MNOPS Alert Notice – 01 - 2022

Date: February 4, 2022

Purpose:
The purpose of this Alert Notice is to provide clarification and guidance for all Minnesota damage prevention stakeholders regarding the use and requirements of “meet” notifications as established by Minnesota Statute 216D and Minnesota Rule Chapter 7560.

Applicable Regulations:
I) MN Statute 216D, Excavation Notice System
II) MN Rule Chapter 7560, Excavation Notice System

The definition of “operator”, as provided in MS 216D.01 Subd 9, refers to a person who owns or operates an underground facility. In many cases, a contract locate technician attends the meet as the facility operator’s representative.

Scope:
MN Rule 7560.0100 defines a meet as the following:

Subp. 7. Meet. When used as a noun in this chapter, “meet” refers to a meeting at the site of proposed excavation requested at the time of notice by the excavator with all affected underground facility operators to further clarify the precise geographic location of excavation, schedule locating, propose future contacts, and share other information concerning the excavation and facilities.

Generally, meet notifications are used when the scope of work will be long in duration, complicated, or within a large geographical area. This allows the excavator and operator to work together to maximize locating efficiency with fewer notifications being necessary. Some of the benefits of a meet notification are:

- Provide a more direct communication process for locating and damage prevention.
- Provide a process for marking multiple excavation areas in a quicker timeframe.
- Allow excavation to occur immediately after marks are completed and reduce the potential of marks being destroyed.
- More efficient locating of facilities within the excavation limits.
- A meet notification can be valid for up to 6 months.

The Minnesota Office of Pipeline Safety strongly encourages communications between excavators and operators for the common goal of preventing underground utility damages. It is
the expectation that both excavators and operators work together and come to a reasonable agreement regarding meet notifications. MN Rule 7560.0350 further defines the requirements for excavators and operators regarding meets.

**Excavator Responsibilities**

When an excavator determines a meet notification would be beneficial, a meet notification shall be generated through Gopher State One Call (GSOC). The excavator is responsible for submitting in the notification an accurate description detailing the entire geographic area of excavation and the location, time, and date where the excavator and operators will meet, and the expected duration of the work. The notification requires at least one contact name and telephone number to facilitate the meet. If after the meet notification is submitted and the excavator determines they can no longer attend the meet, the excavator shall cancel or reschedule the meet, through GSOC, to notify all affected operators. At the scheduled meet, the excavator must provide operators with a precise geographic location of excavation(s). This could be done in multiple ways such as drawings, mapping, sketches, or a job site walk-through. Additionally, the precise location of excavation(s) shall be shown through the use of white markings at the excavation site(s). The use of a drawing alone to show the proposed work is insufficient.

The excavator is responsible for maintaining documentation of the meet agreement between each operator. This documentation must be kept for the duration of the excavation and include the following:

A. the date and time of each meet;

B. the names, company affiliations, and contact information of the attendees of each meet;

C. a diagram, sketch, or description of the precise excavation locations, dates, and times; and

D. the agreed schedule of any future meets or communications.

MNOPS has created a meet documentation form excavators can use during meets. It can be found at the following location:

https://dps.mn.gov/divisions/ops/forms-documents/Documents/ExcavatorMeetAgreement.doc

The excavator and operator must come to a reasonable agreement on a locating schedule for the excavation area(s). Consideration regarding the amount of locating to be completed by the operator shall be included as part of the agreement. All future locating requests will be completed per the agreement unless a new agreement or notification is made. Once the agreement is made, the GSOC notice is valid for the duration of the work period listed on the notification, or such other period as is mutually agreed to by the excavator and facility operators and reflected in the meet documentation. The GSOC meet notification does not need to be "refreshed" every 14 days. The longest a meet notification can remain valid is 6 months. Each time a locate is completed, the excavator must make an effort to reasonably protect and preserve marks until no longer needed as required per MS 216D.04 Subd. 4(d). The excavator must have an intent to perform excavation within a relatively concurrent time frame following each set of locates. This is with the understanding that certain events may occur that would prevent a scheduled excavation from occurring. **Excavators should make every effort to use**
locating resources efficiently and effectively. All excavation around underground facilities shall follow the requirements of MS 216D and MN Rule 7560.

Operator Responsibilities

Operators are responsible for attending the meet at the scheduled date and time. If the meet cannot be attended, the excavator shall be contacted, and a mutually agreed date and time shall be set to reschedule the meet. However, an in-person meet still must occur between the excavator and the operator. At the meet, the operator must enter into a reasonable agreement with the excavator, as has been detailed above, to locate all underground facilities within the excavation location(s) and schedule. It is recommended that operators keep documentation of the meet agreement for their records should the requirements of the agreement ever come into question. The operator shall locate all underground facilities per the meet agreement, or within 24 hours after the meet has occurred if the agreement does not specify otherwise.

Future locating shall be completed per the agreement unless a new agreement or notification is made. All locating shall be completed within the requirements of MS 216D and MN Rule 7560 which shall include providing available information regarding the operator’s abandoned and out-of-service underground facilities.

The Minnesota Office of Pipeline Safety acknowledges the incredible effort of excavators, operators, locators, and the entire damage prevention industry to protect underground facilities from damages. It is incalculable how this effort protects not only underground facilities but also the residents of Minnesota. Please contact our office if you have any questions regarding this alert notice.

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