they still need people for call center to call to dispatch out locators or locator contractors.
157	If the excavator should not be held responsible for determining the accuracy of the operators marks. Also waiting 3 hrs for a response, then waiting for an operator to show up and remark could create an entire day of down time for the excavator. Facility operators should be responsible for locating their facilities accurately and on time so the excavators can avoid needless down time.
160	the excavator will likely not know if the marks are "missing" or "incorrect". only when they dig and then discover a mismarked utility is when they discover that marking is such.
184	Its a step in the right direction, but 3 hours seems excessive for a crew to stand around and wait for the operator to show up when the marks or not right. A lot of excavators can not or will not pay the overtime that will then occur to finish the job, making for an unsafe condition. Just last week an operator marked an area that took us 3 extra hours to determine that there was no wire there. We called the locating company which told us they had made a mistake, which happens, but adding 3 extra hours is ridiculous
189	look at the problems with century link we have had calls in for days with no response
201	We rely on those marks to be accurate. I feel adding this verbiage places too much responsibility on the excavator. In the event of damage, this could quickly be used against us in many scenarios.
207	IN past years we had almost ZERO issues with things not being marked. How about we REQUIRE the folks who do the markings, to simply do their jobs??? It wasn't hard in the past, somehow this became very difficult in the last year or two..
209	I don't need to keep getting contacted by the operators, they never follow though with what they are going to do anyways.
213	I understand that using a "system" to make these requests is a good tracking system, however there are so many email notifications being delivered to an excavator that many of them are ignored and deleted. I feel this could be met with the same response--ignored and or deleted.
216	While this does add an added layer of communication, I think it would simplify the process and ensure all parties are properly notified. It would also provide some basic data to track where repeat issues are to try and improve the process.
220	Good luck. If everyone did this, you would need to quadruple the staff at the notification center. I don't think you realize how bad it is out here.
234	All though sometimes locating can be very difficult with deeply buried utilities with a bunch of stuff buried over the top of them.
237	It is much quicker and easier to have excavator do this. It will result in longer wait times.
241	I usually have requested a relocate refresh
245	This places an extra burden on the excavator and only creates a middle man. If marks are removed, not clear etc. we contact the facility operator directly and are able to achieve prompt results we need. We don't need additional government involvement!
249	Just adds a step between the excavator and the operator. Not all operators have constant access to emails from the notification center.
252	If the operator doesn't respond in the allotted time frame what is the discipline for the lack of action?
257	A 3 hour call back window is a long time, and could delay projects due to not being able to get in direct, immediate contact with the locators.
258	Longer time period to respond - one day seems more reasonable
260	When we see missing utilities we call the utility company and get things handled directly with them. I don't know if going through the notification center would be quicker or slower to get a response. I suppose it would hold them accountable. In general I am in favor of this rule change.
264	I'd prefer to have the excavator call me directly instead of having the call center being the middle man. I know it get's to be difficult keeping locates because of multiple people working on the same site, but it's better to work as a team and to accommodate each other's needs to the best of our abilities. This cannot be facilitated if there isn't direct interaction of the two parties involved.
267	If a contractor has not preserved the marks with offsets. If a contractor is requesting remarks due to their or another contractor negligence, then respond time should be for remarks should be 24 hours.

<b>272</b>	If you keep making multiple time requirements for multiple types of tickets I would suggest updating notifications and reminders in the GSOC system as many locators do many different things in a day besides locate cables, wires, and pipes. Some system operators operate every aspect of their utility not just locates.
<b>278</b>	Won't this delay response time by the operator?
<b>286</b>	It is only common sense to have locates clear and accurate, we usually take photos before a project starts to have a record of what the site looked like before we disturb it. We most assuredly take the opportunity to have utilities remarked if necessary. Incorrect markings are not the responsibility of the excavator, many times there will be "dead" wires in an excavation and to wait for an all clear from an operator within 3 hours prolongs the project, increases unsafe conditions, raises costs to complete a project, but on the on the other side some operators make it impossible to get a hold of someone in a timely manner.
<b>289</b>	Should be within an hour at the most. Excavators can have \$200.00 an hour to thousands of dollars an hour worth crews and equipment sitting idle waiting on these locators. we can't absorb that. The operators need to staff up to maintain their under ground plant.
<b>292</b>	In recent years, field markings have seriously lacked when requested for purposes of land survey. CenturyLink in particular has been non-responsive in terms of field markings, and their lack of response can only be discovered upon review of maps versus field survey drafting. This lack of field markings creates a heightened need for cross referencing maps against field markings to verify markings have actually been provided. Unfortunately, this step can be missed unless a landowner has an experienced team knowledgeable in the need to verify locators complied with their statutory duties. All of this, adds additional costs and time to public and private infrastructure improvement projects, creates a significant potential for unforeseen delays and costs for all parties, and decreases opportunities for identification of and subsequent coordination of utility conflicts.
<b>299</b>	Three hours is too long, the response time should be one hour.
<b>301</b>	respond is alright as long its not just a call and a person shows up to re mark the area
<b>303</b>	Current rules for need to respond within 2 Hrs will be negatively affected by expanding response time to 3 hrs in cases of emergencies.
<b>307</b>	4 hours would be better
<b>308</b>	Operator shall remark within 3 hours, not just contact.
<b>309</b>	I do not know anything about the current requirements. There have been instances where a utility provider locator did not make it out to the Excavation site and the Excavator tears into the facility causing significant damage. When asked, the excavation equipment operator often times admits that they suspected there might be something there but it wasn't located so oh well its not my problem. This puts public safety in danger and should not be tolerated. My hope would be that the improved notification system requirements would help eliminate many missed locates damage. Often times when I respond to a hit gas main the locate marks have been wiped out and a person who is new to that job site is running equipment. Everyone else knows where the gas main is but not the new guy. I do believe that a contractor will be calling in ALL THE TIME to cover their own backside which will make it nearly impossible to get anything else done when we have to constantly go back to a job that keeps wiping out their locate marks. Locators already complain a lot that there are some Excavators who abuse the free services of freshening up locate marks by calling in all the time. there needs to be charges incurred when they don't preserve their locate marks.
<b>310</b>	WE DO NOT HAVE ANY EXTRA MAN POWER TO BE ABLE TO CHECK ON THE LOCATES ALREADY DONE AND REDO THEM IF NEEDED
<b>313</b>	I think the facility operator should pay down time for the crew as well.
<b>315</b>	Contact dose not mean anything. just means they will call you.
<b>316</b>	As both an excavator and locator sometimes I cannot respond to phone calls for more than 3 hours. And with multiple workers responsible for a large area the wrong person may contacted slowing response time. With a large response area returning to a locate my take a long time to get back for a remark of utility. My maps for untraceable utility is 40 years old and was not updated for land/road changes since installation.
<b>317</b>	Probably more efficient to call just the facility that needs marking.
<b>319</b>	Mandatory 3 hours to respond to a ticket the excavator destroyed marks on seems to be a way for excavators to abuse the limited locating resources.
<b>320</b>	With all the activity around an excavation site, markings could get obliterated or Obscured easily. It would be to hard to tell if the excavator or crew was preserving those markings. So having locaters return within 3 hours, doesn't give those responsible enough responsibility!

323	Marks AND maps should be required. Only then might the surveyor know if something was not marked and try to resolve the inconsistency before an excavator ever gets there to do work.
328	Why would the excavator have to do this? The locators need to and the companies that employ them should be held responsible for doing a bad job. We allow them into OUR right of way. If stuff like this goes through i'll never sign another utility permit for our right of ways again.
330	I assume this does not bind the operator to marking for said notice as soon as they receive the request? There are times when it is unreasonable for an operator to make time to run to a request with such short notice.
340	this adds another layer that is not needed and potential for mistakes and the wait time is unreasonable for down time
346	I believe the operator should be contacting the excavator within an (1) hour time period. A lot of times if the operator just contacted the excavator, the excavator could continue their work with a simple phone conversation.
351	This could go either direction. Many times field crews are able to develop a positive relationship with the locator and call directly if certain areas of the project need to be refreshed. It would be helpful for regulating or documenting issues with locate responses or damage caused by incorrect markings.
363	How are we supposed to know the lines are incorrectly marked until we start digging, and possibly hit something?
364	No. Excavators have the "upper hand" already. They are NOT maintaining marks. NOT maintaining them. they are obliterated as soon as they are updated. Excavators are now calling in a refresh weekly, trying to cover their liability. Being at their "beck and call" would be prohibitive.
368	I believe remarking needs should be kept between facility operator and the locator to eliminate any confusion by adding in a third party (notification center)
376	agreed
380	Why 'DELETE facility operator or'? If the excavator has a professional working relationship with the facility operator and/or the locator, why go through the additional time to contact the notification center and be delayed. Excavators need the ability to contact the facility operator or locator directly, with the proposed language it would put them in violation of a Statute if they do so. This doesn't seem like an efficient change for the excavator. When an excavator contacts us as an Operator or our contract locating company for missing, incorrect or obliterated marks, we make every effort to be onsite immediately. Forcing additional time constraints on Operators and contact locating companies, that already struggle to hire and retain quality employees to locate facilities will only compound these issues.
387	This change would facilitate an excavator responding to GSOC, which would be far easier than getting through to some of the utility operators. But, it would force a response from utility operators similar to an emergency locate - 3 hours. The excavator should specify which utility has missing or incorrect marks.
410	It is hard to get CenturyLink (only utility issue) to go back and touch up/mark missing marks. Area CL locators think we need to call in another ticket even if it is their fault and that delays the excavation by another 48 hrs and it also creates other locators going to mark something that is already done.
413	Isn't that what emergency tickets are?
421	currently it does no good to call the notification center.
425	Faster is better, marks disappear quickly on a site with many separate contractors.
432	Seems like it may be too short of time to respond.
436	Strongly agree with this.
445	Propose: "as soon as practicable, but no later than (3) hours."
450	Not just contact but show up on site if necessary within 3 hours or LESS.
460	Business hours?
469	Three hours is too long for just contact. I can see three hours if it is to report on site.
485	The hope here is that the operator realizes the notification center has record of these types of notifications to better hold operators accountable. The excavator doesn't have much leverage for holding operator accountable.
487	Due to staffing this will present a significant challenges with responding in the required timeframe.
504	If the excavator is meeting the requirement to call and have the site marked, it is to protect the operator's equipment and as such benefits the operator, while not hindering production.
507	People are always picking up the flags after the area is marked and already puts us behind as contractors, on smaller jobs it barely pays to go back and re flag
523	(E) Time is money

