

# MN State Law Chapter 216 D One Call Excavation Notice System

## 216D.04 City, County and Design Engineer Responsibilities

This Statute describes the rights and responsibilities of utility companies (operators), contractors and project owners (city, county, project design engineers).

### Why Are We Educating on MN 216D?

- Improve public safety
- To assure consistent compliance with the existing statute
- To save our cities, counties and other property owners time and money
- To increase legal compliance by 2021 and 2022 projects which are being designed at this time
- To alert project owners (cities, counties, design engineers) to the need to be intentional in their documentation of their MN 216D responsibilities
- To assure project owners have reviewed their rights and responsibilities stated in MN Statute 216D.04

For cities and counties, the most critical section of MN Statute 216D is Section 216D.04, Subdivision 1A. Plans for Excavation; Land Survey

This is not the only part of the statute that applies to cities, counties and our design engineers, but it is one of the predominant sections.

### **MN Statute: Section 216D.04**

#### **Subd. 1A. Plans for Excavation; Land Survey**

- (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 homeowners.*
- (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.*

#### **Some of the Main Responsibilities for Cities, Counties and Project Designers**

- Request/obtain the utility data related to your project
- Place that information on the final drawings and clearly depict the quality of that data (A–D)
- Update the utility data not more than 90 days before the bid advertisement
- Conduct 1 or more preliminary design meetings and coordinate utility relocation
- Conduct 1 or more preconstruction meeting to communicate project design and coordinate utility relocation
- Document: How many meetings were held? When were they held? Who was invited? Who attended?

