

2016 State Damage Prevention Program Grants Final Report
Funding Opportunity Number: DTPH56-16-SN-000001
CFDA Number: 20.720

Award Number: DTPH5616GSDP04

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

Date Submitted: November 27, 2017

Submitted by: Jon Wolfgram & Mike Mendiola

Specific Objective(s) of the Agreement

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

Workscope

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

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

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

- **Element 8 (Technology):** A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.
- **Element 9 (Damage Prevention Program Review):** A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

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

| Objective | Accomplishments (numbers based on grant period, 9/1/2016 thru 8/31/2017) |
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| Investigations, complaints, and enforcement actions specific to SDP Grant | 31 utility damage investigations cases and 15 One Call complaint cases have been opened, with 55 violations cited as a result of investigations funded by the SDP Grant. See pages 10-12 for specific enforcements. |
| In-office/field investigations and research | <p>During the grant period, conducting utility damage field investigations continued to be effective through the enhanced use of computerized tablets (Apple iPad's) using GIS software (ARCGIS) and application software. This allows on-site entry of descriptive information, photos, GPS coordinates into the GIS software which contains geographic mapping, topographic as well interstate pipeline locations.</p> <p>Specialized damage prevention inspections are performed for all intrastate gas pipeline operators. Each inspection reviews the operator's damage prevention program and procedures and its effectiveness. When it is determined a program is not effective, appropriate actions will be taken to ensure that each issue is addressed. MNOPS performed 6 specialized damage prevention inspections on gas pipeline operators during the grant period, however these inspection hours were accounted for under per meter charges to the operators.</p> <p>During the grant period, MNOPS received an increased amount of complaints from the excavator community regarding one call locate ticket response issues. These issues include no-locate, late-locate, mis-locate and other related performances by the facility operator. In response to these complaints, MNOPS conducted specialized inspections where we audited the operators' response and field locate markings. The results of these audits have identified that there is a need for improvement in operators' level of performance when</p> |

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| | responding to locate requests and providing timely and accurate field locate markings. |
| Statistical data analysis and trending | <p>MNOPS collects mandatory damage reporting data from all intrastate pipeline operators. MNOPS also collects voluntary damage reporting data from all non-pipeline operators (electrical, sewer, water, communications, etc...). Beginning January 1, 2017, MNOPS initiated an online reporting form for both pipeline and non-pipeline facility operators to report their damage data on a quarterly basis.</p> <p>MNOPS uses various management reports from the OPS system which tracks case volumes, penalties assessed, penalties collected and rescinded, educational sessions w/ number of attendees, accidents/incidents, complaints, and pipeline specific inspections/complaints, enforcement actions by type, and complaints by type. This information is analyzed to view month by month and year by year comparisons for damage trending and damage prevention effectiveness. This data can be sorted as a whole or by individual operators and/or excavators.</p> <p>MNOPS implemented the Voluntary Damage Reporting (VDR) program in 1996 and has been tracking damage data since its inception. Paired with the online damage reporting form, the compilation of this information is used by MNOPS to determine: 1) the extent of excavation related damages, 2) the causes of excavation related damages, 3) damage trends over time, and as a tool for evaluating (or benchmarking) damage prevention efforts. The information is also used by MNOPS to direct resources where they would provide the most benefit in reducing damages and ultimately increasing public safety. The quarterly damage statistics are made available on the MNOPS website at https://dps.mn.gov/divisions/ops/reports-and-statistics/Pages/voluntary-damage-reporting.aspx</p> <p>These figures are summarized on pages 13-21 of this report. As shown in the figures, underground damages through 2016 for gas facility and all utilities were 2.22 and 2.26 damages per 1000 locates respectively. In spite of year-to-year variability, the overall trend appears to be a reduction in the rate of damage to underground facilities. The 2017 data for each graph represents damage data through quarter two only, hence the lower</p> |

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| | <p>statistical numbers. MNOPS is in the process of collecting data for quarter three and will update these graphs on its website when additional damage data reports have been received from facility operators.</p> <p>The largest percentage of damages for all utilities are attributed to failure to hand dig (25.9%), with failure to call in a locate ticket accounting for 14.8% of damages to all utilities. The 2016-2017 SDP grant period provided similar numbers to the 2015-2016 SDP grant period.</p> |
| Court proceedings and conciliations | If MNOPS and the party receiving a notice of probable violation cannot reach an agreement through existing departmental processes, the issue is forwarded to the Attorney General's Office to handle state court proceedings and conciliations as needed. |
| Cooperation with one call center (Gopher State One Call) | The Pipeline Safety Director sits on the Gopher State One Call (GSOC) board. The MNOPS damage prevention manager works closely with the one call center's chief operations officer and public relations manager to identify damage prevention needs. Cooperation with GSOC enhances MNOPS' ability to identify stakeholders who require more damage prevention attention for the benefit of public safety. GSOC also provides MNOPS with up-to-date locate request volumes and enhances MNOPS' ability to track overall damage trending and reporting throughout the year. |
| State law and rules review | <p>For the 2016-2017 SDP grant period, MNOPS facilitated MS216D review meetings with industry stakeholders. MS216D is Minnesota's One Call laws. The goal of the stakeholder review is to identify areas of improvement within MN's One Call laws and discuss proposed language changes for legislative review and consideration. The first meeting was held on Oct. 7th, 2016 and included 40 attendees. These attendees were comprised of stakeholders from the following areas: 1) state regulation, 2) pipeline operators, 3) excavators, 4) underground utility owners, 5) one call center, 5) utility locators, 6) municipalities, 7) contractors associations, 8) others.</p> <p>Additional stakeholder meetings were held on:</p> <ul style="list-style-type: none"> • January 19th, 2017 (50 attendees) • May 4th, 2017 (38 attendees) • August 22nd, 2017 (60 attendees) |

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| | <p>The agenda and meeting minutes for the August 22, 2017 are attached for reference (attachment A). After the August 22nd meeting, consensus was supported for proposing statutory language change for the definition of language. The proposed language has been submitted to the revisor's office for review and consideration for the 2018 MN legislative session.</p> |
| <p>Outreach</p> <ul style="list-style-type: none"> ▪ Safety presentations to excavators ▪ Safety & training presentations for Operators & locators ▪ Annual conference with Damage Prevention track ▪ Safety messages for the general population | <p>During the grant period, MNOPS performed its annual damage prevention presentation at various excavator safety meetings. The meetings emphasize the importance of adhering to the state's One Call laws via several case study presentations. The case studies showcase actual utility damage investigations conducted by MNOPS inspectors. The presentations are also available on the MNOPS and MNCGA websites to provide a computer based training opportunity to those interested. See attachment B for the locations of damage prevention presentations that MNOPS performed during the grant period.</p> <p>The damage prevention meetings are continually refined by obtaining feedback from attendees, feedback and comments from UCC groups, review of collected damage report data in the OPS system and discussions with excavators.</p> <p>MNOPS sponsored and presented at the 2017 MNOPS Spring Educational Conference which hosted the spring MNCGA quarterly meeting.</p> <p>During the grant period, the SDP grant was used to continue focus on underground utility damages as a result of Agricultural Tiling. The MNCGA Agricultural Awareness Committee focuses on the education and awareness of excavation safety in rural agricultural areas.</p> <p>During the grant period, lunch coolers and magnetic mini-levels were purchased as promotional items to use for public education events. Both items included the MNOPS and 'Call 811 Before You Dig' logos. They were utilized as 'prizes' for answering questions regarding 811 and safe excavation (see attachment C) at various public outreach events.</p> |

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| | <p>On May 28th, 2017, the MNOPS damage prevention manager performed a live TV interview with a local Fox affiliate to discuss the importance of 'Calling 811 Before You Dig' and what to be aware of when digging around underground utilities (see attachment D). The interview lasted for approximately 4 minutes.</p> |
| Interaction and engagement with national Common Ground Alliance (CGA) and regional Minnesota Common Ground Alliance (MNCGA) | <p>MNOPS played a role in the formulation of the Minnesota Regional Common Ground Alliance (MNCGA) and its Damage Prevention, Agricultural Awareness, Marketing and Special Projects Subcommittees. The MNOPS damage prevention manager facilitated the MNCGA Best Practices committee from 2015-2017. MNOPS inspector, Claude Anderson, facilitates the MNCGA Agricultural Awareness Committee. Other MNOPS staff also actively participate in the MNCGA and its subcommittees.</p> <p>Thus far, the MNCGA has worked closely with numerous utility owners to ensure a consistent, unified approach to addressing Damage Prevention Education. MNOPS participated in 18 Regional MNCGA meetings during the 2016-2017 grant period.</p> <p>As in years past under MN's SDP grant, one MNOPS person has attended to the annual national CGA Conference to network with other damage prevention professionals and learn the latest industry news and information. In March 2017, the MNOPS damage prevention manager attended the conference for the first time and developed key contacts within the damage prevention community and gained valuable industry and regulatory knowledge to share with staff.</p> |
| Interaction and engagement with area Utility Coordinating Committees | <p>During the grant period, MNOPS participated in 11 Utility Coordinating Committee meetings. MUCC covers the metro utility excavators. PUCC covers the prairieland utility excavators in the southern and western MN counties. LUCC covers the lakes utility excavators in the mid-state counties. VLUCC covers the Viking Land utility excavators in the NW counties. WCUCC covers the west-central portions of the state. These five UCC's cover over 49 counties.</p> <p>The purpose of the UCC groups is to discuss ideas and ways to positively engage with area excavators striving for the end goal of reducing underground utility damages to zero. MNOPS reviews feedback from previous damage prevention meetings with the UCC's</p> |