524	Contractor should make a real effort to preserve the marks and making a 3hr refresh will just compound the abuse that excavators have now with the meet ticket. If the contractor is going to knowingly make no attempt to preserve the marks they should have to create a refresh ticket and wait the 48hrs for a refresh.
530	less damage to underground
533	This would be great, but I think it is reaching and wouldn't be practically applied.
534	They need to respond immediately.
536	3 hours is too long. 1 hour should be adequate.
545	They need to have numbers where you can actually talk to someone instead of getting rerouted no one seems to know what's going on.
558	Change response time to 4 hours
559	It won't be reasonable for operators to contact the excavator within 3 hours if notifications go through the notification center first.
576	marks get wiped out everyday, notification center wouldn't be able to keep up.
585	I can see this being positive, if in fact the operator is held to a standard that requires them to hire on additional personal & mandatory use of pin flags in soft scape if they are getting a certain number of complaints of "no marks". However, this seems as if it is a baby sitting proposed change in statute that results in record keeping of poorly marked utilities that never holds locators (Operators) responsible for not timely marking of the utilities unless this is tied together with the proposed performance metrics for the operators in which a proposed change is listed above.
590	How does the Operator get notified? If by GSOC, how is the message delivered?
591	The 3 hour call will be to many phone calls for facilities that should ALWAYS BE MARKED CORRECTLY if there is no way to mark them then the operator needs to notify the one call center.
594	Have the excavator contact the operator directly.
600	How is the operator "notified"?
603	Needs to have better language and consequences for excavators not preserving marks. 3 hours seems to be a very short notice on a remark or unprepared site.
606	Using GSOC as a middle man. Instead of excavator just calling operator, you're adding another step. Another step will take more time and does GSOC really have that capacity? As a facility owner, we want to find out right away from the excavator - not wait on the middle man to call us. If Century Link continues to not locate and not respond, excavators should be able to go on with their job.
615	Even faster if possible because if the marks are not there and a dig is schedule - we are on schedule to dig at that moment - even 3 hours throws the whole day off
617	If the operators need 72 hours now to mark. How are they going to respond in 3 hours? I don't see this happening, who is going to watch this?
624	Communication is often difficult, unless you know who the individual locator was that marked your ticket.
629	Can not respond to any remark tickets within 3 hours. We would be chasing tickets all day long when there is weather conditions that effect the locate marks.
643	If the excavator has a ticket in and after the 48 hours, they should not have the responsibility of making sure utilities we don't own and have no relation with have the correct markings or are missed. It should still fall on the utility operators responsibility to make sure they respond to a ticket and respond to the ticket electronically. If they missed something that cannot fall onto the excavator. Currently the fault and responsibility is all on the excavator, that needs to change and get back to the owners of the utility.
645	Strongly agree.  Would like to hear the arguments in opposition to this change.
649	It is the excavator's responsibility to maintain the marks. If the facility is not located, the excavator has the ability to check the "positive response" and contact the individual operator separately.
653	all it takes for us to respond is a phone call
655	Excavators do not have knowledge or information of operators in order to know if marks are missing or incorrect
659	I would still like to see punitive action spelled out if marks are missing. An example would be identifying the locator or facility owner responsible for all costs associated if marks are missing such as delay to work or cost of relocating facilities around the mark.
661	I think the intent of this change is good, but I'm leery of the "missing or incorrect" mark language. How can the contractor have knowledge of all missing and incorrect marking?

665	We are in an area that communications are sporadic at best, contact may not be made within the expected 3 hour request time.
668	This is positive so long as the excavator is specific about which utility's marks are no longer visible, and only that excavator gets this "second notice". It is inefficient if every utility identified on the ticket is notified, even if their marks are still visible or if they didn't even need to mark their lines.
671	If the utility is believed never been marked or never marked as part of a updated ticket they should only have 3 hours from the call to get them marked or to bad for the utility
674	With the area that most rural locators cover this will be detrimental for productivity. Maybe a 12 hour window but 3 hours would put a heavy burden on the locators. Also what is to prevent a contractor showing up on day 13/14 and saying marks are gone to prevent the 48/72 hours update.
676	This will create emergency tickets, most contractors have the utility contact number, so they can call to refresh the markings. Contractor should call in an update ticket every 14 days anyway.
677	This type of ticket would need to be processed as an emergency ticket because we don't have people constantly monitoring for new tickets.
678	We are strongly opposed to this requirement. We find it unlikely excavators will have the ability to judge if marks are not located or mismarked, leading to false emergency locates, and undue burden on the operators to respond in a 3 hour window for what is not an emergency ticket. Additionally, excavators could fail to maintain their own marks.
679	Contractors and locators build a relationship and historically work with each other to accomplish everyone's goal. By going through the notification center is adding a middle person who has no meat in the project, thus delaying communication between contractor and locator
682	We are strongly opposed to this requirement. We find it unlikely excavators will have the ability to judge if marks are not located or mismarked, leading to false emergency locates, and undue burden on the operators to respond in a 3 hour window for what is not an emergency ticket. Additionally, excavators could fail to maintain their own marks.
683	I think this could be misused where markings aren't properly protected or the scope of work changes.
686	This change will formalize the remark process and reduce inbound calls to locating dispatch, but we would like to understand how this will work administratively. Will additional tickets be generated? Will this increase costs to the center and operators?

Table 17. Comments on Utility Operator Response to Notice

## Comments on Digital White Marking

Survey #	Comments on Digital White Marking
10	I believe that each site should be visited. There are so many non updated digital sources that we cannot risk any possible issues on site. This also forces the excavator to visit the job site if he hasn't already. White lining on site is needed to have no miscommunication of the excavation area.
13	best option to draw on map easy and quick
14	I am currently mapping out online the area to be marked but I am finding out from locaters that they do not receive this map. If this change will allow them to see the area I need marked, that would be a vast improvement in communication.
17	many times my rental locations are 1-2 hours away so marking of the area is not feasible for myself to go to. Also my customers sometimes change location once we are on site because they don't fully understand how much space is needed for a particular tent
25	a good change
35	Greatest idea ever digital marking will save everyone money and time.
36	If we had a digital white lining program I would approve, but we do not.
38	Since all my jobs are stumps I've been told I really don't need to mark each stump as long as I can provide a detailed description of the location.
43	Our company is out of state and we don't always get the opportunity to get to the site before work is completed (if we do get out to look at the site we could stake out work areas, but our markings could be destroyed before we get back to the site as it could be months between site visits.)
44	we do a lot of exploratory drilling and test trenching looking for how deep and wide the contamination is, which sometimes the whole property / area needs to be marked by utility locaters and using white markings is not practical.
46	It seems that both white marks and electronic maps should be required where possible.
60	sometimes locates are very easy to do without white markings for example intersection to intersection on one road
67	Contractors are already marking maps when submitting locate requests. Those should be used for the purpose of marking the area on a map.
73	As long as the digital line is part of the initial notification of the marking request. As a small company it is not practical to send a person out to white line a excavation area that is two hours away from the office or spare a crew member to leave a current job to spend a day travelling in order to place the white markings.  There's no reason why with Google Earth the white marking can't be incorporated into the locate request.
79	It is not practical for us to layout every dig location. We are doing soil borings, and depending on what kind of material we encounter, we may need to jump back and drill more holes. This would require another locate and another 48 hours before we can proceed.
81	The white painted or flagged area is ideal. Marking it digitally on a map has prompted the excavator to draw out an area much larger than needed, up to 10 or 20 times the actual size in many instances.
84	Will work in some instances.
90	great use of todays technology
91	ALTA/NSPS standards require us to have entire sites marked. Not reasonable to mark these out. And again, without maps we do not know where utilities exist, therefore we can not ask for smaller areas to be marked.
94	Seems to align with reality and move towards 21st century technology.
97	For installing sign posts I just have " Mark a 20 foot radius of white painted wood lath" having also to paint a 20 foot circle would not be my favorite.
103	I like this idea. Living and working in Northern Minnesota, half of the year our ground is white so white paint isn't always practical. Digital markings would be great!
104	It isn't practical to Mark a large area with white paint if we are doing various Landscaping items. Isn't practical for us to Mark separate trees or edging or plants in different locations. It works well to just say Mark the whole area and we will move our plantings accordingly.
105	We use paint and or white flags now.

