

1.1 ..... moves to amend H.F. No. 2717 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 216D.01, is amended by adding a subdivision  
1.4 to read:

1.5 Subd. 7a. **Locate.** "Locate" means an operator's markings of an underground facility.

1.6 Sec. 2. Minnesota Statutes 2022, section 216D.01, is amended by adding a subdivision to  
1.7 read:

1.8 Subd. 7b. **Locate period.** "Locate period" means:

1.9 (1) the period among the following that ends farthest from now:

1.10 (i) the 48-hour period beginning at 12:01 a.m. on the day after a locate request is  
1.11 submitted to the notification center, excluding any Saturday, Sunday, or holiday; or

1.12 (ii) the period between the date of submission of a locate request to the notification  
1.13 center and the identified date and time of excavation; or

1.14 (2) if applicable, and notwithstanding clause (1), a period of time that is mutually agreed  
1.15 to between the excavator and operator, as specified in written documentation provided to  
1.16 the notification center.

1.17 Sec. 3. Minnesota Statutes 2022, section 216D.01, is amended by adding a subdivision to  
1.18 read:

1.19 Subd. 8a. **On-site meet.** "On-site meet" means meeting at the site of a proposed  
1.20 excavation requested at the time of notice by the excavator with all affected underground  
1.21 facility operators to further clarify the precise geographic location of excavation, schedule

2.1 the locating, propose future contacts, and share other information concerning the excavation  
2.2 and facilities.

2.3 Sec. 4. Minnesota Statutes 2022, section 216D.01, subdivision 12, is amended to read:

2.4 Subd. 12. **Utility quality level.** "Utility quality level" means a professional opinion  
2.5 about the quality and reliability of utility information. There are four levels of utility quality  
2.6 information, ranging from the most precise and reliable, level A, to the least precise and  
2.7 reliable, level D. The utility quality level must be determined in accordance with guidelines  
2.8 established by the Construction Institute of the American Society of Civil Engineers in the  
2.9 document CI/ASCE 38-02 entitled "Standard Guidelines for the Collection and Depiction  
2.10 of Existing Subsurface Utility Data. Standard Guideline for Investigating and Documenting  
2.11 Existing Utilities," ASCE/UESI/CI 38-22, or in a successor document.

2.12 Sec. 5. Minnesota Statutes 2022, section 216D.03, is amended by adding a subdivision to  
2.13 read:

2.14 Subd. 5. **Performance reporting.** (a) Each operator must submit a report to the Office  
2.15 of Pipeline Safety on a quarterly basis, using a form or database entry designated by the  
2.16 Office of Pipeline Safety. The report must contain the following information:

2.17 (1) the total number of notifications and the number of notifications itemized by type;

2.18 (2) for each notification type, the percentage of notifications marked by the start time  
2.19 on the notice; and

2.20 (3) the number of utility damages, itemized by the cause of the damages.

2.21 (b) Except for a pipeline operator that is subject to chapter 299F or 299J, an operator  
2.22 with fewer than 5,000 notifications received during the previous calendar year is exempt  
2.23 from the reporting requirement under paragraph (a).

2.24 (c) The data collected under this subdivision may not be used to initiate an enforcement  
2.25 action by the Office of Pipeline Safety.

2.26 (d) The commissioner must annually publish a report on the data collected under this  
2.27 subdivision and make the report available on the Office of Pipeline Safety website.

3.1 Sec. 6. Minnesota Statutes 2022, section 216D.04, is amended to read:

3.2 **216D.04 EXCAVATION; LAND SURVEY.**

3.3 Subdivision 1. **Notice required; contents.** (a) Except in an emergency, an excavator  
3.4 ~~shall~~ must and a land surveyor may contact the notification center and provide notice at  
3.5 least 48 hours, excluding the day of notification, Saturdays, Sundays, and holidays and not  
3.6 more than 14 calendar days before beginning any excavation or boundary survey. An  
3.7 excavation or boundary survey begins, for purposes of this requirement, the first time  
3.8 excavation or a boundary survey occurs in an area that was not previously identified by the  
3.9 excavator or land surveyor in the notice.

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

3.11 (1) the name of the individual providing the notice;

3.12 (2) the precise location of the proposed area of excavation or survey;

3.13 (3) the name, address, and telephone number of the individual or individual's company;

3.14 (4) the field telephone number, if one is available;

3.15 (5) the type and extent of the activity;

3.16 (6) whether or not the discharge of explosives is anticipated;

3.17 (7) the date and time when the excavation or survey is to commence; and

3.18 (8) the estimated duration of the activity.

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

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

4.1 (1) routine maintenance of underground facilities or installation, maintenance, or repair  
4.2 of service lines;

4.3 (2) excavation for operators of underground facilities performed on a unit of work or  
4.4 similar basis; or

4.5 (3) excavation for home construction and projects by home owners.

4.6 (c) A person required by this section to show existing underground facilities on its  
4.7 drawings ~~shall~~ must conduct one or more preliminary design meetings during the design  
4.8 phase to communicate the project design and project scope and timeline, and to coordinate  
4.9 utility relocation. Affected facility operators ~~shall~~ must attend these meetings ~~or make other~~  
4.10 ~~arrangements to provide information~~. Project owners must provide project start dates,  
4.11 duration information, and scope of work.

