

2017 State Damage Prevention Program Grants Final Report
Funding Opportunity Number: DTPH56-17-SN-000001
CFDA Number: 20.720

Award Number: 693JK31741005

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

Date Submitted: December 24, 2018

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, 9/24/2017 thru 9/24/2018)
Investigations, complaints, and enforcement actions specific to SDP Grant	51 utility damage investigations cases and 69 One Call complaint cases have been opened, with 49 violations cited as a result of investigations funded by the SDP Grant. See pages 9 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 11 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>

	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 developed an online reporting form for both pipeline and non-pipeline facility operators to report their damage data on a quarterly basis. The link for this form can be found at https://dps.mn.gov/divisions/ops/Pages/quarterly-utility-damage-survey.aspx.</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 10 of this report. As shown in the figures, underground damages through 2018 for gas facility and all utilities were 2.03 and 1.39 damages per 1,000 locates respectively. In spite of year-to-year variability, the overall trend appears to be a reduction in the rate of damage to underground</p>

	<p>facilities. The 2018 data for each graph represents damage data through quarter three only. MNOPS is in the process of collecting data for quarter four 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 (24.8%), with failure to call in a locate ticket accounting for 12.0% of damages to all utilities. The 2017-2018 SDP grant period provided similar numbers to the 2016-2017 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 2017-2018 SDP grant period, MNOPS facilitated one MS216D review meeting 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 meeting was held on April 19th, 2018 and included 27 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>The agenda and meeting minutes for the April 19th, 2018 meeting are attached for reference (attachment A).</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.</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 2018 MNOPS Spring Educational Conference which hosted the spring MNCGA quarterly meeting. Two MNOPS employees conducted a damage prevention focused presentation at the 2018 Conference. One presentation focused on damage investigation case studies and the other presentation was a mock damage investigation.</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, stainless steel water bottles 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 B) at various public outreach events.</p>
<p>Interaction and engagement with national Common Ground Alliance (CGA) and regional Minnesota Common Ground Alliance (MNCGA)</p>	<p>MNOPS played a role in the formulation of the Minnesota Regional Common Ground Alliance (MNCGA) and its Damage Prevention, Agricultural Awareness, Marketing and Special Projects Subcommittees. The MNOPS damage prevention manager facilitated the MNCGA Best Practices committee from 2015-2017. MNOPS inspector, Claude Anderson, facilitates the</p>

	<p>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 15 Regional MNCGA meetings during the 2017-2018 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 2018, 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 5 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 and uses that information to enhance future damage prevention meetings by increasing attendance and participation by area excavators.</p>
Participation in the one call center Operations and Communications Committees	<p>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.</p>

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

Case Type	Case Count	Total Hours
Damage Investigation	51	232
One Call Inquiry or Complaint	69	239
Presentations to Excavator/Pipeline/Gen. Public	67	458
Public Education Events	5	82
CAER (Community Awareness Emergency Response) Meetings	1	4
Utility Coordinating Committees	7	31
CGA / MNCGA Meetings	16	83
Grand Total	216	1,129

***See page 8-9 for breakdown**

SUMMARY OF DAMAGE PREVENTION MEETINGS & EVENTS

(Grant Period September 24, 2017 TO September 25, 2018)

DP Meetings: w/Excavators 161 hours (1,011 attendees)

2017 DPP - MPCA (Crossbore) - St. Paul
 2018 DPP - Heselton Construction
 2018 DPP - GM Contracting Annual Safety Meeting
 2018 DPP - Petes Sewer and Water
 2018 DPP - CI Utilities
 2018 DPP - 49'ers Union
 2018 DPP - Holtmeier construction
 2018 DPP - 49ers - 19 Feb
 2018 DPP - C W Houle DPP
 2018 DPP - 49'ers Union Hinkley
 2018 DPP - Northern Dewatering
 2018 DPP - Peterson Companies
 2018 DPP - APWA Session 7 4/13/18
 2018 DPP - Airport
 2018 DPP - MSPMAC
 2018 DPP - Meeting w/ Holtmeier & Dirt Merchant
 2018 DPP - MMUA Competent Person excavator training,
 2018 DPP - Northland Fence 5/23/28
 2018 DPP - Schroeder Area Excavators
 2018 - DPP for Lake Superior Consulting
 2018 DPP - Cornerstone Utility Construction Safety Meeting
 2018 DPP - Fraser Construction
 2018 DPP - St. Cloud Excavation Training Class 4/5/18
 2018 DPP - St. Cloud DPP 3/12/18
 2018 DPP - St. Cloud 3/13/18
 2018 DPP - St Cloud Excavator at Xcel Energy 3/21/18
 2018 DPP - APWA Session 7 6/22/18
 2018 DPP - Northland Fence

