

OUDPC Enforcement Subcommittee Meeting

6/10/2025

1:00PM

Attendance: Jason Broyles, Dave Coniglio, Brad Shoemaker, Frank Riegler, Jana Bruen, Alex McCann, Scott Mergler, Elizabeth Pyles, Kevin Campbell, Mike Lawson, Lori Wade, Jim Wooten, Joe Costell, