

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF PIPELINE SAFETY

In the matter of the proposed rule of the Department of Public Safety governing the One-Call Notification System Enforcement and Sanctions.

STATEMENT OF NEED
AND REASONABLENESS

GENERAL STATEMENT

Legislation requiring a one-call notification system for underground construction work was the result of the Governor's Commission on Pipeline Safety. The Commission found that nearly 50% of all pipeline accidents are caused by third-party damage. The other issue the Commission addressed that relates to the one-call system was the fact that there was a severe lack of knowledge of what exactly was running underground in the State of Minnesota. The primary purpose then, of one-call legislation was to reduce third-party damage and to bring a common database of knowledge of the underground infrastructure in Minnesota, i.e. sewer, water, electric lines, gas lines, storm sewers. This underground infrastructure needed to be protected from third-party damage.

The Legislature mandated that the entire underground infrastructure should be identified, hence participate in the one-call center. No exemptions were granted except for the homeowner and underground system on private property for the sole use of the private party.

The need for a one-call system to protect the underground infrastructure has been clear for many years. For example, many utilities in Minnesota can identify multi-millions of dollars of product loss because of third-party excavation. The damage is enormous and lives lost continues to be a tragic result of failure to identify underground infrastructure. Besides gas pipelines, loss of telephone service in rural communities endangers immediate emergency response. The Metropolitan Airports Commission had an incident, on their private property, in which a contractor "hit" power to the "tower" and for a few seconds, until back-up power came on, the air traffic controllers were not in touch with the planes. It is not just third-party damage to pipelines that can cause tragic loss of life. The promotion of safety is not just for the excavators; a one call system can decrease the risk factors of the loss of life or injury for the protection of the public.

Third-party accidents may be avoided by excavators, contractors and owners and operators of underground services by notifying the appropriate company or utility of an intent to excavate. By notifying the appropriate company of intent to excavate or dig near its facility, the company assumes responsibility for accurately locating and marking its facility in a timely manner. However, it is often difficult for an excavator to know what utilities to contact for markings. In some instances, it may be necessary for the contractor to call as many as 15 different utilities to determine if they have facilities in the vicinity of the proposed excavation. The more numbers there are to call, the greater the probability of damage assessment against the contractor, an interruption of service or loss of life.

A one-call system provides excavating contractors and other underground facility owners planning excavation with a single telephone number to call before digging. Utilities belonging to a one-call system receive notification of intent to excavate and are required to mark their facilities. Damage reduction of 35 to 80 percent has been reported by one-call members in other states. Notifications increase because facility owners no longer have to depend upon excavators to make all the necessary notifications. A single number can be promoted more effectively and with more impact.

The participation by all underground facility owners (unique to Minnesota law) increases one-call effectiveness, by assuring excavation contractors, one-call system participants and others that they can expect timely and accurate marking of underground facilities. Without a one-call system, the process of locating underground facilities before excavation is more costly, confusing and time-consuming for all parties.

The Federal Office of Pipeline Safety requires that states with pipeline safety programs must have a one-call system. The Federal OPS could limit dollars to a state without strong damage prevention programs, i.e. one-call. Further, the federal government would not allow a state to become an interstate agent for the purposes of inspecting pipelines without a strong one-call system. The primary mandate of the Minnesota Office of Pipeline Safety (M.S. 299J.) is to seek such interstate status. It is imperative that these rules be adopted to show that the State is intent on protecting our underground infrastructure through civil penalties, if necessary. These rules are needed to meet minimum federal mandates - i.e. hence, M.S. 299J.

The Federal government, through legislation passed in November of 1988, mandates that the Federal OPS adopt a model one-call ordinance for all states to accede to. Civil penalties are one of the provisions. Further, Congress mandated a study on why contractors should pay some of the cost of the program.

The original Pipeline Safety Act, which included the requirement for a one-call notification center passed the Legislature unanimously. The statutory authority is cited in M.S. 216D. The law requires all persons, prior to excavation, demolition and blasting, to ascertain the location of all underground utilities that would be affected. Other components of the law require: 1) notice of intent to excavate, with the one-call system; 2) creation of a one-call system to provide for mutual receipt of notifications of intent to excavate; 3) Timely and accurate marking of underground utilities which may be damaged; 4) precautions to be taken to avoid damage by the excavator and 5) civil penalties for any violation of the act.