112	I don't mind providing detailed maps. I understand the concept of white lining. Not sure I like changes to require it if another means would suffice.
115	if it can be done electronically
117	Great add, also if no white marks then no utility marks, pretty simple. Again we need to engage the excavating community in the industry.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
128	how do you mark digitally? How is that different from creating on the gopher system now?
129	Yes. Helps the communication part. No reason we shouldn't be using digital markings now with the technology that is/ has been available...
130	The digital marking would be wonderful! Sometimes it is not practical to have someone onsite prior to a dig in order to mark the site.
132	It is already required practice to mark with white. The electronic option may be confusing to some of the older locators.
135	This could eliminate the site visit prior to construction by the excavator, has the potential to increase the locate size when not needed
139	We already mark out while doing the locate on line so if the locator looked at the map we marked out would save time from us flagging jobs before calling in Tickets
143	We try to do when practical, but should not be expected to drive 600 miles round trip to mark areas if they can be explained with a simple radius of a street. etc. Better GPS pinpointing should be implemented.
149	White markings are a reasonable request as it makes it clear where the excavation is taking place, and helps to alleviate locator over working issues. However, if the flags are removed by another party, homeowner or vandals, the wording on the ticket should be clear and the locators should not be allowed to not mark if flags or marks are missing after being placed. Some locators would use that as an excuse to not mark and could even remove the markings themselves to refuse the locate.
160	many times it is physically impossible to place the markings at the site. bidding, long-distance project, snow-covered, heavy brushed or grassy area, objects in the way that deter proper marking ect.. they generally confuse locator and ended up with more calls to confirm when they are on the site.  this should not be REQUIRED. i was told that the mapped excavation area on the itic is not able to be seen by the locator. Why is this when the more information the locator has, the more accurate and proficient they will be with the time they have at the site? i was very surprised that this is not able to be accessed by them. If "Digitally lining the area" means the same as what is done when submitting the request online, then that is already done. What should be changed is the detailed mapping and information that is already submitted to be accessed by the locator. a satellite map in layers should be able to be viewed. ie property boundary, proposed excavation boundary. there should be no need of excavator to provide all the detailed description by which info can easily be misinterpreted. the locator can use the satellite map for measuring and locating the mapped area provided quicker than reading the info spelled out by an excavator.
190	digital would work in my line of work--Installing real estate posts. But it wouldn't be feasible to go out to property--maybe 40 miles and mark an area only to go out there 2-3 days later
198	we use the map function at gopher state one call exclusively. Locators needs to be provided with the map!
199	Most times when I request locates for excavation I have not been to the site for several weeks or months. As an Irrigation contractor installing sprinkler systems on the entire property it is not practical to "mark the area". The entire property is being excavated, I'm tired of being lectured by call personnel about the law. I have marked many sites with white paint AND flags when only needing a certain area marked. Many times that I have done it by the book, I show up to the job to find that the locators have not read the instructions and have not marked any or all of the white flagged/painted areas. What is the point of marking a specific area if it doesn't get marked properly consistently. Who pays for my time and expenses when someone else doesn't do their job correctly?
201	This would literally decrease our business by 20% if we now have to leave a day open every week to allow for the installer to run from location to location to mark each property. Asking the homeowner to mark the location will then lead to possibility of error beyond our control which would lead to the need to reschedule and that would lead to needing the utilities remarked as it would be beyond 14 days.

207	Once again, making it more difficult for a small company to have to make another trip to a job site, to mark out exactly where to locate, on a residential home?? How difficult is it to just mark the utilities on a residential home???? Please, keep this process simple. WE NEVER had issues in the past. For residential landscape projects it could not be much easier than to just mark what's coming to the house.
216	Creating a digital drawing would preserve the marking instructions requested in the event of a controversy or damage. Further, it would eliminate an extra trip by the excavator to the jobsite, which is often a hardship and/or an added cost to the consumer.
220	Dangerous. You should always have proposed marks on the ground. You are dealing with minimum wage locators out here.
225	digitally on map only
226	Someone needs to do a site visit to white mark the location. We have many locate request that are on the wrong address and/or have other issues in which the work can not be preformed. If a site visit is conducted by the excavator the issue would have been found and the locate would not have been called in.
233	maybe digitally but not manually
237	As a small business we do not have the personal to go mark every site with white paint.
241	Iowa has coordinates to each point i insert, why cant MN take this approach? I'm on a satellite view i can see my intended area and mark it... i like this it saves everyone time. WE HAVE THE TECHNOLOGY
242	While the digital white lining is helpful, having actual marks on the ground far outweighs the digital white lining. Less mistakes will be made when the white lining is done in the field.
244	This might be useful to digitally mark a tree or an area because sometimes the locators are too lazy to walk around a corner or follow the directions to get to the location that needs to be marked. It would streamline things i think and eliminate a lot of unnecessary phone calls.
245	Please make this change! Our line of work often involves an entire 160 acres or more. Physically marking the job sites is not practical. We have been providing maps to the area utility locators this past year and have found it to be very effective. Please make this a legal method!
249	White flags or paint is good and would increase accuracy of locates. Digital lining would require everyone to have access to some type of mapping system unless a map gets emailed out with the locate.
252	<p>If things were able to be done digitally this would be prudent. I do not feel it is practical to have to white flag everything out, there are cases even if it is white flagged out where the scope of work changes that is why even if we white flag out the route we will still call in the ticket to mark the entire lot to avoid any potential damages. You cant tell me the locating people do not know what a lot is. If they have questions that is why we put in the phone number so they can call for clarification.</p> <p>At the end of the day the contractors rely on the locators and the locators rely on the contractors. This has to be a 50/50 relationship with communication being paramount. Locators are so short staffed that they have a lot of frustration which puts a burden on the contractor/ locator relationship.</p>
257	I've outlined large areas of construction before and the communication to the locators doesn't seem to be any better than if it is flagged or properly communicated through a Meet.
259	Not enough electronic information available in all areas for correct field identification. Need to be field mark proposed routes.
260	<p>We drill soil borings on roads. In 20 years I have never used white markings as they are not as easy to see on the roadway and are completely lost in the winter with snow. I always use pink, and have never had an issue with that with utility locators. I get that excavations are different than what we do for soil borings, just wanted to get that information out that white is not always the best color.</p> <p>I am 100% in favor of being allowed to upload a site map that indicates the excavation locations. I've always thought the utility locators should be able to see what I see.</p>
264	Large excavation sites, sure, I'm for it. Small residential lots, I think front half of lot, back of lot, etc. suffices. Sometimes there are too many utilities that you have to change your route.
272	If this is enforced it maybe beneficial to combat Cable/telephone drop sub contractors from calling in multiple tickets multiple times a year and never starting the work. If enforced this should eliminate tickets that say "Installation of drop mark entire lot or mark from home in a path to nearest pedestal"
277	Proposed excavation limits can change during the real excavation. Markings should not be limited to only the proposed excavation area in case the excavation is expanded upon encountering unforeseen conditions.
279	Digital lining would be a bonus.

294	This would benefit both the locating and construction as long as the contractors does not abuse the digital white lining. What do I by abuse is draw to big of a white line.
295	Isn't Flagging the standard already?
301	if having a entire property located is practical - no problem
302	Better directions will yield better results and less confusion. seeing a map of where to mark utilities is a great tool to visualize where it is rather than going off of pure verbiage and or directions.
307	Locators in the field do not have the ability to read distal maps precisely
309	I do believe pink is the color for current day "proposed" running lines. We at Xcel Energy already use white flags to mark our proposed running lines.
310	WE ARE A SMALL COMPANY AND DO NOT HAVE EXTRA EMPLOYEES TO DO THIS WORK THEY ARE NOT HIRED FOR
313	some locate areas are simple and should not require white lining in the field. The digital map is a handy tool and should be used as much as possible.
316	Too many locates say white flagged area and the excavator has never been to the site. Also, third party locators usually don't have access to the maps posted by gsoc.
317	so many times the excavator has told me the redline box they drew was considerably smaller than what was on the ticket. white paint & flags is the area and the map gets us there.
320	Providing maps instead of white paint can lead to a much larger area being located than needed. There should be a limit as to how far the outlined area is on a map to the actual excavation site.
321	Welcome to 2019.
330	If white markings are impractical for excavators to do, then a meet should be held. Digital locate boxes currently exist and sometimes the location of the dig area is still extremely unreasonable and inaccurate to the actual areas that need locating. There are many contractors who do not even use white markings, and some that when they do, state to mark beyond what they have painted out to be located.
333	This would be extremely helpful in the winter to use a digital map instead of putting paint marks and white flags in the snow.
340	a well worded description of area to mark is sufficient
346	Most times it is not practical for excavators to use white paint or flags when we are asking for an entire intersection to be marked such as a 50 foot radius or an entire block to include the entire right of way. I have only been asked by operators to clarify why I am asking for the entire 50 foot radius of an intersection so they can try to get out of additional work, which they have admitted to. I definitely oppose (a) it will make it virtually impossible for the majority of our work to be called in. Leave the wording as is and add (b) if excavator has the ability to do so.
349	I go around with the call center all winter about white paint I still like the where practical portion
361	AS long as they cannot say that they white flagged routes based of the digital lines. markings should be required in the field.
363	We turn in 100s of addresses to be Gopher1'd. We would loose tons of man hours going out to mark the areas. We run into a lot of apartment buildings that this effects. Why wouldn't the locator just mark where the utilities are on that site or just clear it if it's not in the given directions. I feel giving a Lat/Long with GPS would help both parties, and give a boundaries from that GPS location
364	No to a digital map. Yes to paint and flags. ALL locates NEED to be marked. It completely removes any confusion.
368	using the ITIC system to map a proposed excavation area is a very helpful tool saving the facility operator time and allowing the operator to research facility locations in the office if necessary before clearing or marking an area
373	Limiting the size and scope of the area to be marked is not always safe and practical. This language must remain!
376	already doing this
377	specify exact dig area. no longer allow large locate request when only digging in a small area. (example: planting tree in front yard locate entire yard)
379	Is this digitally lining an area going to be a added feature to the one call system...I do 250-300 miles a year plowing in the rural community. Would be a lot of flags, I call in tickets now by calling in the road r.o.w on whatever side of the road I'll be working on and it seems to work good
380	This is a positive change and will give the locators a great tool while in the field, as well as save excavators and operators time and money, allowing for the digital means of marking.
381	Many times it is not practical to travel to the excavation location to put down white markings. It would be very helpful to be able to use digital lining.

384	Do not have time to revisit the job site after the contract is signed and before the job starts. The area is marked on the website.
390	If we are marking an entire job site and it can be clearly explained, it is unfeasible to "white paint and flag" and entire lot.
392	Somewhat in place now and not followed
411	I like the fact that this is an option. What the call center and locators need to understand, is that we would have to make three trips to every job site in order to physically mark the area with white paint and flags before putting the locate ticket it. We have to visit the site after the marks were made to verify that the planting locations are ok. We do that without a crew so that we can verify everything before we bring a crew. Therefore, we are making two trips to every job site no matter what. We may travel as far as 60 miles to plant a single tree. Therefore, it can be very impractical for us to physically go there three times. We always know the general vicinity where our clients want their trees planted and whenever possible, we give them white flags to mark their planting locations. However, with internet and phone sales on the rise, there are plenty of clients who never visit our farm or see their trees before planting day. Sometimes, they place their own stakes or flags that they have on hand and they aren't white. We just need a little more flexibility in this area and the online highlighting would be a great option.
412	Electronic white lining is a must if this is enacted.
420	The law should not always require the excavator to mark or call in the locates. Not all business' in excavation are the same the business owner or consultants should be able to mark and call in as in our business we are not onsite before the project kicks off.
425	I don't understand why everyone can not look at a Google Map version of a boundary. Let's be done describing things in a totally screwed up fashion and simply draw a box on a map that everyone can see. It's 2019 for crying out loud.
430	Is this not what is done when submitting a ticket? I have been told the locators do not see this when they call every time to get all the information they don't have but is given and required to submit a new ticket. Question: Why do the locators not get the exact information that is submitted when applying for a new ticket?
431	May help cut down on hit lines.
436	Strongly agree with this.
437	This should help give an overview of where the exact excavation is planned. This can also be used to go back to review if a contractor is digging in an area that was not previously marked but stated that they white painted and flagged the area.
442	I see excavators not making site visits, digitally lining areas, and requesting facility operators to locate the entire area, rather than being site specific. Locating and marking underground facilities can be a large burden on limited staffing resources.
457	this change will save time and costs for excavators going out to provide paint or flags and would give the locators a map of the work area to be located saving their time trying to follow up with excavators when the descriptions are vague or the marks have been obliterated
466	It would be impossible for us since it is such a big area for site grading.
469	If they are allowed to digitally line a map I worry about making oversized locating areas to cover their asses, which leads to unnecessary work on the locators part(more time).
480	Need to have a site visit to white flag/paint, digital only will not work
485	The more info provided the better chance of accurate markings.
486	The locators don't follow the instructions in detail anyway. This is just another way to put more responsibility on the excavator. I always white paint/flag my routes anyway so it's not new to me. Once again, the locators need to follow simple instructions. If it says mark 50 feet on both sides of marked route, then do it.
504	The mapping tools available are very useful. Again, as I am working in the boreal forest of northeastern Minnesota, my dig zones are often meandering through dense underbrush. With the tools on the call center website, I can accurately depict my work zone which can aid in moving through the brush.
512	We do stump work and tree installations. Trying to pre mark all stump/installation sites in not reasonable as there are often several stumps/installs on one site
523	(A) white lining is a must but only as a proposed route
524	It should state that white lining is required. Too many excavators are not using white lines prior to calling in a ticket or just calling in a meet out of laziness.
527	Digital lining would be huge. Everyone is short on time, flags get mowed over or taken out by people. Do it online, with clear Satellite images, you can zoom right in within a few feet of dig area.
533	How would this apply to meet tickets?

534	That is usually an extra trip to the site to do the marking which is an added expense for me as a party rental company..
540	How do we submit this map to the notification center? Every E-ticket I have submitted with said marked location gets rejected. Need a more clear process for this. I would do ALL tickets online if the system stated its requirements.
544	Digital white lining sounds good, but there will need to be lots of education on the part of excavators on how to properly use it and not to abuse it in lieu of physical white marking.
551	This is a more efficient way to allow excavators to mark excavation areas and I am for it.
559	This needs further clarifications for how much information is required on the digital submission, it may not be enough information to properly locate, in comparison to marking with flags/paint.
563	Requiring both would be best but either or would be a positive step forward.
574	MAKE IT A LAW. MAKE THE LAW HURT WHEN THEY DON'T FOLLOW IT. \$1000 FINE IF A LOCATOR NOTIFIES THE CENTER THAT THERE ARE NO WHITE MARKINGS. SHOULD ALSO DELETE MARK THE ENTIRE LOT UNLESS IT'S FOR DIGGING OF A BASEMENT OR FOUNDATIONS.
576	used method b before, works well.
581	Not all facility operators can allow access for a normal type locate. Changing guidelines must leave room for different facilities and circumstances.
585	We live in the state of Minnesota where we often have snow on the ground 4 to 6 months of the year. Perhaps the inclusion of Pink markings should be added at this time.
587	The language "except where it can be shown that it is not practical" in the rule. If there is snow on the ground, it doesn't make sense to use white paint/flags. I would also like it to be an option to "see crew on-site". Often times I have crews on site for emergency locates, waiting on operators to mark their facilities.
590	As long as the digital lining as accurate and detailed sufficiently for the Locator.
591	White lines are in accurate most of the time. For a small company the cost to be out of state we don't get compensated for our gas and 90% of the time locaters are NOT marking the utilities whether they are their or NOT. If we can digitally mark the guess route according to the work orders we are given from our customers/companies example Mediacom they would need to provide us with such information which we are not now. This causes costly one call tickets and white lines are ineffective. Locaters/operators should be marking regardless when we describe where it is we will be digging and it's obvious when there is a line already on the property. Please remove this as it caused huge issues of jobs NOT being marked or recalled in for 1 company that wastes time that did their job and another company states not white lined and NOTHING is marked. This procedure is ineffective.
593	This will require education on all sides to ensure this process is implemented.
600	All for any type of help in defining the work area. Am good w/ digital as long as it is accurate and detailed enough to help out the locaters.
605	I like the addition of the digital lining option as the physical marking is sometimes difficult. The locaters need to have access to the digitally marked map we provide when entering the locate information, at this time they do not.
606	New software for GSOC? Homeowners often call in their locates - so it will be up to GSOC to interpret and electronic mark. Add a description - that would be more helpful. A description can be just as helpful as white marks.
617	It seems to me that the information we submit our online ticket with does not get to the locator, because I always get calls from the utility markers about what and where we are digging. Its all clear based on the map that I provided when getting my locate number.
626	So people know where the work is taking place.
629	Absolutely not! This can't happen, everyone should be required to flag and or paint the proposed routes. White route to be mark at the site. This would avoid having to over locate areas due to laziness when calling in the ticket example; "mark entire lot and ROW. If you allow digital white marking who will police this? Also this would add additional expense to the utility companies.
643	We currently utilize the digital mapping through the GSOC system. Most larger locating companies have the ability to see this map. The smaller coop's either do not have the ability to or are simply not trained on the platform to find the mapping provided by the excavator.
653	I prefer white flags and paint
661	I'm good with the above language if we can make sure the locating firms have technology to view the maps submitted to the notification center. Currently, many locaters do not have the technology to view these maps.
665	i agree with this change
671	As long as if we have a meet it is not required
672	WE ALREADY MARK WITH WHITE LATH & OR WHITE FLAGS

<b>674</b>	To many of the contractors have the capability of using the mapping provided by GSOC and they still choose to use an extra large polygon and no white painted or flagged route. As a locator we are not mind readers and need contractors to accept some responsibility to make it easier and faster for the locator.
<b>676</b>	Most people don't know where they are in the world, and this will be the same as the dig box on the one call ticket, very vague and frequently wrong.
<b>677</b>	Currently being done in some states and this would be a positive change in Minnesota.
<b>679</b>	Positive ONLY if digital white markings are possible. But why implement digital white markings when the current systems has a create route tool that requires a width and is visible to anyone who looks up the ticket
<b>681</b>	An excavator digitally can outline an area excessive of the actual area needed.
<b>683</b>	I think this would be a positive change but there is still room for "Mark entire lot" and how would it be enforced?. Do all facility operators and or locators have access to the maps?
<b>686</b>	Requiring white lining will improve clarity in the field and reduce the frequency of larger than necessary locate requests. Allowing a map to be submitted instead of physically marking the work area will reduce workload for excavators.

