



## MS216D Stakeholder Review Meeting Minutes

Thursday, May 4th, 2017

Austin Utilities, 1908 14th Street NE, Austin, MN 55912

### Attendees:

- |                       |                                                |
|-----------------------|------------------------------------------------|
| 1. Keven Maxa         | Austin Utilities                               |
| 2. Dave Doletzky      | Badger Daylighting                             |
| 3. Nick Sarallo       | Badger Daylighting                             |
| 4. Troy Hopkins       | Badger Daylighting                             |
| 5. Kathy Reed         | BP (via teleconference)                        |
| 6. Steve Olinger      | CenterPoint Energy                             |
| 7. Chris Madden       | City of Duluth (via teleconference)            |
| 8. Butch McConnell    | Dakota County (via teleconference)             |
| 9. Betty Jo Kiesow    | Dakota Electric                                |
| 10. Jerome Vikse      | Duininck Inc                                   |
| 11. Nick Nicholson    | Enterprise Products                            |
| 12. Tracy Mitzel      | Great Plains Natural Gas (via teleconference)  |
| 13. Barb Cederberg    | Gopher State One Call (via teleconference)     |
| 14. Estelle Richard   | Gopher State One Call                          |
| 15. Rick Schlegel     | Koch Pipeline                                  |
| 16. Rachel Sorrentino | Lakes Superior Consulting (via teleconference) |
| 17. Heath Biegler     | Magellan Pipeline                              |
| 18. Tom Osborn        | Michels Pipeline                               |
| 19. Jodi Corrow       | Minnesota Power (via teleconference)           |
| 20. Claude Anderson   | MNOPS                                          |
| 21. Jon Sogard        | MNOPS                                          |
| 22. Jon Wolfgram      | MNOPS                                          |
| 23. Mike Mendiola     | MNOPS                                          |
| 24. Pat Donovan       | MNOPS                                          |
| 25. Scott Hand        | MNOPS                                          |
| 26. Thomas Coffman    | MNOPS                                          |
| 27. Ward Westphal     | MP Technologies                                |
| 28. Stephanie Menning | MUCA                                           |
| 29. Mike Broderick    | NuStar Energy (via teleconference)             |
| 30. Dan Maschka       | Northern Natural (via teleconference)          |
| 31. Kay Klemmer       | Northern Natural                               |
| 32. Mike Gorham       | Northwest Gas                                  |
| 33. Jon Blough        | Owatonna Public Utilities                      |

34. Ryan Zelenka	USIC
35. Dave Gunderson	Viking Gas Transmission (via teleconference)
36. Paul Totzke	Viking Gas Transmission (via teleconference)
37. Walt Kelly	Walt Kelly Consulting (via teleconference)
38. Sam Richert	Xcel Energy

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### **MNOPS Subgroup Recap**

- Emergency Notifications (7560.0325 Subp. 2)
  - This topic to be tabled for future consideration
- Abandoned Facilities (7560.0100 Subp. 1A)
  - Handling locates for unmaintained abandoned facilities
  - This topic to be tabled for futures consideration

### **MS216D Review Topics**

#### **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 (developed by subgroup team):**

##### 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, by explosives; *or by stakes, pins, anchors installed to a depth of 12 inches or more using hand tools*. Excavation does not include:

- (1) the extraction of minerals;

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- (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) *vacuum excavation for the purpose of locating or exposing underground facilities provided that if that if the excavation takes place within 25 feet of a gas transmission or hazardous liquid pipeline, the operator of the pipeline is notified prior to excavation.*

*\* Revision in red is proposed for consideration.*

➤ **Definition of Excavation-Stakes and Pins key comments:**

- Request to get other non-represented groups regarding hand dig information (e.g. tree nurseries, fencing companies, etc...)
- GSOC has information regarding on hand dig damages
- Suggestion that the hand dig rule only included in city road ROW not on private property
- Informal poll of people who keep track of hand dig damages to their equipment
- In reference to curb and gutter, typically locate requests are made for excavations for big MNDOT projects
- Group discussion regarding the fact that for city projects, 2 contractors do curb work and the pin people are causing the damage
- Discussed adding fence posts to hand tool definition