DP Meetings w/ Operators: 18 hours (115 attendees)

2018 DPP - MNDOT locators meeting
 2018 DPP - City of Mpls Sewer Water Dept. 1/30/18
 2018 DPP - City of Maple Grove
 2018 DPP - City of Mpls Sewer Water Dept. 1/31/18

DP meetings w/ GSOC: 279 hours (4,802 attendees)

2018 DPP - Crow wing
 2018 DPP - Rochester Area
 2018 DPP - Two Harbors
 2018 DPP - Brainerd
 2018 DPP - Shakopee (MUCC)
 2018 DPP - Foley
 2018 DPP - Andover
 2018 DPP - Marshall
 2018 DPP - Spicer
 2018 DPP - Brooklyn Park (MUCC)
 2018 DPP - Hinkley
 2018 DPP - International Falls
 2018 DPP - Baudette
 2018 DPP - Roseau
 2018 DPP - Park Rapids
 2018 DPP - Winona
 2018 DPP - Austin
 2018 DPP - Worthington DPP
 2018 DPP - Alexandria (MUCC)
 2018 DPP - Oakdale
 2018 DPP - Lakeville
 2018 DPP - Pipestone
 2018 DPP - Manakato
 2018 DPP - Thief River Falls
 2018 DPP - Grand Rapids
 2018 DPP - Hutchinson
 2018 DPP - New Ulm
 2018 DPP - New York Mills
 2018 DPP - PUCC
 2018 DPP - Owatonna
 2018 DPP - Two Harbors (MUCC)
 2018 DPP - Hibbing (125 attendees)
 2018 DPP - Hibbing 96 (attendees)
 2018 DPP - Bemidji

UCC Meetings: 31 hours	CAER (Community Awareness Emergency Response) Meetings : 4 hours
LUCC meeting Brainerd 2/7/18 MUCC Meeting, Rosemount 1/9/18 Roadway authority presentation – LUCC 2/7/18 PUCC Meeting 12/20/17 SDP Grant - Element 1 - MUCC – Shakopee 2/13/18 UCC Meetings & CGA meetings 2/21/18 UCC Meetings & CGA meetings 4/26/18	MN CAER 2014/2015/2017 meetings
Public Ed. Events (safety fairs, home shows, etc): 82 hours	CGA/MNCGA Events, Hours: 83 hours
Day of the Dozers 2017 MSFCA Rochester 2018 MSFDA - Alexandria MNDOT Soils Conference Bemidji Minnesota Sheriffs and Deputy Conference	MNCGA Ag Mtg 2018 MNOPS Conf Locate Rodeo and Presentation MNCGA Regional meeting MNCGA - Maple Grove Effective Communications Excavator vs Operator vs GSOC Mtg MS216D Stakeholder Mtg MS216D Review Process - 2018 legislative effort Xcel Energy/USIC Safety Meeting MNCGA Quarterly Meeting MNCGA Ag. Committee Meeting National CGA Education Committee Mtg. Quarterly MNCGA Meeting MNCGA Meeting in St Cloud UCC Meetings & CGA meetings MS216D Meeting GSOC Board Meeting
	Grand Total Hours, All Meetings, 1,129 hours

