



TRANSPORTATION DIVISION

1440 BUNKER LAKE BLVD NW
ANDOVER, MN 55304
763-324-3176
highwaypermits@co.anoka.mn.us

**RIGHT OF WAY
PERMIT NUMBER
23-071**

**CSAH
CR 17**

APPLICATION FOR PERMIT FOR INSTALLATION OF UTILITIES OR PLACING OBSTRUCTIONS ON THE COUNTY HIGHWAY SYSTEM
ALL APPLICANTS MUST BE REGISTERED PRIOR TO PERMIT APPROVAL

WORK TO START ON 4/3/2023

WORK TO BE COMPLETED ON 10/3/2023

DURATION OF JOB 3 weeks

ARE YOU BEING ASKED TO RELOCATE DUE TO A COUNTY PROJECT? No

ANOKA COUNTY PROJECT NUMBER 105540

APPLICANT NAME Arvig Enterprises Inc

CONTACT PERSON Brett Christiansen

ADDRESS 160 2nd St SW Perham, MN 56573

EMAIL Brett.Christiansen@Arvig.com

PHONE NUMBER 218.346.8138

COMPANY OR INDIVIDUAL PERFORMING WORK AEI Construction

CONTACT PERSON Derek Geiser

EMAIL Derek.Geiser@Arvig.com

PHONE NUMBER 218.346.8896

ADDRESS OF WORK SITE 4321 109th Ave NE Blaine MN along Anoka Co 17

NATURE OF WORK Construction of fiber via directional bore

METHOD OF INSTALLATION/CONSTRUCTION directional bore

SURFACE TO BE DISTURBED	SITE PLAN	WILL TRAFFIC BE OBSTRUCTED?	TRAFFIC CONTROL PLAN
<input checked="" type="checkbox"/> DITCH	TO BE SUBMITTED	No	TO BE SUBMITTED
<input type="checkbox"/> GRAVEL	VIA EMAIL		VIA EMAIL
<input type="checkbox"/> BITUMINOUS			
<input type="checkbox"/> CONCRETE			
<input type="checkbox"/> NONE			

DEPTH FROM SURFACE 42-60"

SIZE AND KIND OF PIPE/CABLE 1.25" ducts and 48F HDPE

NUMBER OF EXCAVATIONS 4+ **SIZE OF EXCAVATIONS** 3'x5'

LOCATION OF EXCAVATIONS Anoka County 12, Pheasant Ridge Dr NE, Ball Rd NE, I 35 W, North Rd NE

ADDITIONAL DOCUMENTS

TO BE SUBMITTED VIA EMAIL - CITY/MNDOT PERMITS, PHOTOS OF AREA, ETC.



Anoka County

MINNESOTA

Respectful. Innovative. Fiscally Responsible

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GENERAL INFORMATION

ONE PERMIT MUST BE APPROVED FOR EACH COUNTY ROAD ON WHICH WORK WILL BE PERFORMED PRIOR TO ANY WORK WITHIN THE RIGHT OF WAY BY ANY UTILITY/CONTRACTOR. EMERGENCY CONDITIONS WHICH THREATEN THE SAFETY OF THE PUBLIC AND REQUIRE IMMEDIATE REPAIR ARE EXCEPTIONS TO THIS RULE. UNDER THOSE CIRCUMSTANCES, THE UTILITY/CONTRACTOR, IS PERMITTED TO BEGIN AND/OR COMPLETE THE NECESSARY REPAIRS. ACTD SHALL BE NOTIFIED OF EMERGENCY REPAIRS AS SOON AS FEASIBLE AND A WRITTEN PERMIT IS TO BE COMPLETED WITHIN TWO BUSINESS DAYS OF OCCURRENCE.

A LICENSE-PERMIT BOND IS GENERALLY REQUIRED OF THE CONTRACTOR AS PART OF THE REGISTRATION PROCESS. THE AMOUNT OF WHICH WILL BE DETERMINED BY THE NATURE OF THE UTILITY WORK.

A SKETCH OR DRAWING SHALL ACCOMPANY EACH PERMIT APPLICATION WHICH WILL SHOW THE LOCATION OF THE PROPOSED WORK/UTILITY WITH REFERENCE TO THE COUNTY HIGHWAY CENTER LINE AND RIGHT OF WAY LINE. A COMPLETE SET OF PLANS IS REQUIRED FOR ALL SEWER/WATER PROJECTS.

IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO DETERMINE WHICH OF THE SPECIAL CONDITIONS APPLY TO EACH PERMIT.

THE ANOKA COUNTY TRANSPORTATION DIVISION (ACTD) RESERVES THE RIGHT TO REVOKE ANY UTILITY PERMIT AND HALT WORK, IF, UPON INSPECTION OF ANY JOB SITE, THE SPECIAL CONDITIONS ARE NOT MET, AND/OR A HAZARD EXISTS FOR THE APPLICANT OR PUBLIC SAFETY IS THREATENED. **THE FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF ANY APPLICABLE FEDERAL, STATE, REGIONAL, AND LOCAL LAWS, RULES AND REGULATIONS, INCLUDING ANY PROVISION OF ANOKA COUNTY'S RIGHT-OF-WAY ORDINANCE SHALL BE CAUSE FOR IMMEDIATE REVOCATION OF A PERMIT.**

THE APPLICANT SHALL NOTIFY ACTD IMMEDIATELY UPON COMPLETION OF PROJECT SO THAT THE ACTD CAN INSPECT THE SITE TO DETERMINE WHETHER OR NOT RESTORATION HAS BEEN SATISFACTORILY COMPLETED.

THE UNDERSIGNED, HEREBY ACCEPTS THE TERMS AND CONDITIONS OF THIS PERMIT AND THE REGULATIONS OF ANOKA COUNTY, AND AGREES TO FULLY COMPLY THEREWITH TO THE SATISFACTION OF THE ACTD. THE COUNTY OF ANOKA, ITS OFFICIALS, EMPLOYEES, AND AGENTS, SHALL BE HELD HARMLESS, BY THE APPLICANT/PERMITTEE, FROM ANY DEMANDS, CLAIMS, LAWSUITS, OR DAMAGES RELATING TO THE WORK DESCRIBED IN THIS PERMIT.

APPLICANT'S SIGNATURE

DATE

AUTHORIZATION OF PERMIT

IN CONSIDERATION OF THE APPLICANT'S AGREEMENT TO COMPLY IN ALL RESPECTS WITH THE REGULATIONS OF THE ACTD COVERING SUCH OPERATIONS, PERMISSION IS HEREBY GRANTED FOR THE WORK TO BE DONE AS DESCRIBED IN THE ABOVE APPLICATION. SAID WORK TO BE DONE IN ACCORDANCE WITH THE GENERAL CONDITIONS LISTED ABOVE AND THE SPECIAL CONDITIONS REQUIRED AS HEREBY STATED. IT IS EXPRESSLY UNDERSTOOD THAT THIS PERMIT IS CONDITIONED UPON REPLACEMENT OR RESTORATION OF THE COUNTY HIGHWAY AND ITS RIGHT OF WAY TO THEIR ORIGINAL OR TO A SATISFACTORY CONDITION. IT IS FURTHER UNDERSTOOD THAT THIS PERMIT IS ISSUED SUBJECT TO THE APPROVAL OF LOCAL CITY OR TOWNSHIP AUTHORITIES HAVING JOINT SUPERVISION OVER SAID STREET OR HIGHWAY.

APPROVED BY:

DocuSigned by:

TITLE:

Brett Christiansen

381283175058495...

DATE

2/7/2023

THIS PERMIT COVERS THE RIGHT OF WAY IN ANOKA COUNTY ONLY
ACHD reserves the right to make changes to these special conditions.



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SPECIAL CONDITIONS

TRAFFIC CONTROL

1) DETOURS

- a) DETAILED DETOUR LAYOUTS SHALL BE SUBMITTED TO THE TRAFFIC ENGINEER FOR APPROVAL.
- b) NO DETOURS SHALL BE PERMITTED WITHOUT PRIOR APPROVAL OF THE ANOKA COUNTY TRAFFIC ENGINEER.
- c) TEN DAYS NOTICE MUST BE GIVEN PRIOR TO THE INSTALLATION OF ANY DETOUR.
- d) IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO NOTIFY ANOKA COUNTY CENTRAL COMMUNICATIONS, LOCAL GOVERNMENT BODIES, AND ANY AFFECTED BUS COMPANIES TEN DAYS PRIOR TO ANY ROAD CLOSURES/DETOURS.
- e) IMMEDIATELY UPON COMPLETION OF WORK AND/OR DETOURS, ALL POSTS, BARRICADES, AND SIGNS SHALL BE REMOVED FROM THE RIGHT OF WAY.

2) TRAFFIC CONTROL DEVICES

- a) ALL TRAFFIC CONTROL DEVICES, BARRICADES, FLASHERS, ETC., SHALL BE FURNISHED BY THE APPLICANT AND SHALL BE IN ACCORDANCE WITH THE MOST RECENT EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS – FIELD MANUAL OF THE SAME MANUAL.

CONSTRUCTION REQUIREMENTS

- 1) OPEN CUTTING OF BITUMINOUS OR CONCRETE SURFACED ROADS WILL BE ALLOWED ONLY AT THE DISCRETION OF THE COUNTY ENGINEER.
- 2) NEITHER SUPPLIES NOR EXCAVATION MATERIALS SHALL BE PLACED ON THE BITUMINOUS OR CONCRETE SURFACE AT ANY TIME.
- 3) NO TRENCHES WILL BE ALLOWED TO REMAIN OPEN OVERNIGHT.
- 4) MATERIALS REMOVED FROM THE TRENCH SHALL BE USED AS BACKFILL INsofar AS THEY ARE SUITABLE. ALL BACKFILL MATERIAL SHALL CONFORM TO MNDOT SPECIFICATIONS FOR COMPACTION. THE USE OF HEAVY EQUIPMENT ON TOP OF TRENCH, SLAPPING WITH BACKHOE BUCKET AND/OR BACKCASTING TO ACHIEVE COMPACTION IS PROHIBITED. ANY ADDITIONAL MATERIAL REQUIRED TO BACK FILL TO THE ORIGINAL GRADE SHALL BE FURNISHED BY THE APPLICANT AT NO EXPENSE TO THE ACTD. ALL THE BASE AND SURFACE COURSES DAMAGED DURING CONSTRUCTION OPERATIONS SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN BEFORE OPERATIONS BEGAN. THE APPLICANT SHALL BE RESPONSIBLE FOR AND RESTORE ANY SETTLEMENT.
- 5) ALL CULVERTS, DITCHES, SHOULDERS, AND BACKSLOPES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION UNLESS OTHERWISE DIRECTED BY THE ACTD. SHOULDERS WHICH HAVE BEEN PREVIOUSLY CONSTRUCTED OR RECONSTRUCTED WITH SPECIAL MATERIALS SHALL BE REPLACED IN KIND. RESTORATION OF SIGNS, GUARDRAILS, GUARDPOSTS, ETC., ARE THE SOLE RESPONSIBILITY OF THE APPLICANT AND SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
- 6) ALL ROADWAY MAINTENANCE REQUIRED WITHIN THE LIMITS OF THE UTILITY PROJECT THAT IS RELATED TO THE APPLICANT'S ACTIVITIES SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT FOR ONE YEAR AFTER COMPLETION OF THE PROJECT. UPON COMPLETION OF THE RESTORATION WORK, THE APPLICANT SHALL REQUEST A FINAL INSPECTION BY THE ACTD. THE ACTD'S APPROVED COMPLETION DATE SHALL BE THE STARTING DATE OF THE APPLICANT'S ONE YEAR RESPONSIBILITY.

HORIZONTAL BORING AND JACKING

- 1) ALL HARD SURFACE ROADWAYS SHALL BE JACKED OR BORED.
- 2) ALL CROSSINGS OF ANOKA COUNTY MAINTAINED ROADBEDS SHALL BE MADE BY BORING INSIDE A CASING OR CARRIER PIPE, OR BY JACKING UNLESS OTHERWISE DIRECTED BY THE ANOKA COUNTY ENGINEER. THE AUGER SHALL LEAD THE CASING OR CARRIER PIPE BY AT LEAST SIX INCHES WHENEVER POSSIBLE AND NEVER LEAD THE CARRIER PIPE BY MORE THAN ONE INCH.
- 3) THE USE OF PNEUMATIC DEVICES TO FACILITATE THE ROADBED CROSSINGS WILL BE ALLOWED IN MOST CASES WITH PRIOR APPROVAL. IN THE EVENT APPROVAL IS NOT GRANTED AND APPLICANT USES A PNEUMATIC DEVICE TO CROSS A ROADBED AND ENCOUNTERS AN OBSTRUCTION AND/OR UNSTABLE SUBBASE MATERIAL WHICH MAKES FORWARD OR REVERSE MOTION OF PNEUMATIC DEVICE IMPOSSIBLE, SAID PNEUMATIC DEVICE THEN BECOMES PART OF THE ROADWAY SUBBASE AND PERMISSION TO EXCAVATE TO RETRIEVE DEVICE WILL NOT BE GRANTED.
- 4) IF A PNEUMATIC DEVICE IS USED FOR THE WORK PERMITTED HEREIN, THE INSTALLATION MUST BE KEPT TO A MINIMUM OF FOUR FEET BELOW THE SURFACE OF THE ROADWAY IF THE PNEUMATIC DEVICE IS LESS THAN TWO INCHES IN DIAMETER, AND A MINIMUM OF FIVE FEET BELOW THE SURFACE OF THE ROADWAY IF THE PNEUMATIC DEVICE IS TWO INCHES IN DIAMETER OR LARGER.

