

**OU DPC Exemptions Subcommittee
Meeting Minutes from Teleconference
January 20, 2020**

Today's conference call participants included: Steve Schaffer, Scott Lucas, Dave Berens, Joe Igel, Mark Ritter, Jeff Kursman, Les Schell, Mark Niehe, Bryon Bedel, Darren Owens, Michael Beirne, and Alice Miller

Attached you will find the exemptions language and list created by the Exemptions Subcommittee. *This language will be presented to the OUDPC during its upcoming March Meeting* – exact date to be determined in February.

One suggestion, and subsequent change, was made: Rather than note ...does not exceed more than 12 inches... after each exemption listed the font in the final sentence of the preceding paragraph was italicized and made bold in order to emphasize its importance for those reviewing the list and the LSC.

I am happy to say that this subcommittee was a well-rounded group of stakeholders, and while having such a mix can prolong the initial discussions, you end up with a product that has a much better change of approval when moving into the legislative realm. Thank you very much for your commitment to safe excavation and this process.

Proposed Language:

**For Final Review by OUDPC
March 2020**

3781.25(l) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it. ***"Excavation" excludes activities listed below when performed in the public right of way and providing that the activity does not penetrate the earth to a depth of more than twelve inches.***

1. The cleaning of debris from open roadside drainage systems that does not alter the existing invert of that drainage system.
2. Milling of asphalt road surface except at signalized intersections and where signal and/or environmental sensors may be present.
3. Underground Utility Locating and Surveying activities limited to uncovering valve enclosures, manhole covers, or similar utility components, placement of temporary marking flags or wooden lathe and grounding of locating equipment.
4. Utility wood pole inspection.
5. Repair or replacement of utility pedestals or enclosures in the same location.

6. Tilling for sowing of grass and wildflower coverings for erosion control or beautification purposes.
7. Placement of temporary signage.
8. Addition or removal of roadside berm material.