

# CONSTRUCTION ISSUE FACT SHEET



## Worker Safety and Utility Damage Prevention



### Issue:

Utility, Highway, and Commercial building contractors have faced increased safety problems with improperly marked locates, timeliness of locating utility lines, and the lack of participation by utility operators to attend statutorily required meetings for upcoming construction projects. These issues are not new but have been heightened due to a major telecommunications locate company change in the spring of 2019. The telecom company had more than 60,000 locates a week for over a month that were not being responded to under MN Statutes 216D.

### AGC of Minnesota Position:

AGC supports legislation that prioritizes worker safety, general public and utility infrastructure safety. Specifically, AGC supports amending the excavation notice system laws (MN Statutes 216D) to add contractor protections, improve the quality of utility mapping, and allow for contractor recourse when they face downtime due to negligence by a utility. AGC is also working with the MN Office of Pipeline Safety and other interested parties to educate members on rights and responsibilities under current law.

### Proposed New Statutory Language:

\*Requires utilities to use GPS for newly-installed, improved, or repaired facilities

\*Allows a contractor to sue for negligence if damage to an underground facility resulted from the person's failure to comply with section 216D.

\*Allows for a contractor to collect for downtime if the utility operator doesn't notify the contractor within 24 hours that the utility has not been properly marked.

\*Utility operators will no longer be allowed to put the burden on contractors if there is an issue resulting in downtime in government contracts.

**Over 60,000  
locates per week  
were neglected in  
Spring/Summer  
of 2019.**

**It's not a matter of if a  
tragic accident happens.  
It's a matter of when."**



FOR MORE INFORMATION:

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