The enabling act allowed the Commissioner of Public Safety to develop, operate, maintain and manage a one-call system. The act allowed the Commissioner to create a non-profit board to develop the one-call system by representing the interested and affected parties. The Gopher State One-Call Board of Directors is made up of up to 20 people representing excavators, large gas and electric utilities, small rural cable, telephone and electric associations, cities, and others. The Board determined the technology needed and all associated policies with such a system.

Initially the Legislature did not include a civil penalty provision in M.S. 216D. Only after the federal government made it clear that such a penalty clause would be needed for Minnesota to be considered an interstate agent, and after the one-call system was operational and the Gopher State One-Call Board supported the recommendation of the Office of Pipeline Safety for the implementation of civil penalties, did the Legislature unanimously endorse such a provision.

The legislation requires that all members join one-call and share in the costs of operating such a system. The new law separates pipeline operators from the act by including a violation of one-call to follow the penalty provisions in 299F.60. All other persons covered under this new act are limited to a maximum civil penalty of \$500 for each violation per day of violation.

The Minnesota Office of Pipeline Safety has previously adopted permanent rules relating to Pipeline Safety Enforcement and Sanctions in Minnesota Rules, Chapter 7530. Many of the procedures pertaining to citations, response options, director review, and consent orders proposed in this chapter closely parallel these previously adopted rules. It is beneficial to all parties concerned to maintain a high level of uniformity and consistency when enforcing regulations so closely related to pipeline safety.

The one-call notification center is a major tool to enhance the public's safety. Participation in the operation and costs of such a system will go a long way toward saving lives and reducing property loss. Failure to follow this law has and will lead to

death and significant property loss. It is important then to allow for reasonable civil penalties to be issued against violators of the law.

STATUTORY AUTHORITY

These rules are specifically authorized by Minnesota Statutes, sections 216D.08, subdivision 4. The Commissioner of Public Safety also has general authority to promulgate rules to protect public safety under Minnesota Statutes, section 299F.56 - 299F.641.

EFFECT OF THE RULE

These rules will have a direct effect on persons engaged in excavation for remuneration and operators of underground facilities and on the office of pipeline safety.

SMALL BUSINESS CONSIDERATIONS

Minnesota Statutes, section 14.115 requires the office to consider the effect on small businesses when it adopts rules. Many of the persons engaged in excavation for remuneration are small businesses as defined by section 14.115, subdivision 1.

Section 14.115, subdivision 2 states in part:

"When an agency proposes a new rule, or an amendment to an existing rule, which may affect small businesses . . . , the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule."

The legislature considered the specific methods for reducing the impact of the rule on small businesses, as required by Minnesota

Statute. The result of that consideration is the less stringent requirements that are applicable to small businesses. To have exempted small businesses completely defies the purpose of the rule, which is to reduce third party damage and compile a common data base of knowledge of underground facilities. Damage would not be significantly reduced, nor a data base be complete, if small businesses were not required to comply with the one-call notification system.

The rule as proposed reduces the legwork of the small business because it requires only "one call" as opposed to calling all underground facilities operators to determine the location of their facilities. This reduces the need for a small business to employ additional staff to make telephone inquiries and wait for information.

The fine that could be imposed against the small business that does not comply with the notification requirements was specifically set with small businesses in mind. The legislature was fully informed as to who would be affected by this rule when the details of the one-call notification system were set out in statute, and it was due to the information regarding small businesses that the legislature chose the \$500 fine.

The Office of Pipeline Safety has fulfilled the requirements of Minnesota Statutes 14.115.

FEEES IMPOSED BY THE RULES

The rule does not fix any fees nor does the statute authorizing promulgation of the rules require that any fees be fixed. Therefore, no approval from the Commissioner of Finance is needed.

FISCAL IMPACT

Adoption of this rule will only require the expenditure of public money by local bodies, if they would be culpable and a civil penalty was assessed. It is not anticipated that these rules will result in additional spending by local bodies in excess of \$100,000 per year for the first two years following adoption of the rule.

ENVIRONMENTAL EFFECTS

Adoption of these rules will have no negative effect on the quality of air or water in the state nor will the rules have a negative effect on the quality and amount of agricultural land. These rules will help the Office of Pipeline Safety protect the quality of air, water, and agricultural land in the state from the effects of pipeline leaks.