BITUMINOUS RESTORATION

- 1) THE LOCATIONS AND DIMENSIONS OF ALL OPENINGS TO BE MADE IN THE BITUMINOUS SURFACE SHALL BE APPROVED BY THE ACTD PRIOR TO ANY CUTTING OR ANY SURFACE OPENING OPERATIONS.
- 2) ALL OPENINGS IN BITUMINOUS SURFACES SHALL BE CUT IN A STRAIGHT LINE WITH THE SIDES SMOOTH AND VERTICAL. NO RAGGED EDGES WILL BE PERMITTED. CUTTING SHALL BE DONE WITH A CONCRETE SAW.
- 3) ALL NECESSARY DUST CONTROL OPERATIONS SHALL BE CARRIED OUT BY THE APPLICANT AT NO EXPENSE TO ANOKA COUNTY.
- 4) THE MINIMUM REQUIREMENT FOR SUBGRADE REPLACEMENT SHALL BE THE UPPER TWELVE INCHES OF MATERIAL AND SHALL MEET MNDOT SPECIFICATIONS FOR CLASS FIVE PLACED IN SIX INCH LAYERS COMPACTED TO ONE HUNDRED PERCENT OF OPTIMUM DENSITY.
- 5) ALL MANHOLE CASINGS, GATE VALVES, AND OTHER UTILITY STRUCTURES SHALL BE SET ONE QUARTER INCH BELOW THE TOP OF THE FINISHED SURFACE.
- 6) BITUMINOUS TACK COAT MATERIALS AND APPLICATION THEREOF SHALL CONFORM TO MNDOT SPECIFICATION 2357.
- 7) ALL BITUMINOUS SURFACING SHALL BE REPLACED AS SOON AS PRACTICAL AFTER THE BASE CONSTRUCTION. ALL BITUMINOUS SURFACING SHALL BE MACHINE LAID. ANY EXCEPTIONS MUST BE APPROVED BY THE ACTD. BITUMINOUS SURFACING SHALL BE REPLACED TO ORIGINAL PAVEMENT DEPTH OR TO A MINIMUM OF SIX INCHES OF BITUMINOUS MIXTURE (2360), WHICHEVER IS GREATER. BITUMINOUS MIXTURES MUST BE PLACED IN LIFTS NOT EXCEEDING THREE INCHES IN THICKNESS FOR BASE AND BINDER COURSES AND NOT EXCEEDING TWO INCHES FOR THE WEAR COURSE.
- 8) ALL SURFACE RESTORATION REGARDLESS OF SIZE SHALL CONFORM TO EXISTING GRADES.
- 9) ANY UNNECESSARY OR NEGLIGENT DAMAGE TO BITUMINOUS SURFACE IN CONJUNCTION WITH THE INSTALLATION AND/OR REPAIR OF A UTILITY SHALL BE CUT OUT AND REPLACED IN KIND AS DIRECTED BY THE ACTD.

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CONCRETE RESTORATION

- 1) CURB AND GUTTER, SIDEWALKS, AND DRIVEWAYS SHALL BE RESTORED IN ACCORDANCE WITH MNDOT SPECIFICATIONS 2531 AND 2521.

UTILITY LINES

- 1) THERE SHALL BE ONLY A SINGLE POLE LINE ON THE COUNTY RIGHT OF WAY ON EITHER SIDE OF THE CENTER LINE THEREOF.
- 2) EXACT LOCATIONS OF LONGITUDINAL INSTALLATIONS ON COUNTY HIGHWAYS SHALL BE LOCATED AS DIRECTED BY THE ACTD.

SECTION CORNER MONUMENTS

- 1) UTILITY LOCATIONS SHALL NOT INTERFERE WITH THE LOCATION OF ANY SECTION, QUARTER, WITNESS, OR RIGHT OF WAY MONUMENTS. FOR ASSISTANCE IN LOCATIONS, CONTACT THE ANOKA COUNTY SURVEYOR'S OFFICE.
- 2) THE APPLICANT SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY EXISTING PROPERTY IRONS DISTURBED DURING CONSTRUCTION.
- 3) THE APPLICANT SHALL NOTIFY THE ANOKA COUNTY SURVEYOR'S OFFICE THREE WORKING DAYS IN ADVANCE OF ANY ANTICIPATED DISTURBANCE OF ANY SECTION, QUARTER, WITNESS, OR RIGHT OF WAY MONUMENTS.
- 4) ANY MONUMENT DISTURBED DURING THE COURSE OF CONSTRUCTION SHALL BE RESET BY THE ANOKA COUNTY SURVEYOR'S OFFICE AT THE EXPENSE OF THE APPLICANT.

ATTACHING TO BRIDGES/STRUCTURES

- 1) NO UTILITY IS PERMITTED TO BE HUNG FROM, OR OTHERWISE ATTACHED TO ANY BRIDGE OR STRUCTURE WITHOUT HAVING DETAILED PLANS APPROVED BY THE ANOKA COUNTY ENGINEER. THESE PLANS ARE TO SHOW APPROACHES TO THE STRUCTURE, METHOD OF INSTALLATION, TYPE, AND DIMENSION OF HOUSING FOR THE UTILITY.

DS

INITIAL	BC
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SPECIAL CONDITIONS FOR ADVANCE NOTIFICATION FOR COMMENCEMENT & COMPLETION OF WORK

PERMIT HOLDER:

PERMIT NUMBER:

ROAD NUMBER:

CONTRACTOR CONTACT:

PERMIT ACTIVE DATE:

PERMIT EXPIRE DATE:

ALL SUBCONTRACTORS, INSTALLERS, AND CREW SHALL POSSESS A COPY OF ALL DOCUMENTS IN RELATION TO THE APPROVED PERMIT PRIOR TO THE COMMENCEMENT OF WORK AND BE KEPT ON SITE. THIS INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

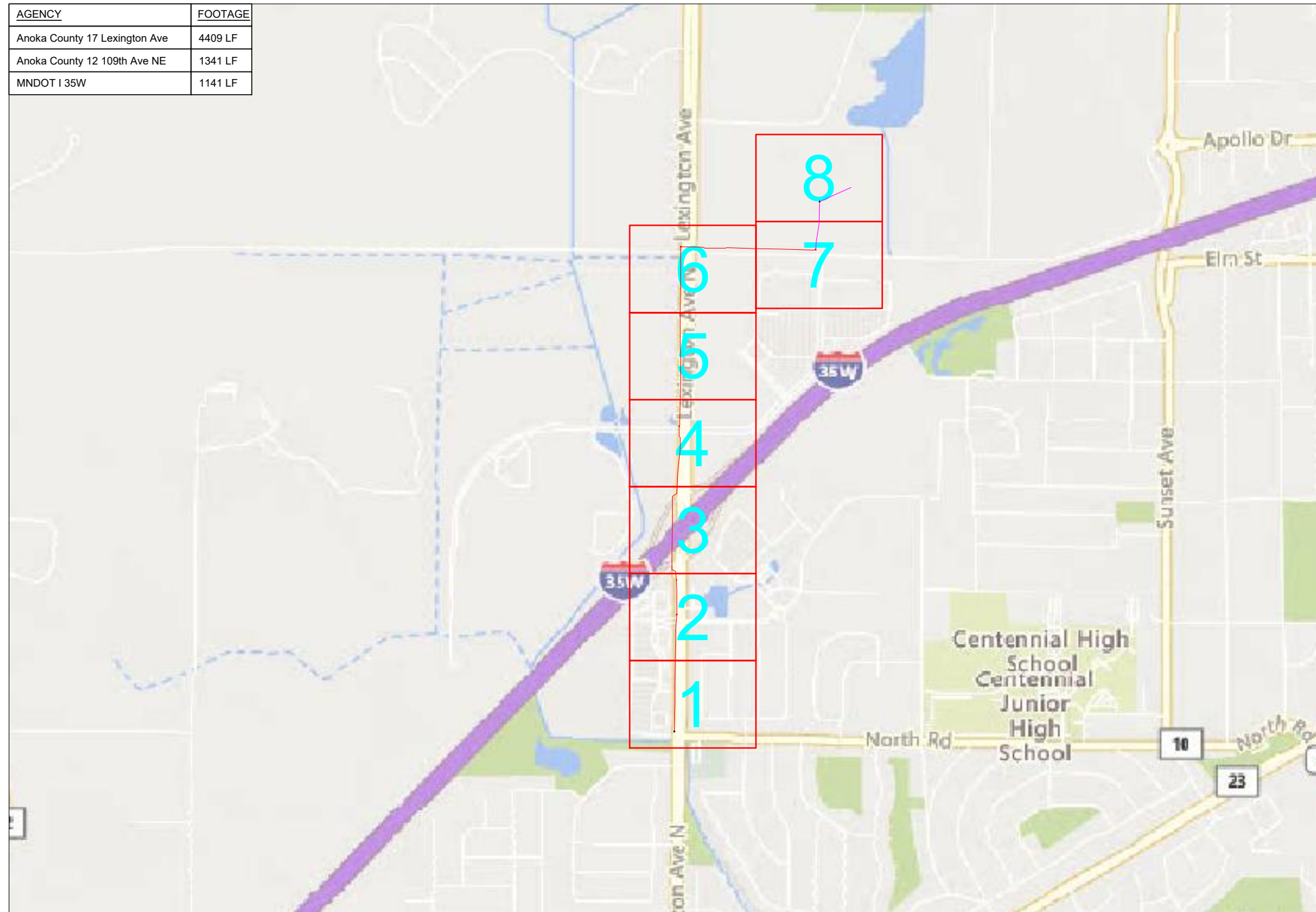
- APPROVED PERMIT
- NOTIFICATION SHEET
- ANY/ALL TRAFFIC CONTROL LAYOUTS/PLANS

SPECIAL CONDITIONS

- ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE MNDOT TEMPORARY TRAFFIC CONTROL FIELD MANUAL
- SHALL USE A SHOULDER CLOSURE (LAYOUT 8) IF ANY PORTION OF THE SHOULDER IS ENCROACHED
- NO CLOSURES WITHOUT PRIOR APPROVAL FROM ACHD
- ALL TRAFFIC CONTROL DEVICES SHALL BE REMOVED, SIGNS TURNED, LAID DOWN, OR COVERED AT THE END OF EACH WORK DAY, OR WHEN NO WORK IS TAKING PLACE UNLESS WRITTEN APPROVAL STATING OTHERWISE
- SHALL NOTIFY ANDREA SCHMID (andrea.schmid@co.anoka.mn.us or 763-324-3128) 48 HOURS PRIOR TO THE COMMENCEMENT OF WORK WITH THE PERMIT NUMBER, THE DATE/TIME WORK IS TO BE PERFORMED, AND THE ESTIMATED DURATION OF WORK
- SHALL NOTIFY ANDREA SCHMID (andrea.schmid@co.anoka.mn.us or 763-324-3128) WHEN WORK IS COMPLETE
- NO WORK DURING INCLEMENT WEATHER OR WHEN PLOWS ARE OUT IN ANY CAPACITY
- NO PARKING/WORK ON THE SIDEWALK OR TRAIL WITHOUT PRIOR AUTHORIZATION FROM THE CITY
- SHALL CONTACT ANOKA COUNTY SIGNAL DEPARTMENT @ 651-801-8969 FOR SIGNAL RELATED WORK

105540 GTT Infinite Campus

AGENCY	FOOTAGE
Anoka County 17 Lexington Ave	4409 LF
Anoka County 12 109th Ave NE	1341 LF
MNDOT I 35W	1141 LF



4321 109th Avenue NE, Blaine, MN 55449



1" = -

Route	GTT Infinite Campus
City	Blaine, MN
County	Anoka
Filename	GTT Infinite Campus
Work Order #	105540



160 2nd St SW
Perham, MN 56573
(218) 346-5500

TRACKING

Staked By:	BA	1-12-23
Drafted By:	TJR	1-12-23
Project Manager	Kelly Bard	763-270-6179
As-Built By:	-	-
Revision	-	-

Construction Totals

Route Footage	7732'
Total Underground	7732'
Total Aerial	0'
Underground (New)	6832'
Aerial (New)	0'
Overpull (Ex Duct)	900'
Overlash (Ex Strand)	0'
Plow	0'
Bore	6832'
New Vaults	4
New Peds	0

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Prepared by:



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OVERVIEW

Legend

Fiber Linetypes

	Proposed Underground Fiber - Bore
	Proposed Underground Fiber - Plow
	Proposed UG Fiber in Existing Duct
	Existing Underground Fiber
	Proposed Aerial Fiber
	Proposed Aerial Overlash
	Existing Aerial Fiber
	Proposed Aerial Strand
	Existing Aerial Strand

Other Linetypes

	Rail Road
	Fence
	Retaining Wall
	Storm Sewer
	Sanitary Sewer
	Gas Line
	Tele./Comm. Line
	Water Line
	Electric Line
	Street light/Traffic signal
	District Cooling
	District Heating
	Force Main
	Other Utility or Unknown
	Utility Easement

Abbreviations

- CL - Center Line
- R/W - Right of Way
- BOC - Back of Curb
- FC - Front of Curb
- EOR - Edge of Road
- S/W - Sidewalk
- HH - Handhole
- MH - Manhole
- PRT - Preterminated Cable
- PRG - Pigtail Cable

Symbols

	Proposed Handhole
	Existing Handhole
	Reference Handhole
	Manhole
	Proposed Cabinet
	Existing Cabinet
	Bore Pit
	Proposed Splice Point
	Existing Splice Point
	Power Pole
	Proposed Slack Coil
	Existing Slack Coil
	Proposed Anchor/Down Guy
	Existing Anchor/Down Guy
	Proposed Riser
	Existing Riser
	Aerial Bond
	Aerial Ground
	BM53T - Fiber Marker
	BM53 - Fiber Marker
	Proposed PED
	Existing PED
	Proposed Splice Case
	Existing Splice Case
	Street Light
	Traffic Light
	Traffic Light
	Transformer
	Hydrant
	Catch Basin
	Tree
	AMW - Main Enclosure - J-Box Needed
	AMW - Main Enclosure - No J-Box Needed
	AMW - Stack Enclosure

Materials	
48 Fiber	8457
2 X 1.25" Duct	6832
Vault (24x30)	4
Ground Rod	4



1" = -

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arvig

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Revision	-

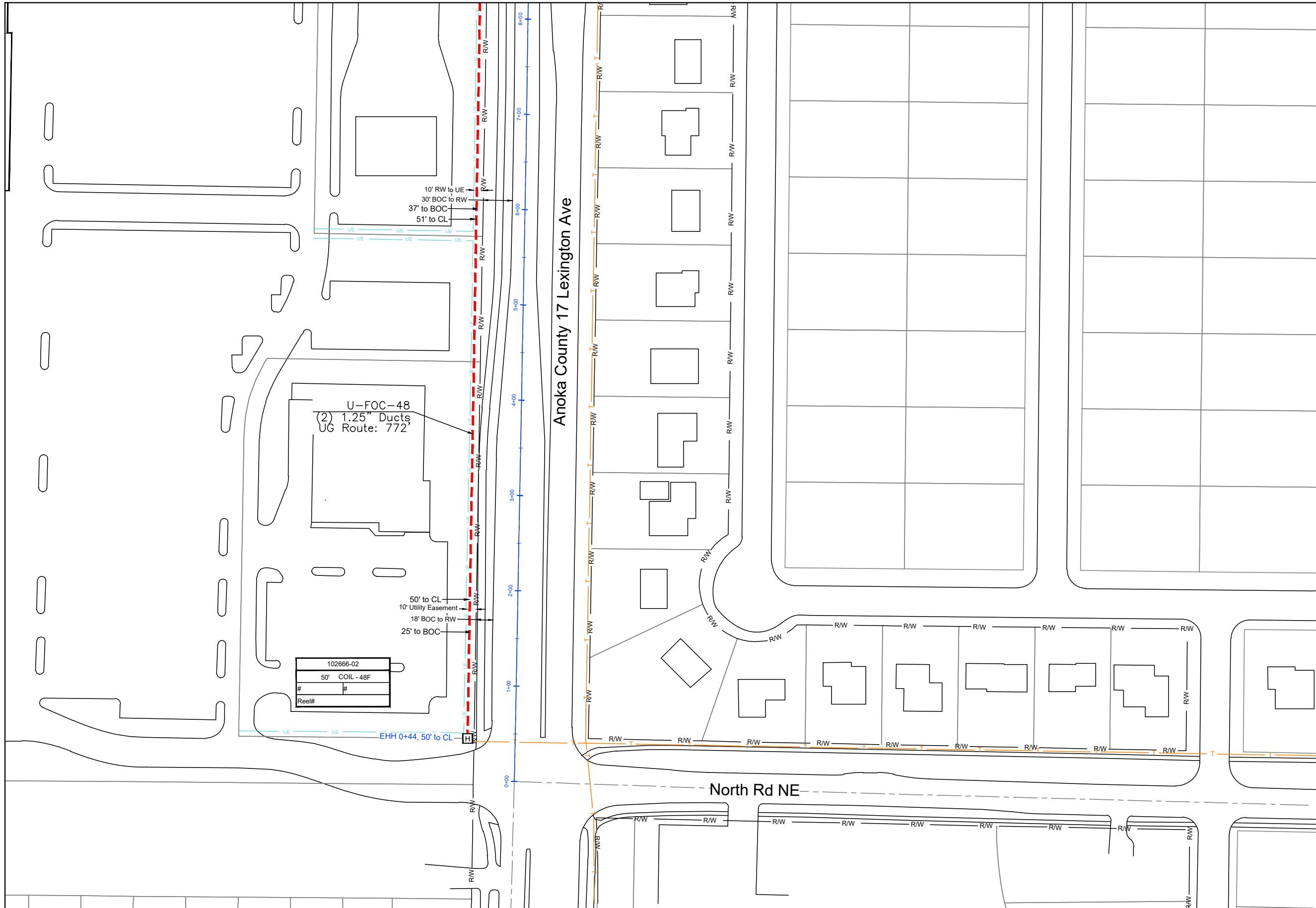
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Prepared by:
 compass consultants inc.
Perham, MN 218-346-3600
TrustCompass.com

