

OUDDPC Exemptions and Utility Coordination Subcommittee Meetings

12/14/2022

Call to Order-safety reminder

Roll Call: Greg First, Steve Buskirk, Mike Wilson, Jason Broyles, Jim Collins, Lori Wade, Zachary Taylor, Jim Mander, Joel Johnson, Johnny Henson, Clayton Heitz, Yancy Deering. Blake Ross (late)

Exemptions Subcommittee

Minutes from previous meeting approved unanimously.

The subcommittee first reviewed issues believed to have broad-based agreement:

Milling and grinding - The question was asked what to do if 4 inches isn't far enough down and the excavator needs to go full depth to complete the job. Also discussed was how to take asphalt out without tearing up the utilities (esp. with directional drilling). It was noted that the proposed language states that if an excavator must go beyond 4 inches, then a locate request must be made to OHIO811.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

It was asked if PHMSA grants were only available to one call centers. OHIO811 stated they would research and pass the findings along. **UPDATE:** There are multiple grants available to various types of organizations. One of the two grants OHIO811 has applied for in the past is strictly for one call centers. However, there are grants available to utility owners and other types of organizations.

Underground Utility Locating and Surveying Activity - limited to uncover valve enclosures, manhole covers or similar utility components, placement of temporary marking flags or wood lathe and grounding of locating equipment.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

Utility Wood Pole Inspection Utilizing Hand Tools—There was discussion of depth, however it was agreed that the 12 inches standard for all exemptions was sufficient.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

Repair or Replacement of Utility Pedestals or Enclosures in Same Location—There was discussion on depth. Add language that states “the same enclosures of the same base dimensions in the same location.” Questions as to why this exemption exists.

Possible new language could read: “repair or replacement of utility pedestals or enclosures of the same size or smaller in the same location.” **Subcommittee agrees to remove this exemption** because this likely will cause additional excavation around the pedestal.

Tilling for Sowing Grass or Wildflower Seed-It was asked if 12 inches is too deep. Also, there was concern that if tilling is limited to 4 inches, the agricultural lobby would work hard to kill this bill. ODOT was the main push behind this exemption so they could more easily plant wildflowers at interchanges. The subcommittee agreed to change language to allow for “no more than 4 inches deep for **sowing of grass and wildflower coverings for erosion control or beautification purposes.**” This language should not be objectional to agriculture.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation with the new language.

Subcommittee agreed to spell out that the exemptions are for activities performed in public right of way at a depth of 12 inches unless other depth is stated otherwise in ORC.

Addition or Removal of Roadside Berm Material. Discussion concerning use of this to justify ditching. Agreement was made that the berm is well defined enough that this would not apply to ditching.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

“The cleaning of debris from open roadside drainage systems that does not alter the existing invert of that drainage system.” Discussion concerning how years of erosion and excavation has caused the surface to move closer to gas pipes. Townships and County Engineers want this exemption because they believe staffing and limited equipment availability harm the opportunity to properly plan. Currently, governmental entities are exempted to request a locate when digging in their right of way. This is one activity they want to keep. Discussion around “existing grade” leaves out of the 12 inches standard. Also, most believe this exemption opens more excavators to do this work without calling in a ticket (i.e. contractors doing work for governments currently have to call in a ticket).

Subcommittee agrees this discussion needs to continue at a future time.

The full Coalition asked the subcommittee to further clarify “temporary signage” and “risers.” The committee agrees to add “not to exceed 4 inches” and remove riser language. The new language is: “Placement of temporary signage, not to exceed 4 inches deep.”

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

Finally, subcommittee agreed that the language at the beginning should read “...up to 12 inches, unless otherwise stated...”

New Discussion

A request was made that the subcommittee review the KY law that exempts “any non-intrusive excavating performed by an operator or his subcontractor to locate the operator’s underground facilities in response to a notice of excavation from the Notification Center, if all reasonable precautions have been taken to protect the underground facilities.” Discussion about gas pipeline owners would not be able to follow federal regulations to monitor activity near its transmission line. Also, damage (including

scrapes) to pipeline could occur and would then be unknown to the owner of that pipeline. Discussion about calling in an emergency so that the utility is at least notified. **Subcommittee agreed to continue this discussion at a future meeting.**

Meeting Adjourned

Utility Coordination Subcommittee

30 Day Life of a Ticket.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

16 Days to Begin Excavation After Locate Request

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

Quarter Mile Within Easement Max Ticket Size - Discussion around calling in one ticket and have OHIO811 break it down.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

Whitelining - Discussion on which takes precedence, the ticket or the white line if the ticket and the white line do not agree? Reviewed CGA best practices.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

Utility Coordination – Discussion began about how this allows a utility to stop a project from starting to have a coordination meeting, not just the contractor. Discussion continued around how OHIO811 would contact the contractor to pause the work. Generally, most felt there would need to be a new positive response code for this. It was also asked if this need to be law, or can it be a voluntary program run by OHIO811. Further, it was discussed that utilities which do not have a “complex” issue must respond as such. There was concern that once the locate schedule becomes locked in, how excavators will notify all parties if project falls behind or ahead of schedule. **Subcommittee agrees to continue this discussion at a later time.**

Training for excavators – It was agreed that training should start with how to use the OHIO811 system. Ohio law states an excavator must be properly trained, but the law does not specify what that training is. **Subcommittee agrees to continue this conversation another day.**

Remove LBP Language from the Law.

Subcommittee agreed to ask coalition to forward to Government Subcommittee to begin process of moving toward legislation.

New Business

The subcommittee was asked to consider a "True 48" law, which would start the two day clock on the first business day after a locate request is made. Locators say this will improve on-time locates.

Subcommittee agreed to continue this discussion at a future meeting.

Discussion around in-person meetings and when next meeting should take place.

Meeting adjourned.