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| | and uses that information to enhance future damage prevention meetings by increasing attendance and participation by area excavators. |
| Participation in the one call center Operations and Communications Committees | MNOPS participates in Gopher State One Call's quarterly board meetings to provide updates on MNOPS' activities, damage prevention data and trends, education and collaboration efforts for damage prevention, and discuss key topics affecting the industry. The Pipeline Safety director sits as a board member of Gopher State One Call. |

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

| Case Type | Case Count | Total Hours |
|--|-------------------|--------------------|
| Damage Investigation | 44 | 304 |
| One Call Inquiry or Complaint | 33 | 179 |
| Presentations to Excavator/Pipeline/Gen. Public | 50 | 810 |
| Public Education Events | 9 | 129 |
| CAER (Community Awareness Emergency Response) Meetings | 18 | 68 |
| Utility Coordinating Committees | 4 | 32 |
| CGA / MNCGA Meetings | 5 | 71 |
| Grand Total | 168 | 1522 |

***See page 8 for breakdown**

SUMMARY OF DAMAGE PREVENTION MEETINGS & EVENTS

(Grant Period September 1, 2016 to August 31, 2017)

DP Meetings: 195 hours (1,235 attendees)

2016 DPP - Anoka County Parks
2016 DPP - MPCA Municipal Groups
2017 49ers DPP on President's Day
2017 DPP - Cornerstone Utility Construction
2017 DPP - GM Contracting
2017 DPP - Hentges
2017 DPP - Lake City Public Works
2017 DPP - Mn/DOT Permitting Group
2017 DPP - MPCA (Crossbore) - St. Paul
2017 DPP - MPCA Annual Collection System Conference
2017 DPP - RL Larson
2017 DPP - Schendzielos & Sons
2017 DPP 49ers on March 13th
2017 DPP City of Mpls Public Works
2017 DPP for Holtmeir and DMI
2017 DPP Session 7 for APWA
2017 DPP_ 49er's Presentation (60 attendees)
2017 St Cloud Excavator Training
Castrejon Safety Meeting in St. Cloud (50 attendees)
DPP Meyers Excavating
Laborers Training Center DPP (11 attendees - Instructors)
Mar 13, 2017 City of St. Cloud Excavators
Mar 14, 2017 City of St. Cloud Excavators
Mar 20, 2017 49er's Presentation
Mar 24, 2017 Fraser Construction
Mar 6, 2017 49er's Presentation
2016 DPP Q3 Safety Meeting DPP (170 attendees)
DPP. Duluth DOT
2017 DPP - Pipeline Engineering Class-UMD (40 attendees)
2017 DPP__SCTE Safety Meeting (16 attendees)
2017 DPP - Merjent
2017 DPP - UMD Engineering Class

UCC Meetings: 32 hours

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

Public Ed. Events (safety fairs, home shows, etc): 129 hours

2017 Farm Fest - GSOC booth/display
2017 North America Farm Show - Owatonna
2017 MSFCA Conference
Day of the Dozers
Mpls Home & Garden Show
SDP Grant - Element 4 - Effective Employee Training
Stillwater Fired Dept. Open House
Fox 9 Interview
State Fair,Booth

Grand Total Hours, All Meetings, 1,110 hours

Total Attendees - All Meetings, 6,312 attendees

DP meetings w/ GSOC: 344 hours (5,077 attendees)

2017 DPP - Alexandria
2017 DPP - Brainerd
2017 DPP - Brooklyn Park (MUCC)
2017 DPP - Carlton/Duluth
2017 DPP - Crookston
2017 DPP - Foley
2017 DPP - Grand Rapids
2017 DPP - Hibbing
2017 DPP - Hinckley
2017 DPP - New Ulm DPP
2017 DPP - New York Mills
2017 DPP - Oakdale
2017 DPP - Park Rapids
2017 DPP - Ramsey Safety Meeting
2017 DPP - Roseau DPP
2017 DPP - Rosemount
2017 DPP - Internation Falls DPP
2017 DPP - Marshal
2017 DPP - Morris Area DPP
2017 DPP - Thief River
2017 DPP - Two Harbors
2017 DPP - Willmar/Spicer
2017 DPP Austin
2017 DPP- Baudette area DPP
2017 DPP Shakopee
2017 DPP - Hutchinson
2017 DPP - Mankato
2017 DPP - Worthington
2017 DPP- Winona
2017 DPP - Owatonna Area DPP
2017 DPP - Rochester area
2017 DPP - St. Cloud
2017 DPP - Andover
2017 DPP - Lakeville

DP Meetings w/ Operators: 271 hours

Locator Workshop (23 attendees)
GSOC Board Meetings
MS216D Meetings

CGA/MNCGA Events, Hours: 71 hours

Regional CGA
CGA Orlando
MNCGA Committees
MNCGA Best Practices Committee Meeting
2017 MNOPS Educational Conference

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

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

Final Financial Status Report

The final financial report was sent as a separate attachment to the AA and AOR via email on September 12th, 2017.

Requests of the AOTR and/or PHMSA

No actions requested at this time.

2016-2017 SDP GRANT FUNDED ENFORCEMENT ACTIONS

| Enforcement Date | CaseID | Description | Penalty | EnforcementAction | Code |
|------------------|-----------|--|------------|------------------------------------|-----------------------------|
| 16-Sep-16 | 141404185 | NSP - Gas pipeline Danner Inc. hit West St. Paul | | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (a) |
| 28-Sep-16 | 141483384 | 3rd Party Hit of 1/2-inch gas service in Apple Valley | \$500.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (a) |
| 24-Oct-16 | 141486385 | Xcel cable - Arnt Construction, Arden Hills | | Warning - Informally Issued | MS216D.04 Sub 4 (a) |
| 05-Dec-16 | 141490093 | Complaint by Homeowner against neighbor not having GSOC Ticket | | Warning Letter (WL) | MS216D.04 Sub 1 |
| 07-Dec-16 | 141470795 | 2016 GSOC #161740588 - Shoreview excavator calls about possible mislocate | \$500.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 29-Dec-16 | 141471685 | CPE - Apple Valley, 138 Chaparral Road, Arnt Construction | | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (c) |
| 23-Jan-17 | 141458518 | Dubya hit a 1/2 inch service in Eagan | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (a) |
| 31-Jan-17 | 145707293 | Complaint by Anonymous Resident against SRCM LLC in Excelsior | | Warning Letter (WL) | MS216D.04 Sub 1 |
| 15-Mar-17 | 145717493 | Complaint by DMI against Xcel Energy for a No Locate of a Electric Facilit | \$500.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 15-Mar-17 | 145713793 | Complaint by DMI Against Allete Clean Energy Not Locating | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 17-Mar-17 | 145717596 | Complaint From VEIT regarding Zayo no show | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 17-Mar-17 | 145717596 | Complaint From VEIT regarding Zayo no show | | Notice of Probable Violation (NPV) | MS216D Rule 7560.0350 Sub 2 |
| 10-Apr-17 | 145721096 | NNG Complaint Against Hoagland Homes | \$0.00 | Warning - Informally Issued | MS216D.04 Sub 1a |
| 25-Apr-17 | 145724691 | ADA 2" PE Main Hit | | Warning Letter (WL) | MS216D.04 Sub 1 |
| 27-Apr-17 | 145725697 | Asphalt Specialties Digging Early - Coon Rapids | \$0.00 | Warning Letter (WL) | MS216D.04 Sub 1 |
| 27-Apr-17 | 145721684 | NSP Gas Main Hit - White Bear Lake | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 05-May-17 | 145719669 | Service Line Hit, CPE, Coon Rapids | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 09-May-17 | 145721784 | 3rd Party Gas Main Hit - Minneapolis | \$1,200.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 15-May-17 | 145723193 | Complaint against S.L. Contracting in Rochester by Charter Communications | | Warning Letter (WL) | MS216D.06 Sub 1 (a) |
| 15-May-17 | 145723193 | Complaint against S.L. Contracting in Rochester by Charter Communications | | Warning Letter (WL) | MS216D.05 (1-5) |
| 16-May-17 | 145729583 | Digging without a locate ticket | | Warning Letter (WL) | MS216D.04 Sub 1 |

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| 22-May-17 | 145724885 | G Cubed - not marking complaint | | Warning - Informally Issued | MS216D.05 (2) |
| 24-May-17 | 145730183 | 2nd party damage to CPE main in Morris | \$250.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (d) |
| 25-May-17 | 145731696 | NSP complaint against TNT Construction | \$100.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 1 |
| 01-Jun-17 | 145731796 | NSP Complaint Against Paragon | | Warning Letter (WL) | MS216D.04 Sub 1a |
| 12-Jun-17 | 145734196 | Westbrook PU v Paul Glasser | | Warning - Informally Issued | MS216D.05 (1-5) |
| 12-Jun-17 | 145734196 | Westbrook PU v Paul Glasser | | Warning - Informally Issued | MS216D.04 Sub 1a |
| 15-Jun-17 | 145735981 | Engbarth Boring Company < Westbrook Utilities | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 21-Jun-17 | 145734269 | 2nd Party Damage Gas Main Hit, Albert Lea | | Notice of Probable Violation (NPV) | MS216D.05 (3) |
| 22-Jun-17 | 145737093 | Complaint by Walker Landscape against Xcel and Comcast for Delayed Marks | \$1,200.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 22-Jun-17 | 145737483 | Complaint about no GSOC ticket | \$100.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 1 |
| 22-Jun-17 | 145737093 | Complaint by Walker Landscape against Xcel and Comcast for Delayed Marks | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 23-Jun-17 | 145737093 | Complaint by Walker Landscape against Xcel and Comcast for Delayed Marks | \$1,200.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 26-Jun-17 | 145738096 | Walker Landscaping Complaint Against Comcast | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 05-Jul-17 | 145738192 | Greeley Plumbing hit CPE service line, Glenwood | | Warning Letter (WL) | MS216D.05 (3) |
| 05-Jul-17 | 145738192 | Greeley Plumbing hit CPE service line, Glenwood | | Warning Letter (WL) | MS216D.04 Sub 4 (a) |
| 07-Jul-17 | 141472785 | St. Paul - Danner Construction hit | \$250.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (a) |
| 10-Jul-17 | 145722218 | Xcel Energy did NOT locate Elect Duct that was hit. | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 14-Jul-17 | 145741183 | Chard hit CPE main in Glencoe | | Warning Letter (WL) | MS216D.04 Sub 4 (d) |
| 20-Jul-17 | 145741296 | Dirt Merchant complaint against USIC | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 25-Jul-17 | 145738318 | Stephen Hackbarth hit 2", 25#, PE in Hutchinson, No GSOC | | Notice of Probable Violation (NPV) | MS216D.04 Sub 1 |
| 27-Jul-17 | 145743493 | Complaint Against Multi Operators by CASM Inc | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 27-Jul-17 | 145743493 | Complaint Against Multi Operators by CASM Inc | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (e) |
| 28-Jul-17 | 145743693 | 3rd Party Damage by Rock Underground to CPE Main in Maple Grove | \$1,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |

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| 28-Jul-17 | 145743693 | 3rd Party Damage by Rock Underground to CPE Main in Maple Grove | \$2,400.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 31-Jul-17 | 145739018 | Michels hit unmapped CPE 2" Stl service stub | | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 08-Aug-17 | 145742884 | 3rd Party Damage of GMG 2" Service Prior Lake | \$500.00 | | MS216D.04 Sub 3 (a) |
| 09-Aug-17 | 145742796 | Centerpoint Minnetrista 3rd Party Damage | \$3,000.00 | Notice of Probable Violation (NPV) | MS216D.04 Sub 3 (a) |
| 14-Aug-17 | 145742484 | 3rd Party Damage of MERC 1/2" Service in International Falls | | | MS216D.04 Sub 4 (c) |
| 18-Aug-17 | 145747585 | NW Gas Emergency request abuse complaint | | Warning Letter (WL) | MS216D.01 |
| 21-Aug-17 | 145746596 | Centerpoint Third Party Damage by Midstate Reclamation | | Warning Letter (WL) | MS216D.04 Sub 4 (d) |
| 21-Aug-17 | 145746596 | Centerpoint Third Party Damage by Midstate Reclamation | | Warning Letter (WL) | MS216D.04 Sub 4 (a) |
| 21-Aug-17 | 145746596 | Centerpoint Third Party Damage by Midstate Reclamation | | Warning Letter (WL) | MS216D.05 (3) |
| 23-Aug-17 | 145743983 | 3rd party damage to MERC's main in Bemidji | | Notice of Probable Violation (NPV) | MS216D.04 Sub 4 (a) |
| 24-Aug-17 | 145745291 | Besler Electric 1" PE SVC hit Bemidji 7-31-17 | | Warning Letter (WL) | MS216D.04 Sub 3 (a) |

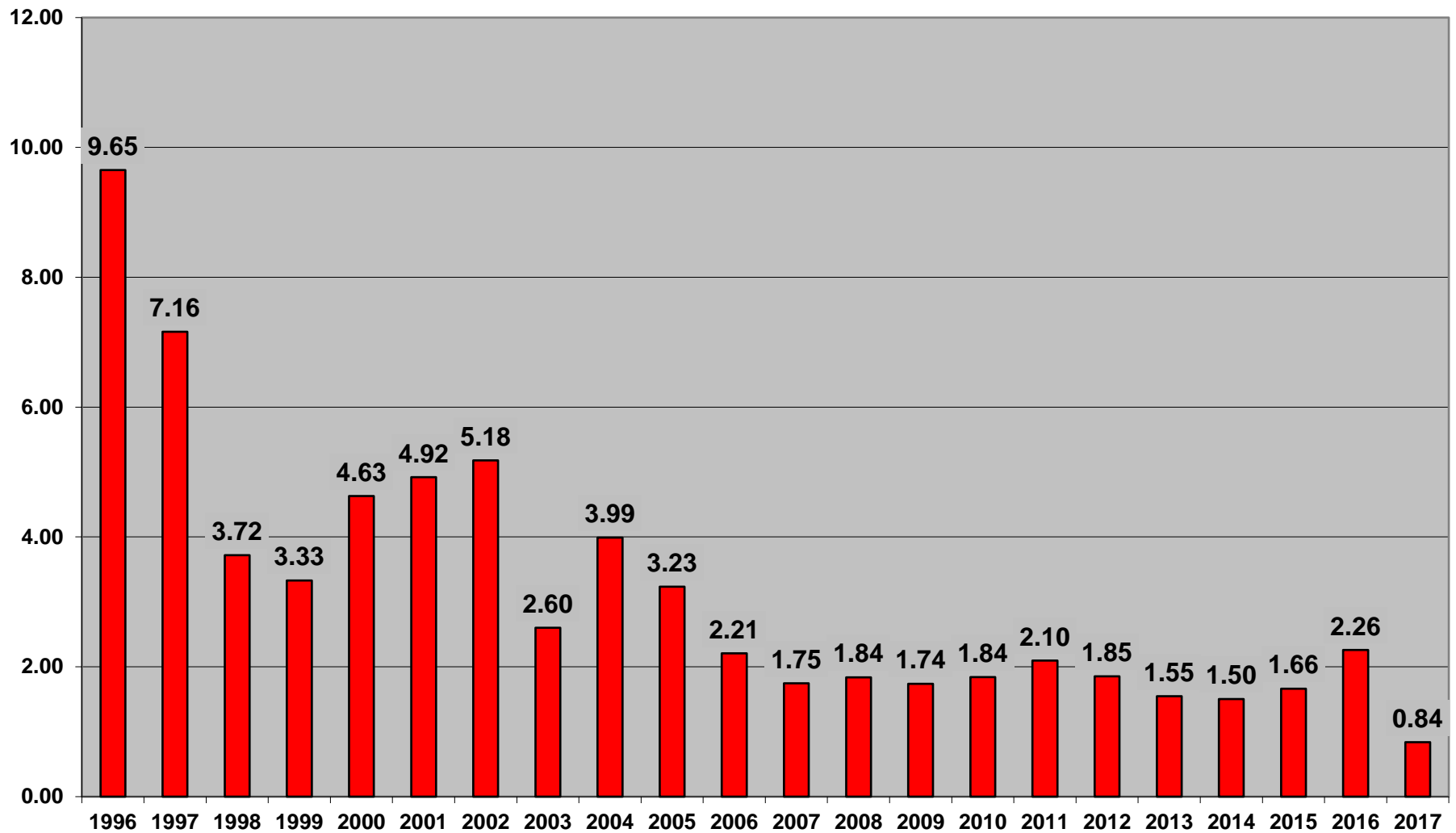
31 utility damage investigations cases

15 one call compliants cases

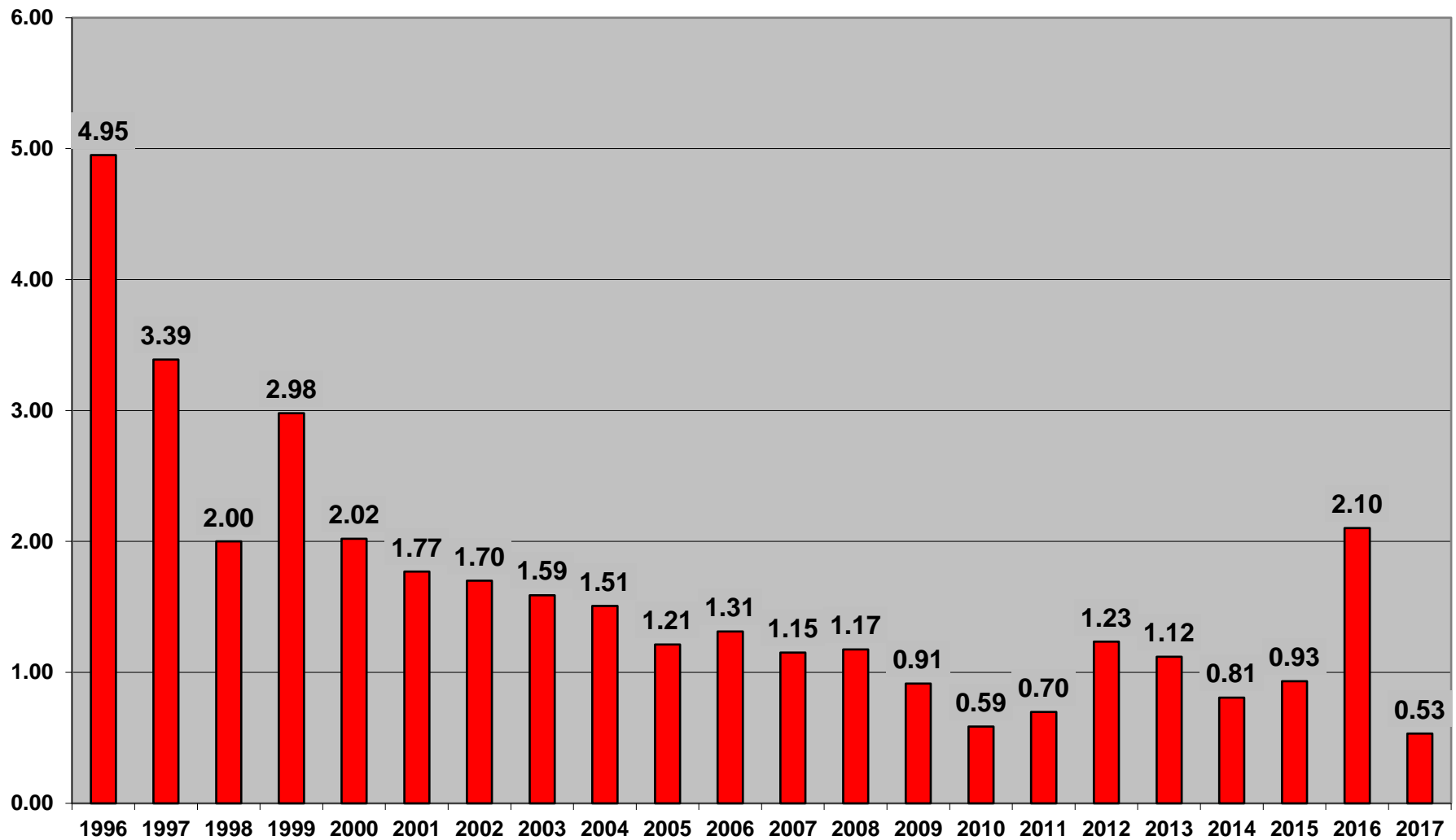
cases numbers not highlighted are repeat case numbers

