

Seek Industry Consensus on 216D (One-call) Changes

BACKGROUND

When roads, buildings, and even family pools are constructed, workers are required to “call before they dig” to alert utilities that may have buried gas pipes, power lines, telecom lines or other utility facilities in the construction area. Utilities then mark the location of their respective infrastructure to prevent it from being damaged from digging or excavating. The Gopher State One-call Center (GSOC) takes all such calls to 811 and coordinates communications among utility facility operators, their locating personnel or contract locators, and excavation contractors. One-call procedures also apply to homeowners digging for gardening, landscaping, or any other reason. GSOC is overseen by the Minnesota Office of Pipeline Safety (MNOPS). Minnesota Statutes Chapter 216D and the GSOC system were created in 1987. The vision for 216D was a public safety-focused collaboration between the operators, excavators, and a new MNOPS. Since that time only a few modest changes have been made to the law. These changes came about primarily as the result of discussions between all interested parties.

CURRENT STATUS

In 2019, MNOPS, without having held the traditional stakeholder meetings, had legislation introduced that raised numerous concerns for utility providers. Ultimately the bill did not become law, and subsequently there have been some targeted stakeholder meetings. To date, however, no agreement has been reached on changes to Chapter 261D, or even the need for the reforms proposed by GSOC.

Meanwhile, over the past several years, the volume of tickets submitted to the GSOC system has steadily grown. For operators, it has become increasingly challenging to meet the strict requirement under Minnesota Statutes §216D.04 of completing locates within 48 hours after a ticket is issued. Repeated suggestions to restore statutory authorization for operators to arrange alternate locate arrangements with excavators have been resisted. As originally enacted, Chapter 216D allowed this, but the language was inexplicably removed from the statute in 2004. Restoring this language would go a long way toward releasing the pressure that has been caused by the ever-increasing volume of tickets the GSOC system is handling.

Operators have concerns about MNOPS’s previous calls for more reporting. It is not clear what safety, reliability or efficiency problem MNOPS seeks to solve by enacting additional reporting requirements. Operators are not aware of any patterns or trends, other than the increasing volume of tickets submitted to the GSOC system, which point to any systemic problem with GSOC. The current enforcement model, in which MNOPS can investigate complaints, and crafts unique regulatory remedies for companies that have not complied with the statute, is

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working well. More data for MNOPS would not make the system safer, and in fact the time and cost of collecting additional information could be counterproductive to improving safety. MNOPS's own data establishes that excavator damage to facilities is on the rise and poses the greatest danger to public safety.

REQUESTED ACTION

MMUA continues to participate in the MNOPS/GSOC stakeholder process. MMUA asks that the Legislature allow the stakeholder discussions on amending Chapter 216D to continue and not adopt MNOPS's proposed changes unless fully supported by the parties involved with these conversations.