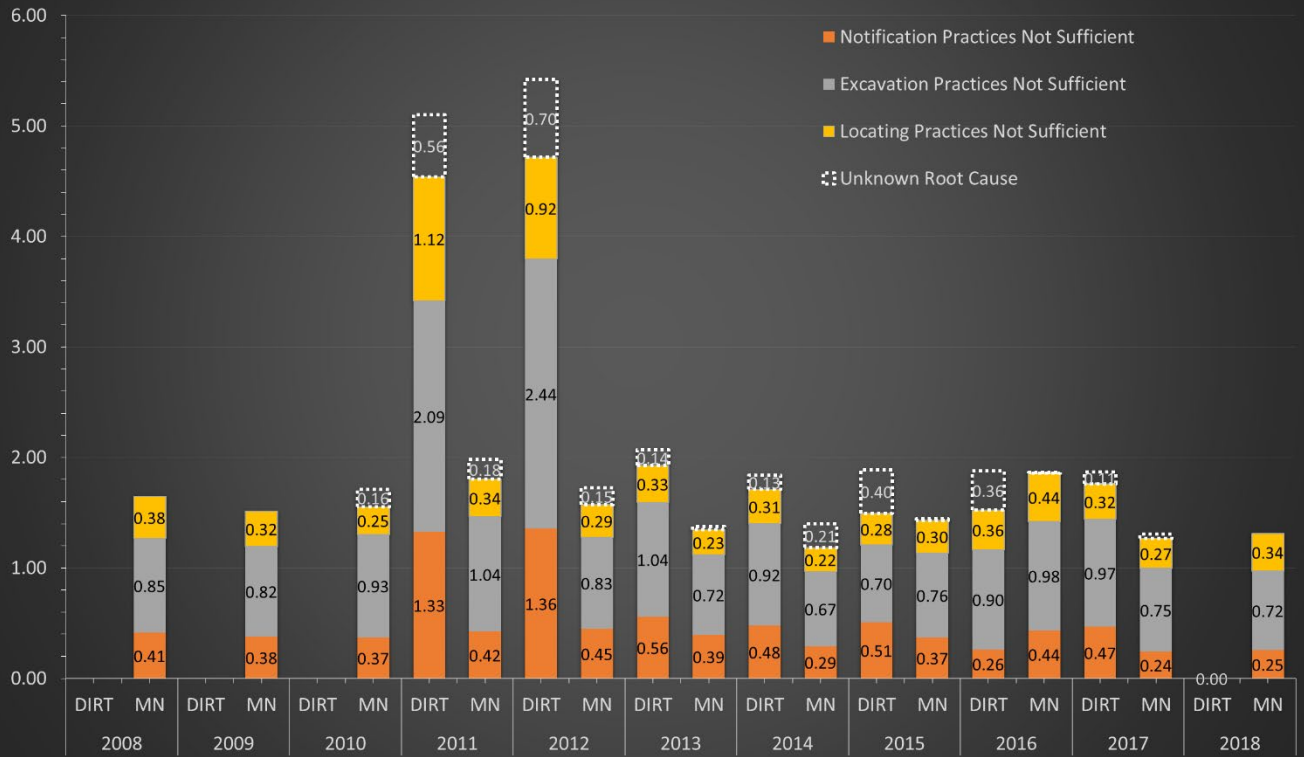
2017-2018 SDP GRANT FUNDED ENFORCEMENT ACTIONS

