

Comments received from Jennifer Reams, ICC

3781.31 Notifying of commencement of excavation or removal of markings

(B) If the markings of underground utility facilities made under section 3781.29 of the Revised Code are destroyed or removed before excavation is completed, the excavator shall notify the utility through the protection service that the markings have been destroyed or removed, and the utility shall remark the facilities in accordance with section 3781.29 of the Revised Code.

If an excavator leaves the job site, relocates to another site, or is otherwise absent from the site for a period of 16 consecutive calendar days, the notification will be considered expired, and the excavator shall make notification through the protection service as required under section 3781.28 of the Revised Code. This notification shall occur prior to any additional work on the site taking place, even if the original locate marks, provided under section 3781.29 of the Revised Code, are still visible.

1. What defines leaving the site? If equipment is on the site; are they still considered actively on site? I guess I am asking, how does one determine or define when the clock starts tickling for the “leaving job site”? JER/ICC/NUCA 5.13.25

3781.28 Excavator notifying protection service or pipeline owner

(E) If an excavation will cover an area exceeding 5,280 feet in linear length and will progress from one area to the next over a period of time, the excavator shall provide written notice to the utility owners in the affected area through the use of the state notification center. This notification shall be made with a “Large/Complex Project” notification with projected timelines for segments of the excavation as the excavation progresses in order to coordinate the marking of underground utility facilities with actual excavation schedules. Under such circumstances, the utility and excavator shall determine a mutually agreed upon marking schedule based on the project schedule. Once such a schedule is established, the marking and notification requirements set forth in division (A)(1) of section 3781.29 of the Revised Code shall not apply.

If an excavator is not willing or able to provide notification, as set forth in ORC 3781.28(E) through the use of a “Large/Complex Project” notification, the excavator shall not exceed 1320 feet in linear length for each notification. If the location request pertains to the following:

- A) Interstate roadway systems
- B) multilane divided
- C) multilane undivided

the excavator shall not exceed 5,280 feet in linear length for each notification.

If a notification is deemed to be a “Large/Complex Project”, it shall be mandatory for all utilities and the requesting excavator to participate in a meeting, the meeting shall be conducted through both virtual and in-person formats to ensure accessibility for all stakeholders involved, to determine a mutually agreed upon marking schedule based on the project schedule. This schedule shall be documented by requesting party in writing and housed with all participating organizations. Once such a schedule is established, the marking and notification requirements set forth in division (A)(1) of section 3781.29 of the Revised Code shall not apply.

1. 1. *The meeting shall take place no later than 10 consecutive days from Meet Notification unless otherwise agreed to by the excavator.*
2. 2. *If the schedule for marking/notification requirement changes; excavator shall notify through another "meet ticket" that shall take place within 10 consecutive days from Meet notification unless otherwise agreed to by the excavator. JER/ICC 5.13.25*
3. 3. *Food for Thought that determining a "Large Project" may be better served as being determined by the project owner. This will ensure that planning can be done during project development and all parties (utilities and bidding excavator) can take the size, time and amount of resources needed prior to project being started or put out for bid. (Many preconstruction meetings take place already prior to the start of projects and this is a matter of a topic to be added to agenda. Also, the project owner is typically the one with the BINDING agreements with both facility owners and excavators that are completely separate agreements (In Ohio hard to prove privity of contract between facility owner and excavator) so provides more (readiness, reason to comply, legal obligations to one another?) to go into a large project schedule/notification agreement?*
4. 4. *Once again, 153.64 needs to be addressed in the above language with at least a section directing projects that have public funding to these requirements found in 3781.28 and 3781.31 JER/ICC/NUCA 5.12.25*

Comments received from Jana Bruen, BP Pipelines:

Suggested wording:

If an excavator leaves the job site, relocates to another site, or is otherwise absent from the site for a period of 16 consecutive calendar days, the notification will be considered expired, and the excavator shall make a new notification through the protection service as required under section 3781.28 of the Revised Code. This new notification and the required wait time shall occur prior to any additional work on the site taking place, even if the original locate marks, provided under section 3781.29 of the Revised Code, are still visible.

If an excavator is not willing or able to provide "Large/Complex Project" notification, as set forth in ORC 3781.28(E) through the use of a "Large/Complex Project" notification, the excavator shall not exceed 1320 feet in linear length for each notification.