S.F. No. 1539, as introduced - 87th Legislative Session (2011-2012) [11-3184]

SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1539

(SENATE AUTHORS: DEKRUIF, Parry, Gimse, Gazelka and Magnus)

DATE D-PG OFFICIAL STATUS

01/26/2012 3642 Introduction and first reading Referred to Judiciary and Public Safety

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1.3 1.4	216D.01, by adding a subdivision; 216D.04, subdivision 3.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2010, section 216D.01, is amended by adding a
1.7	subdivision to read:
1.8	Subd. 10a. Service lateral. "Service lateral" means an underground facility that is
1.9	used to transmit, distribute, or furnish gas, electricity, communications, or water from a
1.10	common source to an end-use customer. A service lateral is also an underground facility
1.11	that is used in the removal of wastewater from a customer's premises.
1.12	Sec. 2. Minnesota Statutes 2010, section 216D.04, subdivision 3, is amended to read:
1.13	Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start
1.14	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

(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,

A bill for an act

relating to public safety; modifying responsibility of operator of underground

Sec. 2.

two feet of the marked location of the underground facility.

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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, except as provided in paragraph (h).
- (h) An operator of a natural gas, propane, or electric facility shall locate, mark, and otherwise provide the approximate horizontal location of a customer-owned service lateral underground facility whether located in the public right-of-way or in private property. The operator shall not charge a fee to the owner of the service lateral for locating and marking.

Sec. 2. 2