Enforcement Date	CaselD	Description	Penalty	Enforcement Action	Code
29-Sep-17	145755885	Soil drill damage CPE Shoreview main		Warning Letter (WL)	MS216D.05 (2)
04-Oct-17	145756381	Northwoods Surveying > Xcel > Comcast > Charter	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
05-Oct-17	145756381	Northwoods Surveying > Xcel > Comcast > Charter	\$1,500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (b)
05-Oct-17	145756381	Northwoods Surveying > Xcel > Comcast > Charter	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
05-Oct-17	145756381	Northwoods Surveying > Xcel > Comcast > Charter	\$1,500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (b)
05-Oct-17	145756381	Northwoods Surveying > Xcel > Comcast > Charter	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
05-Oct-17	145756381	Northwoods Surveying > Xcel > Comcast > Charter	\$1,500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (b)
9-Oct-17	145755385	New York Mills - Service line hit		Warning Letter (WL)	MS216D.04 Sub 3 (a)
17-Oct-17	145759654	2017 CPE hit by Pete's in Robbinsdale - 100 evacuated		Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (c)
18-Oct-17	145753497	Hansen Hauling & Excavating Damage to Austin Utilities Electrical Line	\$500	Notice of Probable Violation (NPV)	MS216D.05 (3)
18-Oct-17	145759097	Austin Utilities Complaint against Hansen Hauling	\$1,000	Notice of Probable Violation (NPV)	MS216D.05 (3)
18-Oct-17	145759097	Austin Utilities Complaint against Hansen Hauling	\$1,000	Notice of Probable Violation (NPV)	MS216D.04 Sub 1a
19-Oct-17	145759354	2017 CPE hit 142nd St W Apple Valley	\$800	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
19-Oct-17	145759754	2017 CPE Mismark Apple Valley	\$800	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
19-Oct-17	145760054	2017 Western Telephone Baier hit 75 pair in Springfield	\$250	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
28-Nov-17	145758197	3rd Party Damage to 2" MERC gas main	\$1,500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
28-Nov-17	145758896	AA Electric Damage to MERC	\$1,500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
8-Dec-17	145756085	3rd Party Horizontal Bore - CPE Buffalo hit		Warning Letter (WL)	MS216D.05 (3)
31-Jan-18	145755285	Charter crossbore - Red Wing homeowner		Warning Letter (WL)	MS216D.04 Sub 1a
31-Jan-18	145755285	Charter crossbore - Red Wing homeowner		Warning Letter (WL)	MS216D.04 Sub 1a
12-Feb-18	145756381	Northwoods Surveying > Xcel > Comcast > Charter		Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)