LEGEND

See Sheet 105540-02



1" = 100'

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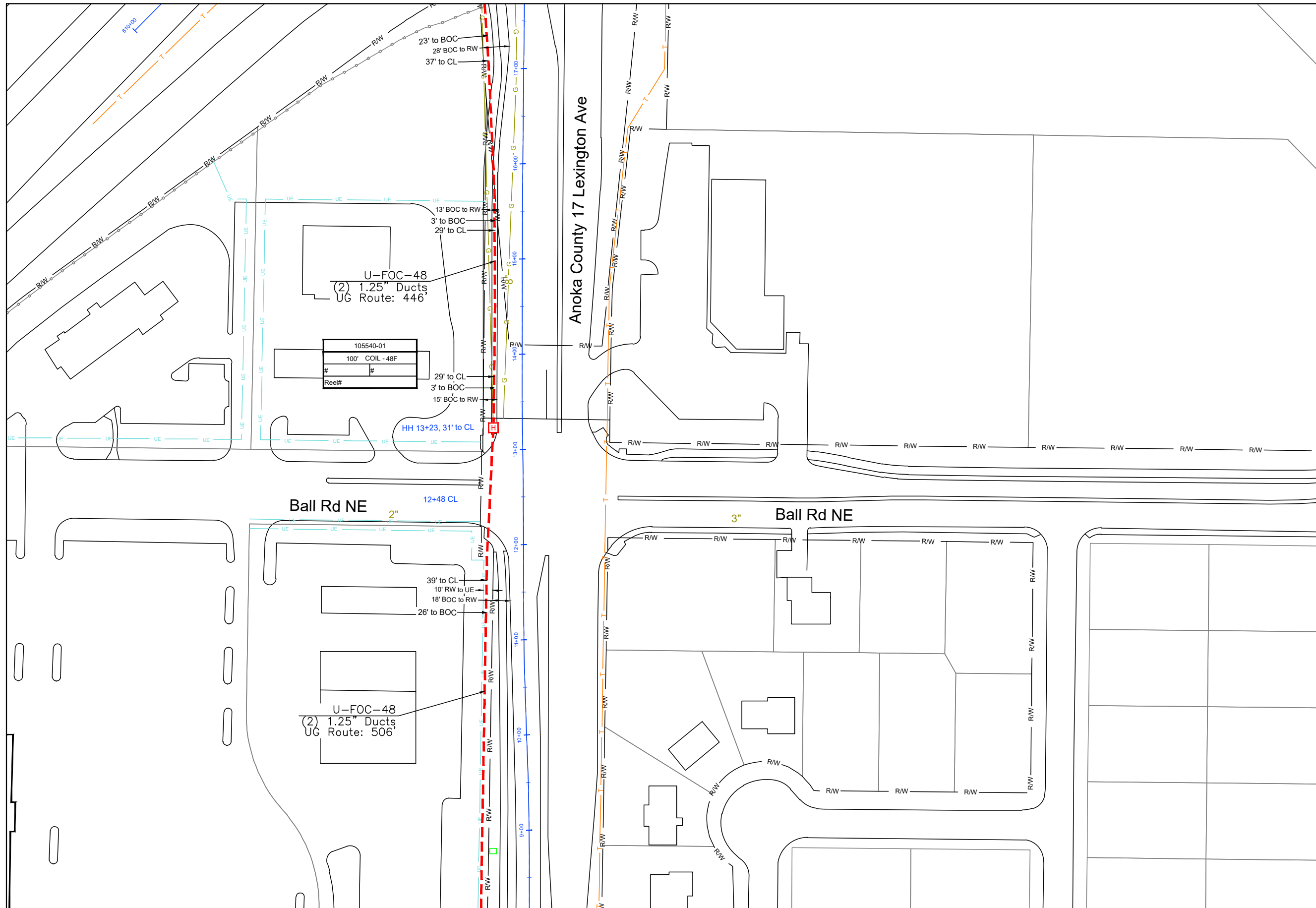
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105540-01

See Sheet 105540-03



See Sheet 105540-01



1" = 100'

Route
GTT Infinite Campus

City
Blaine, MN

County
Anoka

Filename
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As-Built By:	-
Revision	-

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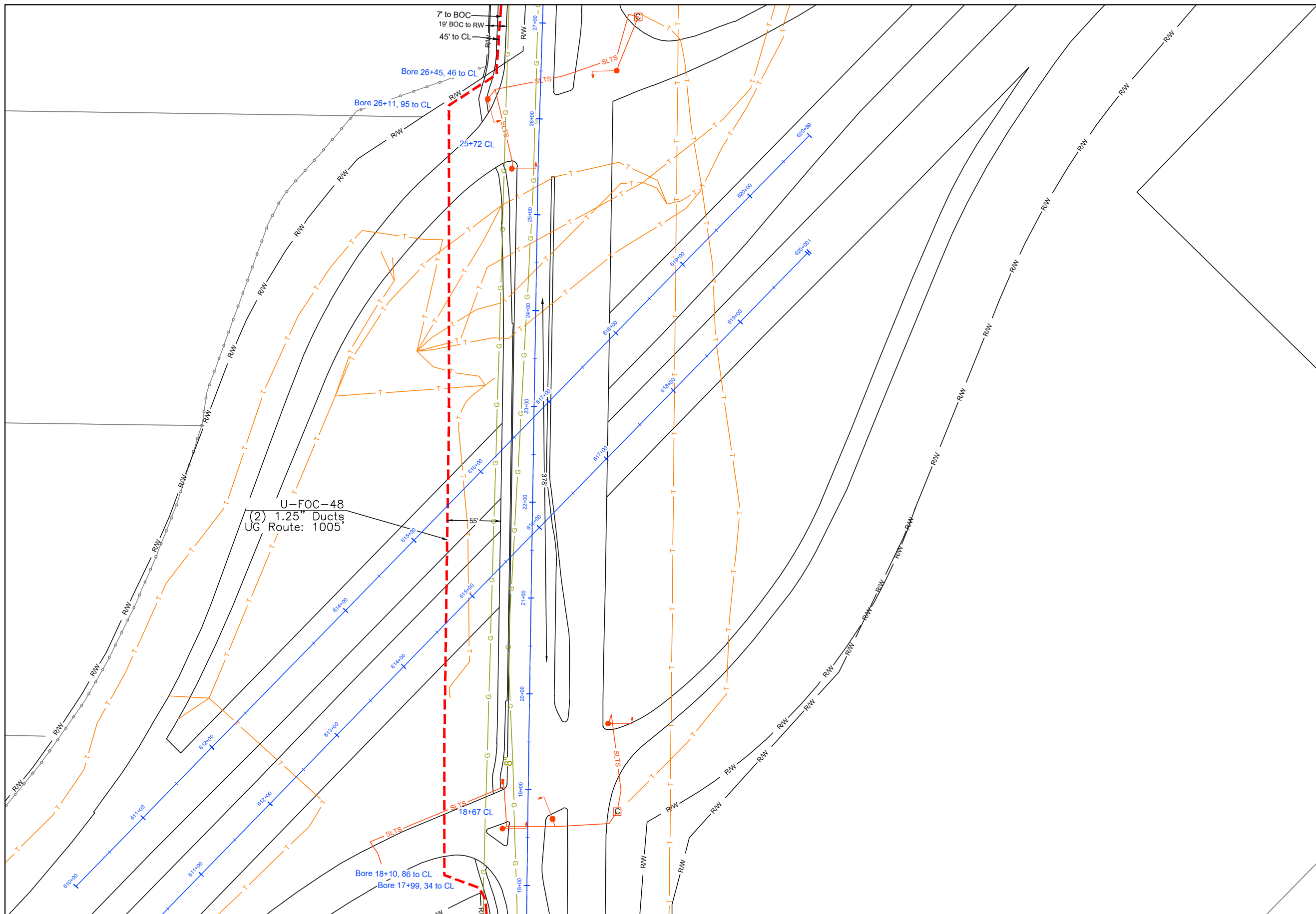
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Prepared by:



105540-02

See Sheet 105540-04



See Sheet 105540-02



1" = 100'

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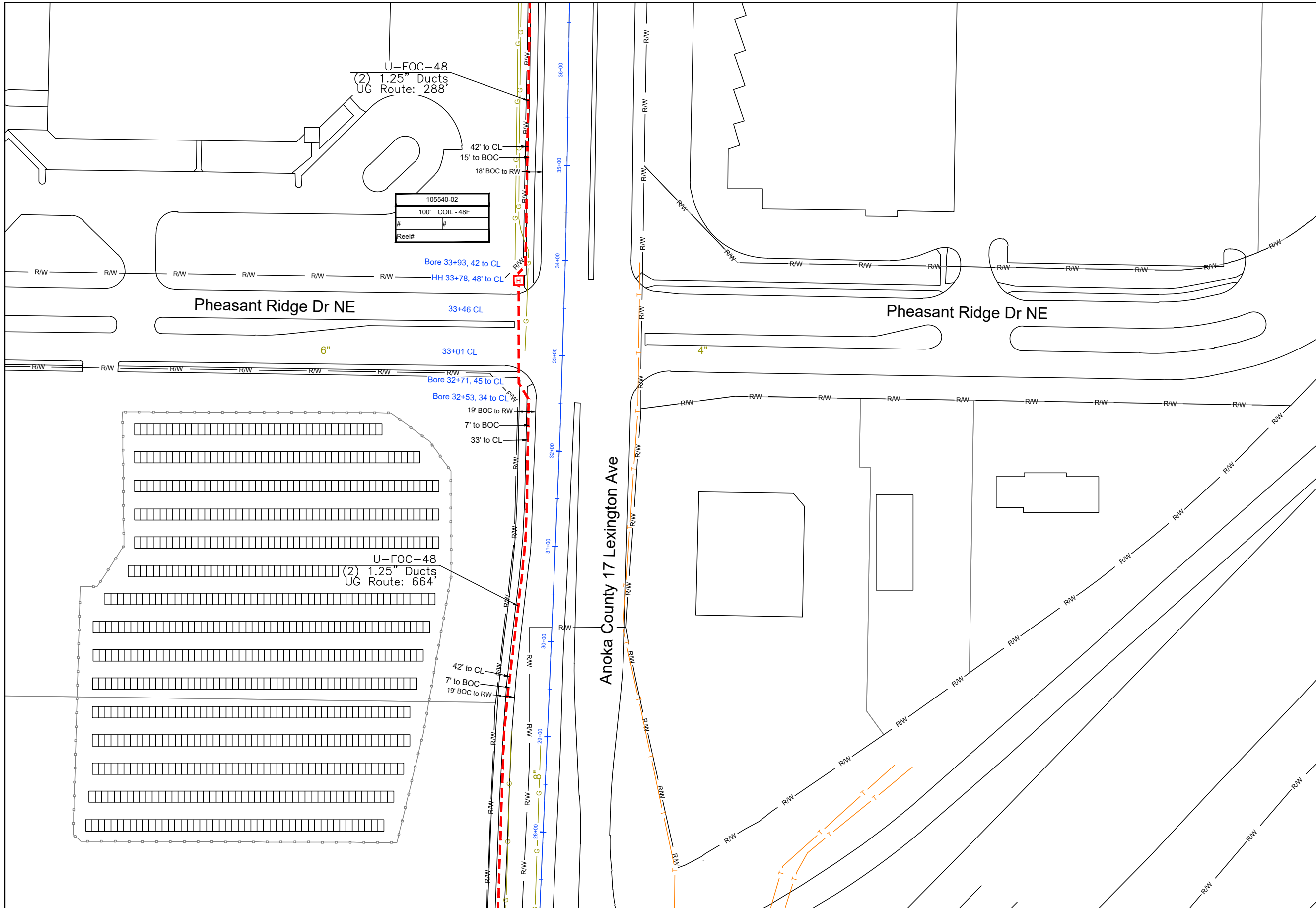
Prepared by:



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105540-03

See Sheet 105540-05



See Sheet 105540-03



1" = 100'

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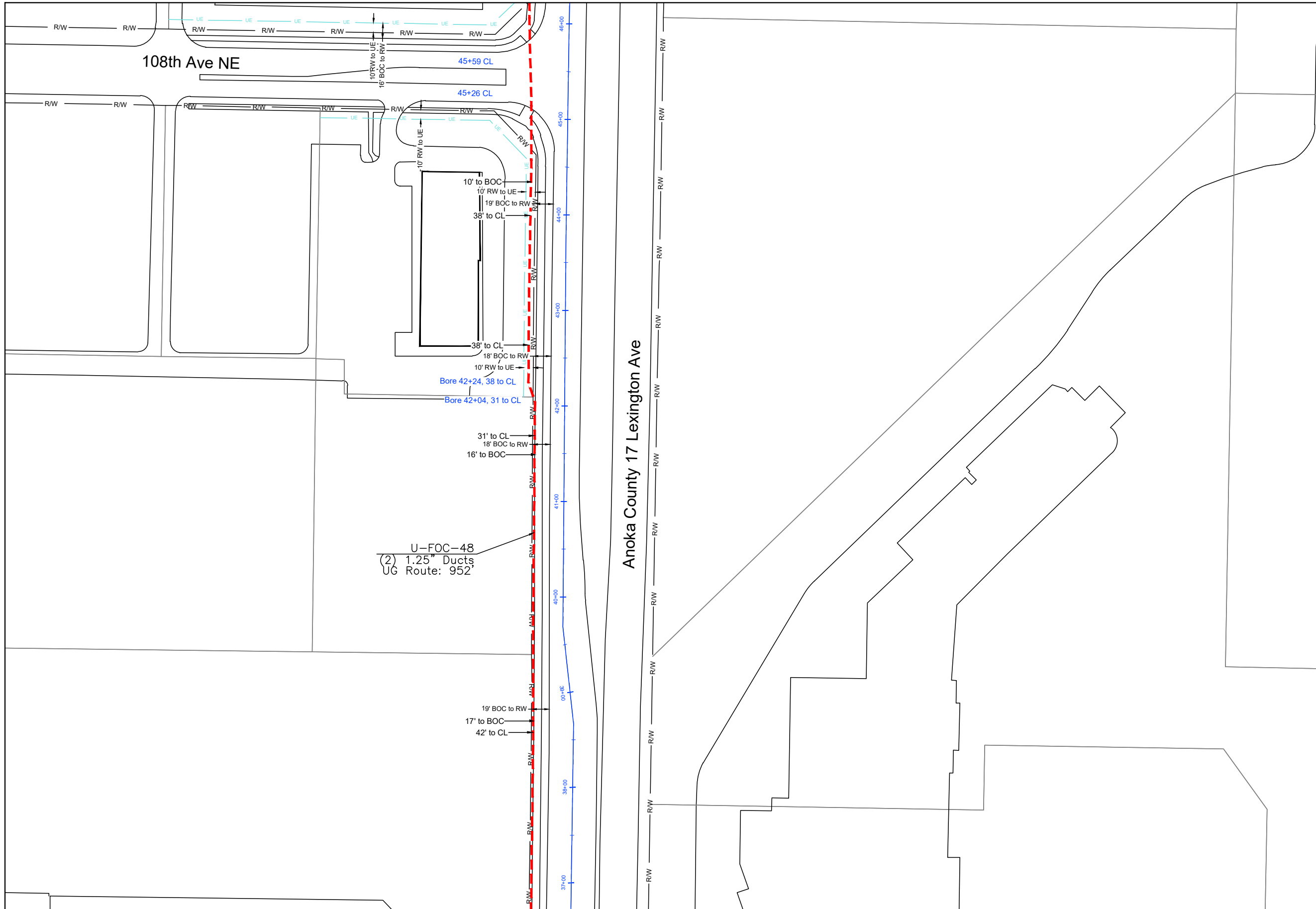
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Project Manager	Kelly Bard	763-270-6179
As-Built By:	-	-
Revision	-	-

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105540-04

See Sheet 105540-06



See Sheet 105540-04



1" = 100'

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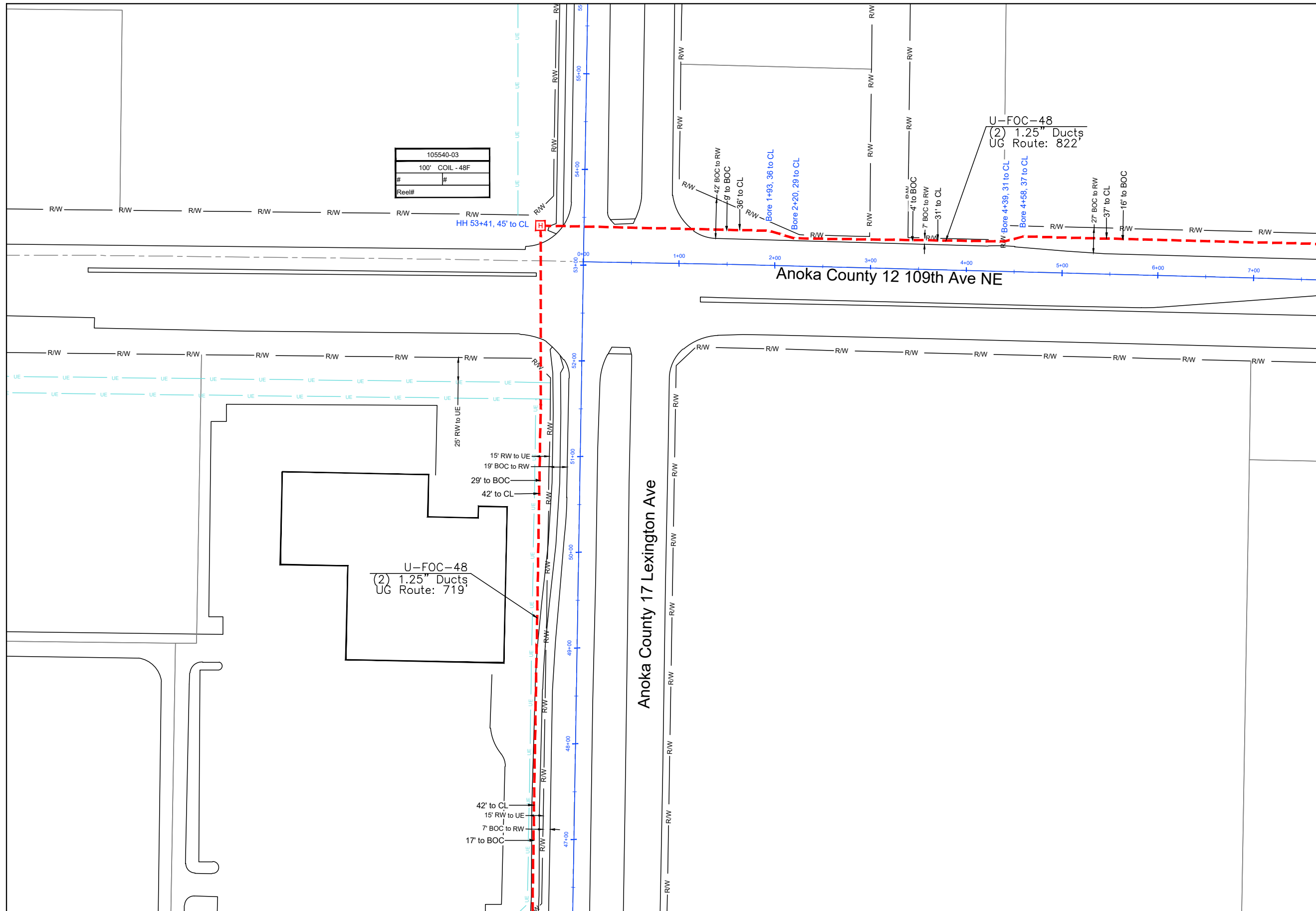
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105540-05



105540-03
100' COIL - 48F
#
Reel#



1" = 100'

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Revision	-

See Sheet 105540-07

See Sheet 105540-05

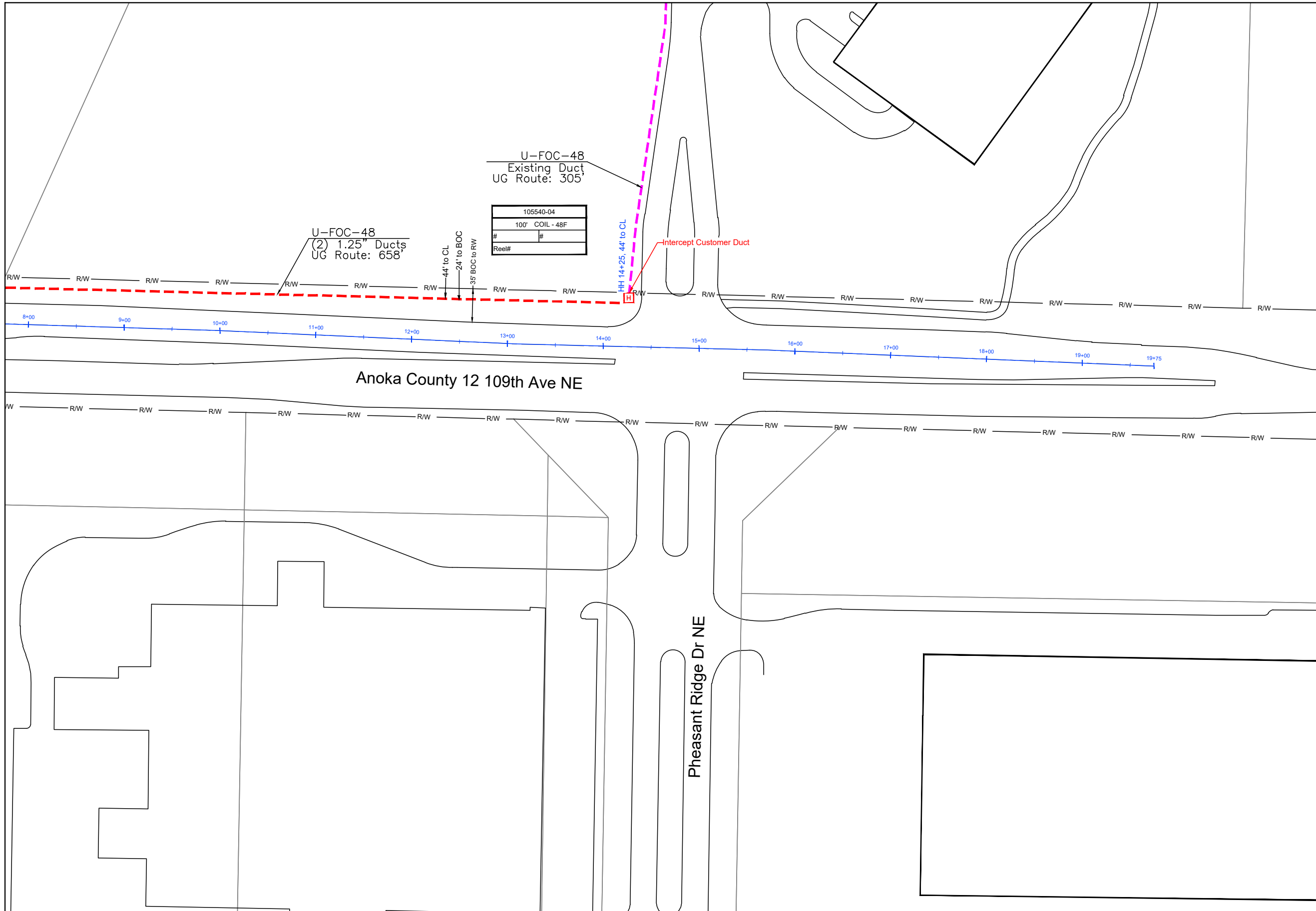
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105540-06

See Sheet 105540-08



See Sheet 105540-06



1" = 100'

Route	GTT Infinite Campus
City	Blaine, MN
County	Anoka
Filename	GTT Infinite Campus
Work Order #	105540



160 2nd St SW
Perham, MN 56573
(218) 346-5500

TRACKING

Staked By:	BA	1-12-23
Drafted By:	TJR	1-12-23
Project Manager	Kelly Bard	763-270-6179
As-Built By:	-	-
Revision	-	-

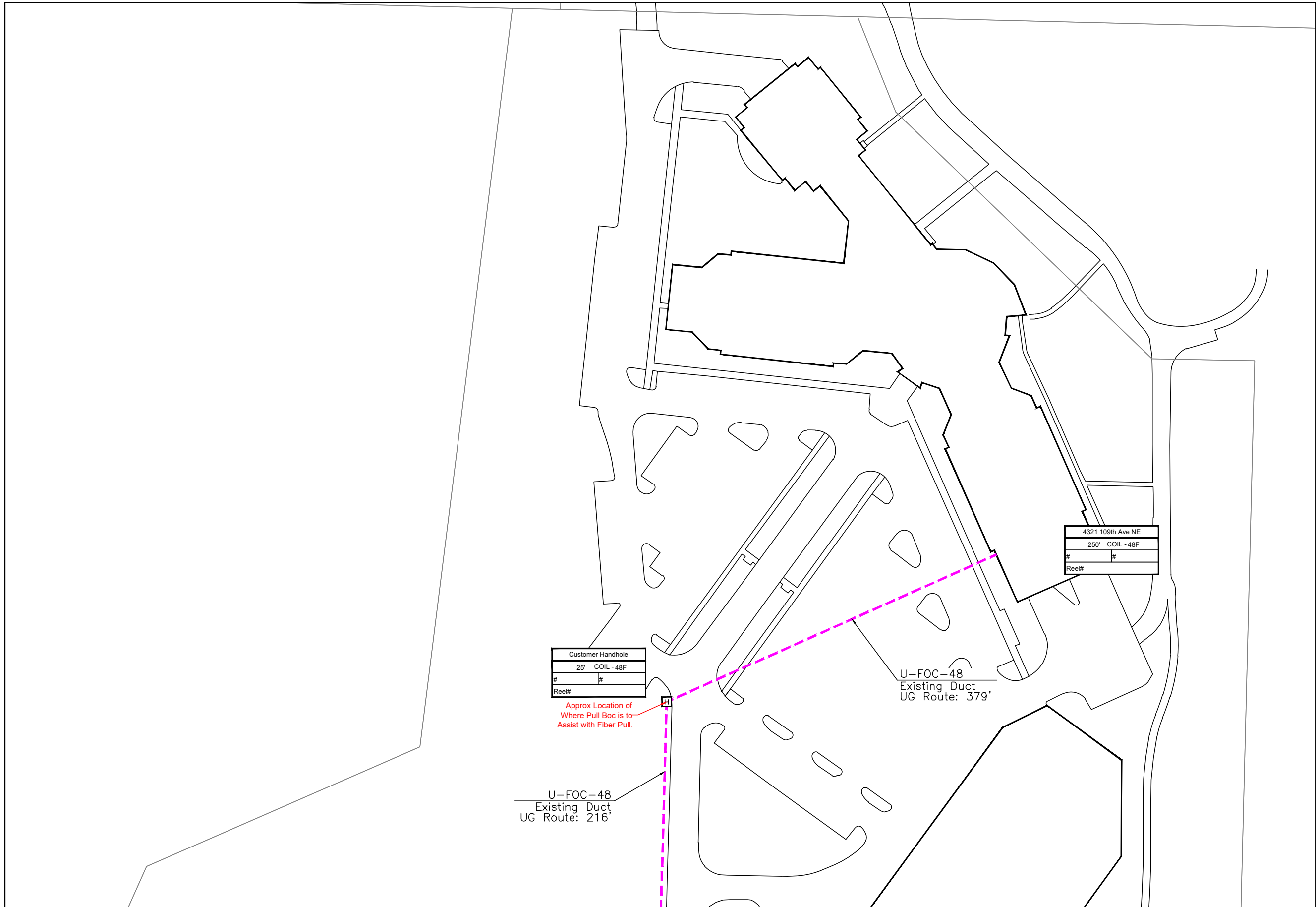
GSOC

GOPHER STATE ONE CALL
1-800-252-1116
www.gopherstateonecall.org

Prepared by:



105540-07



See Sheet 105540-07



1" = 100'

Route	GTT Infinite Campus
City	Blaine, MN
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160 2nd St SW
 Perham, MN 56573
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TRACKING

Staked By:	BA	1-12-23
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Project Manager	Kelly Bard	763-270-6179
As-Built By:	-	-
Revision	-	-

4321 109th Ave NE	
250' COIL - 48F	
#	#
Reel#	

Customer Handhole	
25' COIL - 48F	
#	#
Reel#	

Approx Location of
 Where Pull Boc is to
 Assist with Fiber Pull.

