

**48-Hour Waiting Period Subcommittee**  
**September 25, 2023**  
**• Minutes •**

Roll Call: Johnny Henson, Chuck Green, Zach Thayer, Jamie Gillan, Tim Plurien, Chris Russ, Jim Mander, Lori Wade, Debbie Harris, Dave Coniglio, Kyle McLeod, Jim Collins, Clayton Heitz, Liz Pyles, Scott Tustin, Brent St. Clair, Mary Logan So, Bill Hoyer, Les Schell, Justin Freudeman, Drew Williams, Kevin Baxter, Joel Johnson

Johnny Henson (co-chair) welcomed attendees and reviewed the Coalition's Guidelines of Engagement.

Jason Broyles reviewed the current ORC 3781.28 and reviewed the proposed language as discussed in the July subcommittee meeting. That language reads:

- (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.

Les Schell indicated that he was comfortable with the recommended language.

The group had a brief conversation surrounding whether to state it as "True 48 Hours" or "Two Working Days". It was decided by the group that it should be referred to as "Two Working Days" to avoid confusion about 48 hours as well as the fact that the term "Working Day" is already defined in the ORC under 3781.25(F).

Scott Tustin pointed out that in addition to suggesting language for the ORC3781.28, the group also needed to look at and adjust other areas of the revised code that reference 48 hours (specifically 3781.29(A) and 153.64. It was decided that OHIO811 representatives would look at the existing language and report back on all of the sections that this revision would be required. This is also something that will be looked at when the language makes it to the State House and LSC does their work.

Scott Mergler recommended that the group look at other states language in an attempt to mirror it as much as possible to assist the excavation side of the industry that cross from state to state throughout their work area.

Tim Plurien spoke to the experience that RLA has had working in Kentucky. Kentucky recently had some legal revisions taking the state to a similar wait period and he feels that the change did not affect the locating in KY in a positive manner as far as on time locates. He feels that a change of this type is just giving the locating industry more reasons to validate late locates.

Johnny Henson responded that, statistically, other states who go to a format comparable to Two Working Days Not Including the Day of the Request show a drastic improvement when looking at on time vs late

locates. This was discussed in the group's prior meeting where Steve Schafer reported out on some figures that he had pulled from his companies Pennsylvania footprint who also follow this format.

Scott Tustin also stated on this that if the industry can assist locators in better planning, efficiency can be gained and that is the direction this group is trying to achieve. Through this, it will provide a safer Ohio for all involved in the overall industry.

Dave Coniglio requested that having some data to report back to the contractors would greatly assist in getting more support for the suggested language. Chris Russ, Jim Wooten and Scott Tustin both stated that they would be able to put some information together to be presented.

It was decided that there is support in moving this language forward to be presented at the September Coalition meeting for conversation and deciding whether to send it out for a 45-day review period.

A motion to adjourn unanimously passed.