➤ **Definition of Excavation-Proposed Exemption 6 key comments:**

- Proposed inclusion of vacuum truck excavation under exclusion list, provided that utility operator is notified
- Brief review of issues operators have had with vacuum excavation near their lines, primarily coating damage. Proposes allowing vacuum excavation so long as utility owners are notified.
- Question if proposed language would allow vacuum excavation to be used to expose telecom lines for the installation of a gas line. Verdict was the proposed language would allow for this.
- Suggestion that vacuum excavation is safe so long as pressure is kept to a reasonable range (1500-1800psi). Operation of a vacuum truck at 20kpsi to 40kpsi can damage utilities or even cut concrete. Suggests that codifying safe operating parameters for vacuum excavation could eliminate many of the concerns operators have.
- Question if proposed language is exclusively for general excavation or emergency excavation. Suggests that the language allows for safe excavation in emergencies

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- Excavation always requires ticket. Excavation for repair of broken tracer wire without a ticket could potentially damage unknown third party facilities, and that a broken tracer wire should not be considered an emergency.
- **Concurs with position expressed by Dave Doletzky that establishing safe operating parameters for vacuum excavation could reduce damage to facilities.**
- Expanding on position regarding safe operation of vacuum trucks. Utility owners have established operating pressures for vacuum truck excavations. 1000—1500psi generally used.
- Addressing concerns about coating are specific to coal tar, which even well adhered coating can be blown off at low pressures. Unreported coating damages can cause large issues years in the future
- Expressing the need for clarification on whether vacuum excavation should be allowed without a ticket prior to determination of exact language on #6.
- Expressing concerns regarding the loss to public safety if vacuum excavation is not allowed.
- Clarifying that any time a vacuum excavation is occurring with painted marks on the ground, a ticket has been called.
- Suggestion that the priority topic in this discussion should be to add language to allow for vacuum excavation to be used within 2' of the utility being exposed. Takes the position that vacuum excavation is significantly safer than shovel excavation, but that shovels are legal and vacuum truck is illegal (but unenforced).
- 3 states currently allow vacuum without a one call ticket; New York, Pennsylvania, and Georgia. Suggests that a conversation with these states may be helpful. Mike Mendiola (MNOPS) responds that the language in other states has been reviewed, but there has been no discussion with these states. Agrees that a discussion with these states would be beneficial.
- In reference to previous point regarding the priority topic of this discussion, expresses that proposed language #6 would allow for vacuum excavation near the facility.
- 3 elements are needed to satisfy concerns:
  - Valid one call needed
  - Exposing and locating must be completed
  - 25' buffer for notification
- Expressing concern regarding the issue of piggy backing. For example; if a facility needs to be located for a third party and the tracer wire for that facility is broken, would the facility owner need to call in their own ticket to vacuum excavate and locate the facility, or could they use the third party's ticket? If the facility owner is required to have their own ticket this could introduce significant delays
- Vacuum excavation needs to be an option and gas operator's need the ability to utilize vacuum excavation in conjunction with locates in broken tracer situations brought up by Mike Gorham. Also has brought up concerns regarding the issue of piggy backing.
- The proposed language currently only addresses vacuum excavation buffers on transmission lines. Should high pressure distribution or fiber optic lines be included? Would the proposed #6 fit better under MS216D.04 or MS216D.05.
- Suggests that people consider whether the proposed language belongs under the definition of excavation, or under excavator responsibilities
- In response to previous suggestion, the definition of excavation needs to be clarified regardless of whether changes are made to excavator responsibilities

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- Proposes that an exception to the safe tolerance zone be made to allow for vacuum excavation, so long as a valid ticket has been called and marks are on the ground.
  - Informal vote called on whether an exception for vacuum excavation should be included under the definition of excavation. The results were roughly half in agreement and half disagreeing. A second vote was called on whether an exception needs to be made for vacuum excavation, regardless of its location. Consensus was reached that an exception is needed.
  - Agrees that vacuum excavation needs to be allowed for exposing facilities, but reiterates that a decision needs be made on whether a ticket is necessary for exposing a facility in the case of a broken tracer wire.
  - Asks if there are any concerns regarding the 25' buffer proposed in #6. No issues raised.
  - Suggests adding language to MS216D.04 Subp 3, that vacuum excavation is a valid locate method.
  - Suggests that all of the issues brought up could be addressed by adding language to Subp 3 to allow for vacuum excavation for the purpose of locating a line, adding language to Subp 4 to allow for vacuum excavation to be used within 2' of the facility, and including the proposed #6 addition to definition of excavation. This proposal seemed to have broad support.
  - NY language is stated as “vacuum excavation is not deemed excavation” and “the use of vacuum excavation techniques are an acceptable means to expose and underground facility”.
  - Group discussion regarding CGA best practices which determines vacuum excavation as a safe alternative to hand digging in the tolerance zone.
  - Group discussion on trying to engage various stakeholders not represented at the meeting.
  - Group discussion regarding the NY, PA, GA one-call laws.
  - Badger Daylighting Representative stated PA has a rule of minimum Depth of Cover of 24 inches for lines.
  - Discussed eliminating exemptions because PHMSA prefers not to have exemptions
  - Agreement that he likes the idea of putting the vacuum excavation language in the code and not as an exemption.
  - Statement that any depth language is unreasonable.
  - Discussion regarding getting rid of the Minerals Extraction exemption due to the use of explosives.
  - Statement regarding their process for explosives near their pipeline
  - Discussion about keeping the 18 inches depth in exemption 4
  - Examples given of utilities coming in and changing the location in homeowner’s yard and giving the opportunity to possibly cause damage to a line.
- Action Item: MNOPS will seek discussions with Pennsylvania, New York, and George enforcement agencies regarding vacuum excavation. Determine if appropriate language could be added to MS216D.04 Subp 3 and 4.
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➤ **Boundary Survey key comments:**