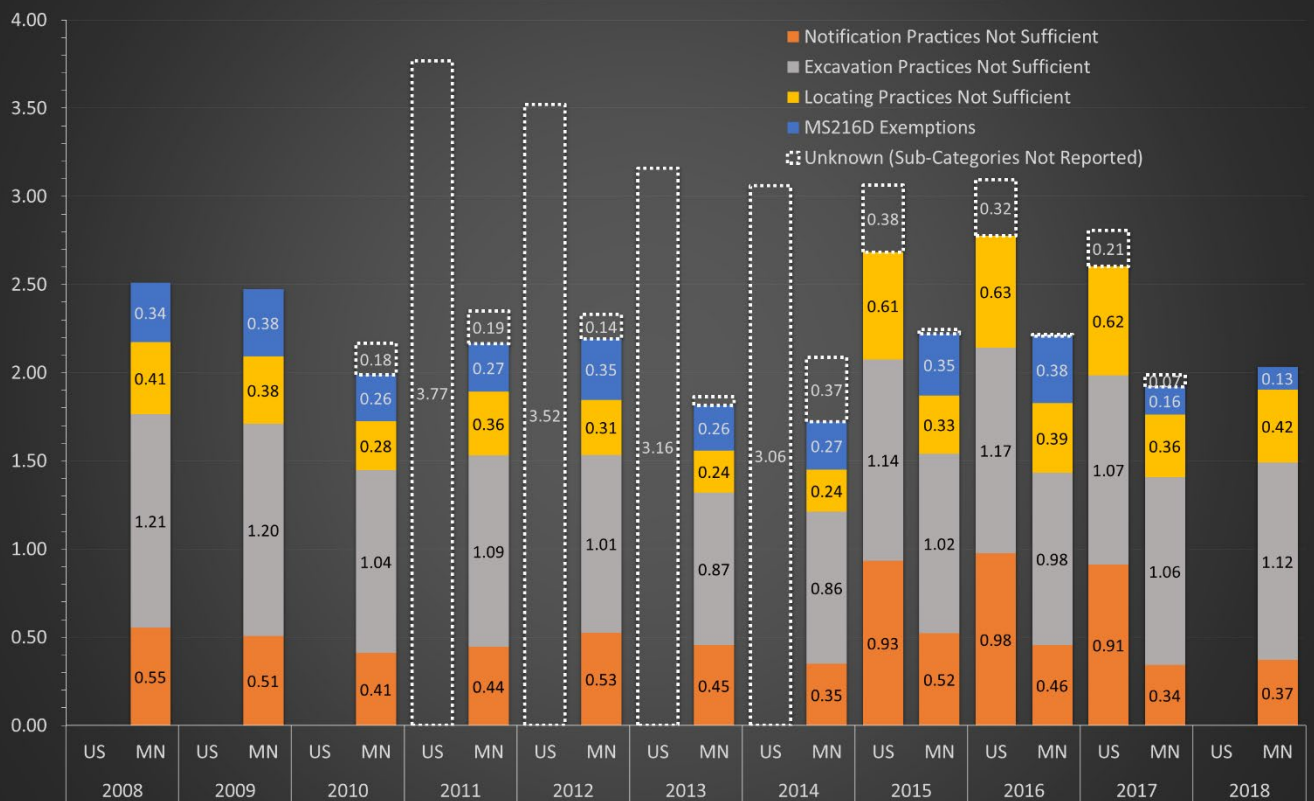
12-Feb-18	145756381	Northwoods Surveying > Xcel > Comcast > Charter		Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
31-May-18	154609179	Rock Underground Hit CPE 2" PE Main - Dayton	\$2,400	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
01-Jun-18	154609284	City of Minneapolis complained that Jordan Drilling isn't potholing		Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (a)
04-Jun-18	154610084	Magellan Complaint Against Excavator Montevideo		Notice of Probable Violation (NPV)	MS216D.04 Sub 1a
12-Jun-18	154611954	2018 Diversified Drainage excavation without GSOC ticket	\$250	Notice of Probable Violation (NPV)	MS216D.04 Sub 1
02-Jul-18	154615979	US Internet Failed to Locate Fiber Optic - Minneapolis	\$700	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
6-Jul-18	154617884	3rd Party Damage of CPE Service in Apple Valley		Notice of Probable Violation (NPV)	MS216D.05 (3)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$250	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$250	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$1,300	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
06-Jul-18	154617793	Complaint by Valley Rich Against Multiple Operators	\$1,300	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
9-Jul-18	154618681	Complaint by Valley Rich against CenterPoint Energy in Wayzata		Notice of Probable Violation (NPV)	MS216D.04 Sub 4 (a)
12-Jul-18	145794293	Complaint by Valley Rich against CenterPoint Energy in Wayzata		Warning Letter (WL)	MS216D.04 Sub 3 (a)
16-Jul-18	154612054	2018 Hollywood Twp excavation without GSOC ticket		Notice of Probable Violation (NPV)	MS216D.04 Sub 1
27-Jul-18	154624496	XCom Connect Digging Without Ticket		Warning Letter (WL)	MS216D.04 Sub 1a
10-Aug-18	154625084	3rd Party Hit of MERC Service in Rochester	\$1,200	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
29-Aug-18	154614479	Notice of Probable Violation (NPV)	\$500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
29-Aug-18	154614479	Notice of Probable Violation (NPV)	\$500.00	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (e)
25-Jun-18	154614479	Warning Letter (WL)	\$0.00	Warning Letter (WL)	MS216D.04 Sub 1
29-Aug-18	154614479	St. Paul Utilities Hit NSP 2" PE Main - Forest Lake	\$500	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)

31-Aug-18	154627493	Complaint by Valley Rich Against Xcel Energy	\$1,000	Notice of Probable Violation (NPV)	MS216D.04 Sub 3 (a)
17-Sep-18	154628593	Complaint by CenterPoint Against Rath Underground		Warning Letter (WL)	MS216D.04 Sub 4 (a)
17-Sep-18	154628493	Complaint by Comcast Against ECI for Invalid Ticket		Warning Letter (WL)	MS216D.04 Sub 4 (c)
22-Oct-18	154621893	Xcel Energy not Marking on Locate in Forest Lake		Warning Letter (WL)	MS216D.04 Sub 3 (a)

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



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



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.