55 violations cited

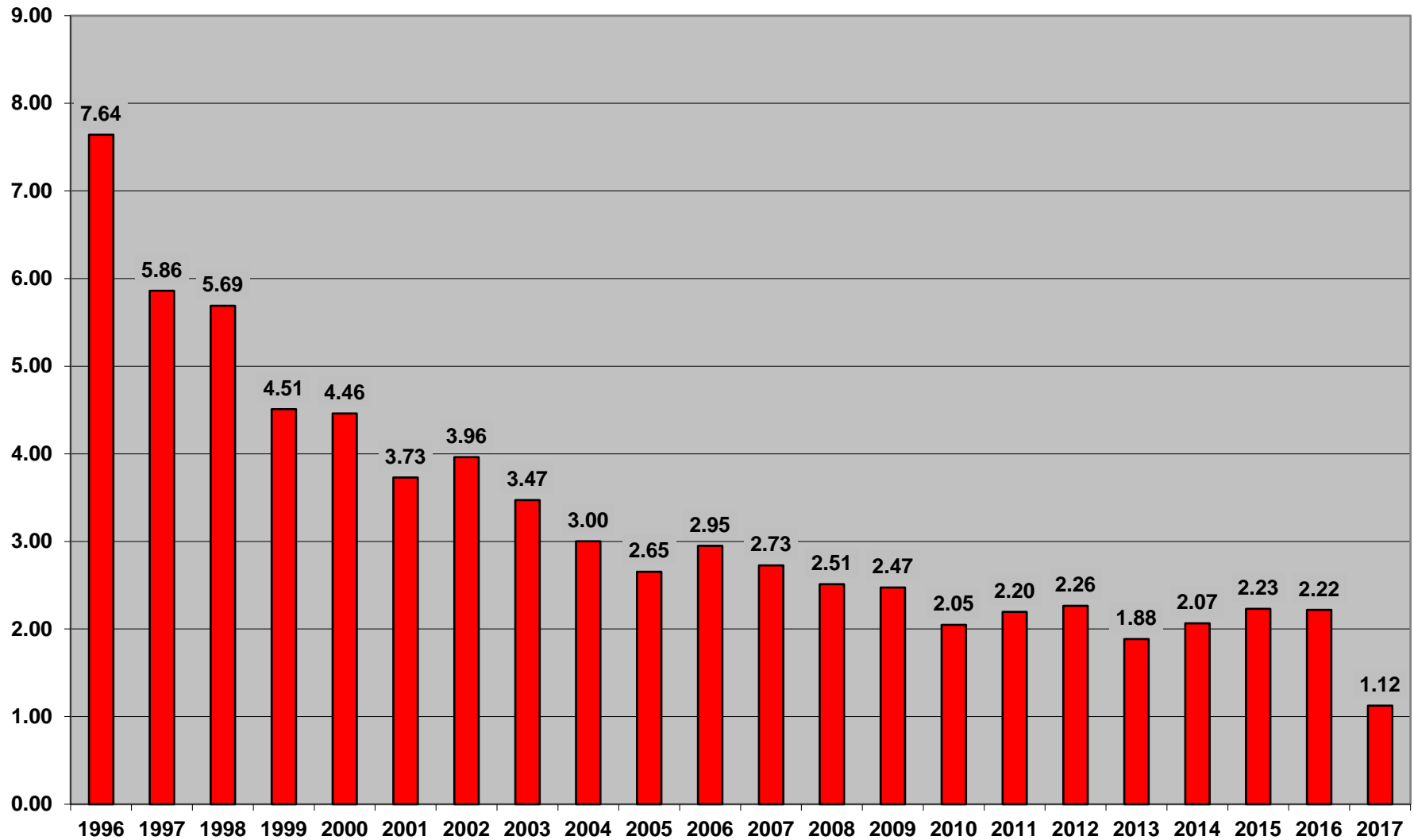
All Utility Damages Per 1000 Locates



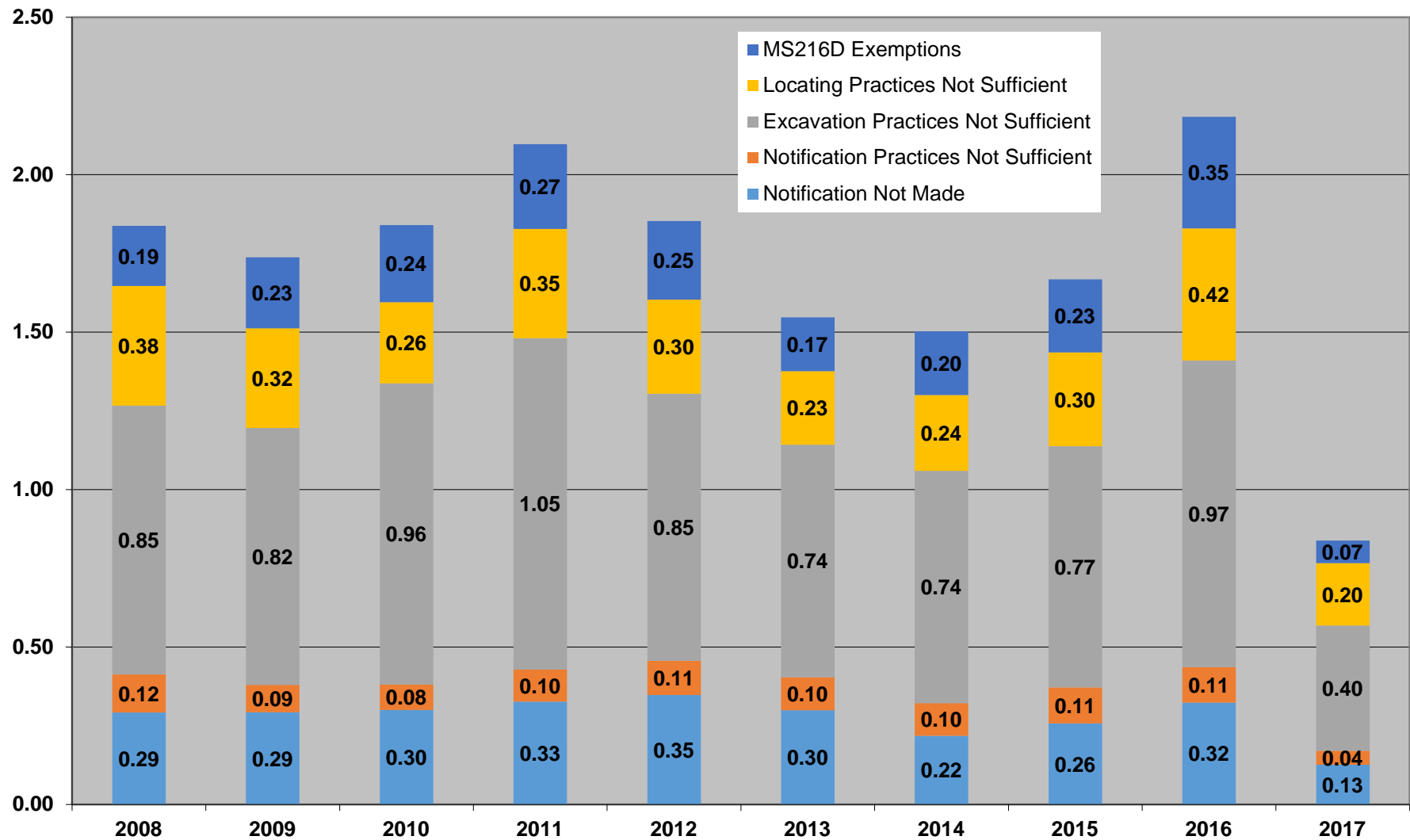
Electric Damages Per 1000 Locates



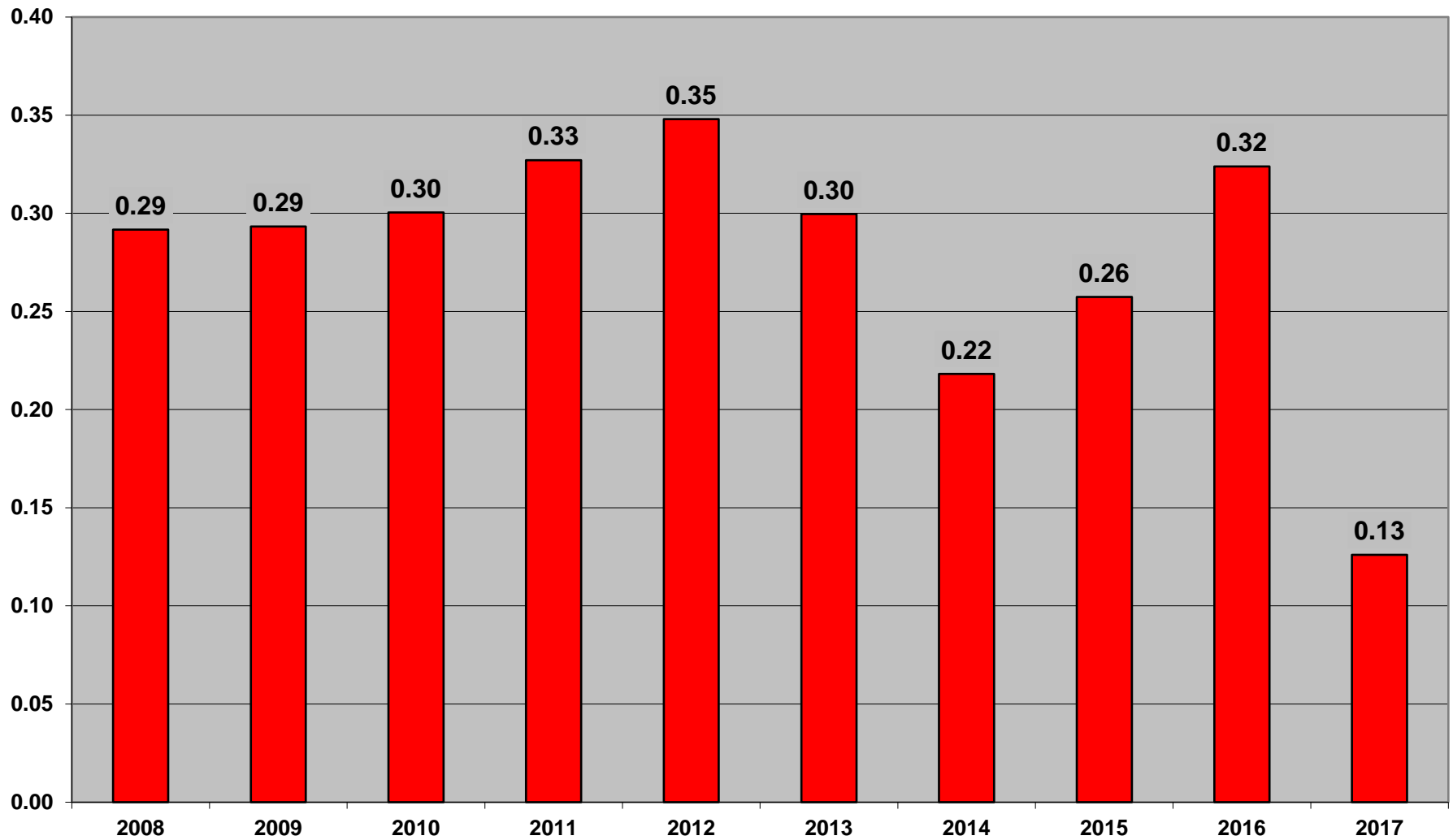