- Is intent to identify property lines and boundary info *or* to obtain data to prepare a map for surveying companies?
  - Should 15 day wait be shortened?

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- 2500 Boundary Surveys requested in 2016.
- Comment regarding non-licensed surveyors to call boundary survey tickets.
- Shortening Boundary survey ticket is to drive use of non-excavation tickets.
- Surveyors need information for their own purpose.
- The 15 day window needs to be dropped and that the utility operators do not show up to the design meet.
  - Broad agreement that the time limit for the design ticket needs to be smaller than 15 business days.

➤ Action Item: Determine an appropriate timeline to replace the current 15 day rule.

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#### **48-Hour Notification: Current language reads as follows...**

Per MS216D.04 Subd. 1a.

Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than 14 calendar days before beginning any excavation or boundary survey.

Per Colorado's One Call Law

§ 9-1.5-103. Plans and specifications--notice of excavation--duties of excavators--duties of owners and operators

- (3)(b) Notice of the commencement, extent, and duration of the excavation work shall be given at least two business days prior thereto not including the day of actual notice.

Per North Dakota's One Call Law

12. "Locate period" means the later of:

a. The forty - eight hour period beginning at 12:01 a.m. of the day after the location request was submitted to the notification center; excluding any Saturday, Sunday, or holiday; and any twenty - four hour extension provided through the notification center; or

b. The period between the submission of a location request to the notification center and the noted date and time of excavation.

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➤ **48-Hour notification key comments:**

- Statement that this benefits the operators/locators more than it does the excavators.
- Statement that you need to keep the excavator mentality when looking at this change and it could help them manage their work
- Points out that this change will help eliminate confusion with excavators
- Excavators are not happy about this proposed change.
- Disagrees with previous point, states will not affect excavators so long as plans are made appropriately
- Discussion that Overnight Tickets would add a whole day to the 48 hour time limits
- Suggestion to change the language to 2 business days excluding the day of notice.
- Commented that the 48 hour notification does not include language for processing time.
- Group decided that there needs to be clarification regarding the processing of the ticket
- Points out that the language of the law does not include validation from the one call center for your ticket
- Discussion regarding after hour ticket processing.
- Requests to discuss the disconnect of the law and the internet after hour tickets
- Average GSOC processing time is several minutes.
- Initial thought process was to benefit both excavators and operators.
- Statement that this is big deal for his customers and he wants to know what is driving this.
- The benefit was to give the excavator to not have to wait for a random time to start and can start as soon as possible.
- Says this change would be more efficient for the locators.
- What is the benefit for public safety?
- States proposed language gives them a better option to spread out tickets efficiently.
- Does this include meet tickets?
  - No consensus
- States that this wording is confusing and hard to sell to the public.
- Is a language change necessary?
  - No consensus. Language will go back to subcommittee.
- Could language be added to allow excavators to dig early if their ticket has been cleared?
  - Language needs to be clear on how to possibly make this change. Need to look at other states that have that included in our law.
- Request for call center hours to be included in language.

- Action Item: Determination needs to be made on whether this proposed change includes locate meets. MNOPS to review other states' one call laws regarding early excavation.
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**MEETING ADJOURNED at 15:30 CDT**

**\* Next meeting date proposed for August 2017. Exact time and location TBD but will be determined ASAP. Subgroup meeting dates also to follow soon.**

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