U-FOC-48
 Existing Duct
 UG Route: 216'

U-FOC-48
 Existing Duct
 UG Route: 379'

GSOC

GOPHER STATE ONE CALL
 1-800-252-1116
 www.gopherstateonecall.org

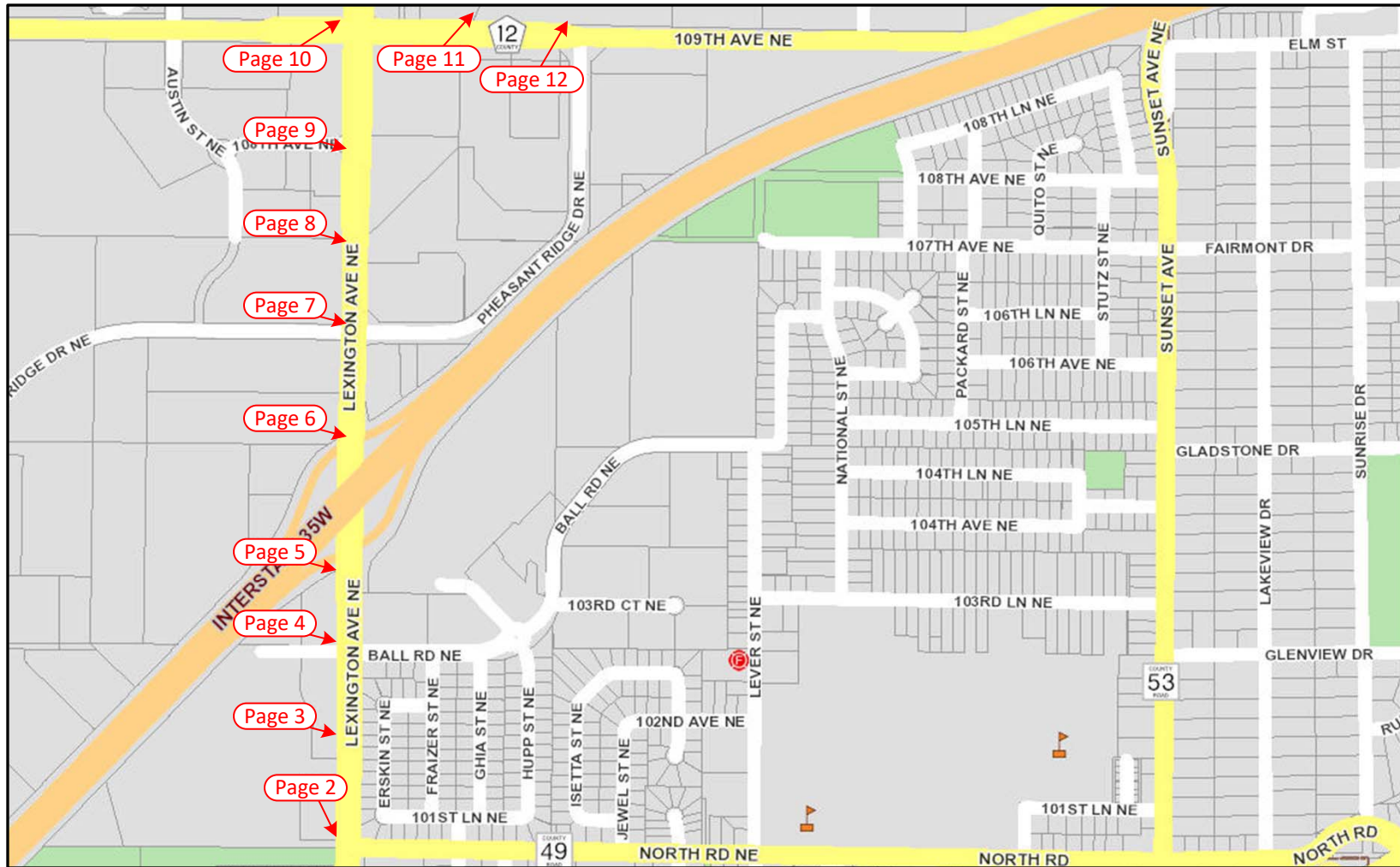
Prepared by:



Perham, MN 218-346-3600
 TrustCompass.com

105540-08

Arvig Traffic Plan - 105540 GTT Infinite Campus



Prepared By:



Rob Davis
TCS ID#4661
218.347.3618
Robert.davis@trustcompass.com

DISCLAIMER: This traffic control plan has been prepared in accordance with the Minnesota Temporary Traffic Control Field Manual. While care has been taken in the preparation of this traffic control plan, traffic and site conditions at the time of the works may vary from those established in the development of the traffic control plan. Implementation of this plan and setup of traffic signage is at the responsibility of Arvig Enterprises and their contractor. Where conditions vary from those documented, additional input from a Traffic Control professional should be sought.

Overview

Rev 0 2/2/2023

Page 1

Gopher State One Call Requirements

Excavators (including homeowners), throughout Minnesota are responsible for notifying Gopher State One Call of their proposed excavations. The call center will notify participating underground facility operators, so they can mark the location of their facilities. If you are a contractor working for a homeowner, it is your responsibility to read the Gopher State One Call Handbook. You can notify Gopher State One Call on their [website](#) or by calling 651-454-0002.

- [Excavator and Operator Notice](#)
- [GSOC Ticket Locate Request Form](#)
- [MN Statute 216D Excavation Notice System](#)
- [MN Rule 7560 Office of Pipeline Safety Excavation Notice System](#)



Anoka County

TRANSPORTATION DIVISION

Highway

Joe MacPherson, P.E., Chief Officer, Transportation & County Engineer
Jerry Auge, P.E., Department Director, Assistant County Engineer

EXCAVATOR AND OPERATOR NOTICE

THIS NOTICE IS FOR ALL EXCAVATORS AND OPERATORS APPLYING FOR PERMITS INVOLVING EXCAVATIONS REGARDING YOUR OBLIGATIONS TO COMPLY WITH MINNESOTA STATE STATUTE 216D ATTACHED TO THIS NOTICE.

THIS NOTICE IS A REQUIREMENT OF STATE STATUTE 216D.02; NOTICE TO EXCAVATORS AND OPERATORS

Our Passion Is Your Safe Way Home

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ www.anokacounty.us/highway

Affirmative Action / Equal Opportunity Employer

216D.03 NOTIFICATION CENTER.

Subdivision 1. **Participation.** An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. **Establishment of notification center; rules.** (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) The commissioner shall adopt rules:

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators.

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

Subd. 3. **Cooperation with local government.** In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

Subd. 4. **Notice to local government.** The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

History: 1987 c 353 s 9; 1997 c 187 art 1 s 15; 1998 c 386 art 2 s 69

216D.04 EXCAVATION; LAND SURVEY.

Subdivision 1. **Notice required; contents.** (a) 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. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.

(b) The notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the notice;
- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated;
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

Subd. 1a. **Plans for excavation.** (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.

Subd. 2. Duties of notification center; regarding notice. The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey.

Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

~~(e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.~~

(f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(g) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

Subd. 4. Locating underground facility; excavator or land surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.

(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 48 hours, excluding 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.

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

History: 1987 c 353 s 10; 1992 c 493 s 5; 1993 c 341 art 1 s 21; 1997 c 196 s 1; 1998 c 348 s 1-3; 2004 c 163 s 2-6

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

- (1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;
- (2) use white markings for proposed excavations except where it can be shown that it is not practical;
- (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;
- (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and
- (5) conduct the excavation in a careful and prudent manner.

History: 1987 c 353 s 11; 1998 c 348 s 4; 2004 c 163 s 7

216D.06 DAMAGE TO FACILITY.

Subdivision 1. **Notice; repair.** (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.

(b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. **Cost reimbursement.** (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

Subd. 3. **Prima facie evidence of negligence.** It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05.

History: 1987 c 353 s 12; 1999 c 43 s 1

216D.07 EFFECT ON LOCAL ORDINANCES.

(a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

History: *1987 c 353 s 13*

CHAPTER 7560
OFFICE OF PIPELINE SAFETY
EXCAVATION NOTICE SYSTEM

- 7560.0100 DEFINITIONS.
- 7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.
- 7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.
- 7560.0225 EXCAVATOR RESPONSIBILITIES REGARDING A LOCATE.
- 7560.0250 LOCATE STANDARDS.
- 7560.0300 OPERATOR PARTICIPATES AND SHARES COSTS.
- 7560.0325 EMERGENCY EXCAVATION NOTICES.
- 7560.0350 EXCAVATION NOTICE REQUESTING MEET.
- 7560.0375 LOCATING A SERVICE LATERAL.
- 7560.0400 CITATIONS.
- 7560.0500 RESPONSE OPTIONS.
- 7560.0600 DIRECTOR REVIEW.
- 7560.0700 CONSENT ORDER.
- 7560.0800 CIVIL PENALTIES.

7560.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them. Terms not defined in this part have the meanings given them in Minnesota Statutes, section 216D.01.

Subp. 1a. **Abandoned facility.** "Abandoned facility" means an underground facility that is no longer in service and is physically disconnected from a portion of the operating facility that is in use or still carries service. An abandoned facility has been deemed abandoned by the operator.

Subp. 2. **Director.** "Director" means the director of the Office of Pipeline Safety of the Minnesota Department of Public Safety.

Subp. 3. **Good cause to believe.** "Good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

- A. information from a person;
- B. facts supplied by the notification center defined in Minnesota Statutes, section 216D.01, subdivision 8;
- C. facts of which the director or an agent of the director has personal knowledge; and
- D. information provided by excavators or operators.

Subp. 4. **Locate.** "Locate" means an operator's markings of an underground facility.

Subp. 5. [Renumbered as subp 8]

Subp. 5a. [Renumbered as subp 9]

Subp. 6. [Renumbered as subp 11]

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.

Subp. 8. **Office.** "Office" means the Office of Pipeline Safety of the Minnesota Department of Public Safety.

Subp. 9. **Out-of-service facility.** "Out-of-service facility" means an underground facility that is no longer maintained and is not intended for future use, but has not been deemed abandoned. An out-of-service facility may still be connected to a portion of the operating facility that is in use or still carries service.

Subp. 10. **Public right-of-way.** "Public right-of-way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and sidewalk in which a government unit has an interest, including other rights-of-way dedicated for travel purposes and utility easements of government units.

Subp. 11. **Remuneration.** "Remuneration" means direct or indirect compensation or consideration paid to the person or the person's agent, employer, employee, subcontractor, or contractor. A person who excavates as part of the person's duties as an employee, employer, agent, subcontractor, or contractor is considered to be acting for remuneration.

Subp. 12. **Service lateral.** "Service lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448; 29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.

Subpart 1. **Duty of operators to provide readily available information.** Operators shall provide readily available information, as shown on maps, drawings, diagrams, or other records used in the normal course of business, on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following:

A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in Minnesota Statutes, section 216D.04, subdivision 3, with an abandoned or out-of-service facility identified by an uppercase A surrounded by a circle;

B. providing informational flags at the area of proposed excavation;

C. communicating information verbally; or

D. providing copies of maps, diagrams, or records.

Subp. 2. **Duty to notify operator.** An excavator shall notify the operator:

A. before moving, removing, or otherwise altering a facility that is thought to be abandoned or out of service; or

B. if damage to the facility occurs, pursuant to Minnesota Statutes, section 216D.01, subdivision 2.

Subp. 3. **Verification of abandoned or out-of-service facility.** Upon receipt of notification by an excavator pursuant to subpart 2, an operator shall verify that an underground facility is abandoned or out of service, by either reference to installation records, testing, or other comparable standard of verification, before an excavator is allowed to move, remove, or otherwise alter an underground facility.

Subp. 4. **Liability.** An operator providing information pursuant to Minnesota Statutes, section 216D.04, subdivision 3, is not responsible to any person for any costs, claims, or damages for information provided in good faith regarding abandoned and out-of-service underground facilities.

Statutory Authority: *MS s 14.06; 216D.08; 299J.04; 299F.60*

History: *24 SR 448*

Published Electronically: *July 20, 2005*

7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.

Subpart 1. **Duty of operator to map.** After December 31, 2005, an operator shall maintain a map, a diagram, a drawing, or geospatial information regarding the location of its underground facility within a public right-of-way installed after that date.

Subp. 2. **Duty to install locating wire.** After December 31, 2005, an operator shall install a locating wire or have an equally effective means of marking the location of each nonconductive underground facility within a public right-of-way installed after that date. This requirement does not apply when making minor repairs to an existing nonconductive facility. As applied to this chapter, "minor repairs" means repairs to or partial replacement of portions of existing service laterals located within a public right-of-way for purposes of routine maintenance and upkeep.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0200 [Repealed, 24 SR 448]

Published Electronically: *July 20, 2005*

7560.0225 EXCAVATOR RESPONSIBILITIES REGARDING A LOCATE.

Subpart 1. [Repealed, 29 SR 1503]

Subp. 2. **Responsibility to protect and preserve.** The excavator is responsible for reasonably protecting and preserving a locate until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe a locate is obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify, refresh, or re-mark the locate.

Subp. 3. **Use of locate.** A locate is valid for 14 days from the excavation commencement time stated on the excavation or location notice, unless the excavator has made previous arrangements with the operators affected to periodically verify, refresh, or re-mark the locate.

Statutory Authority: *MS s 14.06; 216D.08; 299J.04; 299F.60*

History: *24 SR 448; 29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0250 LOCATE STANDARDS.

Subpart 1. **Facility locate.** Unless otherwise agreed to between the excavator and operator, an operator shall locate an underground facility using stakes, flags, paint, or other suitable materials in varying combinations dependent upon the surface. The locate must be in sufficient detail to clearly identify the approximate route of the underground facility. The locate must also include:

- A. name, abbreviation, or logo of the operator when more than one operator listed on the notice uses the same color markings;
- B. width of the underground facility if it is greater than eight inches; and
- C. number of underground facilities if greater than one.

Subp. 2. **Operator duties in no conflict situation.** After December 31, 2005, an operator who receives notice and determines that an underground facility is not in conflict with the proposed excavation shall complete one or more of the following:

- A. mark the area "NO" followed by the operator's name, abbreviation, or logo in the color code of the underground facility not in conflict;
- B. place a clear plastic flag at the area that:
 - (1) states "N/C" or "NO CONFLICT" in lettering matching the color code of the underground facility that is not in conflict; and
 - (2) includes the operator's name, abbreviation, or logo, the date, a contact telephone number, and the ticket number; or
- C. contact the notification center through procedures required by the notification center and indicate that there are no underground facilities in conflict with the proposed excavation and that no markings or flags were left at the proposed excavation site.