RULE BY RULE ANALYSIS

7560.0100

Subpart 1. Some of the terms defined in part .0100 and used in this chapter, like "director" or "office", may be used elsewhere in Minnesota Rules with different meanings. It is necessary, therefore, to explicitly limit the application of these definitions to this chapter to avoid ambiguity in the definitions of these terms when they are used elsewhere.

Subp. 2. These rules create responsibilities and authority for the Director of the Office of Pipeline Safety. It is necessary, in the rules, to refer repeatedly to the Director. The definition of "Director" reasonably provides a single term for use in each of these references to avoid the inefficient and tedious repetitions of the Director's entire title. The use of the single term "Director" makes the rule easier to read and understand. It is necessary to provide an explicit definition of "Director" to avoid ambiguity and misunderstanding that would result from the use of the term without a definition.

Subp. 3. To fulfill the mandate of Minnesota Statutes, sections 216D it is necessary for the Office of Pipeline Safety to take certain administrative actions. These actions may affect private parties. It is necessary, therefore, to include safeguards in the rule to prevent arbitrary actions or the appearance of arbitrary actions by the Office. The definition of "good cause to believe" contained in this rule contains objective standards used in the rule to determine when it is necessary for the Office to take administrative action to protect the public.

Subp. 3.A. Information from a person is a reasonable basis for action by the Office. The public must feel free to call the office with information or concerns regarding the one-call system. Since information received by a person will be followed up by the office before action is taken there is reasonable assurance against the effects of bad faith or frivolous information.

Subp. 3.B. Facts supplied by the one-call notification system form a reasonable basis for action by the Office. It is reasonable to assume that the one-call notification center will not provide the Office with bad faith or frivolous information to its own detriment. Also, all information given to the one-call is recorded so that all information can be verified through documentation.

Subp. 3.C. Action based on objective facts is not arbitrary. Therefore, facts known to the Director or the Director's agents form a reasonable basis for administrative action.

Subp. 3.D. Since excavators and operators comprise the majority of those persons directly involved with the one-call system, and those who have the greatest stake in its success, it is reasonable

to rely on information supplied by either as good cause to believe that a violation occurred.

Subp. 4. The one-call notification system is dependent on operators of underground facilities marking their facilities for excavation. It is necessary, therefore, to explicitly define what constitutes a "locate."

Subp. 5. These rules create responsibilities and authority for the Office of Pipeline Safety. It is necessary, in the rules, to refer repeatedly to the "office". The definition of office reasonably provides a single term for use in each of these references to avoid the inefficient and tedious repetitions of the office's entire name. The use of the single term, office, makes the rule easier to read and understand. It is necessary to provide an explicit definition of office to avoid ambiguity and misunderstanding that would result from the use of the term without a definition.

Subp. 6. Minnesota Statutes, chapter 216D.08, subdivision 1, makes a person who is engaged in excavation for remuneration subject to civil penalties for violation of one-call laws. It is necessary, then, to set out in greater detail what "remuneration" will mean relative to the office's enforcement of Minnesota Statute. A person who receives financial benefit, whether through direct payment from a client for services rendered or through indirect benefit to his or her business from excavation will be held civilly responsible for any violation of one-call provisions. Only persons receiving financial benefit to a business are subject to these penalties. This is in keeping with the legislature's express intent that homeowners, farmers, or other individuals be responsible to the law, but not to possible civil penalties.

7560.0200

Subp. It is necessary for an excavator to be able to rely on a locate for a specified period of time. A 48 hour period from the date and time the excavation is to begin is reasonable because the potential for outside factors to affect a locate greatly increase with time. Because "locates" or marking of facilities can be affected by a variety of causes it is necessary to set out under what circumstances excavation may not proceed.

Subp. A. If a "locate" has been obliterated or obscured it would be dangerous to proceed with the excavation. It is reasonable to require a new locate if this has occurred.

Subp. B. If weather conditions have made the markings difficult to see it would be dangerous to proceed with the excavation. It is reasonable to require a new locate if this has occurred.

Subp. C. If there is evidence of recent excavation which may have altered or affected the location of underground facilities it would

be dangerous to proceed with excavation. It is reasonable to require a new locate if this has occurred.