Table 18. Comments on Digital White Marking

## Comments on Damage Reporting

Survey #	Comments on Damage Reporting
10	I would agree only if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health or property.
25	a good change
29	That time needs to be much shorter.
38	This is an issue with cable lines. There are so many abandoned cable lines in the ground that are not avoidable. If we have to call and wait for operator each time it would waste labor hours. Besides many homeowners would rather have a disruption to cable in order to get their landscape project completed.
60	I have enough paperwork to deal with on my end, I don't feel I need to include more on it.
84	What's the point the plane has already crashed.
94	I think it should say a operator must and a excavator may. No sense doubling the work.
103	I guess I don't see the need for both parties to report damages. I think it should be the responsibility of the excavator to notify the operator and the operators responsibility to report damages to the call center.
117	Why?
125	Ensuring prompt reporting of damage will help ensure proper inspection of the underground facility prior to filling the excavation in.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
127	It would be nice to be compensated for loss production and down time when a damage occurs and we are not at fault!
129	Doesn't this already happen?
131	...emergency responders have arrived on site and conducted their initial assessment.  add on site replace conducted their initial assessment. A 'completed' assessment may take days.
135	Operators are reporting to multiple agencies already no need to report to GSOC also
138	Should it include language to incorporate "utility"? Ie..... (a) if any damage occurs to an underground facility or utility or it's protective covering,
149	There is no reason to further tie up resources and manpower to report to the call center. Requiring the excavator to report to the utility that was damaged is the best and only reporting necessary. Again expanding the role of the center will increase the costs to the utilities. This will likely have the impact of less funding of quality locators as funds will flow to the call center to support another layer of un-needed reporting.
171	I do it now
184	Notice to the operator and or 911 is sufficient, One more thing to do in a day is detrimental
201	Damage is always reported.
207	This is fine, but PLEASE, give us (contractors) a contact number to call.... it is really a circus if there is an issue now, when a gas line isn't marked, who do you call???? same goes for other utilities.. This needs to be simplified ASAP, one easy number, and a quick response time. When we show up with a crew of 4 guys, and something isn't marked, it's a giant expense for a tiny company to have to stand around and wait for someone who didn't mark things in the time frame they were supposed to.
216	Reporting to the facility center after all other notifications have been made seems redundant and unnecessary.
217	This should fall on the excavator that hit the facility
220	Good luck. If everyone did this, you would need to quadruple the staff at the notification center. I don't think you realize how bad it is out here.

242	I understand reporting but why 24 hours? Is there an immediate need to report minor damages?
249	As long as the damage incidents are tracked and at some point there are penalties for excavators that are repeat offenders.
252	What is the primary goal for this action? This will put more costs on the excavator for tracking and managing claims
260	<p>Coming from a drilling view:</p> <p>We always notify the operator if damage has occurred. If a gas line or other utility that risks life, I think reporting to the notification center is a good idea. If a water main, sanitary, storm sewer, I don't see the need to report these non-life threatening items to the notification center. That is how I have always approached this. I'm not clear on if you think all damage should be reported, or specifically damage that requires a call to 911 public safety answering point.</p> <p>If all damage, I disagree If 911 worthy damage, I agree.</p>
264	I think the reputable companies will report the damage whereas the "cowboys" will try to cover it up and leave. This tracking of damage made public to all who ask may have negative effects on some of these companies. Yes, I'd like them to take responsibility, but I think it will shine to much of a negative light. Especially if it's a very large company working in many locations such as a Michel's or Q3.
267	damages are reported to the utility, no need to notify the notification center
272	Just adding another step and reporting process to an all ready over burdened small utility. All of these things from all of the different regulating bodies equates to more demand on staff. More demand on staff equals more staff required equals greater cost to our customer base. I'm not surprised that the notification center wants to justify another job on the backs of every rate payer in the state.
306	How will this be enforced as I have seen many operators not respond for several days
309	places the accountability where it belongs in my opinion.
316	I recently had an excavator ask me 7 days after finishing a dig if I had a chance to look at the "nick" they put in a 7200 volt electric line. The utility company I hired for the inspection cheers me out for 45 minutes about safety with energy lines and improper repairs.
317	1 hour...24 is too long.
319	When dealing with a gas damage 911 must be the first call, notification to the operator is the second call. If the call center also becomes a requirement the resources that should be used to set up a perimeter are making additional phone calls. If the call center becomes the way excavators notify the gas operator the response times will be slower compared to calling the gas emergency number.
320	We should have good reporting in order to monitor what activity causes or prevents damages. I do have concerns about the language "The excavator shall also attempt to minimize the hazard until". Minimize how? By damming hazardous liquids or plugging natural gas pipe holes?
321	<p>This is too vague: 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.</p> <p>If my guys hit a gas main and there is gas escaping, they won't be sticking around until the gas company or emergency responders come. They will be vacating the area along with the others.</p>
330	The sooner a damage is notified to the notification center, the faster it can be repaired.
331	why do operators need to report this. that is a waste of time.
346	The operator can notify the notification center if they feel the need to, for tracking purposes and not requiring the excavator to do a redundant call and burden the notification center any further.
363	I agree that each company should be responsible for any issues that happen due to their work
364	,"the excavator shall notify the operator (immediately),...
373	Dual reporting.
377	report damages immediately
380	We maintain our own records of damages to our facilities as well as damages caused during our excavation, and do not wish to share this data with the notification center. Has additional staffing needs for the notification center as well as the excavators and operators to report and maintain the damage records been considered? This will create additional burdens on all sides. The fear of a 'report card' of damages caused will be a concern to some, and lead to some not reporting.

413	Should notify operators immediately so they can make repairs. <sup>6</sup>
421	something needs to be done in regards to the unlocateable cable that century link is using. many hours and money have been wasted trying to track down who it belongs to .
425	I think all damage reporting by excavator and operator should be done on one single platform.
437	Any damage to the underground facility should be reported the utility operator immediately so that the damage can be assessed and repaired if needed. Even small instances where the coating is knocked off should be reported so that it can be fixed while the utility is exposed.
445	The required contents of the "report" should be clearly defined.
457	This is an acceptable change to facilities that are known to be damaged. there should be language added to cover damages that are unknown due to boring or cable plowing
467	Perhaps explaining the benefit of some of these proposed changes would eliminate some of the "Negative" responses. What would be the benefit of reporting to the notification center?
485	Makes sense.
486	What is the notification center going to do with this information? Is it for the sole purpose of collecting data? What is defined as 'promptly dispatch personnel' because we have hit and damaged utilities that weren't marked or improperly marked and notified the utility operator and no one shows up for days (and this happens all the time)
511	then the excavator should be provided correct/direct number to the operator. not a call center that takes only bill payments or new customers like the numbers that they currently are providing.
524	create a damage ticket ?
527	Its so hard to get ahold of these large companies now a days and they have call centers across the country and have no idea what environment we are in or what we are doing. We spend way to much time trying to track down a local facility when something is miss marked and damaged. Happens way more then you would think.
530	facility owner needs to respond quicker for repair, as to not leave area open until repair is made, Safety issue
533	How is this report to be made? It has to be simple otherwise people will not do it. Also, if this information is going to be applied into a metric for the excavator such as damages per locate tickets, your data will be off concerning companies that use largely meet tickets for projects that cover entire neighborhoods.
536	What happens when it gets to the notification center?
559	Is this for any type of damage or only damage to a gas facility? I don't feel the need to report all damage to the notification center within 24 hours is necessary for all utilities.
581	add: Any repairs shall be made by legally licensed person in the trade required.
585	Perhaps an indication of inaccurate utility markings should be included in those damage reports along with the marking operator's name and company.
590	Do you mean 24 hours from the time the damage is known by the party?
591	Sometimes facilities are hit and as an excavators we are unaware. But according to operators and locaters the blame always is the excavator and that's not right.
593	This is good proposed revision.
600	To be clear, the operator and excavator are reporting the same incident, correct? The 24 hours begins after the first notification?
605	I see why notifying the notification center of damage would be a good idea but do not know why both the operator and the excavator would be required to notify. Also does the 24 hours include weekends? Requiring both entities to notify within 24 hours may pose a problem if the damage happens later on a Friday.
606	How will the damages be reported? Who will staff this? We'd need a set form. Within 24 hours (what about holidays and weekends)? You're going to get differing reports from excavator and operator - are you prepared to get complaints / be mediator in claim disputes?
624	No problem.
643	It's adding to the already required steps during damage to a utility. If both parties aren't knowledgeable about a hit in 1 hour that seems to be an issue.
645	Would like to hear the arguments in opposition to this change.
646	It would be great if your platform could be used as the contact point to send an automatic message, related to the damaged utility. That way damage could be tracked by all entities involved, including you for reporting. That would probably make it easier for excavators to file a damage report via an app quickly, possibly by ticket number, rather than sit on the phone for hours to report it, to potentially not the right point of contact anyhow...

649	This will only result in damage to pipeline coatings going unreported. If the contractor has to contact the notification center and complete a report, this will only result in more damages being covered up that then result in catastrophes later.
661	I'm totally onboard with this change
665	the comment i have is about the excavator operator that hit the utility, they may not be properly trained to minimize the hazard/utility which could potentially put themselves and others at a greater risk trying to do so.
671	As long as the utility was marked but if it had not been marked the contractor shall receive a downtime payment from the operator as long as it is reasonable
676	This seems to work in other states, it will identify contractors who are repeatedly hit utilities.
677	Too often excavators hit abandoned utilities (especially phone or cable). This wording may be too broad.
678	We believe this would be over reporting and do not fully understand the need or intent , but since we are already providing to MNOPS, if valuable, we can provide to the one call center as well
679	This is adding unnecessary phone calls and including people not involved. Contractors are required to notify operators already, tell me how involving the notification center will improve this already working process
682	We believe this would be over reporting and do not fully understand the need or intent , but since we are already providing to MNOPS, if valuable, we can provide to the one call center as well
683	I understand wanting damages reported, but it is the facility operator's equipment, why would the excavator need to report? Also, reporting in 24 hours seems unnecessary especially if you are trying to deal with the issue.
686	Excavators are already required to contact the facility operator in the event of damage. Requiring additional notifications will increase the workload of facility operators, excavators and the One Call Center. Gopher State One Call will require additional staff to process two notifications for every facility damage in the state resulting in additional operational costs that will need to be passed along to the facility operators. Greater inbound call volumes to the center may also increase hold times potentially causing people intending to submit a locate request to abandon the call. Alternative options for reporting could include required quarterly reporting by all operators to the Office of Pipeline Safety or requiring submissions to the DIRT Report.