Gas Damages Per 1000 Locates



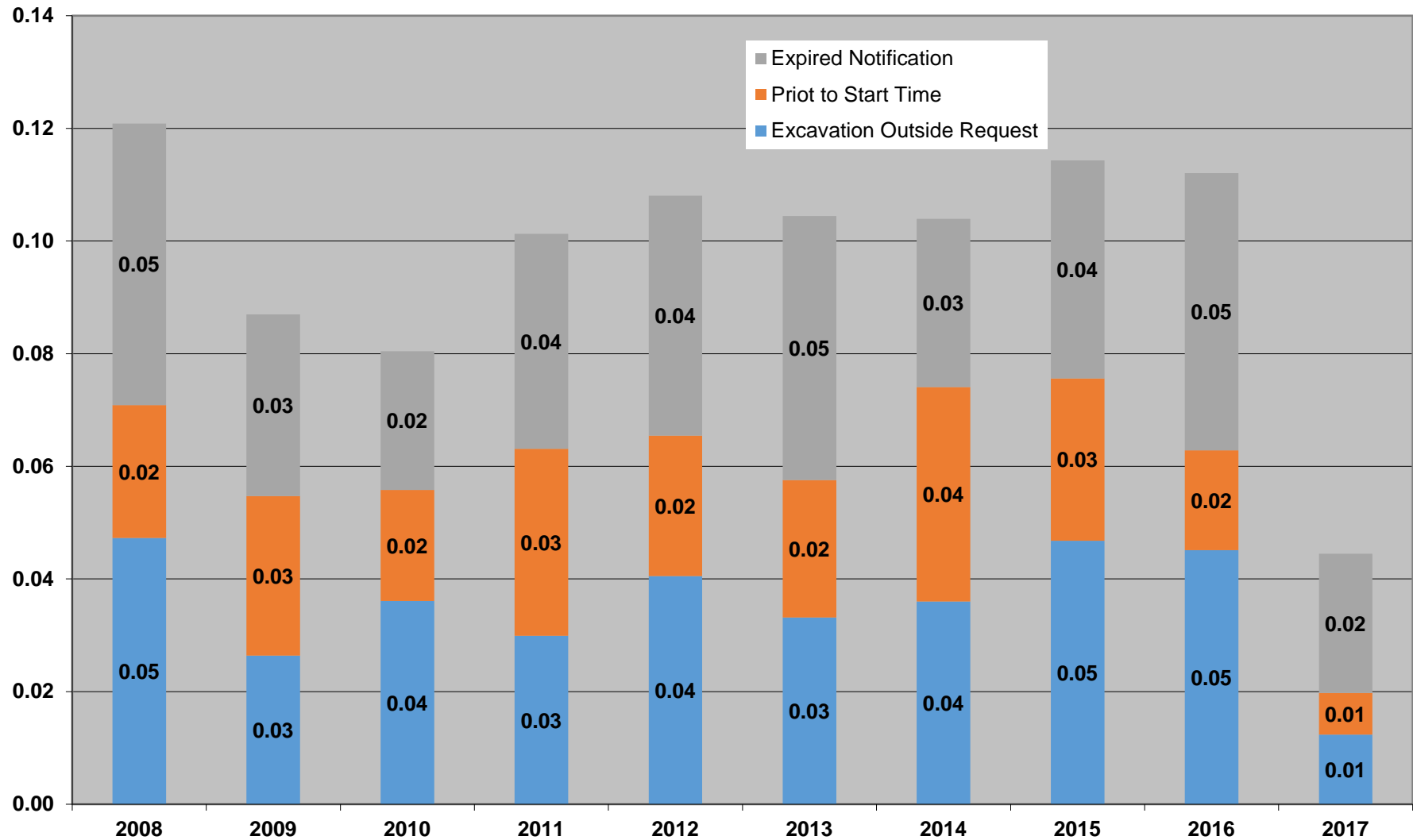
Root Cause Categories - Damages per 1,000 Locates



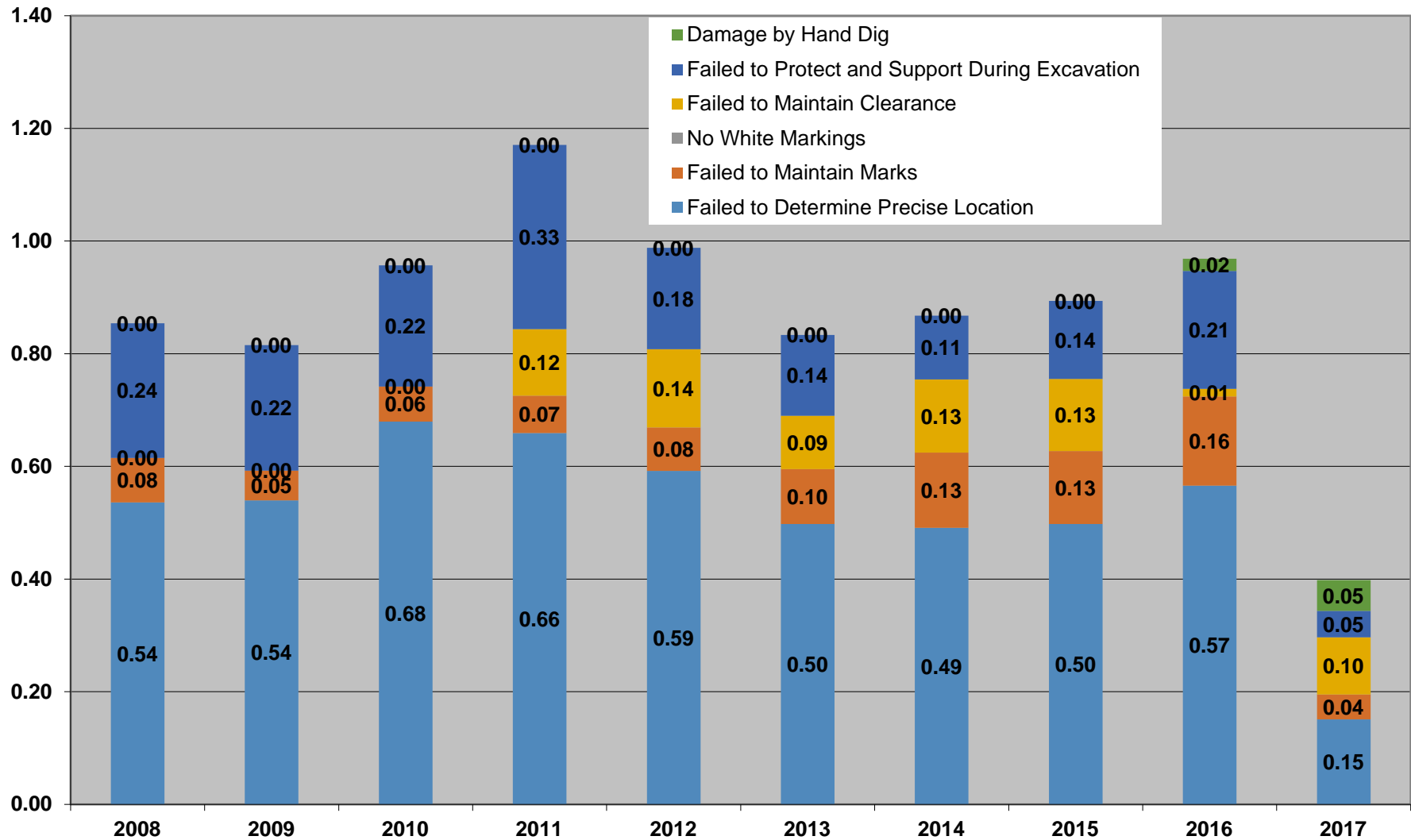
Notification Not Made - Damages Per 1000 Locates