MS216D Stakeholder Review Meeting Agenda



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

Date/Time: April 19th, 2018 @ Noon – 4pm

Location: Connexus Energy, 14601 Ramsey Blvd NW, Ramsey, MN 55303

Note: Water and light snacks will be available during the meeting.

Agenda Items

- **noon – 12:10pm:** Welcoming Remarks, Bruce West
- **12:10 – 12:15pm:** Introductions, Housekeeping Items and General Meeting Conduct
- **12:15 – 12:25pm:** Brief overview of H.F. 2719 and S.F. 3441
- **12:25 – 1:15pm:** How the proposed language benefits excavators.
- **1:15 – 1:20pm:** Break
- **1:20 – 2:10pm:** How the proposed language affects the One Call center.
- **2:10 – 2:15pm:** Break
- **2:15 – 3:05pm:** Discussion and input by facility operators.
- **3:05 – 3:25pm:** Discussion and input by DPS/MNOPS.
- **3:25 – 4pm:** Discussion and input by stakeholders towards a common goal.
- **4pm:** Adjourn

Thank You!



MS216D Stakeholder Review Meeting Minutes

Thursday, April 19th, 2018

Connexus Energy, 14601 Ramsey Blvd. NW, Blaine, MN 55303

Attendees:

- | | |
|-----------------------|--|
| 1. Tom Hoffman | Argralite Coop |
| 2. Keven Maxa | Austin Utilities |
| 3. Dean Headlee | CenterPoint Energy |
| 4. Amanda Duerr | Charter Communications |
| 5. Chuck Jensen | Connexus Energy |
| 6. Betty Jo Kieson | Dakota Electric |
| 7. Jerome Vikse | Duininck Inc. |
| 8. Jason Lindula | Egan Company |
| 9. Barb Cederberg | Gopher State One Call (via teleconference) |
| 10. Estelle Richard | Gopher State One Call (via teleconference) |
| 11. Heath Biegler | Magellan |
| 12. Rick Tauzell | MJ Electric |
| 13. Troy Dahlin | MMUA |
| 14. Jodi Corrow | MN Power |
| 15. Pat Donovan | MNOPS |
| 16. Bruce West | MNOPS |
| 17. Claude Anderson | MNOPS |
| 18. Jeff Cremin | MNOPS |
| 19. Jon Sogard | MNOPS |
| 20. Rachel Sorrentino | NW Gas |
| 21. Jon Blough | Owatonna Public Utilities |
| 22. Mitch Huston | Park Construction |
| 23. Dave Debeuec | Ulland Bros. Inc. |
| 24. Tony Friberg | USIC |
| 25. Adam McAlpine | USIC |
| 26. Ross Lange | Valley Paving Inc. |
| 27. Alicia Berger | Xcel Energy |

MNOPS MS216D SF3441 / HF2719 Discussion

Senate File 3441 Text:

Subd. 5. Contact information database. The notification center must create a database to collect, maintain, and annually update the contact information for each operator in Minnesota. At a minimum, the contact information stored in the database must include the name, telephone number, mailing address, and other relevant contact information for the operator or the person responsible for damage prevention for each underground facility. The information contained in the database must be made available upon request.

House File 2719 Text:

Subd. 5. Contact information database. The notification center must create a database to collect, maintain, and annually update the contact information for each operator in Minnesota. At a minimum, the contact information stored in the database must include the name, telephone number, mailing address, and e-mail address, if available, for the operator responsible for emergency response related to each underground facility 24 hours per day and seven days per week. The information contained in the database must be made available to an excavator upon request.

Discussion comments:

- Mike Mendiola, MNOPS: Housekeeping and rules of conduct, background of bill
- Barb Cederberg, GSOC: Currently there is only one phone number on ticket, in July of 2017 GSOC began collecting damage notification phone numbers. In February of 2018 GSOC looked at including a marking concerns number separate from the customer service number. Starting next the week of April 23rd tickets will include all three numbers. Not all operators will list all three numbers. GSOC has had time challenges in getting written verification of phone numbers from operators. Progress has been completed as follows:
 - Marking concerns confirmed contact number 893/1495 (67% of outgoing ticket volume), all have been contacted.
 - Damage notification confirmed contact number 1047/1495 (86% of outgoing ticket volume), all have been contacted
 - Customer service confirmed contact number 893/1495 (67% of outgoing ticket volume), all have been contacted.
- Barb Cederberg, GSOC: Every year operators are asked for updates on contact info, this year these updates have taken place multiple times per year. GSOC is staffed 24/7 for emergency tickets
- Rachel Sorrentino, NW Gas: The House File and Senate File have different language regarding emergency response vs damage prevention, clarification is important for operators. Consider including language to make contact info available to emergency responders as well as excavators
- Bruce West, MNOPS: The house will likely be accepting the senate's language, so the important language is SF3441 – *Correction, it appears that the language is not locked in and is a moving target*

black = MNOPS comments

blue = utility operator comments

green = excavator comments

orange = one call center comments

purple = locator comments

maroon = consultant

- Alicia Berger, Xcel: The language has already changed just prior to the meeting. Changes include a requirement for the operator to provide the data instead of only requiring GSOC to maintain the data. Language is now "...to facilitate emergency response or damage prevention", to clarify Rachel's point.
- Jerome Vikse, Duininck Inc.: Why is this bill being drawn up by people who have nothing to do with excavation? Emergency response is already covered by 911 requirements so why is it even included? Maintaining and updating the database might be better accomplished by updating upon a change instead of annual updates. Instead of the language making the contact info available upon request, the language should state that the info should be on the ticket. Consider having operators have a single phone number that can route you to the three different categories instead of three different phone numbers.
- Amanda Duerr, Charter: Clarification that language was drafted by Associated General Contractors. In response to a question regarding opportunities for the public to testify, it will be possible between 10AM-5PM. There is a hearing tonight from 5PM-11PM to take public testimony, but this language is not in the bill yet, it will be amended tomorrow.
- Mike Mendiola, MNOPS: MNOPS encourages affected parties to speak to their representatives. (A sample three column ticket was displayed.)
- Jerome Vikse, Duininck Inc.: More on three numbers as opposed to a single number with forwarding options.
- Jeff Cremin, MNOPS: In the past GSOC had three numbers, at a point in the past they changed it to one.
- Rick Tauzell, MJ Electric: There are benefits of having three numbers so you actually get a hold of someone who knows what is going on.
- Alicia Berger, Xcel: For large operators having three numbers is beneficial due to their large regional footprint. The ability to have specific numbers related to a region has a big advantage over forcing callers to go through multiple layers of regions, subjects, and languages.
- Rick Tauzell, MJ Electric: Are marking concern phone numbers going to direct to a contract locator like USIC or to the operators locate dept?
- Alicia Berger, Xcel: Answering Rick, who the phone number goes to is up to the operator.
- Jodi Corrow, MN Power: Responding to Rick's question, MN Power does some in house and some contract locating. The number on the ticket will go to the party who actually is performing the locate. There are concerns with people abusing the ability to directly contact locators, and instead of going through the proper number use a cell number of a locator who they try to contact for all issues.
- Bruce West, MNOPS: Similar issues to Jodi's concerns regarding people skipping the chain of command (skipping the duty officer and calling a state fire marshal investigator directly).
- Rick Tauzell, MJ Electric: It will be the PM to make sure that people call the right number.
- Ross Lange, Valley Paving: It's not difficult to provide numbers on a quarterly basis.
- Alicia Berger, Xcel: What is the legal definition of damage prevention in regards to excavation? It is overly broad and its implications are unknown. Does the need for damage prevention require an operator to send out a locator over locate concerns at night?

