

# Summary of 2024 Changes to Minnesota Statute 216D



# Agenda

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- MNOPS Stakeholder Engagement
- Provide overview of MS216D Changes
- Questions

# MNOPS Stakeholder Engagement (2019-2023)

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1. September 3, 2019 to September 11, 2019 – 2019 One-Call Revision Survey sent to 7,719 people. 685 responses were received from a variety of stakeholder groups.
2. September 19, 2019 – MS216D Stakeholder Meeting (79 attendees)
3. November 27, 2019 to December 27, 2019 – 2019 One-Call Utility and Contractor Locator Survey sent to around 8,000 stakeholders. 62 responses were received representing 103 utility types.
4. January 13, 2020 – hybrid meeting with underground facility operators
5. January 15, 2020 – hybrid meeting with engineering and survey companies
6. January 16, 2020 – hybrid meeting with underground utility locating professionals.
7. January 17, 2020 – hybrid meeting with excavation contractors.
8. Spring 2023 – MNOPS engages Management Analysis and Development to coordinate a study of MS216D. MAD conducted around 20 interviews with a variety of stakeholders.
9. July 28, 2023 – MNOPS and MAD meet with MS216D Advisory Group Meeting
10. August 11, 2023 – MNOPS and MAD meet with MS216D Advisory Group Meeting
11. September 29, 2023 – MNOPS and MAD meet with MS216D Advisory Group Meeting to review proposed MS216D revisions.
12. October 31, 2023 – 2023 Minnesota One-Call Law Revision Survey sent to stakeholders ( 507 Responses)

# MNOPS Legislative Engagement

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- MNOPS proposals for damage reporting and on-time performance reporting by utilities in 2022 & 2023, these were not adopted.
- MNOPS did not pursue legislative changes in 2024.

# 2024 Legislative Session

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- Representative Kraft and the Associated General Contractors pursued changes to Minnesota Statute 216D.
- MNOPS provided technical oversight upon request, utilizing industry trends, data and information obtained during various stakeholder engagement opportunities.

# Summary of Changes

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MS216D has changed very little since 1987, the last changes were in 2004 with Rulemaking in 2005

Office of the Revisor of Statutes:

<https://www.revisor.mn.gov/statutes/cite/216D.01>

This section has been affected by law enacted during the 2024 Regular Session.

- 216D.01 subd. 7a has been added by [Chapter 104, Article 1, Section 85](#)
- 216D.01 subd. 7b has been added by [Chapter 104, Article 1, Section 86](#)
- 216D.01 subd. 8a has been added by [Chapter 104, Article 1, Section 87](#)
- 216D.01 subd. 12 has been amended by [Chapter 104, Article 1, Section 88](#)

# Changes to waiting period and start times:

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- Utility operators previously had 48 hours to locate underground utility lines for normal and update notices after Gopher State One Call received a request for locates. Beginning Aug. 1, 2024, the day of the request for locates will be excluded from the timeline for those notices. The 48-hour period for locating the lines will begin at 12:01 a.m., the day after the request is made. This timeline will be reflected in determination of the work to begin time and date for the excavator. The 48 hour period continues to exclude weekends and holidays.
- Alternatively, an excavator and utility operator may agree on a mutually acceptable period for the locates to be completed and for the work on the site to begin. This agreement must be documented with Gopher State One Call.



# Marking your jobsite to prepare for utility locates:

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An important part of making a request for utility locates is for the excavator to use white markings on the job site to show the utility locator where the work is happening.

State law requires that white markings be provided for all excavations. Effective Aug. 1, 2024, and prior to Jan. 1, 2026, these markings must be physically provided on site and may also be supplemented with an equivalent electronic marking description (*digital white markings*).

Beginning Jan. 1, 2026, an excavator may provide electronic markings as an alternative to the physical markings if they provide the same level of information. A utility operator may require that the excavator provide physical markings following submission of electronic marking.

Effective Aug. 1, 2024, black markings may be used on-site during wintery conditions.

# Job activities prior to ticket expiration:

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Beginning Aug. 1, 2024, *“activities in the proposed area of excavation or boundary survey must take place before the expiration date and time on the notification.”*

# Meet requirements for large projects:

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Effective Aug. 1, 2024, locate requests to Gopher State One Call that involve excavation of one mile or more in length will require a “Meet” ticket. This is a meeting to take place on site to discuss the proposed excavation, schedule utility locates and to share other necessary information about the project.

The meeting must take place at least 48 hours after the request. An affected facility operator must attend the meet or contact the excavator before the meet and reschedule or reach a mutual agreement that the meet is not required. The excavation start time on the site must be at least 48 hours after the meeting. Both 48 hour periods exclude weekends and holidays.

Documentation regarding the meeting must be provided to Gopher State One Call.

# Reporting requirements for utility operators

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Effective Aug. 1, 2024, operators must provide a report to the Minnesota Department of Public Safety Office of Pipeline Safety (*MNOPS*) each quarter. This report must include the number of notification requests by type, the percentages of notifications marked on-time as well as the number of utility damages that occurred by cause. Operators with fewer than 5,000 notifications from the previous year (*other than pipeline companies*) are exempt from these reporting requirements. State law prohibits MNOPS from initiating an enforcement action based on reporting data. MNOPS will publish the data from the reporting on an annual basis.

A draft copy of the form can be found here:

<https://www.cognitoforms.com/MNOPS1/MNOPSQuarterlyUtilityDamageSurvey2Draft>

# Collection of geospatial information:

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Effective Jan. 1, 2026, utility operators with 10,000 or more customers “*must use geospatial location information or an equivalent technology to develop as-built drawings of newly installed or newly abandoned facilities if exposed in the excavation area.*” For utility companies with 10,000 or less customers (in calendar year 2025), the implementation period begins on Jan. 1, 2027.

# Updates to utility marking requirements:

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Beginning on Aug. 1, 2024, utility operators must provide a combination of flags, stakes or whiskers to complement paint markings. The name of utility operator must be provided on each flag, stake or whisker.

# Preliminary design and preconstruction meetings:

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Effective Aug. 1, 2024, preliminary design meetings held during the design phase of a project must include a project scope and timeline. Project owners are required to provide project start dates, duration information and a scope of work. Affected facility operators must attend these meetings.

These same requirements apply to pre-construction meetings. Additionally, affected facility operators and contractors must attend preconstruction meetings. The utility quality level definition in state law was also updated to reflect the updated version of ASCE/UESI/CI 38-22 Standard Guideline for Investigating and Documenting Existing Utilities. The law will allow for automatic adoption of further updates to this standard.

# Question Session

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*2 Minutes per speaker please*



# Thank You!

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