

3781.25(I) "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 any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "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, unless otherwise stated. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513 of the Revised Code and rules adopted under it.

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1. Milling and grinding of asphalt road surfaces no greater than 4 inches, excluding pulverizing activities and activities at signalized intersections and where signal and/or environmental sensors may be present.
2. Utility wood pole inspection utilizing hand tools to excavate and working on the clear side of poles, greater than 90 degrees from any risers.
3. Tilling for sowing of grass and wildflower coverings no more than four inches deep for erosion control or beautification purposes.
4. Placement of temporary signage, not to exceed four inches deep.

Supported by: SOOGA, NULCA, OOGA, OGA, Ohio Archeological Association.

Not Supported by: OCA.

Abstentions: AMP

3781.28 Excavator notifying protection service or pipeline owner:

(A) Except as otherwise provided in divisions (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 the protection service of the location of the excavation site and the date on which excavation is planned to commence, two working days, as defined by 3781.25(F), beginning at 12:01 a.m. the next working day after the notification is generated, but not more than 16-calendar days before commencing excavation.

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Not Supported by: N/A

Abstentions: AMP

Remove Limited Basis Participant (LBP) Language from O.R.C.:

3781.26 (Effective 3/27/2013) Protection service for underground utility facilities

A) Each utility that owns or operates underground utility facilities shall participate in and register the location of its underground utility facilities with a protection service that serves the area where the facilities are located. ~~A utility may elect to participate in the service on a limited basis and if it does so, it shall register the location of its underground utility facilities by identifying the municipal corporations, and outside the limits of a municipal corporation, the townships by county and, where applicable, the immediate geographic area in which it has facilities. The service shall establish reasonable fees for limited basis participants.~~

(D) Each utility fully participating in a protection service pursuant to this section shall also participate in its affiliated positive response system. ~~Each utility participating in a protection service on a limited basis shall directly communicate to the excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site.~~

(B) ~~Except in the case of limited basis participants, The protection service shall provide notice of the proposed excavation to each participant in the service that has underground utility facilities in the area of the proposed excavation site. Except as provided in section 3781.271 of the Revised Code, in the case of limited basis participants, the protection service shall notify the developer or the designer employed by the developer of the name of each limited basis participant with underground utility facilities within the municipal corporation or township and county of the proposed excavation site, and the developer or designer shall contact that utility.~~

(E)

(1) Based on the information provided pursuant to division (C) of this section, the developer or the designer employed by the developer shall indicate the approximate locations of underground utility facilities either on or with the plans prepared for the project. The developer or designer shall include with the plans the names, addresses, and telephone numbers of utilities with underground facilities at the excavation site, ~~indicating which utilities are limited basis participants~~; the name and telephone number of any appropriate protection service; and any required adjustments as described in division (D) of this section, including the reasonable time necessary for the utility to make those adjustments. In the case of an interstate hazardous liquid pipeline or an interstate gas pipeline, the developer or designer also shall include any special notification requirements.

(F)

(1) This section does not apply in the case of a utility making emergency repair to its own underground utility facility.

(2) This section does not apply in the case of the owner of the types of real property identified in divisions (C)(1) to (4) of section 3781.25 of the Revised Code, unless the owner employs a designer to make written plans for work that will involve excavation. If the owner employs a designer, the designer shall contact a protection service ~~and utilities that are limited basis participants~~ in accordance with divisions (A) and (B) of this section, and shall include in or with the plans the information required under division (E) of this section. The owner shall provide that information to the excavator.

3781.271 (Effective 3/27/2013) Modification of one-call notification system

Beginning on July 1, 2013, each protection service shall reasonably modify its one-call notification system so as to permit the reasonable identification of the location of a proposed excavation site ~~in a manner in which the protection service may then notify any potentially affected limited basis participants.~~ Each member of a protection service, ~~including limited basis participants,~~ shall be responsible for providing current contact information to the protection service.

781.28 (Effective 3/27/2013) Excavator notifying protection service or pipeline owner

(F)

(1) In the case of a utility that is making an emergency repair to its own underground utility system or a governmental entity making an underground emergency repair to traffic control devices, as defined in section 4511.01 of the Revised Code, used on any street or highway under the entity's jurisdiction, the utility or governmental entity shall notify a protection service ~~and each limited basis participant~~ of the excavation site. This notice need not occur before commencing excavation.

(2) In the case of an excavation at the site of real property of the type described in divisions (C)(1) to (4) of section 3781.25 of the Revised Code:

(a) If the owner of the property is the excavator, this section does not apply unless the excavation is planned for an area where a utility easement is located, a public right-of-way, or where utility facilities are known to serve the property.

(b) If the owner of the property employs an excavator, the excavator shall comply with the requirements of this section. If the owner did not employ a designer to make written plans, the excavator shall provide the notice required under this section to a protection service ~~and to each utility that is a limited basis participant in a protection service that has underground utility facilities within the municipal corporation or township and county of the excavation site, as indicated by the protection service.~~

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Not Supported by: N/A

Abstentions: AMP