Subp. 3. **Placement of flags or markings.** If using N/C (no conflict) flags or markings pursuant to subpart 2, an operator shall place the flags or markings in a location that can be readily observed by an excavator. When an area of proposed excavation is delineated by the use of white markings, an operator shall place the N/C flags or markings within, or as near as practicable to, the delineated area.

Subp. 4. **Duties of notification center.** After December 31, 2005, the notification center shall make the information received under subpart 2 available to the excavator before the start date and time on the notice. The notification center may fulfill this requirement by making the information accessible through one or more Internet addresses, by transmitting the information to a continuously working facsimile machine maintained by the excavator, or by other methodology developed by the notification center. The notification center shall make available the information received by operators pursuant to this section through

an electronic means. The notification center is not required by this subpart to contact an excavator verbally via telephone.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0300 OPERATOR PARTICIPATES AND SHARES COSTS.

An operator shall participate in and share the costs of the one call excavation notice system by:

- A. submitting the information required by the notification center to allow the center to notify the operator of excavation activity;
- B. updating the information provided to the notification center on a timely basis;
- C. installing and paying for equipment reasonably requested by the notification center to facilitate receipt of notice of excavation from the center;
- D. paying the costs charged by the notification center on a timely basis; and
- E. receiving and responding to excavation notices, including emergency notices, as required by Minnesota Statutes, chapter 216D.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.641*

History: *16 SR 135*

Published Electronically: *July 20, 2005*

7560.0325 EMERGENCY EXCAVATION NOTICES.

Subpart 1. **Duty of excavator to provide notice.** An excavator shall provide notice to the notification center before commencing an emergency excavation, unless subpart 2 applies. All emergency notices, regardless whether made prior to excavation, must be verbal or in a manner accepted by the notification center. In addition to the information required by the notification center, the notice must also contain:

- A. a description of the situation requiring the emergency excavation;
- B. the precise location of the proposed area of the emergency excavation;
- C. at least one continuously staffed telephone number where the excavator can be contacted by the operator throughout the emergency; and
- D. the excavation start date and time if the need for excavation is not immediate.

Subp. 2. **Excavating before notice.** If an emergency is such that providing notice or waiting for an operator would result in an undue risk to life, health, or significant loss of property, the excavator may excavate without providing prior notice or waiting for an operator to mark an underground facility. In this situation, the excavator shall provide notice as soon as practicable and take all reasonable precautions to avoid or minimize damage. Excavation prior to notice under this subpart does not relieve an excavator from any responsibility for damage to an underground facility pursuant to Minnesota Statutes, section 216D.06.

Subp. 3. **Emergency notice requesting immediate response.** Upon receiving an emergency excavation notice requesting an immediate response, an operator shall:

A. attempt to contact the excavator within one hour at the telephone number provided in subpart 1, item C, to provide any information concerning facilities at or near the area of excavation including an anticipated response time; and

B. locate and mark the underground facility within three hours of notice unless:

(1) otherwise agreed between the parties;

(2) the operator notifies the excavator that not locating does not present an immediate danger to life or health, or a significant loss of property; or

(3) there is an event or situation that cannot be reasonably anticipated or controlled by the operator.

Subp. 4. **Emergency notice requesting scheduled response.** Upon receiving an emergency excavation notice that does not require an immediate response, and before the scheduled excavation start date and time, an operator shall:

A. locate and mark the underground facility, unless otherwise agreed between the parties; or

B. notify the excavator at the telephone number provided in subpart 1, item C, that there is not an underground facility within the area of proposed excavation.

For purposes of this subpart, a requested start time of three hours or less from the time notice is provided to the center is considered an emergency notice requesting immediate response under subpart 3.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0350 EXCAVATION NOTICE REQUESTING MEET.

Subpart 1. **Excavator duties.** When requesting a meet through the notification center, an excavator must provide at least one contact name and telephone number to assist in facilitating the meet. An excavator shall contact the notification center to cancel or reschedule the meet and the notification center shall relay this information to the affected operators. When a meet is requested, an excavator's notice must include the entire geographic area of the proposed excavation and the specific location of the meet. This part does not relieve an excavator from the duty to provide a precise geographic location of the proposed area of excavation, or to use white markings except where it can be shown that to do so is not practical.

Subp. 2. **Operator duties.** When a meet is requested, an affected operator shall make a reasonable effort to attend the meet at the proposed date and time, or contact the excavator before the meet and reschedule for a mutually agreed date and time.

Subp. 3. **Excavation start date and time.** When a meet is requested, the meet date and time must be at least 48 hours after notice is provided, excluding Saturdays, Sundays, and holidays, and the excavation start date and time must be at least 24 hours after the proposed meet date and time specified on the notice, excluding Saturdays, Sundays, and holidays. This subpart does not apply if these matters are provided for in a written agreement with all affected operators.

Subp. 4. **Meet request documentation.** An excavator shall maintain written documentation of each meet with an underground facility operator or representative. This documentation must be kept for the duration of the excavation conducted under the notice. The documentation must include:

- 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.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0375 LOCATING A SERVICE LATERAL.

Subpart 1. **Operator duties.** Unless otherwise agreed, an underground facility operator shall locate a service lateral before the start date and time on the notice and in accordance with items A through C:

A. An operator of a natural gas, propane, or electric facility shall locate a service lateral up to the meter or the connection to a customer's underground facility, whichever is closer to the end-use customer. If the meter or connection to the customer's underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way up to the point where the service lateral first leaves the public right-of-way.

B. An operator of a communication facility shall locate a service lateral up to the entry of the first building. If the service lateral does not enter a building, the operator shall locate up to the utilization equipment, fence, or wall that surrounds the equipment.

C. After December 31, 2005, an operator of a sewage or water facility, at a minimum, shall locate that portion of the service lateral within a public right-of-way installed after that date up to the point where the service lateral first leaves the public right-of-way. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a sewer or water service lateral installed before January 1, 2006. If no information is available on a sewer or water service lateral installed before January 1, 2006, then notifying the excavator that no information exists fulfills the requirements of this section.

Subp. 2. **Exception.** An operator is not required to locate a service lateral of a customer who currently participates in the statewide notification system, provided the customer and operator mutually agree that the customer will assume locate responsibilities. The agreement must be in writing.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0400 CITATIONS.

Subpart 1. **Notice of violation.** The office shall issue a notice of probable violation when the office has good cause to believe a violation of Minnesota Statutes, sections 216D.01 to 216D.09 or this chapter has occurred.

Subp. 2. **Contents of notice of violation.** A notice of violation must include:

- A. a statement of the statute or rule allegedly violated by the person and a description of the evidence on which the allegation is based;
- B. notice of response options available to the person cited;
- C. notice that the person has 30 days in which to respond;
- D. notice that failure to respond within 30 days precludes administrative review under this chapter; and
- E. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law.

Subp. 3. **Receipt of notice.** The notice of violation is deemed received three days after mailing to the person's last known address.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0500 RESPONSE OPTIONS.

The person shall respond to the notice of violation in the following way:

- A. When the notice contains a proposed compliance order, the person shall:
 - (1) agree to the proposed compliance order;
 - (2) request the execution of a consent order;
 - (3) object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; or
 - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- B. When the notice contains a proposed civil penalty, the person shall:
 - (1) pay the penalty and close the case;
 - (2) submit an offer in compromise of the proposed civil penalty;
 - (3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or
 - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- C. Failure to respond in writing within 30 days precludes administrative review under this chapter. A final order will be issued and penalties will be forwarded for collection.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0600 DIRECTOR REVIEW.

If the person objects to the proposed civil penalty or compliance order and submits written explanations, information, or other materials in response to a notice of violation, within the time specified in part 7560.0500, the director shall review the submissions and determine whether to negotiate further, to change or withdraw the notice of violation, or to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0700 CONSENT ORDER.

An executed consent order must contain:

- A. an admission by the person of the jurisdictional facts;
- B. a waiver of further procedural steps and the right to seek judicial or administrative review or otherwise challenge or contest the validity of the consent order; and
- C. an agreement that the notice of violation may be used to construe the terms of the consent order.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.641*

History: *16 SR 135*

Published Electronically: *July 20, 2005*

7560.0800 CIVIL PENALTIES.

Subpart 1. **Proceedings against excavators.** When the office has good cause to believe that an excavator is engaging or has engaged in conduct that violates Minnesota Statutes, section 216D.04, subdivision 1, 2, or 3; 216D.05, clause (1), (2), (3), or (4); or 216D.06, subdivision 1, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14. An operator who engages or has engaged in excavation that violates Minnesota Statutes, chapter 216D, is subject to the proceedings specified in subpart 2 and is subject to the penalties specified in subpart 4, item B or C.

Subp. 2. **Proceedings against underground facility operators.** The office may negotiate a civil penalty under item A or B.

A. When the office has good cause to believe that an underground facility operator, other than an operator set forth in item B, is engaging or has engaged in conduct that violates Minnesota Statutes, sections 216D.01 to 216D.07, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

B. When the office has good cause to believe that an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility is engaging or has engaged in conduct that violates Minnesota Statutes, sections 299F.56 to 299F.641, or a rule adopted under Minnesota Statutes, section 299F.60, subdivision 5, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 299F.60, subdivision 2. A penalty imposed under Minnesota Statutes, section 299F.60, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

Subp. 3. **Assessment considerations.** In assessing a civil penalty under this part, the office shall consider the following factors:

- A. the nature, circumstances, and gravity of the violation;
- B. the degree of the person's culpability;
- C. the person's history of previous offenses;
- D. the person's ability to pay;
- E. good faith on the part of the person in attempting to remedy the cause of the violation;
- F. the effect of the penalty on the person's ability to continue in business; and
- G. past reports of damage to an underground facility by a person.

Subp. 4. **Maximum penalties.** For the purposes of this part, penalties imposed under this part must not exceed the limits in items A to C.

A. Penalties imposed against excavators must not exceed \$1,000 for each violation per day of violation.

B. Penalties imposed against underground facility operators, other than an operator set forth in item C, must not exceed \$1,000 for each violation per day of violation.

C. Penalties imposed against an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility must not exceed \$10,000 for each violation for each day that the violation persists, except that the maximum civil penalty must not exceed \$500,000 for a related series of violations.

Subp. 5. **Payment procedure.** The person shall pay a civil penalty that has been proposed, assessed, or compromised by submitting to the office a check or money order in the correct amount, payable to the commissioner of public safety.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*



Anoka County

TRANSPORTATION DIVISION

Highway

Joe MacPherson, P.E., Chief Officer, Transportation & County Engineer
Jerry Auge, P.E., Department Director, Assistant County Engineer

EXCAVATOR AND OPERATOR NOTICE

THIS NOTICE IS FOR ALL EXCAVATORS AND OPERATORS APPLYING FOR PERMITS INVOLVING EXCAVATIONS REGARDING YOUR OBLIGATIONS TO COMPLY WITH MINNESOTA STATE STATUTE 216D ATTACHED TO THIS NOTICE.

THIS NOTICE IS A REQUIREMENT OF STATE STATUTE 216D.02; NOTICE TO EXCAVATORS AND OPERATORS

Our Passion Is Your Safe Way Home

1440 Bunker Lake Boulevard N.W. ▲ Andover, MN 55304-4005
Office: 763-324-3100 ▲ Fax: 763-324-3020 ▲ www.anokacounty.us/highway

Affirmative Action / Equal Opportunity Employer



January 18, 2023

Gopher State One Call Notice to Local Governmental Units

Greetings:

Gopher State One Call (GSOC), Minnesota's excavation notification center, processed 852,475 locate requests in 2022 and made more than 4,754,010 notifications to its member underground facility operators. These numbers are a testament to Minnesota's excavators, underground facility operators and local governmental units as each plays an important role in excavation safety and damage prevention.

As required by Minnesota State Statute 216D, Minnesota's One Call Excavation Notice Law, GSOC is providing your local government unit with the following (Minnesota State Law Chapter 216D, Minnesota Rules Chapter 7560 and GSOC's mailing address and phone number are also available online at www.gopherstateonecall.org)

1. Master list, by county, of the underground facility operators, who are participants in GSOC,
2. GSOC's mailing address and telephone number below,
3. A copy of sections 216D.03 to 216D.07 of Minnesota State Law Chapter 216D – One Call Excavation Notice System,
4. A copy of Minnesota Rules Chapter 7560 – Office of Pipeline Safety Excavation Notice System,
5. A sample copy of an excavation notice (ticket), and
6. A sample copy of a notice that GSOC sends to an underground facility operator when GSOC receives an excavation notice.

GSOC also takes this opportunity to remind local governmental units of their responsibility under 216D.02 Notice to Excavator or Operator, Subdivision 1 – Display and Distribution:

- Local governmental units that issue permits for an activity involving excavation must continuously display an excavator and operator's notice and a copy of section 216D.03 to 216D.07 must be furnished to each person obtaining a permit for excavation.
- An excavator and operator's notice and a copy of sections 216D.03 to 216D.07 must be furnished to each person obtaining a permit for excavation.

GSOC recognizes that damage prevention is a shared responsibility and in that vein we respectfully request that you consider promoting GSOC in your safety messages and outreach.

We look forward to continuing our partnership with you and we thank you for the role that you play in Minnesota excavation safety.

Sincerely,

Barb Cederberg
Chief Operations Officer

**1110 Centre Pointe Curve STE 100, Mendota Heights, MN 55120
800-252-1166**

LOCATE REQUEST GUIDE

Below are brief explanations of the information that you will be required to provide when processing a locate ticket. All identified information is also made available to facility operators, excavators, and government agencies. This is not private information and no expectation of confidentiality or privacy shall be assumed.

