

## **OU DPC 48 Hour Waiting Period Discussion Group #2**

Conference Call 2/21/19

8:00am

Call Participants: Johnny Henson, Josh Motzer, Steve Schafer, Mark Ritter, Jeff Kursman, and Alice Miller

Johnnie tried to recruit contractors to participate in the 48 Hour Waiting Period discussion group, and asked the contractors questions regarding transitioning to a “true 48 hours.” While apprehensive at first, the contractors understood that a true 48 hours may lead to safer excavation with assurance that marks will be on the ground at the conclusion of the waiting period. Making the transition to 48 hours would require alerting customers and adjustment of schedules, but the majority of contractors don’t currently start “immediately” after the conclusion the existing waiting period.

Steve shared that there are provisions in other state’s one-call legislation (Maryland and Pennsylvania cited as examples) that allow facility owners and excavators to mutually agree upon an extension of marking deadlines, although no documentation is required. Without documentation, how can you confirm adherence to the agreement? Would such a provision lead to mission creep and the potential for costly delays to excavations? Could such agreements be documented with party names, date and time stamps within TMS and added to OHIO811 tickets/positive response in the general notes fields?

Johnny understood that while an ideal update of the legislation would allow for both a transition to a true 48 hours and mutually agreed upon extensions, “contractors would never agree to giving away the farm.” He suggested keeping it simple, allowing for either 48 hours or deadline extensions only upon mutually agreement and documentation by both parties.

Steve shared that in speaking with Joe Igel, contractors would be unlikely to move from the current law without reasonable assurances that utilities and locators would be held accountable to deadlines.

Josh stated that current law requires contractors to know the exact timing of their tickets, while under a true 48 hours, they’d always know exactly when projects can commence (midnight). He also expressed the importance of appeasing likely concerns of excavators in terms of extending the deadlines. In exchange for either extending deadlines to 48 hours or allowing for mutual extension agreements, contractors would need to feel confident that either an automatic penalty or some other option would hold utilities and locators accountable to deadlines. However, everyone agreed that New Jersey’s policy of charging \$3,000 for missing deadlines by even one minute is “not the way to go.” For such penalties to be appropriate, there would need to be ticket size restrictions and complex projects would need to be better defined.

Alice noted that talking with excavators during her first ten years at OHIO811 it was apparent that contractors just want to show up to a marked project site. Contractors expect timely and accurate mark. Josh agreed that the current environment is not as efficient and effective as intended and that there needs to be provisions to ensure accountability of utilities and locators.

It was agreed by committee members that reaching out to excavators and asking them to join the committee may be beneficial. Steve said he will talk with Mary So about joining the group, and Johnny will ask two large fiber company representatives to join the group.

Next Steps: Alice will send out a Doodle to schedule the next meeting for April.