Table 19. Comments on Damage Reporting

## Comments on Civil Penalties

Survey #	Comments on Civil Penalties
25	a good change
46	If the contractor is going to be fined who would receive the money? There are many times that lines are not marked correctly and we spend thousands of dollars looking for them. Some we find that they accidentally marked a line that is overhead, some were abandoned lines, some were other operators lines and some we look all over for and we never find them. We can only look and call for so long before we have to do our job. I would agree that a fine be imposed on lines that are critical life safety lines like a fiber that runs 911, gas line to a school or hospital, electric line to a nursing home, etc. I also think that the \$20k is way out of line. This is where litigation should be involved for damages but fines benefit nobody but the locate center.
64	Whatever. CenturyLink caused substantial and incalculable disruption to this year's dig season on Minnesota that had economic impact down the damage prevention food chain including to my small locating company which repeatedly responded to requests to make "private" lines that upon arrival were clearly unmarked CenturyLink facilities.
82	There is not any language addressing monetary damages excavators have when operators violate these statutes. The statutes are very one sided.
91	What is the penalty to the marking companies when an excavator causes damage to lines that were not marked or inaccurately marked? We have had tickets come back as clear, when fiber optic was running along our site.
93	The penalties seem a little high, especially for the initial violation. I think the majority of excavators are conscientious about underground facilities and try to protect them and do a good job. If someone is not, then maybe they need to get a written warning first and start the fines with the second violation.
94	Probably should be even higher. Even if the penalties aren't used, it's a good deterrent.
103	I think the only way excavators and operators alike will take the process with all seriousness is to impose penalties.
104	When we hit utility lines, we get sent bills from the utility company when it is appropriate. We should be paying only the damage that we cause, not a penalty fee to somebody else.
117	Ask a large excavator how large their bonus is for finishing a project early. There is a reason the larger ones say it's cheaper to hit a utility and keep going versus making a call and having down time.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
135	Could discourage damage reporting
143	There has to be a little responsibility on the operators as well, especially since they run all their lines etc. on public ROW with little if no compensation to the public. They also need to get a better handle on abandoned lines since there is a lot of confusion on them when encountered.
149	It is obvious after this year that fines need to be increased on operators who either do not locate their facilities according to 216.D, or who fail to properly fund quality work for locating need to be punished financially to the point where not following the law and not funding damage prevention efforts will cost them more in penalties than what they are saving. Excavators who fail to follow the law also should be penalized at a greater cost. The same applies, when breaking the law saves time and costs that exceed the cost of repairs and fines, the behavior will continue, until the cost of doing things wrong meets or exceeds the cost of doing them right.
160	if this civil penalty becomes more strict to the excavator, it should be placed upon the locating service and utility company who violates the accuracy and timeframe of locating along with the proper installation and protection of.  the excavator should have the right to bill the locator production time loss when they are late in marking (their responsibility in contract) and also when the owner of the utility it is discovered the utility has not been properly installed resulting in time loss or damage to other property than their own.

172	Not sure what this means.
175	There needs to be extremely stiff financial penalties to operators that do not get their utility located in time and do not get in touch with the excavator- case in point : the horrible year we have had with CENTURY LINK TELEPHONE. This can never happen again. I had to file formal complaints with MNOPS twice. Please fix this problem. The GSOC system works great, but the defective operators should be held accountable.
207	WE (contractors / landscapers etc) are simply trying to do our jobs. We are not criminals, and things happen on a daily basis where simple miscommunication or someone not noticing that one of the utilities isn't marked starts digging and hits a something, this happens very often, especially with phone / cable lines that are basically at the surface or less than 2" deep. Of all the experiences I've had over the years, the vast majority of utilities damaged were from lines that were never marked. And by the time we hit them, the ground is so disturbed there is no way to prove that there were no marks. This litigious mentality is counter productive. Just simply do a better job of locations. AND, if there is an issue or something gets hit, have a simple method for contact and repairs. EVERY time we hit a cable line it's a nightmare trying to figure out who to contact to fix it, in fact, typically the homeowner (who is not happy) has to make the call themselves... because the call has to come from the account holder, and they don't even have an option for "damaged lines"... on the messaging service. IT is ridiculous how hard it is for us contractors to figure out who to call when a utility is hit.
213	This is a bit confusing, are you saying that multiple damages on the same job cannot result in fines of more than \$20,000? I don't think that there should be a limit to the amount of fines if the excavator continues to irresponsibly damage facilities. I do not think an excavator should be fined if they are not at fault ie: the locator/operator was off on their marks and or did not mark at all...
214	I'm responding neutral to this one because I don't know what the penalties used to be.
216	I really don't think the imposition of a civil penalty will be a "deterrent" or in any way enhance the use of the call before you dig program. If the monies from the civil penalties were to be used specifically for enhancement of the one call system I could be more supportive.
242	While many of these rule changes are good, there is currently a lack of understanding of all the rules in the industry.
249	OK with the fines going up, but question why the word "initially" was added to the language.
252	I think another avenue to go down here is for the contractor to be able to assess damages to the operator if their locating company is non-compliant. Maybe at this point locating will get its respect that it deserves and be able to put more dollars into their coffers to retain employees
256	What about increasing penalties for the utility companies and their locating companies, it cost the excavator money for every minute he sits with a crew waiting for them when they don't make the dead line. If the locating companies start receiving large penalties maybe they will take some ownership in this years fiasco.
260	Again I wish we knew the reasoning behind this proposed rule change. How often are these penalties applied? Are they growing in number and you want a higher fine so excavators are more careful? Or is this an attempt to increase revenue?  These rules are never written in plain speak and are often difficult to understand. It would be nice to have an interpretation or example of the rule so common folk can understand it.
263	Why are the penalties being capped?
267	I believe contractors currently are not being held responsible for negligence on their part. MNOPS seems to always side with the contractor whether or not the contractor has any documentation such as meet sheets or pictures. Locating companies seem to be the scapegoat and the easy way out for MNOPS and the utility companies because they know they will pay the fine when a dispute takes place.
269	About time people started to feel it in their wallets. A couple fines will CHANGE the mentality.
272	Enforcement and level of enforcement will be key to this success. If enforced this would be a good way to weed out companies that truly do not belong in this industry. This could also be used to combat the current apparent business model of the telecom industry that it's cheaper to hire a contract locator rather than take damage prevention of their own assets seriously.
302	sounds like the government wants more \$\$
308	Does same apply to operator? If they do not locate an area in 48 hrs can they be fined?
309	Love it
315	ONLY IF UTILITY COMPANYS CAN BE FINED FOR MISS LOCATES OR NOT SHOWING UP ON TIME. These amounts are too large for the small excavators.

316	After hearing about an excavator that recently got an underground fiber with no locate and going unpunished and listening to the report on the radio lying about what happened I think not only should these people be responsible and fined but also publicly named.
319	I'm not sure we need higher amounts when \$1000 per day per offense can compound to significant amounts if use.
333	Penalties are a little stiff to initiate this change, I'd recommend reducing the penalties to see how this change is enforced.
346	I do not feel there is a need to increase the penalty from the original
363	I'm not fully understanding this part.
376	Need to be safe
379	If it's Initially I do agree with this
380	The proposed revisions are egregious and we are not in favor of this as an Operator and Excavator. We charge excavators for damages caused to our facilities during excavation. Increasing the cost for violations will only increase costs excavators charge for services. It could also reduce the number of quality contractors, due to the fact they may choose to leave the industry, in fear of potential high liability and costs associated. Continue to educate excavators on safe digging and Statutes. This can be a proactive means without imposing a large monetary fine. The excavating community has come a long way, in taking responsibility for protecting facilities during excavation and imposing hefty fines could degrade that.
450	Raising the penalty for excavators is wrong. In 2019 we had to start working without locates from Century Link or the season would not have started until approx. July 1.
485	Seems fair.
489	Make these huge locating firms hire more people so they get their work done within 48 hours. No excuses.
523	The penalties are a good thing but need to be imposed more often there are a lot of companies that dig without legal dig tickets and get by with it the Utility companies need to be more aggressive with this
527	If it goes pushed back to 72 hours this could be unfair to a company trying to keep his day to day operations going. You are going to make it hard for us smaller companies to make a living working hard in this environment. These proposed rules seem to be just making it look like people don't care and are getting to soft on getting their work done in a timely manner. It's the construction industry, work must go on.
534	I do not understand this one.
536	Gives more money to the state! How about adding language that excavators get reimbursed for down and/or lost time when locates are inaccurate or missing?
559	Need to clarify if the maximum civil penalty amount of \$20,000 is per violation or an overall maximum penalty.
576	20,000 fines can bankrupt some companies, shouldn't be that drastic.
585	There has already been a growing time frame to mark utilities. Not to mention the absence of utility locators to respond to tickets called into Gopher State One Call. If penalties (fines) are to be imposed, then they should first be enforced upon those locating companies (operators) not complying with the laws which require them to mark utilities in a timely manner at a time when the excavators are doing their best to follow the laws regarding pipeline safety. This change in statute is only adding protection to the Operators who are already not doing their part to make excavation safer for both the utility companies and the excavators completing projects.
605	Many damages are non-emergency and in larger organizations information flow for non-emergency situations may not facilitate 24 hours response. The high fine amounts noted here in are logical for emergency damages but not for non-emergency damages. Some delineation of damage severity needs to be applied to this fine schedule.
606	We're not against giving more leverage for penalties.
645	Would like to hear the arguments in opposition to this change.
647	Maximum civil penalty is too small.
649	This appears to reduce the level of penalty.
661	I would need more clarity on this to have an opinion
671	\$2000.00 with a max of \$5000.00 is enough It is only the opinion of the inspecting officer who if anyone was at fault
676	As long it gets enforced, it will send a strong message to the contractor.
677	Though neutral, we are not a proponent of any branch of government being able to impose a civil penalty without due process.
678	We are supportive of enforcement and efforts that will reduce damages within our footprint, but do not believe that increasing the current penalty amounts to us as an operator is necessary to increase our focus on damage

	prevention. We take our commitment damage prevention and public safety very serious, and would rather see penalties used in supporting state wide excavator outreach, training, and those areas that are driving the largest public safety risk.
<b>679</b>	So none of you ever make a mistake?? Now you want more revenue off human errors? This sounds to me like another alley for government agencies to create revenue. Enough already!!
<b>682</b>	We are supportive of enforcement and efforts that will reduce damages within our footprint, but do not believe that increasing the current penalty amounts to us as an operator is necessary to increase our focus on damage prevention. We take our commitment damage prevention and public safety very serious, and would rather see penalties used in supporting state wide excavator outreach, training, and those areas that are driving the largest public safety risk.
<b>686</b>	More analysis should be performed to determine if these proposed changes will be more impactful than the civil penalties currently in place.

