

OUDDPC Quarterly Meeting

9/28/2023

Minutes

Welcome: Co-Chairs Greg First and Michael Wilson called the meeting to order.

Roll Call: Al Tonetti, Greg First, Mike Wilson, Zach Thayer, Kenny Walker, Les Schell, Roger Lipscomb, Lori Wade, Luke Miller, Kris Klaus, John Kelly, Frank Riegler, Patrick Murphey, Seamus Mulligan, Jim Mander, Joel Johnson, Alex McCan, Greg Bennett, Mary Logan So, Scott Tustin, Dave Coniglio, Chris Russ, Johnny Henson, Blake Ross, Scott Mergler, Deron Large, Dave Losinski

Opening Remarks: Co-Chairs opened with a safety/emergency evacuation plan and reviewed the Guidelines for Engagement and the OUDPC Mission Statement.

Approval of Minutes: Jim Wooten motioned to approve the minutes as sent out from the Q3 OUDPC meeting. Mary Logan So seconded. Motion carried and minutes were approved.

General Operating Procedures (GOP) Review: The GOP's that were enacted in prior OUDPC procedures (roughly 2011/2012 timeframe) were read by co-chair Mike Wilson to the group. Conversation surrounding adopting these GOP's included the creation of a subcommittee to review and ensure that they are still applicable to today's industry needs. Volunteers for this subcommittee were directed to let Jason Broyles know if they wanted consideration. The following individuals volunteered: Joel Johnson, Chris Russ, Dave Coniglio, Michael Wilson, Deron Large, Scott Tustin, Mary Logan So, Jim Mander, Greg First, Scott Mergler with Joel Johnson and Mary Logan So agreeing to be the subcommittee co-chairs. It was decided that this group would meet every other Monday starting on 10/9/2023 and ending on 11/6/2023 through virtual format from 3:00 pm – 4:00 pm. The creating of this subcommittee was motioned by Mary Logan So and seconded by Scott Tustin. There was no opposition to the motion; motion carried.

Al Tonetti asks about discussion groups in terms of how those fall in the GOP's. Roger Lipscomb explains that the discussion groups are more similar to ad hoc committees. Scott Tustin described that subcommittees are formed from discussion groups. Mary So uses the abandoned lines subcommittee as an example of how it was presented to the OUDPC to get consensus in order to change from discussion group to subcommittee. Al Tonetti brings up the discussion group and states that there was language and a lot of good information from the training discussion groups past meetings (pre-covid). Roger Lipscomb states that it would be good for the OUDPC to begin working more subcommittees. Jason Broyles discusses that the meeting minutes from this group, along with other meeting minutes from all the groups, is available on the OHIO811 website.

Roger Lipscomb addresses the group in regards to records from previous years meetings which were difficult to put eyes on. Roger Lipscomb states that the problem was corrected and will not be an issue in the future.

Jim Mander requests more clarification to Article II of the GOP's (Coalition Membership and Voting Rights). Roger Lipscomb explained how the voting through associations was done in the past. Jason Broyles is currently reaching out to the listed associations, both via phone and through email, in order to update points of contact for each listed association as well as working to ensure that all associations that want a voice are listed. Jim Mander voices concern with voting in this manner with an incomplete list, which Roger Lipscomb responded that through following this voting format, it allows a larger grouping of the population to be represented. Lori Wade expresses concern around the timeline with the list not yet being completed. Jason Broyles stated that he would have the list updated to the best of his abilities by Friday, October 6, 2023 and will send out with meeting minutes for review by the group.

Further conversation around the GOP's included the fact that during a vote, it is tallied from the votes of those associations that are in the room at the time the vote is taken. Mike Wilson recaps statements thus far around the GOP's and suggests that this system has been successful in the past. Greg First supports Mike Wilson's statements. Scott Mergler asks if someone is nonresponsive to the Coalition, what is the right path? Roger Lipscomb adds to the conversation that the governmental affairs individuals for these associations are being reached out to as well. Frustration was expressed by Deron Large that he wants to ensure that his organization is properly represented as there is a lot riding on some of the proposed changes. Roger Lipscomb discusses that this level of voting is different than that done at the state house.

Subcommittee Reports:

Abandoned Lines: Co-Chairs Mary Logan So and Scott Tustin reported on the three meetings that the Abandoned Lines subcommittee has had since the last OUDPC meeting. At this point, the meetings have been focused on reviewing/investigating what is being done across the county by looking at other states legislation surrounding the topic. There has been a lot of discussion around steps being taken in Texas with volunteer organizations that are turning over mapping of locations of lines as they abandoned them. Throughout this process, contractors are receiving an email with a map of where the facility line was at the time of abandonment when it is possible that it could cause conflict with where they are going to be excavating.