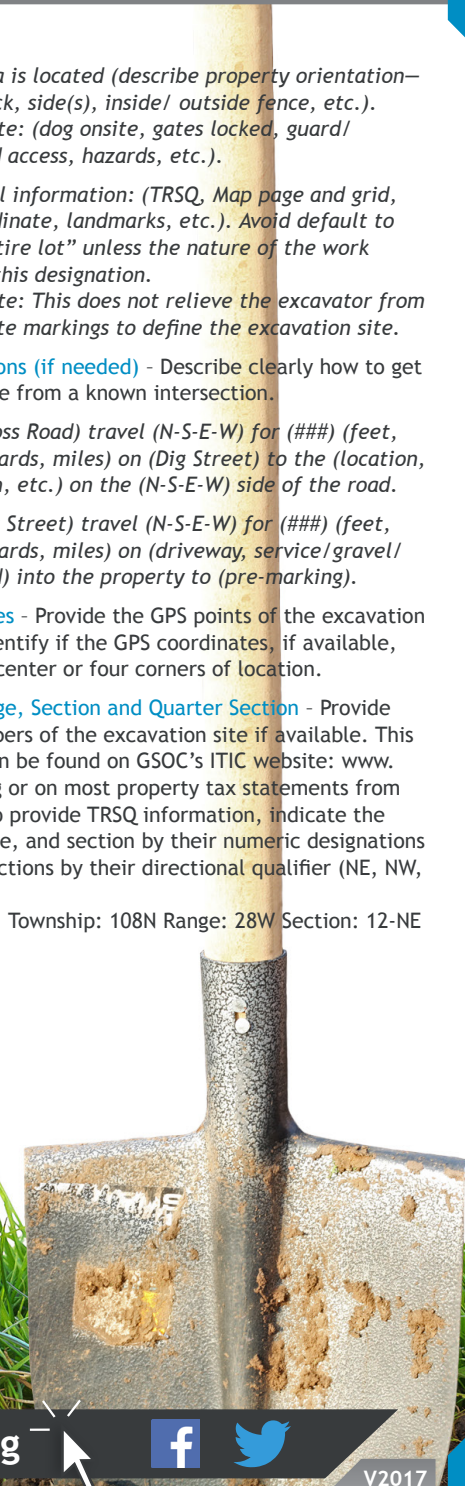
1. Telephone Number
2. Name and Company Name - Provide GSOC with your name. DO NOT SUBMIT A TICKET UNDER SOMEONE ELSE'S NAME.
3. Mailing Address
4. E-mail Address
5. Alternate (Field) Contact Name and Phone Number - Please provide the cellular telephone number of the person to be contacted during the excavation project.
6. Type of Work - The specific reason for the work as compared to the work method. For example, "installation of a sanitary sewer lateral" is much more helpful than "digging a sewer line."
7. Work Being Done For - Your name, the customer's name, or the general contractor's name is sufficient.
8. Duration - An estimate of how long you plan on being at the job site. A locate ticket is valid for 14 calendar days. If the duration of the work will extend beyond 14 calendar days, you must request an update on the ticket at least 48 hours, excluding weekends and holidays, prior to the expiration of the 14 day period (unless arrangements are made with the affected operators to periodically remark). If the project will exceed 6 months, a new ticket must be sought prior to the expiration of the 6 month period.
9. Explosives - GSOC must ask whether explosives will be used in an effort to assist gas and pipeline facility operators.
10. Tunneling & Boring - You must advise if you will use any means of tunneling horizontally without disturbing the ground above, also known as trenchless construction.
11. Right of Way (ROW) - GSOC defines the ROW as the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the government unit has an interest, including other dedicated rights-of-way for travel purposes and utility easements of government units. Make sure you are familiar with the ROW in the area you are working. Please note that the ROW is not the same as an easement.

EXCAVATION INFORMATION				PROFILE
FIELD CONTACT	RICHARD HARROV	FIELD PHONE	555-555-5555	
TYPE OF WORK	PLANTING TREES			
WORK DONE FOR	CITY OF MINNEAPOLIS			
JOB NUMBER				
DURATION	2	DAYS		
EXPLOSIVES	N	TUNNEL/BORE	N	
RIGHT OF WAY	Y	AREA MARKED	N	

12. Area Marked - Has the area been marked with white paint or flags, unless found to be impractical?
13. Street Address of Work Site - Be careful to accurately describe the following.
 - County name
 - City/Township name
 - Street address of the work site

You must use the physical address of the excavation site, not your mailing address. "Blanket tickets" are not an acceptable practice. If you are a subcontractor and you are excavating, protect yourself and your company by processing a ticket. The general contractors' ticket does not apply to anyone except for the general contractor. GSOC recommends a homeowner not to obtain a ticket for an excavator doing work on their behalf. The Excavator should obtain its own ticket.
14. Nearest Intersecting Street - The nearest intersecting street to the excavation site. Provide the closest intersecting street, even if it is not a major crossing.
15. Marking Instructions - Identifies the specific portion of the excavation site that needs to be marked. Here are some examples of how to effectively use marking instructions.
 - Work keeping within (###) (feet, meters, yards, miles) of (pre-marking: flag, paint, lath, etc.).

- Work area is located (describe property orientation—front, back, side(s), inside/ outside fence, etc.). Please note: (dog onsite, gates locked, guard/ restricted access, hazards, etc.).
 - Additional information: (TRSQ, Map page and grid, GPS coordinate, landmarks, etc.). Avoid default to "mark entire lot" unless the nature of the work requires this designation. Please note: This does not relieve the excavator from using white markings to define the excavation site.
16. Driving Directions (if needed) - Describe clearly how to get to the work site from a known intersection.
 - From (Cross Road) travel (N-S-E-W) for (###) (feet, meters, yards, miles) on (Dig Street) to the (location, Flag, Lath, etc.) on the (N-S-E-W) side of the road.
 - From (Dig Street) travel (N-S-E-W) for (###) (feet, meters, yards, miles) on (driveway, service/gravel/ farm road) into the property to (pre-marking).
 17. GPS Coordinates - Provide the GPS points of the excavation site. Please identify if the GPS coordinates, if available, represent the center or four corners of location.
 18. Township, Range, Section and Quarter Section - Provide the TRSQ numbers of the excavation site if available. This information can be found on GSOC's ITIC website: www.gsocsubmit.org or on most property tax statements from your county. To provide TRSQ information, indicate the township, range, and section by their numeric designations and quarter sections by their directional qualifier (NE, NW, SE, and SW).
Example TRSQ: Township: 108N Range: 28W Section: 12-NE



TICKET

GOPHER STATE ONE CALL LOCATE REQUEST

TICKET NUMBER: (each GSOC ticket is given a unique serial number)
OLD TICKET: (used if prior ticket was issued)
BY: (name of submitter) SOURCE: _____ EMAIL _____
TYPE (regular, emergency or other) DATE and TIME (when ticket submitted)
SEND TO: _____ SEQUENCE: _____

COMPANY INFORMATION (This section is used to gather general information)

TYPE: _____
CALLER: _____ CALLER PHONE: _____
CONTACT: _____ CONTACT PHONE: _____
COMPANY PHONE: _____ COMPANY FAX: _____
COMPANY EMAIL: _____

WORK INFORMATION (This section is used to gather information about the workplace and the excavation activity itself)

STATE: _____ WORK DATE: _____
COUNTY: _____ DONE FOR: _____
PLACE: _____
STREET: _____
INTERSECTION: _____
TYPE OF WORK: _____
EXPLOSIVES: _____ TUNNEL/BORE: _____
RIGHT OF WAY: _____ DURATION: _____

REMARKS (This section is used to provide driving directions, a description of the work site, marking instructions and any special data)

MEMBERS (This section describes the member code for each facility operator on the ticket, the name of the facility operator and the phone number)

CODE	NAME	PHONE NUMBER
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LOCATION (This section provides the specific location of the ticket. Including lat/long and quarter section data)

LATITUDE: _____ LONGITUDE: _____
SECOND LATITUDE: _____ SECOND LONGITUDE: _____

CHAPTER 7560
OFFICE OF PIPELINE SAFETY
EXCAVATION NOTICE SYSTEM

- 7560.0100 DEFINITIONS.
- 7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.
- 7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.
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- 7560.0300 OPERATOR PARTICIPATES AND SHARES COSTS.
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- 7560.0350 EXCAVATION NOTICE REQUESTING MEET.
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- 7560.0500 RESPONSE OPTIONS.
- 7560.0600 DIRECTOR REVIEW.
- 7560.0700 CONSENT ORDER.
- 7560.0800 CIVIL PENALTIES.

7560.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them. Terms not defined in this part have the meanings given them in Minnesota Statutes, section 216D.01.

Subp. 1a. **Abandoned facility.** "Abandoned facility" means an underground facility that is no longer in service and is physically disconnected from a portion of the operating facility that is in use or still carries service. An abandoned facility has been deemed abandoned by the operator.

Subp. 2. **Director.** "Director" means the director of the Office of Pipeline Safety of the Minnesota Department of Public Safety.

Subp. 3. **Good cause to believe.** "Good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

- A. information from a person;
- B. facts supplied by the notification center defined in Minnesota Statutes, section 216D.01, subdivision 8;
- C. facts of which the director or an agent of the director has personal knowledge; and
- D. information provided by excavators or operators.

Subp. 4. **Locate.** "Locate" means an operator's markings of an underground facility.

Subp. 5. [Renumbered as subp 8]

Subp. 5a. [Renumbered as subp 9]

Subp. 6. [Renumbered as subp 11]

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.

Subp. 8. **Office.** "Office" means the Office of Pipeline Safety of the Minnesota Department of Public Safety.

Subp. 9. **Out-of-service facility.** "Out-of-service facility" means an underground facility that is no longer maintained and is not intended for future use, but has not been deemed abandoned. An out-of-service facility may still be connected to a portion of the operating facility that is in use or still carries service.

Subp. 10. **Public right-of-way.** "Public right-of-way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and sidewalk in which a government unit has an interest, including other rights-of-way dedicated for travel purposes and utility easements of government units.

Subp. 11. **Remuneration.** "Remuneration" means direct or indirect compensation or consideration paid to the person or the person's agent, employer, employee, subcontractor, or contractor. A person who excavates as part of the person's duties as an employee, employer, agent, subcontractor, or contractor is considered to be acting for remuneration.

Subp. 12. **Service lateral.** "Service lateral" means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448; 29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0125 ABANDONED AND OUT-OF-SERVICE FACILITIES.

Subpart 1. **Duty of operators to provide readily available information.** Operators shall provide readily available information, as shown on maps, drawings, diagrams, or other records used in the normal course of business, on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following:

A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in Minnesota Statutes, section 216D.04, subdivision 3, with an abandoned or out-of-service facility identified by an uppercase A surrounded by a circle;

B. providing informational flags at the area of proposed excavation;

C. communicating information verbally; or

D. providing copies of maps, diagrams, or records.

Subp. 2. **Duty to notify operator.** An excavator shall notify the operator:

A. before moving, removing, or otherwise altering a facility that is thought to be abandoned or out of service; or

B. if damage to the facility occurs, pursuant to Minnesota Statutes, section 216D.01, subdivision 2.

Subp. 3. **Verification of abandoned or out-of-service facility.** Upon receipt of notification by an excavator pursuant to subpart 2, an operator shall verify that an underground facility is abandoned or out of service, by either reference to installation records, testing, or other comparable standard of verification, before an excavator is allowed to move, remove, or otherwise alter an underground facility.

Subp. 4. **Liability.** An operator providing information pursuant to Minnesota Statutes, section 216D.04, subdivision 3, is not responsible to any person for any costs, claims, or damages for information provided in good faith regarding abandoned and out-of-service underground facilities.

Statutory Authority: *MS s 14.06; 216D.08; 299J.04; 299F.60*

History: *24 SR 448*

Published Electronically: *July 20, 2005*

7560.0150 PUBLIC RIGHT-OF-WAY MAPPING AND INSTALLATION.

Subpart 1. **Duty of operator to map.** After December 31, 2005, an operator shall maintain a map, a diagram, a drawing, or geospatial information regarding the location of its underground facility within a public right-of-way installed after that date.

Subp. 2. **Duty to install locating wire.** After December 31, 2005, an operator shall install a locating wire or have an equally effective means of marking the location of each nonconductive underground facility within a public right-of-way installed after that date. This requirement does not apply when making minor repairs to an existing nonconductive facility. As applied to this chapter, "minor repairs" means repairs to or partial replacement of portions of existing service laterals located within a public right-of-way for purposes of routine maintenance and upkeep.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0200 [Repealed, 24 SR 448]

Published Electronically: *July 20, 2005*

7560.0225 EXCAVATOR RESPONSIBILITIES REGARDING A LOCATE.

Subpart 1. [Repealed, 29 SR 1503]

Subp. 2. **Responsibility to protect and preserve.** The excavator is responsible for reasonably protecting and preserving a locate until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe a locate is obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify, refresh, or re-mark the locate.

Subp. 3. **Use of locate.** A locate is valid for 14 days from the excavation commencement time stated on the excavation or location notice, unless the excavator has made previous arrangements with the operators affected to periodically verify, refresh, or re-mark the locate.

Statutory Authority: *MS s 14.06; 216D.08; 299J.04; 299F.60*

History: *24 SR 448; 29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0250 LOCATE STANDARDS.

Subpart 1. **Facility locate.** Unless otherwise agreed to between the excavator and operator, an operator shall locate an underground facility using stakes, flags, paint, or other suitable materials in varying combinations dependent upon the surface. The locate must be in sufficient detail to clearly identify the approximate route of the underground facility. The locate must also include:

- A. name, abbreviation, or logo of the operator when more than one operator listed on the notice uses the same color markings;
- B. width of the underground facility if it is greater than eight inches; and
- C. number of underground facilities if greater than one.

Subp. 2. **Operator duties in no conflict situation.** After December 31, 2005, an operator who receives notice and determines that an underground facility is not in conflict with the proposed excavation shall complete one or more of the following:

- A. mark the area "NO" followed by the operator's name, abbreviation, or logo in the color code of the underground facility not in conflict;
- B. place a clear plastic flag at the area that:
 - (1) states "N/C" or "NO CONFLICT" in lettering matching the color code of the underground facility that is not in conflict; and
 - (2) includes the operator's name, abbreviation, or logo, the date, a contact telephone number, and the ticket number; or
- C. contact the notification center through procedures required by the notification center and indicate that there are no underground facilities in conflict with the proposed excavation and that no markings or flags were left at the proposed excavation site.

Subp. 3. **Placement of flags or markings.** If using N/C (no conflict) flags or markings pursuant to subpart 2, an operator shall place the flags or markings in a location that can be readily observed by an excavator. When an area of proposed excavation is delineated by the use of white markings, an operator shall place the N/C flags or markings within, or as near as practicable to, the delineated area.

Subp. 4. **Duties of notification center.** After December 31, 2005, the notification center shall make the information received under subpart 2 available to the excavator before the start date and time on the notice. The notification center may fulfill this requirement by making the information accessible through one or more Internet addresses, by transmitting the information to a continuously working facsimile machine maintained by the excavator, or by other methodology developed by the notification center. The notification center shall make available the information received by operators pursuant to this section through

an electronic means. The notification center is not required by this subpart to contact an excavator verbally via telephone.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0300 OPERATOR PARTICIPATES AND SHARES COSTS.

An operator shall participate in and share the costs of the one call excavation notice system by:

- A. submitting the information required by the notification center to allow the center to notify the operator of excavation activity;
- B. updating the information provided to the notification center on a timely basis;
- C. installing and paying for equipment reasonably requested by the notification center to facilitate receipt of notice of excavation from the center;
- D. paying the costs charged by the notification center on a timely basis; and
- E. receiving and responding to excavation notices, including emergency notices, as required by Minnesota Statutes, chapter 216D.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.641*

History: *16 SR 135*

Published Electronically: *July 20, 2005*

7560.0325 EMERGENCY EXCAVATION NOTICES.

Subpart 1. **Duty of excavator to provide notice.** An excavator shall provide notice to the notification center before commencing an emergency excavation, unless subpart 2 applies. All emergency notices, regardless whether made prior to excavation, must be verbal or in a manner accepted by the notification center. In addition to the information required by the notification center, the notice must also contain:

- A. a description of the situation requiring the emergency excavation;
- B. the precise location of the proposed area of the emergency excavation;
- C. at least one continuously staffed telephone number where the excavator can be contacted by the operator throughout the emergency; and
- D. the excavation start date and time if the need for excavation is not immediate.