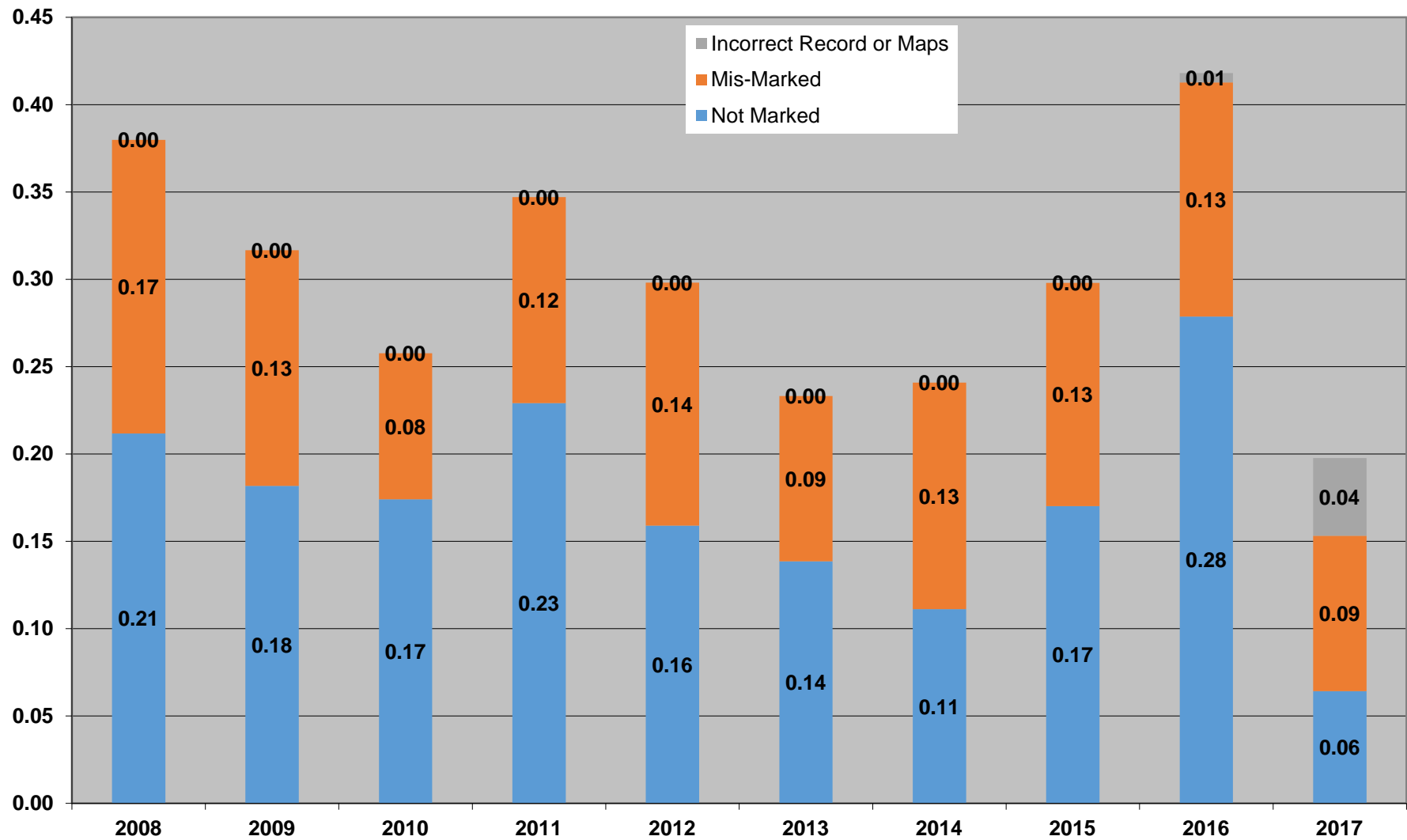
Notification Practices Not Sufficient - Damages per 1,000 Locates



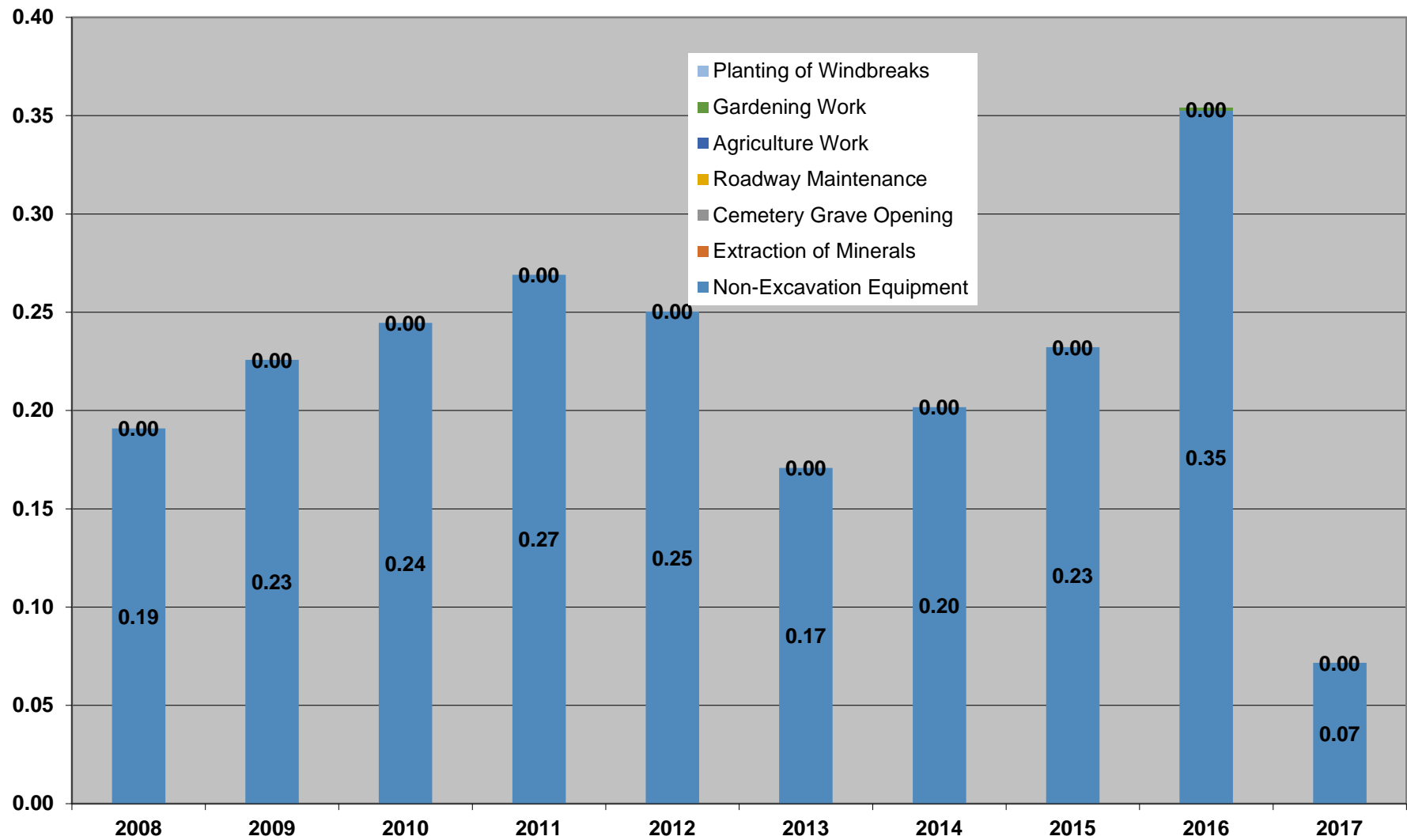
Excavation Practices Not Sufficient - Damages per 1,000 Locates



Locating Practices Not Sufficient - Damages per 1,000 Locates



MS216D Exemptions - Damages per 1,000 Locates



MS216D Stakeholder Review Meeting Agenda



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

Date/Time: August 22nd, 2017 @ 10am – 3:30pm

Location: Mn/DOT, 3725 12th St N, St Cloud, MN 56303

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

Agenda Items

- **10 – 10:15am:** Welcoming Remarks, Jon Wolfgram
- **10:15 – 10:30am:** Introductions and Housekeeping Items
- **10:30 – 10:45am:**
 - Brief review and approval of May 4th, 2017 meeting minutes
 - Brief recap of MS216D subgroups
- **10:45am – 11:30am:** Discussion on H.R. 2719
- **11:30am – 12:40pm:** Lunch
- **12:40 – 2:30pm:** MS216D Topics
 - Definition of Excavation
 - 48-Hour Notification
 - Boundary Surveys
- **2:30 – 3:25pm:** Open Forum
- **3:25 – 3:30pm:** Close Open Forum and Discuss Future Meeting Dates

Thank You!