Two Working Days Not Including the Day of Notification: Co-Chairs Joel Johnson and Johnny Henson report out on the meetings of this subcommittee. The subcommittee has proposed language involving changes to ORC 3781.28 Excavator Notifying Protection Service or Pipeline Owner:

Current:

(A) Except as otherwise provided in division (C), (D), (E), and (F) of this section, at least forty-eight hours but not more than ten working days before commencing excavation, the excavator shall notify a protection service of the location of the excavation site and the date on which excavation is planned to commence.

Proposed:

*(A) Except as otherwise provided in divisions (C), (D), (E), and (F) of this section, the excavator shall notify **a** the protection service of the location of the excavation site and the date on which excavation is planned to commence, **hours** two working days, as defined by 3781.25 (F), **beginning at 12:01 a.m. the next working day after excluding the day the notification is generated notice is given,** but not more than ~~ten working days before~~ **sixteen calendar days** before commencing excavation.*

Lori Wade asks if there should be a disclaimer surrounding the work already completed surrounding the change from "ten working days" to "sixteen calendar days". Jason Broyles explained that the work around "16 calendar days" that was completed by the Utility Coordination Subcommittee could be absolved into the work of this subcommittee to avoid confusion across the industry and the state house since the subsection of the ORC that has proposed changes from both subcommittees is the same section. A motion was made by Jim Wooten and seconded by Patrick Murphey to accept the proposed changes. This motion passed unanimously. The language will be sent out for the 45 (forty-five) day review period by the OUDPC secretary.

Utility Coordination: Co-chair Jim Wooten reported out that this group has not met since the last OUDPC meeting and that they are working on setting up at least 2 (two) meetings to take place before the Q4 OUDPC meeting. The group is continuing to work on language around the life of a ticket as well as the scope of a locate request.

Exemptions: Chair Sean Stringer was unable to attend the meeting. Sean had spoken with Jason Broyles prior to the meeting and had stated that due to a position change within his organization, he would need to step down as the chair of this subcommittee. Jim Wooten proposed moving the group into the Utility Coordination Subcommittee. Deron Large seconded the motion and there was no opposition; motion carried.

Next Steps Presentation: Presentation given by Greg Bennett, Byers & Minton, regarding next steps and how the process goes once proposed language makes it to the state house. There is a ballpark of roughly 1800 bills that get introduced each year. Once proposal's from the OUDPC make it to the state house, Greg Bennett and Roger Lipscomb will work to get everything introduced between January through March 2024 in attempt to get legislation passed prior to the end of 2024. Greg reported that there are 26 (twenty-six) different steps/components to this process and the bill can die in 8 (eight) of those. About 10% of bills introduced get passed into law with 85% of those passed are completely bipartisan. Scott Tustin and Al Tonetti discuss brining up concerns to the coalition now rather than trying to backdoor kill a bill. Roger Lipscomb points out that the attitude should be to help shape the legislation, not to kill it. It is important for participants to serve their perspective industry groups while remembering to rise above their specific interests and keep public safety as the key focus. Dave Losinski asks about the amendment process. Greg Bennett explains that a committee member proposes it and the gets voted on however coming in with the change at the 11th (eleventh) hour is very frustrating but does occur. Amendments can be pushed away through a process. A copy of Greg's presentation will be made available with the meeting minutes.

New Business: Al Tonetti starts conversation around the training discussion group. Jason Broyles reads ORC 3781.26:

“An excavator, contractor, or utility that utilizes a protection service shall obtain training in the protection of underground utility facilities. An excavator, contractor, or utility shall be deemed to have obtained that training if the excavator, contractor, or utility is a member of a protection service or a statewide association representing excavators, contractors, or utilities and the service or association provides that training. An excavator, contractor, or utility also may obtain the training from such a service or association without becoming a member.”

Al Tonetti states that issues brought up in the past was that this allows too much leeway in the training area. Patrick Murphy points out that it starts with the contractors and upper management as of now. Al Tonetti requests information from the UTC on how it is going and how the training is affecting the process. Roger Lipscomb describes how the training requirement is being handled at the UTC level when complaints are found to be out of compliance and required training is the result. It is discussed and decided that getting the training discussion group going again and possibly being turned into a working subcommittee will be on the Q4 OUDPC meeting agenda, which is taking place on December 14, 2023.

Joel Johnson thanks OHIO811 and Jason Broyles for the hard work being done. Jason Broyles asks all members to please utilize OUDPC@oups.org email for all coalition related transmissions to assist in accessibility of information if other team members need to access it to avoid information getting lost or misplaced.

Mary Logan So motions to adjourn the meeting. The motion was seconded by Jim Wooten. The motion carried with no opposition and ended the meeting at 1:39 pm.

Special thanks to Centerpoint Energy for sponsoring the lunch for today's meeting.