

# OHIO UNDERGROUND DAMAGE PREVENTION COALITION

## Full Coalition Meeting

May 26, 2022

*Location: George J Igel and Co. Training Center, 3500 Alum Creek Drive, Columbus, OH 43207*

*Meeting Access: <https://meet.goto.com/519271333>*

*Phone: <tel:+17865353211,,519271333#>*

### **Call Meeting to Order:**

### **Introductions and Attendance:**

Byron Bedel, Mike Beirne, Greg Bennett, Tony Brigano, Jason Broyles, Steve Buskirk, Andrew Casper, Pete Chase, Jim Collins, Greg First, George Gillespie, Chris Glass, Chuck Green, Deborah Harris, Clayton Heights, Brian Holden, Joe Igel, Drew Janek, Drew Jennings, Joel Johnson, Jeff Kursman, Beth Lear, Kirk Lee, Roger Lipscomb, Scott Lucas, Jim Mander, Josh Motzer, Chuck Muller, Regan Noble, LeAngela Pierce, Liz Pyles, Jennifer Reams, Brian Reynolds, JR Richardson, Blake Ross, Bryan Rydalch, Steve Schafer, Tyler Sheldon, Cory Terry, Zach Thayer, Briant Thomas, Al Tonetti, Scott Tustin, Nick Vranak, Lori Wade, Kenny Walker, Jason Ward, Mike Wilson, Jim Wooten

### **Opening Remarks:**

- Welcome
- Discussion of Future Coalition Leadership

Joe Igel provided a comprehensive overview of the historic and current work of the OUDPC. He expressed appreciation for all of the collaborative efforts conducted by OUDPC subcommittees and discussion groups. He also announced that with his retirement, he was ready to hand off the reins to the next generation of Coalition leaders and highly recommended the selection of co-chairs representing the utility and excavator communities respectively.

While the full coalition was unable to meet in 2020 due to the Covid-19 pandemic, the subcommittees and discussion groups each met several times throughout 2020 and again after a GoToMeeting gathering of the coalition in the spring of 2021. After thorough reviews and discussions, the Accountability for Third Party Locators subcommittee and 48 Hour Waiting Period discussion group made the decision not to proceed. With overlapping work, the Life of a Ticket discussion group was merged with the Size and Scope and Large Projects subcommittee to form the Utility Coordinating Project subcommittee.

### **OUDDPC Recap:**

- Review current status and discuss direction of future coalition efforts.  
“Where are we and where are we going?”

Jeff Kursman from OHIO811 provided a general review of the status of the work completed by the two standing OUDDPC subcommittees focused on Exemptions and Utility Coordinating Projects (Size, Scope and Life of Tickets and Large/Complex Projects.

Joe and Roger Lipscomb provided details regarding the historical framework for the current language of Ohio Revised Code and the stakeholder benefits of considering proposed updates and modifications. Coalition members who participated in the work of the respective subcommittees were asked to provide comments on their progress.

### **EXEMPTIONS Subcommittee**

Challenges of the current governmental exemptions included within Ohio Revised Code’s Underground Utility Damage Prevention legislation:

- 1) Under PHMSA guidelines, Ohio’s current “entity”-based exemptions restrict eligibility of Ohio stakeholders from applying for annual One Call Grants and State Damage Prevention Grants. Transitioning to exempted “activities” would allow access to grant applications.
- 2) From a perspective of public and excavator Safety, the municipal exemptions create inequities between the safety and protection of public versus private sector workers. While contracted excavators are required to submit locate requests for all excavation activities within municipal right-of-ways, municipal workers engaged in similar projects not exceeding 12” in depth are not required to be afforded the safety created by such markings.

The subcommittee had initially identified 18 excavation activities commonly conducted by municipalities within right-of-ways. During review, it was determined several of these activities almost universally exceeded twelve inches in depth and should be eliminated from consideration. The current list of 8 activities represents a “meeting in the middle.”

It was noted that these proposed exemptions would only be applicable in right-of-ways and that any proposed excavation activities exceeding twelve inches would not comply with the proposed exemptions and would require a locate notification.

The subcommittee developed proposed changes to the definition of excavation under 3781.25(l)”. “...Excavation” excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches,” would be replaced with “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.

The eight activities being considered for exemption, include:

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.

Joe Igel expressed his pleasure that the subcommittee was able to propose moving away from entity based exemptions. Recognizing that these activities are exempted under existing Ohio Revised Code, concerns continued to be expressed that the cleaning of debris and removal of beam materials without requesting locates could create risk for the safety of excavators and damage to underground facilities, but members of the subcommittee voiced their pleasure with its substantial progress, and believe they are close to finalizing recommendations.