<BREAK>

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blue = utility operator comments

green = excavator comments

orange = one call center comments

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maroon = consultant

- Bruce West, MNOPS: Session ends May 21st at midnight.
- Amanda Duerr, Charter: Giving the opinion that 7560.0300 gives MNOPS the authority to collect numbers.
- Jeff Cremin, MNOPS: That is a one way communication from the operator to the one call center, it does not involve the excavator. Using this would be a stretch of MNOPS authority.
- Alicia Berger, Xcel: If information was not properly updated could they file a complaint to MNOPS?
- Ross Lange, Valley Paving: Who has an issue with supplying the information (nobody does), what is the critical information needed and who will take ownership of it.
- Mike Mendiola, MNOPS: MNOPS has investigated cases where insufficient information was provided when requested. As the enforcing agency, we investigate items that are under our jurisdiction but also inquire about information that doesn't fall under our jurisdiction. The latter is done to assist those who are having challenges when trying to obtain information on their own.
- Dean Parker, GSOC: In response to Valley Paving, GSOC has been looking for feedback from all stakeholders to find out what works and what doesn't. At one point these three numbers did exist.
- Ross Lange, Valley Paving: The three numbers are a big improvement.
- Jerome Vikse, Duininck Inc.: Looking for clarification on MNOPS jurisdiction.
- Mike Mendiola, MNOPS: MNOPS has two separate jurisdictions:
 - Enforcement of CFR 192 and 195 on all gas and hazardous liquid pipelines in MN.
 - Enforcement of MS216D and MN Rule 7560 on excavators, underground utility operators, and locators.
- Keven Maxa, Austin Utilities: Clarifying that MNOPS can only enforce the rules of MS216D on non-pipeline operators. MNOPS doesn't enforce OSHA regulations or NESC codes for electric.
- Thomas Coffman, MNOPS: MNOPS has had to assist with excavators not being able to get a hold of utility operators. Thomas has not been able to find any language that would allow him to enforce these issues.
- Jodi Corrow, MN Power: A layman reading MS216D might come up with different assumptions based on their own interpretation, is there a guide to interpreting this law?
- Jeff Cremin, MNOPS: Responding to Jodi, at the statute level there is no documentation regarding interpretation. For rules there will be a "statement for need and reasonableness".
- Dean Headlee, Centerpoint Energy: Giving the opinion that MN Rules give MNOPS the authority to enforce contact info.
- Bruce West, MNOPS: If the DPS attorney gives MNOPS the green light for MNOPS to enforce, they will.
- Amanda Duerr, Charter: Operators are more than willing to provide this information, so they do not feel that there is a need for additional legislation. There are concerns that by the time the language has finished going through the legislative process it will be changed into something that could be problematic.
- Chuck Jensen, Connexus: There needs to be enforcement action taken against the small number of operators that have not handed over their information, as they are making all operators look bad.
- Jeff Cremin, MNOPS: This rule has been enforced 8 times in MNOPS history, and they were all tied to operators not paying GSOC bills.
- Alicia Berger, Xcel: Is this language necessary if most operators are already providing this info, who knows what this language will end up looking like once the legislature gets their hands on it. GSOC has a commitment to listen to stakeholders to protect public safety.

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- Ross Lange, Valley Paving: If GSOC sent a letter to operators requesting information, does MNOPS then have the authority to enforce that. (Barb was unable to comment on this)
- Rachel Sorrentino, NW Gas: The requirements of 7560.0300 is limited to providing information to notify operators of nearby excavation activity. Could a rule change be easier?
- Bruce West, MNOPS: Responding to Rachel, a rule changes take about 18 months.
- Dean Parker, GSOC: Adding to Jeff Cremin's comments, when MNOPS looks at legal language they to consider more complicated factors such as case law, these interpretations might not be obvious when just reading the language of the law. Especially when it comes to enforcement.
- Amanda Duerr, Charter: Reviewing the legislative process:
 - On the senate side the language is included in the senate energy omnibus bill, there will be a hearing next week where it will be rolled into a larger omnibus bill
 - ON the house side the proponents of the bill are trying to get it onto another large omnibus bill Jobs and Energy. The language is not included but an amendment will be forthcoming
- Alicia Berger, Xcel: Would excavators be satisfied if GSOC just sent a letter out requiring contact info instead of requiring legislation.
- Jerome Vikse, Duininck Inc.: As long as there is a bill we should continue with it.

Meeting adjourned. No date scheduled yet for the next MS216D stakeholder meeting. MNOPS has encouraged stakeholders to attend the House and Senate hearings to provide their testimony regarding H.F. 2719 and S.F. 3441.

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Attachment B