MS216D Stakeholder Review Meeting Minutes

Tuesday, August 22nd, 2017

Mn/DOT, 3725 12th Street N, St. Cloud, MN 56303

Attendees:

- | | |
|------------------------|--|
| 1. Keven Maxa | Austin Utilities |
| 2. Jeff Janisch | Belair Siteworks |
| 3. Joe Berry | CenterPoint Energy (via teleconference) |
| 4. Dean Headlee | CenterPoint Energy |
| 5. Keith Novy | CenterPoint Energy |
| 6. Patrick Haggerty | Charter Communications (via teleconference) |
| 7. Chris Ostern | City of Duluth (via teleconference) |
| 8. Eric Shaffer | City of Duluth (via teleconference) |
| 9. Chuck Jensen | Connexus Energy |
| 10. Butch McConnell | Dakota County Transportation (via teleconference) |
| 11. Betty Jo Kiesow | Dakota Electric |
| 12. Jerome Vikse | Duinick Inc. |
| 13. Brad Drews | Egan Company |
| 14. Paul Liveringhouse | Egan Company |
| 15. Reid Romer | Egan Company |
| 16. Levi Otis | Ellingson Companies |
| 17. A.J. Clark | Enbridge Pipeline |
| 18. Nick Nicholson | Enterprise Products |
| 19. Lisa Frenette | Frenette Legislative Group |
| 20. Kim Boyd | Gopher State One Call (One Call Concepts) |
| 21. Estelle Hickman | Gopher State One Call |
| 22. Dean Parker | Gopher State One Call (Hinshaw Law) |
| 23. Keven Hjerpe | Hjerpe Contracting |
| 24. David Baker | Kuechle Underground |
| 25. Blake Sunde | Landmark Companies |
| 26. Dan Landwehr | Landwehr & Sons |
| 27. Joe LaTour | LaTour Construction & Sons |
| 28. Bill Aufderheide | M.R. Paving & Excavating |
| 29. Heath Biegler | Magellan Pipeline |
| 30. Scott Surprenant | Mathiowetz Construction |
| 31. Tracy Mitzel | MDU / Great Plains Natural Gas (via teleconference) |
| 32. Tom Osborn | Michels Pipeline |
| 33. Jill Thomas | MN Asphalt Pavement Association (via teleconference) |

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|-----------------------|--|
| 34. Jodi Corrow | Minnesota Power |
| 35. Rob Abfalter | Mn/DOT |
| 36. Jeff Blackwell | MNOPS |
| 37. Thomas Coffman | MNOPS |
| 38. Pat Donovan | MNOPS |
| 39. Scott Hand | MNOPS |
| 40. Mike Mendiola | MNOPS |
| 41. Jon Sogard | MNOPS |
| 42. Todd Stansbury | MNOPS |
| 43. Bruce West | MNOPS |
| 44. Jon Wolfgram | MNOPS |
| 45. Tracy Lipinski | MP Nexlevel |
| 46. Kelly Smith | MP Nexlevel |
| 47. Ward Westphal | MP Technologies |
| 48. Stephanie Menning | MUCA |
| 49. Dan Maschka | Northern Natural Gas |
| 50. Rachel Sorrentino | Northwest Gas |
| 51. Kim Wagner | Northwest Gas (via teleconference) |
| 52. Jon Blough | Owatonna Public Utilities |
| 53. Craig Reiner | Reiner Contracting |
| 54. Larry Swann | Riley Bros. |
| 55. Adam McAlpine | USIC (via teleconference) |
| 56. Ross Lange | Valley Paving |
| 57. John Hass | Veit & Company |
| 58. Paul Totzke | Viking Gas Transmission / ONEOK |
| 59. Walt Kelly | Walt Kelly Consulting (via teleconference) |
| 60. Jerry Cobenais | Xcel Energy |

Meeting Minutes

- 10:05 AM Jon Wolfgram introduction
- 10:07 AM Mike Mendiola housekeeping. Review of May 4th Meeting Minutes
- 10:10 AM Attendee Introductions
- 10:13 AM Agenda overview
- 10:15 AM Discussion of HF 2719
 - 216D.03 Contact information database
 - Concerns were brought up by excavators and MUCA that the contact info provided on tickets are often just a general 1-800 number, making it difficult to get in contact with the appropriate personnel during an emergency. Determining contact info is especially difficult for abandoned lines.
 - General comments were provided outlining the challenges that utility operators encounter in regards to providing contact info on abandoned lines.

black = MNOPS comments blue = utility operator comments green = excavator comments
 orange = one call center comments purple = locator comments maroon = consultant

- The quality level of as-builts provided to excavators for the purpose of locating abandoned lines are often not of a sufficient quality level.
 - A suggestion was offered to put contact info on flags for the utilities local area contact.
 - Clarification was requested on whether contact info is primarily for emergencies or to allow for follow up questions. There was a general consensus that both purposes are important.
 - There are legal challenges regarding line abandonment that make it difficult to provide highly detailed as-builts. Once you abandon a line, you lose the ability to do anything with that line.
 - Providing accurate as-builts is not a choice, it is the law.
 - There are additional issues regarding line abandonment when a utility operator goes bankrupt, no legal requirements are going to force a nonexistent company to provide as-builts.
 - Maintaining a database of contact information could be extremely helpful in solving the conflicts that have been brought up between excavators and utility operators.
 - Questions were raised on why it is difficult for utility operators to provide phone numbers that are relevant to the local area of a ticket.
 - Additional concerns were brought up regarding the fact that many phone numbers don't even work. Suggests an effort to identify inactive phone numbers.
 - GSOC has completed a project in the past to update phone numbers, but encountered difficulty due to their lack of enforcement ability. Roughly 1000 out of 1500 numbers were updated.
 - GSOC – If GSOC gets information regarding inaccurate numbers, they do follow up to fix the issue.
 - Reminder that if people are having locate issues it is important that they notify MNOPS.
 - Suggestion to give GSOC enforcement authority in regards to maintaining accurate contact info.
 - GSOC would prefer that operators be required to provide accurate info and have MNOPS enforce that requirement.
 - Clarification that MNOPS already has this authority.
- 216D.05 restricting facility installation to depths of 2-4'
- There is a general consensus amongst utility operators that these requirements are impossible. Sewer installations, as well as boring underneath rivers and highways cannot be completed within a 2' to 4' depth window.
 - MUCA has considered adding language that would specifically create exclusions for sewers and transmission lines.
 - Utility operators do have standards regarding depth of cover, but deeper installation is often required for river and highway crossings. Also there are issues regarding grade changing post-installation.
 - With utilities already required to maintain 2' separate, forcing all utilities to be installed within a 2' depth window would severely limit utility installation.
 - MUCA understands concerns regarding the maximum depth of cover, but stresses that there needs to be a legal requirement for minimum depth of cover.
 - Utility operators need legal protection if a landowner removes cover from a utility.
 - A suggestion was provided to allow locators to provide the depth of cover instead of creating a legal depth of cover window.
 - Enbridge does NOT have locate flags specifically calling out shallow and deep installations.

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- Locators are not able to accurately provide depth of cover data. Locators are only accurate in the horizontal plane, not the vertical. Additionally, soil moisture can create false reads on depth.
 - Instead of the locator providing the depth reading, maybe a solution like the system Enbridge uses would be beneficial; calling out utilities within a deep or shallow threshold.
 - MUCA prefers the use of common utility corridors.
 - Excavators are uncomfortable with their crews using locator depth readings, would prefer accurate as-builts.
 - Depth is important, but the majority of hits are due to mislocates in the horizontal plane.
- MS216D06 Subd 01 60 day damage notification
 - MUCA does not believe this to be a priority item.
 - MS216D.06 Subd. Exceptions to Reimbursement
 - b2-2 would be highly difficult to enforce unless it was made cost prohibitive, but would still be a difficulty
 - Questions whether MNOPS wants to be a mediator in tort law. Also questions whether the time limit should be from the date of damage or the date of discovery.
 - There are difficulties regarding waiting from the date of discovery. Excavators shouldn't be expected to pay for damages that occurred years ago and were only recently discovered.
 - MNOPS requested an informal count on how many excavators have received a bill for damages that they weren't responsible for. The majority of excavators present indicated that they had.
 - There are third party debt collection companies that purchase damage debts from utility companies and pump out bills without regard to accuracy. These practices have increased dramatically and have been extremely lucrative.
 - Compensation for additional work should be a separate agreement.
 - Paving excavators often run into delays when utility operators agree to move their utilities, but fail to do so. They would like to be able to seek compensation for these delays. When excavators get a bill from the utility operator that didn't bury their line and they did the work, why are they getting charged?
 - Comment regarding a project delayed 3 weeks because utilities were supposed to be removed and they were not. The delays pushed the work into winter conditions and very expensive for MNDOT
 - Utility companies should get into road subcontractor schedule to coordinate efforts to get into agreement with recourse if there are delays.
 - At the beginning of projects there will be a preconstruction meeting and the utility companies often fail to show up.
 - 216D says there should be a minimum of one design meeting to promote back and forth communication. When the contractor gets the job that conversation often isn't happening.
 - Many of these requirements are already in the statute, but they are poorly attended by utilities. Austin Utilities works very hard to attend these meets, there are a small minority of utilities that are failing to show up and causing the bulk of the problems. MNOPS needs to get the complaints in order for this to be enforced. Provide evidence to MNOPS to allow them to enforce the law.