### **UTILITY COORDINATION PROJECT Subcommittee**

The Utility Coordination Project subcommittee evolved over many in-person and virtual meetings. While OHIO811 processes more than 1.4 million locate requests annually, the current Large Project process is underutilized, with only a handful of such designation each year. Several of the subcommittee members have experience with the process of discussions and coordinating the timing of locate requests and excavation activities with potential impacted underground facilities and all advocate for its expanded utilization. The committee set out to evaluate the existing process to determine why it is not being used and to review related current industry practices.

Discussions have centered around the need to more effectively redefine “Large” Projects. Everyone participating in the work of the subcommittee has agreed that complexity of a project and potential underground utility conflicts, rather than geographical size. Work continues on trying to create this new definition, the designation process and associated timelines.

The subcommittee also discussed the need to further define the scope of locate request tickets, including the potential of limiting their geographic size to a quarter mile in length and clarifying the use of white lining in combination with ticket language to identify proposed project areas increasing efficiency and accuracy of locates.

In discussing the Life of Tickets, committee members are largely in agreement that it would be beneficial to clarify existing law by defining how long a ticket is valid. Establishing a 30 calendar day life of a ticket would not prevent excavators from requesting remarkings earlier if marks are damaged or destroyed, however, it would make it easier excavators to track an schedule locate requests, utilities and contract locators to efficiently manage resources and in some cases, reduce the frequency of requests resulting from confusion.

Similarly, extending the current 10 working day commencement of excavation requirement to 16 calendar days would provide additional clarification for tracking, eliminate the need to compute

weekends and holidays and extend the opportunity for utilities to be installed prior to the start of a project.

Coalition participants agreed that there is support for modifying the life of a ticket and that additional subcommittee work is necessary on the defining of Utility Coordinating Projects and ticket scope.

### **ABANDONED LINE Discussion Group**

While several longtime efforts have identified universal agreement that abandoned lines are problematic for excavators and all industry stakeholders, there has not been a national or OUDPC discussion group consensus on how to proceed. Scott Lucas discussed working with a group on a NCHRP project that is addressing this issue and provided the link to the project site below.

<https://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=4959>

[Online Directory \(mytrb.org\)](https://mytrb.org)

After the meeting, several stakeholders expressed an interest in continuing the work of our Abandoned Lines discussion group. To remain fully supportive of the industry and the OUDPC, an additional abandoned lines meeting will be scheduled. We want to encourage broad-based participation as the future efforts of this group are discussed. A research document has been compiled of existing laws across the country addressing abandoned lines.

### **TRAINING Discussion Group**

The Training Discussion Group is ongoing with participants starting to outline the various components of training that should be required of all industry stakeholders. Leading the committee, Al Tonetti spoke to the importance of OHIO811's leadership in defining mandatory components of training around the Call Before You Dig process and facilitating understanding amongst various stakeholders.

### **National & State Update:**

Roger spoke to the release earlier this year of national and state reports on the 811 process produced by the Infrastructure Protection Coalition (APCA, DCA, NUCA, NULCA and PCCA) with support from the CGA. While the information in the national and Ohio reports is highly flawed with numerous inaccuracies and questionably conclusions based upon limited participation, the reports were broadly distributed to state and national policy makers and regulators with the intent of stimulating action. This should be considered by the OUDPC as an additional motivation for identifying and proposing changes to Ohio Revised Code.

National 811 Emergency Report

<https://www.ipcweb.org/images/reports/US-RPT.pdf>

Ohio-Specific 811 Emergency Report

<https://www.ipcweb.org/images/reports/OH-RPT.pdf>

### **Nominations and Appointment of New OUDPC Co-Chairs:**

Mike Wilson from CenterPoint offered to serve as the future co-chair of the OUDPC representing utility owners and operators.

Several individuals expressed potential interest in volunteering as the co-chair representing the excavator community, including Greg First, Jason Ward and Steve Buskirk (in an interim capacity). Jennifer Reams also forwarded Mark Potnick's name for consideration. Meetings will be held with these individuals to determine their level of interest and time availability.

#### **Next Steps:**

Roger Lipscomb stated that there is still much work to be done if the Industry wants to continue its efforts. OHIO811 will continue to support the efforts of the Coalition, organizing, arranging and facilitating meetings, keeping records and sharing issues with the field, DPCs, etc.

It was agreed that the work of the subcommittees and discussion groups should continue through the summer and fall of 2021, with a plan to reconvene the entire OUDPC in-person in late September or early October. This would support legislative proposals for early consideration in early 2023.

It was asked if legislative sponsors have been identified for any potential legislative proposals to be forwarded by the Coalition. Roger Lipscomb and Greg Bennett referred to successful introductions and meetings held at the statehouse prior to OHIO811's biannual legislative reception.

Dates and locations for the next meetings of the OUDPC subcommittees and discussion groups are currently being confirmed for July 21<sup>st</sup> with email invitations to be sent.