Subp. 2. **Excavating before notice.** If an emergency is such that providing notice or waiting for an operator would result in an undue risk to life, health, or significant loss of property, the excavator may excavate without providing prior notice or waiting for an operator to mark an underground facility. In this situation, the excavator shall provide notice as soon as practicable and take all reasonable precautions to avoid or minimize damage. Excavation prior to notice under this subpart does not relieve an excavator from any responsibility for damage to an underground facility pursuant to Minnesota Statutes, section 216D.06.

Subp. 3. **Emergency notice requesting immediate response.** Upon receiving an emergency excavation notice requesting an immediate response, an operator shall:

A. attempt to contact the excavator within one hour at the telephone number provided in subpart 1, item C, to provide any information concerning facilities at or near the area of excavation including an anticipated response time; and

B. locate and mark the underground facility within three hours of notice unless:

(1) otherwise agreed between the parties;

(2) the operator notifies the excavator that not locating does not present an immediate danger to life or health, or a significant loss of property; or

(3) there is an event or situation that cannot be reasonably anticipated or controlled by the operator.

Subp. 4. **Emergency notice requesting scheduled response.** Upon receiving an emergency excavation notice that does not require an immediate response, and before the scheduled excavation start date and time, an operator shall:

A. locate and mark the underground facility, unless otherwise agreed between the parties; or

B. notify the excavator at the telephone number provided in subpart 1, item C, that there is not an underground facility within the area of proposed excavation.

For purposes of this subpart, a requested start time of three hours or less from the time notice is provided to the center is considered an emergency notice requesting immediate response under subpart 3.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0350 EXCAVATION NOTICE REQUESTING MEET.

Subpart 1. **Excavator duties.** When requesting a meet through the notification center, an excavator must provide at least one contact name and telephone number to assist in facilitating the meet. An excavator shall contact the notification center to cancel or reschedule the meet and the notification center shall relay this information to the affected operators. When a meet is requested, an excavator's notice must include the entire geographic area of the proposed excavation and the specific location of the meet. This part does not relieve an excavator from the duty to provide a precise geographic location of the proposed area of excavation, or to use white markings except where it can be shown that to do so is not practical.

Subp. 2. **Operator duties.** When a meet is requested, an affected operator shall make a reasonable effort to attend the meet at the proposed date and time, or contact the excavator before the meet and reschedule for a mutually agreed date and time.

Subp. 3. **Excavation start date and time.** When a meet is requested, the meet date and time must be at least 48 hours after notice is provided, excluding Saturdays, Sundays, and holidays, and the excavation start date and time must be at least 24 hours after the proposed meet date and time specified on the notice, excluding Saturdays, Sundays, and holidays. This subpart does not apply if these matters are provided for in a written agreement with all affected operators.

Subp. 4. **Meet request documentation.** An excavator shall maintain written documentation of each meet with an underground facility operator or representative. This documentation must be kept for the duration of the excavation conducted under the notice. The documentation must include:

- 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.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0375 LOCATING A SERVICE LATERAL.

Subpart 1. **Operator duties.** Unless otherwise agreed, an underground facility operator shall locate a service lateral before the start date and time on the notice and in accordance with items A through C:

A. An operator of a natural gas, propane, or electric facility shall locate a service lateral up to the meter or the connection to a customer's underground facility, whichever is closer to the end-use customer. If the meter or connection to the customer's underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way up to the point where the service lateral first leaves the public right-of-way.

B. An operator of a communication facility shall locate a service lateral up to the entry of the first building. If the service lateral does not enter a building, the operator shall locate up to the utilization equipment, fence, or wall that surrounds the equipment.

C. After December 31, 2005, an operator of a sewage or water facility, at a minimum, shall locate that portion of the service lateral within a public right-of-way installed after that date up to the point where the service lateral first leaves the public right-of-way. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a sewer or water service lateral installed before January 1, 2006. If no information is available on a sewer or water service lateral installed before January 1, 2006, then notifying the excavator that no information exists fulfills the requirements of this section.

Subp. 2. **Exception.** An operator is not required to locate a service lateral of a customer who currently participates in the statewide notification system, provided the customer and operator mutually agree that the customer will assume locate responsibilities. The agreement must be in writing.

Statutory Authority: *MS s 299J.04*

History: *29 SR 1503*

Published Electronically: *July 20, 2005*

7560.0400 CITATIONS.

Subpart 1. **Notice of violation.** The office shall issue a notice of probable violation when the office has good cause to believe a violation of Minnesota Statutes, sections 216D.01 to 216D.09 or this chapter has occurred.

Subp. 2. **Contents of notice of violation.** A notice of violation must include:

- A. a statement of the statute or rule allegedly violated by the person and a description of the evidence on which the allegation is based;
- B. notice of response options available to the person cited;
- C. notice that the person has 30 days in which to respond;
- D. notice that failure to respond within 30 days precludes administrative review under this chapter; and
- E. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law.

Subp. 3. **Receipt of notice.** The notice of violation is deemed received three days after mailing to the person's last known address.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0500 RESPONSE OPTIONS.

The person shall respond to the notice of violation in the following way:

- A. When the notice contains a proposed compliance order, the person shall:
 - (1) agree to the proposed compliance order;
 - (2) request the execution of a consent order;
 - (3) object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; or
 - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- B. When the notice contains a proposed civil penalty, the person shall:
 - (1) pay the penalty and close the case;
 - (2) submit an offer in compromise of the proposed civil penalty;
 - (3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or
 - (4) request the office to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.
- C. Failure to respond in writing within 30 days precludes administrative review under this chapter. A final order will be issued and penalties will be forwarded for collection.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0600 DIRECTOR REVIEW.

If the person objects to the proposed civil penalty or compliance order and submits written explanations, information, or other materials in response to a notice of violation, within the time specified in part 7560.0500, the director shall review the submissions and determine whether to negotiate further, to change or withdraw the notice of violation, or to initiate a hearing under Minnesota Statutes, sections 14.50 to 14.69.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

7560.0700 CONSENT ORDER.

An executed consent order must contain:

- A. an admission by the person of the jurisdictional facts;
- B. a waiver of further procedural steps and the right to seek judicial or administrative review or otherwise challenge or contest the validity of the consent order; and
- C. an agreement that the notice of violation may be used to construe the terms of the consent order.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.641*

History: *16 SR 135*

Published Electronically: *July 20, 2005*

7560.0800 CIVIL PENALTIES.

Subpart 1. Proceedings against excavators. When the office has good cause to believe that an excavator is engaging or has engaged in conduct that violates Minnesota Statutes, section 216D.04, subdivision 1, 2, or 3; 216D.05, clause (1), (2), (3), or (4); or 216D.06, subdivision 1, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14. An operator who engages or has engaged in excavation that violates Minnesota Statutes, chapter 216D, is subject to the proceedings specified in subpart 2 and is subject to the penalties specified in subpart 4, item B or C.

Subp. 2. Proceedings against underground facility operators. The office may negotiate a civil penalty under item A or B.

A. When the office has good cause to believe that an underground facility operator, other than an operator set forth in item B, is engaging or has engaged in conduct that violates Minnesota Statutes, sections 216D.01 to 216D.07, or a rule adopted under Minnesota Statutes, section 216D.08, subdivision 4, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 216D.08, subdivision 2. A penalty imposed under Minnesota Statutes, section 216D.08, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

B. When the office has good cause to believe that an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility is engaging or has engaged in conduct that violates Minnesota Statutes, sections 299F.56 to 299F.641, or a rule adopted under Minnesota Statutes, section 299F.60, subdivision 5, the office, if appropriate, shall negotiate a civil penalty under Minnesota Statutes, section 299F.60, subdivision 2. A penalty imposed under Minnesota Statutes, section 299F.60, is subject to the contested case and judicial review provisions of Minnesota Statutes, chapter 14.

Subp. 3. **Assessment considerations.** In assessing a civil penalty under this part, the office shall consider the following factors:

- A. the nature, circumstances, and gravity of the violation;
- B. the degree of the person's culpability;
- C. the person's history of previous offenses;
- D. the person's ability to pay;
- E. good faith on the part of the person in attempting to remedy the cause of the violation;
- F. the effect of the penalty on the person's ability to continue in business; and
- G. past reports of damage to an underground facility by a person.

Subp. 4. **Maximum penalties.** For the purposes of this part, penalties imposed under this part must not exceed the limits in items A to C.

A. Penalties imposed against excavators must not exceed \$1,000 for each violation per day of violation.

B. Penalties imposed against underground facility operators, other than an operator set forth in item C, must not exceed \$1,000 for each violation per day of violation.

C. Penalties imposed against an operator who engages in the transportation of gas or hazardous liquids or who owns or operates a gas or hazardous liquid pipeline facility must not exceed \$10,000 for each violation for each day that the violation persists, except that the maximum civil penalty must not exceed \$500,000 for a related series of violations.

Subp. 5. **Payment procedure.** The person shall pay a civil penalty that has been proposed, assessed, or compromised by submitting to the office a check or money order in the correct amount, payable to the commissioner of public safety.

Statutory Authority: *MS s 14.06; 216D.08; 299F.56; 299F.60; 299F.641; 299J.04*

History: *16 SR 135; 24 SR 448*

Published Electronically: *July 20, 2005*

216D.02 NOTICE TO EXCAVATOR OR OPERATOR.

Subdivision 1. **Display and distribution.** Local governmental units that issue permits for an activity involving excavation must continuously display an excavator's and operator's notice at the location where permits are applied for and obtained. An excavator and operator's notice and a copy of sections 216D.03 to 216D.07 must be furnished to each person obtaining a permit for excavation.

Subd. 2. **Form.** The notification center shall prescribe an excavator and operator's notice. The notice must inform excavators and operators of their obligations to comply with sections 216D.03 to 216D.07. The center shall furnish to local governmental units:

- (1) a copy of the notice and sections 216D.03 to 216D.07 in a form suitable for photocopying;
- (2) a copy of the display and distribution requirements under subdivision 1; and
- (3) the telephone number and mailing address of the notification center.

History: 1987 c 353 s 8

216D.03 NOTIFICATION CENTER.

Subdivision 1. **Participation.** An operator shall participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. **Establishment of notification center; rules.** (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the Office of Pipeline Safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) The commissioner shall adopt rules:

(1) establishing a notification process and competitive bidding procedure for selecting a vendor to provide the notification service;

(2) governing the operating procedures and technology needed for a statewide notification center; and

(3) setting forth the method for assessing the cost of the service among operators.

(c) The commissioner shall select a vendor to provide the notification center service. The commissioner may advertise for bids as provided in section 16C.06, subdivisions 1 and 2, and base the selection of a vendor on best value as provided in section 16C.06, subdivision 6. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(d) An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (c). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (c).

Subd. 3. **Cooperation with local government.** In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the League of Minnesota Cities, the Association of Minnesota Counties, and the Township Officers' Association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 216D.01 to 216D.07.

Subd. 4. **Notice to local government.** The notification center shall provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

History: 1987 c 353 s 9; 1997 c 187 art 1 s 15; 1998 c 386 art 2 s 69

216D.04 EXCAVATION; LAND SURVEY.

Subdivision 1. **Notice required; contents.** (a) 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. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in the notice.

(b) The notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the notice;
- (2) the precise location of the proposed area of excavation or survey;
- (3) the name, address, and telephone number of the individual or individual's company;
- (4) the field telephone number, if one is available;
- (5) the type and extent of the activity;
- (6) whether or not the discharge of explosives is anticipated;
- (7) the date and time when the excavation or survey is to commence; and
- (8) the estimated duration of the activity.

Subd. 1a. **Plans for excavation.** (a) Any person, prior to soliciting bids or entering into a contract for excavation, shall provide a proposed notice to the notification center to obtain from the affected operators of underground facilities the type, size, and general location of underground facilities. Affected operators shall provide the information within 15 working days. An operator who provides information to a person who is not a unit of government may indicate any portions of the information which are proprietary and may require the person to provide appropriate confidentiality protection. The information obtained from affected operators must be submitted on the final drawing used for the bid or contract and must depict the utility quality level of that information. This information must be updated not more than 90 days before completion of the final drawing used for the bid or contract.

(b) This subdivision does not apply to bids and contracts for:

- (1) routine maintenance of underground facilities or installation, maintenance, or repair of service lines;
- (2) excavation for operators of underground facilities performed on a unit of work or similar basis; or
- (3) excavation for home construction and projects by home owners.

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation. Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

(e) This subdivision does not affect the obligation to provide a notice of excavation as required under subdivision 1.

Subd. 2. Duties of notification center; regarding notice. The notification center shall assign an inquiry identification number to each notice and retain a record of all notices received for at least six years. The center shall immediately transmit the information contained in a notice to every operator that has an underground facility in the area of the proposed excavation or boundary survey.

Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

(e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.

(f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(g) An operator or other person providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned, out-of-service, or private or customer-owned underground facilities.

Subd. 4. Locating underground facility; excavator or land surveyor. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor cancels the excavation or boundary survey, the excavator or land surveyor shall cancel the notice through the notification center.

(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 48 hours, excluding 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.

(d) The excavator is responsible for reasonably protecting and preserving the marks until no longer required for proper and safe excavation near the underground facility. If the excavator has reason to believe the marks are obliterated, obscured, missing, or incorrect, the excavator shall notify the facility operator or notification center in order to have an operator verify or refresh the marks.

History: *1987 c 353 s 10; 1992 c 493 s 5; 1993 c 341 art 1 s 21; 1997 c 196 s 1; 1998 c 348 s 1-3; 2004 c 163 s 2-6*

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

- (1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;
- (2) use white markings for proposed excavations except where it can be shown that it is not practical;
- (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;
- (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and
- (5) conduct the excavation in a careful and prudent manner.

History: *1987 c 353 s 11; 1998 c 348 s 4; 2004 c 163 s 7*

216D.06 DAMAGE TO FACILITY.

Subdivision 1. **Notice; repair.** (a) If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator promptly. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible shall immediately notify the operator and the 911 public safety answering point, as defined in section 403.02, subdivision 19, and take immediate action to protect the public and property. The excavator shall also attempt to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and completed their assessment. The 911 public safety answering point shall maintain a response plan for notifications generated by this section.

(b) An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. **Cost reimbursement.** (a) If an excavator damages an underground facility, the excavator shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 216D.04, subdivision 3.

Subd. 3. **Prima facie evidence of negligence.** It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 216D.04 or provide support as required by section 216D.05.

History: 1987 c 353 s 12; 1999 c 43 s 1

216D.07 EFFECT ON LOCAL ORDINANCES.

(a) Sections 216D.01 to 216D.07 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 216D.01 to 216D.07. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 216D.01 to 216D.07.

History: *1987 c 353 s 13*