Subp. D. Likewise, if the excavator has reason to believe that the locate markings are incorrect or missing it would be dangerous to proceed with the excavation. It is reasonable to require a new locate if this is the case.

7560.0300

Subp. 1. Minnesota Statutes 216D.03, subdivision 1 requires operators to "participate in and share in the costs of" the one-call notification center. It is reasonable to require the following information and financial support as a function of that participation.

Subp. 1.A. It is necessary for the notification center to have all information needed to accurately, and in a timely manner, identify all facilities located in the area of a request to dig. Therefore, operators must submit required information so that the notification center can carry out its mandate under Minnesota law.

Subp. 1.B. It is likewise reasonable that the information submitted to the notification center be updated as necessary to allow continued accurate and timely identification of all facilities located in the area of a request to dig.

Subp. 1.C. Since the one-call notification is required to be a statewide operation, and since an operation of that size must rely on automated means to carry out its mandate, it is reasonable that the center require operators to install appropriate equipment to support such a system. Also, the use of automated equipment reduces the overall cost of the system to all who participate.

Subp. 1.D. The one-call notification center board of directors is comprised of persons representative of operators, excavators, and government units affected by notification requirements. The one-call board of directors is responsible for the operation of the notification center, including setting and approving the operating expenses of the notification center, including the costs charged to recover operating expenses. It is, therefore, reasonable for the operator to pay all costs determined by such a representative body to be needed for the continued operation of the notification center.

Subp. 1.E. For the one-call notification center to properly function, and for the safety of the Minnesota public to be protected, and for the requirements of Minnesota Statutes, chapter 216D to be met, it is necessary and reasonable to require operators to receive and respond to excavation notices.

7560.0400

Subpart 1. When there is a probable violation of safety standards it is necessary for the Office to notify the person involved of the probable violation. It is necessary for the Office to have authority to take immediate corrective action to protect the public. Notice of Violation sets out the steps in this process. This provision is reasonable because it sets out, very explicitly, the contents of the Notice of Violation. This ensures that the cited person has notice of the pending action by the Office.

Subp. 2. The rule requires a statement of the statute, regulation, or rule allegedly violated. This is reasonable because it enables the cited person to correct the problem or to specifically rebut the charge.

Subp. 2.A. The rule requires a statement of the evidence on which the violation is made. This is reasonable because it enables the cited person to specifically rebut the evidence or provide additional information not provided at the time of the inspection and it may notify the cited person of facts concerning actions which have created a threat to public safety.

Subp. 2.B. The rule requires notice of the response options available to the cited person. It is reasonable to specify response options because the pipeline operator will know how to respond and because the response can then be submitted in the manner most likely to ensure fair treatment and resolution of the problem.

Subp. 2.C. The rule requires a statement of the amount of any proposed civil penalty, the maximum allowable civil penalty, and any proposed compliance order. This is reasonable because the cited person must know the extent of potential liability to determine how to respond most effectively.

7560.0500

Subp. It is reasonable to set out response options to a notice of violation in the rule so the cited person will have notice of the procedures to be followed in responding and so the process will be followed in the manner most likely to bring about a fair and speedy resolution to the problem.

Subp. A. A notice of violation may contain a proposed compliance order. It is necessary to specify the permissible response options to allow the cited person an opportunity to consider subsequent action.

Subp. 1.A.1 The rule provides agreement as one of the permissible response options. It is reasonable to allow for an expedient settlement when there is no dispute regarding the notice of violation.

Subp. 1.A.2 The rule provides for the execution of a consent order as an allowable response option. Cited persons may agree that a violation occurred, but disagree with the corrective action proposed, or disagree with the office's interpretation of the law, rule or regulation cited in the Notice of Violation. It is reasonable, therefore, to allow the cited person to propose other solutions to the problem or disagree with the interpretation.

Subp. 1.A.3 The rule provides objection to the proposed compliance order as a permissible response option. Cited persons that disagree with the Notice of Violation can submit evidence and argument to the Office to attempt to change the position of the Office. It is reasonable to provide cited person the opportunity to submit evidence and argument directly to the Office because this will be a less expensive and time consuming process than a more formal adjudication.

Subp. 1.A.4 The cited person can demand a contested case hearing before the Office of Administrative Hearings. This is a necessary response option for disagreements that cannot be resolved through any other allowable response options. It is reasonable to provide the cited person an opportunity to argue his case in an impartial forum.