Table 20. Comments on Civil Penalties

## Additional Survey Comments

MNOPS received an additional 57 comments at the end of the survey. The survey number and associated comment submitted are listed in the table below.

Table 21. Additional Survey Comments

Survey #	Additional Comments
16	Excavators /utilities (Namely Xcel Energy) that call in false emergency excavation tickets should be penalized.
25	Need to fix the online entry of tickets. Multiple times when i do locates the street fields get swapped on me or changed and I don't catch it. i realize i should be double checking them, but sometimes when double checking them it reads the way you wanted it to, and not how it should be. very confusing and annoying!!
38	I would like to see the marking tolerances changed from current 3 feet on either side of the line down to 1 foot either side of the line. I would also like to see a depth marker provided to improve accuracy.
70	Adding the ability to upload a site map to One Call site would be extremely beneficial. At minimum providing email to locate services as a form of communication would help. It is common for areas of large locates to be missed due to the lack of a site map reference for locates.
79	Impose serious fines and penalties on Century Link. They have caused us serious delays in our operations by not marking their utilities in the time frame laid out by Gopher One and MNOPS.
84	You're on the right track. Changes need to be made that have an impact and minimize hits. This season has been horrendous on everyone.
91	Why is it that the marking companies cannot see the map that shows the area that we are requesting marks for? This seems really basic and necessary for them to do their job correctly.
94	More forward thinking. Require digital mapping for new installation and gps recorded from locates and provided to excavator digitally. Also remove ticket expiration date like other states and just have it valid until marks are no longer viable.
112	I would like to see changes to GSOC and their billing. There is no need for multiple tickets to be created for the same job area. It is GSOC way of demanding more money. (an extra ticket for the same job but in a new township... another ticket for the same job area because it is now outside city limits is ridiculous. I have asked Barb C why its done and she says its for clarity of project or safety. it generates more money for the one call center is all it does. Lastly, it makes utility folks and field people review and respond to multiple tickets for the same job which costs money.
117	Address other verbiage such as meet tix 7560.0350 subpart 2- reschedule for a mutually agreed date and time? It's always thrive time or it's not mutually agreed upon. What about when an operator doesn't want their time?  Limit tic amounts per county per day Limit meet time slots, if 9 am is full them move to the next.
126	Any locating companies that never show up to locate, that falsify data by falsely claiming they can't locate because sites are inaccessible, and literally paralyze the all state, must not be allowed to operate, must be hugely fined by the state, management must be prosecuted, company should be dissolved. Utilities owners contracting, knowingly, a locating company that's not able to handle the workload, must be hugely fined by the state, management must be prosecuted.
132	I am opting to be contacted with the results of the survey once completed-Thank you
149	I would strongly oppose any addition of duties to the call center that are not directly related to collecting excavator information and transferring that to the Operators. This will add costs to the operators which will in turn result in less dollars going towards their locating obligations and more going to fund unnecessary functions of the call center. This will not enhance public safety, or alleviate the frustrations of the excavators who are struggling with locates not being made, inaccurate locates and down time. The way to make our one call system the best it can be is to greatly increase the penalties for not participating fully on all sides of this business and allowing contractors to charge for downtime due to non-compliance and incompetence...the same as the operators do when there is a damage..
160	The excavator, is typically the one that liability is placed upon due to that they are hired to unearth the utility. There are many instances that damage is done not by fault of excavator. There is no protection of the excavators rights when the locators to not locate properly or are late marking after the job is planned to start or the utility is not

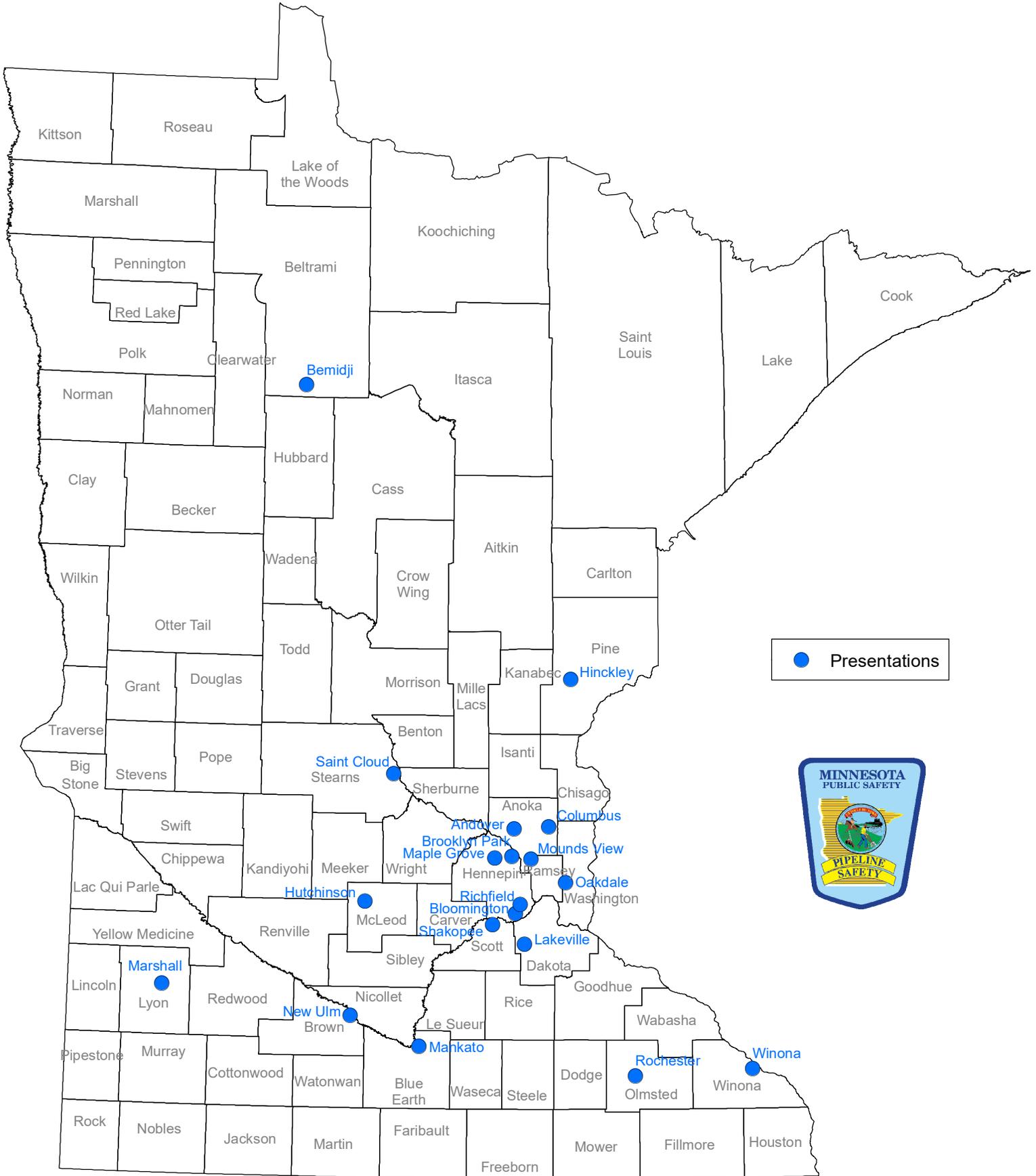
	<p>properly installed.</p> <p>Example of damage and liability issues of inaccurate locating or installation that excavator is not protected; we come across a cable that was buried in a coil-like fashion that ranged from 6"-3' underground and spanned a width of over 10' with a length going from building to building of 200'. We were told that we were responsible for a break in the cable due to that it was located. a single line down the center of the located cable is NOT properly located. you cannot tell me to hand dig this line at our own expense. It was a hard fight to get the utility to take ownership of this install and have this allowed to be vacated and another put in afterward. They thought that since the line was initially hit by us that we were responsible for the entire cost of redoing it! We, the excavator was left with absorbing all the additional time spent without basically no right to bill the owner of utility for as they had under the sections in the MNOPS</p>
184	Operators should have the same penalties that excavators face. If they do not locate a utility properly they should pay for the excavators' time. All the rules are skewed toward the operators
192	Seems to me that locating firms weren't ready for the busy season and many locators are either not properly trained or don't do their jobs correctly. And looking like we the excavators would be paying the price.
207	Please figure out a way to simplify this process, not focus on how to penalize and criminalize the folks who simply have to dig holes for a living. We are not the enemy, and you really are making it more and more difficult each year. PLEASE understand, 90% of us are very SMALL businesses, we don't have office staff, or time or resources to go out and mark things in advance when a very SIMPLE description like "50ft from foundation on all sides of home" can be written. Thanks for listening to my thoughts!
217	Something needs to be done to have directions and maps match. Too many times people are working outside mapped areas, Even if a meet is called with verbal direction the map still needs to match work area.
256	If the locating companies start receiving large penalties maybe they will take some ownership in this year's fiasco. It is both the utility companies and the locating companies they contract. The 48 hour system has worked well for many years, why cater the ones causing the issues and penalize the majority.
260	Explanations of the reasoning for all of these items would have gone a long way towards increasing understanding of what was trying to be accomplished. I appreciate that attempts are being made to better the system. Again, stats on the number of reports of damage, etc could be useful to show that there is a goal to reduce excavator utility damages by 25% in 3 years, etc....
271	Land Survey Non-excavation Boundary type tickets get poor responses from the utility locators. We typically hear from utility locators that our tickets are not their priority when they are inundated with tickets being submitted on construction projects. Seems like utility locating companies are WAY understaffed therefore cannot meet the needs of everyone.
275	We would like to see rule changes that increase ownership, penalties and cost reimbursement for utility hits that stem from incorrect marking of facilities, lack of marking for facilities, and information not provided to the contractor to help prevent utility hits (i.e. notification of abandoned facilities in dig areas.)
282	This has been a very bad year as far as customer service in the Gopher One call center and for utilities being marked on time. There have been several mistakes made including saying utilities marked were clear which in fact they were not putting lives of many of our crews at risk and homeowners very upset.
292	The lack of field markings being provided by locators in response to field surveys is a serious problem. The lack of field markings ultimately requires months of coordination to identify which markings were not provided, getting the markings to actually be identified in the field, and subsequently verifying compliance. The lack of markings, and seemingly lack of penalty, has a significant impact on public improvement project timelines and costs. Additionally, it would seem one utility owner in particular is strategically not marking such utilities to delay identification of impacts to its utility, and then leaning on statutory notification periods not being met to avoid relocations in a timely manner.
309	We can never totally eliminate human error but we can surely reduce the carelessness and rouge mentalities that still exist. Stringent Enforcement action and more tracking of violations should better help protect public safety.
320	This should give me away!  We need to discuss Abandon Facilities and the ongoing responsibilities.
321	Where is the language that represents/compensates Contractors when Facility Operators are non-responsive with locates??? Where is the language that holds Facility Operators accountable for delaying projects??? Where is the language that holds Facility Operators accountable for having sufficient means in place to locate their utilities and what is plan B when plan A quits or no longer is sufficient??? Where is the language that holds Facility Operators accountable for hiring competent individuals???