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

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

4.19 Subd. 1b. **On-site meet.** (a) An on-site meet may be requested for any excavation at the  
4.20 discretion of the excavator. The meet request must include the entire geographic area of the  
4.21 proposed excavation and the specific location of the meet.

4.22 (b) An on-site meet is required for:

4.23 (1) an excavation notice that involves excavation of one mile or more in length; or

4.24 (2) any combination of notices provided for adjacent geographic sections that, when  
4.25 combined, meet or exceed the minimum excavation length under clause (1).

4.26 (c) The excavator must provide a precise geographic area of the proposed excavation  
4.27 and use markings as specified under section 216D.05, clause (2).

4.28 (d) An affected operator must (1) attend the on-site meet at the proposed date and time,  
4.29 or (2) contact the excavator before the meet and reschedule the meet for a mutually agreed  
4.30 date and time. At the meet, the operator and the excavator must reach an agreement on any  
4.31 subsequent planned meets or further communication.

5.1 (e) The on-site meet date and time must occur at least 48 hours after the notice, excluding  
5.2 Saturdays, Sundays, and holidays. The excavation start time must be at least 48 hours after  
5.3 the proposed meet date and time specified on the notice, excluding Saturdays, Sundays, and  
5.4 holidays.

5.5 (f) The excavator and the operator must submit documentation of each on-site meet to  
5.6 the notification center, in the manner specified by the notification center. The documentation  
5.7 must include:

5.8 (1) the date and time of the meet;

5.9 (2) the names, company affiliations, and contact information of the attendees of each  
5.10 meet;

5.11 (3) a diagram, sketch, or description of the precise excavation locations, dates, and times;  
5.12 and

5.13 (4) the agreed schedule of any future on-site meets or communications.

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

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

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

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

6.1 (d) Markers used to designate the approximate horizontal location of underground  
6.2 facilities must:

6.3 (1) be a flag or flags that follow the current color code standard used by the American  
6.4 Public Works Association;

6.5 (2) be located within a plus or minus two-foot tolerance; and

6.6 (3) indicate the name of the operator.

6.7 If the surface being marked is hard, markers that are not flags may be used but must comply  
6.8 with the color code standard and tolerance requirement under clauses (1) and (2).

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

6.12 (f) ~~After December 31, 1998,~~ Operators ~~shall~~ must maintain maps, drawings, diagrams,  
6.13 or other records of any underground facility abandoned or out-of-service after December  
6.14 31, 1998.

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

6.19 (h) An operator must use geospatial location information or an equivalent technology  
6.20 to develop as-built drawings of newly installed or newly abandoned facilities. The  
6.21 documentation must be provided in accordance with guidelines established by the  
6.22 Construction Institute of the American Society of Civil Engineers in the document entitled  
6.23 "Standard Guideline for Recording and Exchanging Utility Infrastructure Data,"  
6.24 ASCE/UESI/CI 75-22. The requirements under this paragraph apply (1) on or after January  
6.25 1, 2026, or (2) on or after January 1, 2027, for an operator that provided services to fewer  
6.26 than 5,000 customers in calendar year 2025.

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

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

7.1 (c) The notice is valid for 14 calendar days from the start time stated on the notice. If  
7.2 the activity will continue after the expiration time, then the person responsible for the activity  
7.3 ~~shall~~ must serve an additional notice at least 48 hours, excluding Saturdays, Sundays, and  
7.4 holidays, before the expiration time of the original notice, unless the excavator makes  
7.5 arrangements with the operators affected to periodically verify or refresh the marks, in  
7.6 which case the notice is valid for six months from the start time stated on the notice.

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

7.12 Sec. 7. Minnesota Statutes 2022, section 216D.05, is amended to read:

7.13 **216D.05 PRECAUTIONS TO AVOID DAMAGE.**

7.14 An excavator ~~shall~~ must:

7.15 (1) plan the excavation to avoid damage to and minimize interference with underground  
7.16 facilities in and near the construction area;

7.17 (2) ~~use white markings~~ for proposed excavations except where it can be shown that it  
7.18 is not practical, use (i) white markings or black markings in wintery conditions, or (ii)  
7.19 electronic markings;

7.20 (3) maintain a clearance between an underground facility and the cutting edge or point  
7.21 of any mechanized equipment, considering the known limit of control of the cutting edge  
7.22 or point to avoid damage to the facility;

7.23 (4) provide support for underground facilities in and near the construction area, including  
7.24 during backfill operations, to protect the facilities; and

7.25 (5) conduct the excavation in a careful and prudent manner.

7.26 Sec. 8. Minnesota Statutes 2022, section 216D.06, subdivision 2, is amended to read:

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

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

8.4 (c) A person or agency is prohibited from entering into an excavation contract that  
8.5 requires an excavator to bear the costs of downtime directly related to utility work when  
8.6 the excavator is not at fault for the delays."

8.7 Amend the title accordingly