Subp. 1.B. A notice of violation may contain a proposed civil penalty. It is necessary to specify the permissible response options to allow the cited person an opportunity to consider subsequent action.

Subp. 1.B.1 The rule provides agreement as one of the permissible response options. It is reasonable to allow for an expedient settlement when there is no dispute regarding the proposed civil penalty.

Subp. 1.B.2 The rule provides an opportunity for the cited person to submit an offer in compromise of the proposed civil penalty. It is reasonable to allow the cited person to negotiate directly with the Office because this will be less time consuming than more formal arbitration.

Subp. 1.B.3 The rule provides an opportunity for the cited person to submit evidence or explanations in answer to the allegations or in mitigation of the proposed civil penalty. It is reasonable to allow the cited person an opportunity to provide additional evidence and information directly to the Office because this will be a less expensive and time consuming process than a more formal adjudication.

Subp. 1.B.4 The rule provides an opportunity for the cited person to request a contested case hearing before the Office of Administrative Hearings. This is a necessary response option for

disagreements that cannot be resolved through any other allowable response options. It is reasonable to provide the cited person an opportunity to argue his case in an impartial forum.

7560.0600

When written explanations or information are submitted to the Office for review it is reasonable to expect the information will be given attention at the highest level. To this end the Director will review the information and determine whether to negotiate, modify, or withdraw the notice of violation.

It is likely that a substantial percentage of disagreements between pipeline operators and the Office over Notices of Violation will be resolved without resorting to a more formal hearing process. It is necessary to provide the cited person an opportunity to argue disagreements with the Office in an impartial forum. There will be cases where the cited person and the Office are unable to reach an agreement concerning an alleged violation of safety regulations and an impartial arbitrator is needed.

7560.0700

Part .0700 describes the consent order in detail. This provision is necessary because it notifies the cited person what is involved in a Consent Order. This information will aid the cited person in determining what course to take in response to the Notice of Violation.

Subp. A. A Consent Order is intended to be a final settlement of the issues raised by a Notice of Violation. One possible issue is the facts of the violation and jurisdiction of the Office over the cited person. It is reasonable to settle this issue in the Consent Order if it is to be a final settlement. For this reason the rule requires that the Consent Order contain an admission of all jurisdictional facts.

Subp. B. The Consent Order would not be a final settlement if either party were free to obtain further review. It is reasonable, therefore, to require that the Consent Order contain a waiver of further review.

Subp. C. After the issuance of a Consent Order, it is desirable to avoid disagreements over the interpretation of the terms of the Consent Order. It is reasonable, therefore, to require that the Consent Order contain an agreement that the Notice of Violation will be used to interpret terms of the Consent Order.

7560.0800

It is necessary in this part to distinguish between excavators, operators who are subject to civil penalties under M.S. 216D.08,

and those that are subject to civil penalties under M.S. 299F.60, as required in M.S. 216D.08, subdivision 1.

Subp. 1. Persons in the business of excavation for remuneration are in business and it is reasonable that there be financial consequences for their acts. Minnesota Statutes, section 216D.08, subdivision 1 authorizes the office to assess civil penalties against persons in the business of excavation for remuneration for violations of said statute. The proposed rule sets out the procedures for determining when a fine should be assessed and setting the amount of the fine. It is also necessary to clarify that operators who engage in excavation are still regarded as operators for the purposes of this part. This is a reasonable clarification because an operator engaged in excavation which is in violation could argue that they are subject to the proceedings specified for excavators. Further, it is reasonable that operators of underground facilities be held especially accountable for compliance with this law, as it is designed to protect their facilities.

Subp. 2. A. It is reasonable to allow for proceedings against operators of underground facilities who violate the one call excavation notice system because the purpose of a one call notification system is to protect their underground facilities from damage due to excavation. It is reasonable to expect these operators to cooperate and comply with the requirements of the One Call Excavation Notice System. It is necessary to distinguish between gas and hazardous liquid pipeline operators and underground facility operators because they are subject to different proceedings under M.S. 216D.08, subdivision 1.