	Is there language that holds locators responsible for notifying Facility Operators when they cannot locate the utility they are hired to locate???
328	What a nightmare. Trying to put more responsibility on the excavators. Utility companies need to step up and do a better job locating their facilities.
331	Boundary surveys should be removed from 216D
332	It would be nice if when we call in locate tickets, we don't immediate get a call from the locator telling us the hundreds of ways this ticket can't be marked. It would be nice if it would get marked and that is it. Natural gas companies are great, the best at getting the ticket marked in a timely manner. All other locators/utilities could really follow their lead in this area.
333	Don't make too many changes that cause the one call system to be intimidating and not user friendly. Bottom line is we everybody to make the call, we want every homeowner to think using the one call system is easy and not intimidating to use.
337	Emergency tickets through e-ticket, in addition to phone.
349	Where is the section about late locators being fined more?
363	What is the best way to make this work better for all parties? I think that a GPS location should be given for the exact location of work to be preformed.
366	This survey has a few bugs. If you click a link in this survey (referenced standard) it wipes the survey and you have to start over when you return to this page using the browser's back arrow.
373	Utility operators must be held accountable for not relocating their utilities when they are given timely notification by owners.
379	Extend ticket life to 21 days or long could cut down on ticket updates, weather has a lot to do with ticket updates for my company.
380	I hope some of these changes aren't the result of CenturyLink's shortfalls this year regarding the lack of locating. Years of work and education have been unraveled, due to CenturyLink's choices, and has put a number of Excavators, Operators, and Contract Locators in a bad position. Making changes based on one entities poor decisions, affects everyone and penalizing everyone for one companies shortfalls is not constructive.
395	The industry has taken a very poor view of MnOPs in regards to your handling of the Century Link lack of locate response this past year. Allowing it to drag on to the extent it has is pure **** in Many excavators' opinions, including mine. Their allowed inaction has been costing excavators in this state real money.  My current view of MnOPS is Negative! Add that to your survey.
420	The one call program needs to allow maps be attached to the one call ticket and these maps should be emailed to the locators automatically. The locators should have to be able to receive a map by email. A map showing excavation is so much more valuable than someone trying to provide driving directions to the site and then try and explain to either the one call center or a locator where the excavation is supposed to be. Open a map and look where the excavation is going to be this seems like the logical idea.
450	The laws need to change so no utility contractor can ever do what Century Link did this year. They were allowed to hold up construction crews' state wide for months.
457	I cannot express enough the disappointment that a 72hr change is even being considered. As stated above 48hrs has been sufficient response time for years. The lack of performance for 1 facility operator no matter the size should not change the rule. This facility should have properly vetted their contractor and avoided the issues in response time and locate quality.
492	All utilities that are buried in road right of ways should be exposed by the utilities operator when requested. Phone, fiber optics, gas that had been installed in a haphazard manor, draped over culverts, cut through culverts etc. are a pain to deal with as well as work around.
517	Something also need to be addressed about the utility companies abandoned lines that are becoming more of a problem with installations with directional drilling
521	Century link does not have it right with their locators, some are good, some can't read or don't read the tickets entirely I have three tickets that were not completed, called, no response. Why call and report damage when they do not want to cooperate Century Link is the problem,
527	Allot of negative proposed changes for contractors just trying to do a job in a tough environment. We can't control the weather, if we get rained out on one site we may need to jump to another site to keep paying the bills. You could overload your system by making this more difficult. Do the online white flagging and map exactly where we dig to take the guess out of the locator's hands. That could spend up there work and not need the 72 hour notice. I'm afraid you're not going to get allot of feedback like this as most people are too busy to read the changes and react. Thanks for being forward thinking and working with us contractors!

<b>536</b>	The Century Link fiasco earlier this year hopefully will never happen again. Put some teeth into laws that make the operators responsible. I had locators from Chicago and Philadelphia that had absolutely no idea where their lines were. We lost a lot of time on jobs. We couldn't start jobs that we, the excavator, had deadlines with completion penalties on because of inaccurate locates or no locator showing up. The worst that I had was 18 days after the locate meet!
<b>545</b>	Would like to know the outcome of the meeting please.
<b>576</b>	Operators (century link especially) should be required to make daily checks to all sites in their area. We request a daily re-mark, as multiple contractors are performing excavations daily, and marks never last longer than a day. Most operators have been compliant.
<b>585</b>	The mandatory electronic response by operators and the performance metrics will help. Also, the inclusion of pink for excavation location colors seems like a common sense thing in a state where white is the color of snow which covers our state for a large portion of each year.
<b>600</b>	I marked "yes" below but do not "need" to be contacted. Just put info in case there were any questions.  Thanks, Nick
<b>606</b>	When are we going to address the issue of Century Link employing CMR Claims to bully, harass, and knowingly wrongfully invoice excavators for damages? This has started within the last 1-2 years and is growing aggressively. There is no contact for Century Link to discuss the claim, you have to deal with CMR and their lawyers - they are collecting for claims that excavators are not liable for and will not listen to any of MN dig laws/handbook. This is a growing issue - I'm sure Xcel & CenterPoint must be seeing this trend - excavators need to know how to deal with this.
<b>626</b>	The comments were provided by one of our locators in Minnesota. His contact information is below.
<b>643</b>	In the end, the owners and their hired or paid engineers, and utility owners need to take responsibility of their lines. Right now they use the excavators as the scapegoats. Many times utility relocates are done incorrectly and hit once they are moved and stated to be out of the way. The utility companies and their hired contractors for locating and relocating are cutting corners all over without penalty and it needs to get reevaluated.
<b>645</b>	The process of continuous improvement is noted and appreciated.  To what extent are new ideas or problems shared between the various state on-call centers -- lesson learned?
<b>659</b>	I would also like to see action available to be done to deter locators from not locating for a survey ticket or providing maps for a map requests. Under a contractor locate ticket, the repercussion is that a facility is impacted. Under a survey ticket nothing happens, but there is a high dollar value for the agency that has to pay for its staff and consultant engineers to redesign around a facility located under the contractors ticket but not on the survey ticket and sometimes to the contractor for work delays. The local agency has no realistic path to recoup their lost cost or deter this negligence. It has been noticed that locators will mark as clear for a survey ticket but for the same area provide marks for a contractors ticket
<b>661</b>	There are many other issues and changes that should be made to 216D. Who was involved with the above changes? Were any contractors involved?

MINNESOTA DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF PIPELINE SAFETY

PIPELINE SAFETY AND DAMAGE PREVENTION PRESENTATIONS  
SEPTEMBER 28, 2019 - MARCH 27, 2020



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### 2019 MN State Fire Chiefs Association Conference

MNOPS staff: Patrick Donovan & Thomas Chrisfield

811 public education items purchased using the SDP grant include: carpenter pencils, stylus pens, stainless steel water bottles, safety message magnets and dual-USB charge sockets for cars





## 2019 Day of the Dozers

MNOPS staff: Mike Mendiola

811 public education items purchased using the SDP grant include: carpenter pencils, stylus pens, stainless steel water bottles, safety message magnets and dual-USB charge sockets for cars, hand sanitizer, and mini backhoes