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- Noon – break for lunch
- 1:05 PM Mike Mendiola Brought the Meeting Back to order
 - Discussion of proposed language for Definition of Excavation
 - Operators suggested a requirement for facility owner operator of their intent to excavate
 - Operators do not like the proposed change said that deliberation is how the current change was determined.
 - MUCA suggested the need for excavators to document conversations
 - Subcommittee did not want overly elaborate definition of careful and prudent
 - GSOC wanted a word different than provisions will follow different ideas
 - Operators brought up the point that the excavator does not know whether or not they will use vacuum excavation
 - Operators brought up the point that it is easier for the excavator to communicate to the operator than vice versa
- Hand Tool Discussion
 - Operators discussed other items that should be added Stakes, Pins, Fence Posts, etc.
 - Operators brought up the fact that MNOPS can enforce the changes how they wanted.
 - GSOC discussed possibly using the motion for the definition such as pounding.
 - MNOPS asked whether or not the utilities could keep up with the locating after definition is changed.
 - Operators brought up point that most of his damages occur because they do not take care when hand digging.
 - Operators were suggesting that this change levels the playing field
 - Paving Excavator suggested that the 12 inches would not work because people already lower the top of the ground and that 12 inches after that is too much
 - MNOPS asked what about a farmer pounding in T-Posts in rural land, at over 12 inches?
 - Consensus was yes that would require a ticket.
 - The 12 inch depth was chosen because it is the depth of a common shovel blade.
 - Some operators suggested getting rid of all language regarding stakes pins, just change to objects.
 - The operators were defending the inclusion of the stakes and pins as they cause the majority of damage.
 - MNOPS suggested that it should be put in a similar fashion as the exemptions listed in number 4. “Similar operations” as opposed to “such as”.
 - The committee members stated that it has been a collaborative effort of looking at other states language.
 - MNOPS discussed possibly adding the words to make it center around commercial activity.
 - The committee member noted that the reason that commercial was left out was due to simplicity.
 - The question was asked about what type of contractor is involved with this problem.
 - These contractors were identified as sign, fence, concrete companies, tents, and realtor signs
 - MUCA asked to see data on the bad offenders of pins stakes etc.

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- MNOPS also asked the group for more data regarding the pins change
- 48 hour notification
 - MNOPS asked if this change just gives the facility operators an extra half day to mark their lines
 - Operators then brought up the issue with late ticket submission with GSOC.
 - GSOC said that for sure it would add an extra day after the late submission
 - Operators determined that this change needs to be reworded.
 - MUCA then read the North Dakota language.
 - Excavators asked if data regarding this language could be provided.
 - One of the operators stated that they could show data that less tickets were out of compliance and that GSOC should clear tickets from time submitted not processed
 - Operators then discussed whether or not this change has added accuracy of marking or safety
 - An Operator mentioned that the excavators that he has spoken to did not care for this idea
 - Excavators noted that this would add bigger batches of tickets and stress the system
 - MNOPS decided that they need more discussion
- Boundary survey
 - MUCA wanted to know what the percentage of the boundary survey tickets was.
 - GSOC noted that it was less than 1%
 - MNOPS asked if it would be possible to separate this from the one call system like Iowa
 - Excavators discussed possibly getting rid of the boundary survey ticket.
 - An Operator suggested that the group put something in the law about recovering cost for boundary survey tickets.
 - Butch brought up the point that this could help the excavators get more accurate information.
- Mike Mendiola opened the floor to discussion
 - One of the excavators mentioned that he has other ideas for MS216D
 - MNOPS thanked Veit & Co for suggesting improvements to other areas of MS216D but reminded the group that for 2018 legislative consideration, we have to continue to focus on the current three topics of 1) definition of excavation, 2) 48-hour notification and 3) boundary surveys. Additional topics are certainly open for discussion and review for future MS216 stakeholder meetings after the 2018 session. We anticipate all stakeholders in attendance today to participate in those discussions.
- 3:35 PM – End meeting

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Proposed Revisions Reviewed During the Meeting:

Definition of Excavation: Current language reads as follows...

Subdivision 5 - Excavation.

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

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

Proposed language changes:

Subdivision 5 – Excavation.

"Excavation" means an activity that moves, removes, or otherwise disturbs the soil by use of:

1. a motor or engine;
2. a hydraulic or pneumatically powered tool;
3. machine-powered equipment of any kind;
4. explosives;
5. vacuum excavation, except that:
 - a. Facility operators may use vacuum excavation in a careful and prudent manner for the purposes of locating and marking their own facilities in response to a notice after all other facility operators have responded to that notice
 - b. Excavators may use vacuum excavation 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.

Excavation includes hand tool installation to a depth of 12 inches or more of:

1. Stakes
2. Pins
3. Posts
4. Anchors

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Excavation does not include:

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

** Revision in red is subject to review.*

48-Hour Notification: Current language with proposed revisions reads as follows...

Subd. 4. **Locating underground facility; excavator or land surveyor.**

(c) The notice is valid for 14 calendar days from the start time stated on the notice. If the activity will continue after the expiration time, then the person responsible for the activity shall serve an additional notice at least **2 days** ~~48 hours~~, excluding **the day of notification**, Saturdays, Sundays, and holidays, before the expiration time of the original notice, unless the excavator makes arrangements with the operators affected to periodically verify or refresh the marks, in which case the notice is valid for six months from the start time stated on the notice.

** Revision in red is subject to review.*

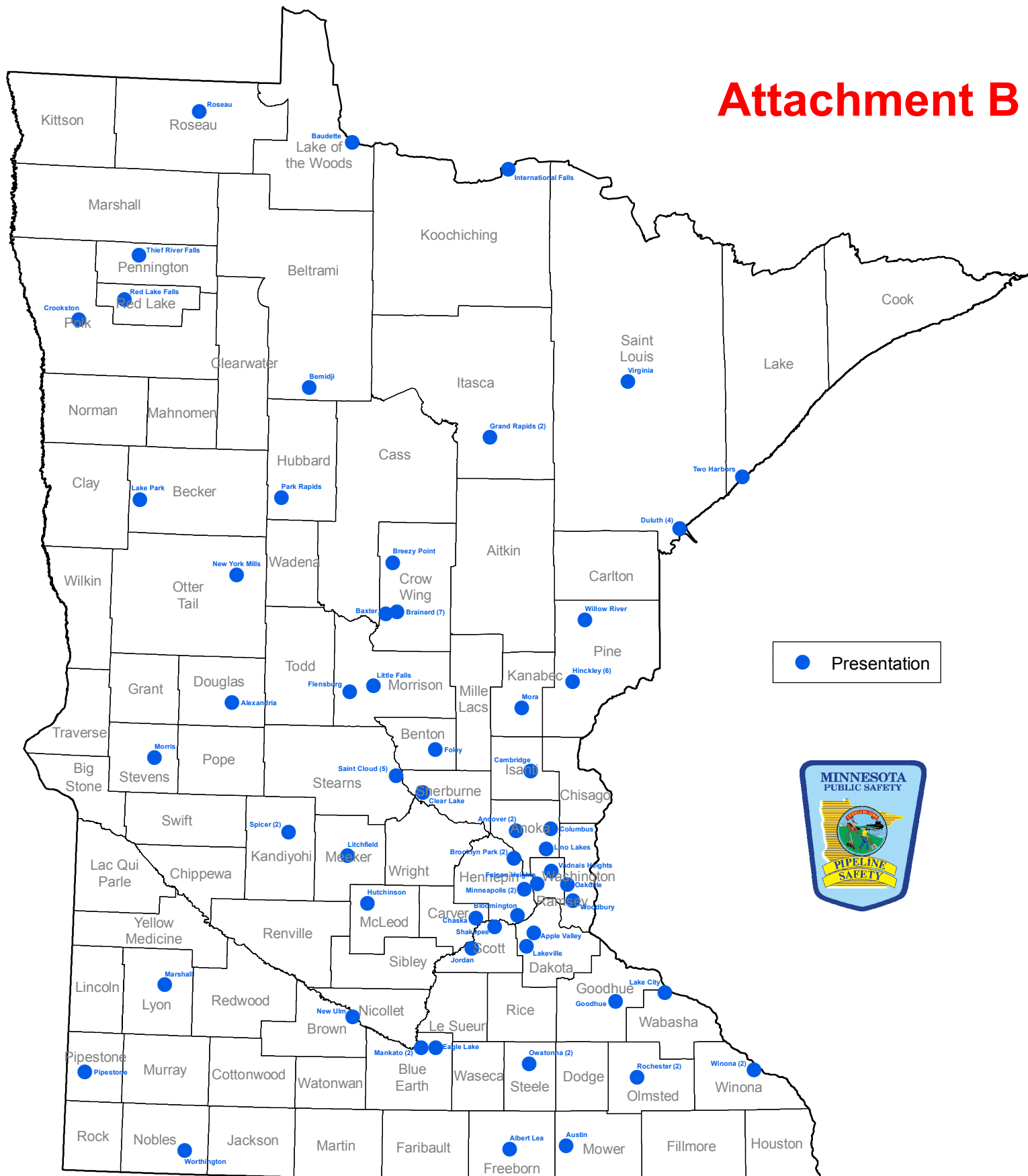
*** Next meeting date TBD. Please stay tuned.**

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MINNESOTA DEPARTMENT OF PUBLIC SAFETY
OFFICE OF PIPELINE SAFETY

PIPELINE SAFETY AND DAMAGE PREVENTION PRESENTATIONS
SEPTEMBER 1, 2016 - August 31, 2017

Attachment B





Attachment D