Subp. 2. B. It is necessary to specify that gas and hazardous liquid pipeline operators in violation of the one call excavation notice system are subject to proceedings under M.S. 299F.60, as required by Statute. It is reasonable to allow for substantially greater civil penalties for gas and hazardous liquid pipeline operators that violate the one call system, because the potential for significant loss of life and/or property is much greater for gas and hazardous liquids pipelines than for noncombustible underground facilities. In addition, the legislature specifically considered that gas and hazardous liquid pipeline operators should be subject to M.S. 299F.60 by reference in M.S. 216D.08, subdivision 1.

Subp. 3. It is reasonable to set out the considerations on which the penalty will be based so the Office will have guidelines to help in assessing the fine and so affected parties will know that the fine determination is based on objective considerations.

Subp. 3. A. A safety regulation violation cannot be evaluated without considering the context in which it takes place. The purpose of enforcing safety regulations is to protect the public

and any violation must be considered in relation to the threat caused to public safety. For these reasons it is reasonable to include the nature, circumstances, and gravity of the violation as a basis for the civil penalty assessment determination.

Subp. 3. B. Safety regulation violations can only be evaluated by considering the culpability of the cited person. It is reasonable, therefore, to include the culpability of the cited person as a basis for the civil penalty assessment determination.

Subp. 3. C. The rule requires that the office, when determining the amount of civil penalty, consider the history of safety regulation violations. A person's history of damage to underground facilities is an important and reasonable basis on which to determine fines. If a person has a history of damaging facilities, depending on the circumstances involved, this may indicate the need for a larger assessment. Likewise, if a person has no previous history of damage to underground facilities this may indicate a lesser need for an assessment.

Subp. 3. D. Business's range widely in size. A fine that would have a significant impact on one person may be incidental to another. It is reasonable, therefore, to include the cited person's ability to pay as one basis for the civil penalty assessment determination.

Subp. 3. E. If a cited person is trying, in good faith, to comply with one-call regulations it is reasonable that this be a mitigating factor in the determination of a suitable civil penalty for violation. This factor goes to the culpability of the cited person mentioned earlier but is important enough to be mentioned separately.

Subp. 3. F. Excavation is a vital community service. It would be in no one's interest to force a person serving this function out of business. It is necessary, therefore, to consider the effect on the cited person's ability to continue in business when determining an appropriate civil penalty assessment.

Subp. 3. G. It is necessary that the office consider past reports of damage to an underground facility. If a cited person has a history of safety one-call regulation violations, it may mean that previous corrective actions by the Office have been ineffective or non-existent. It is reasonable to consider a larger civil penalty for a cited person with a history of repeated damage to an underground facility.

Subp. 4. It is necessary and reasonable to specify the maximum penalties associated with specific violations of the one call system in order that persons subject to these provisions are aware of the consequences for failure to comply.

Subp. 4. A. M.S. 216D.08, subdivision 1, specifies that civil penalties for persons engaged in excavation for remuneration are not to exceed \$500 for each violation per day of violation. It is reasonable to allow penalties for a violation to be assessed for each day it exists in order to provide adequate incentive to achieve compliance.

Subp. 4. B. M.S. 216D.08, subdivision 1, specifies that civil penalties for operators other than operators subject to M.S. 299F.59 are not to exceed \$500 for each violation per day of violation. It is reasonable to allow penalties for a violation to be assessed for each day it exists in order to provide adequate incentive to achieve compliance.

Subp. 4. C. M.S. 216D.08, subdivision 1, specifies that operators subject to M.S. 299F.59 who violate M.S. 216D.01 to 216D.07 are subject to a civil penalty to be imposed under section 299F.60. It is reasonable to clarify that civil penalties imposed under 299F.60 can be up to \$10,000 for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$500,000 for any related series of violations. This was a specific consideration of the legislature in both M.S. 216D.01 to 216D.09, and M.S. 299F.56 to M.S. 299F.641.

Subp. 5. It is reasonable to specify the fine payment method in the rule so that cited person will know how to pay the fine and to ensure that all persons will be treated similarly.

CONCLUSION

Excavators and operators in this state perform a vital service for the public but also present a potential serious threat to public safety. These important yet potentially dangerous functions must be regulated to protect the public without greatly interfering with their business. The Legislature has given the Commissioner the authority and responsibility to enforce one-call notification system in Minnesota Statutes, section 216D. These rules are necessary to perform that duty and to ensure that all affected parties are treated similarly.

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