

Definition of Excavation, Exemption 6 Guidance – Memo of Interpretation and Understanding

The definition of excavation means an activity that moves, removes, or otherwise disturbs the soil. Exemption (6) indicates that non-mechanized hand tools or equipment are exempt, unless it involves driving, twisting or like activities into the soil at any depth in a manner that is capable of damaging an underground facility.

“unless it involves driving, twisting or like activities”

This requirement is intended to assure that if a person is driving or twisting commercial products or equipment into the soil, even with a hand tool such as a maul or hand post driver, the excavator must have a valid excavation ticket. Once the excavator waits 48 hours they would then be able to excavate. Commercially available products include, but are not limited to, concrete form pins, commercial stakes and anchors.

This requirement was developed as a safety measure after several instances where a person used the methods listed, hit and damaged unmarked natural gas and electric facilities and created a hazardous situation. Minnesota has several examples of these situations. In 2006 an event occurred in Huntington, Indiana that involved “driving” a grounding rod into the soil without a valid excavation ticket that resulted in 2 fatalities, 2 significant injuries and \$900,000 in property damage.

“in a manner that is capable of damaging an underground facility”

This language was established to acknowledge that not all instances of driving or twisting a product or equipment into the ground is reasonably capable of damaging an underground facility. As an example – driving in a 6 inch tent stake while on a camping trip is not reasonably capable of damaging an underground facility. In assessing this requirement, MNOPS will consider whether or not the act has had instances that created hazardous situations.

(continue to next page to review frequently asked questions)

FAQ:

- 1) Do I need an excavation ticket if I'm using a shovel in my yard?

If a person is using hand tools but not using driving or twisting products or equipment into the ground (example – using a shovel), they would not be required to generate an excavation ticket from Gopher State One Call.

- 2) Do I need an excavation ticket if I'm driving in a tent stake during my camping trip?

MNOPS has no credible information or data to show that this type of application is reasonably capable of damaging an underground facility, nor creating a safety hazard.

- 3) I'm using hand tools but do not know whether or not it is reasonable to assume it is capable of damaging an underground facility. What do I do?

When in doubt, calling gopher state one call and generating an excavation ticket, to have your area marked will assure your safety and compliance to the requirements.

- 4) I had the underground facilities in my yard marked previously, do I still need to call and have them marked again?

Yes – if you are conducting an excavation, you are required to generate a valid excavation ticket. In general, a ticket is valid for 14 calendar days.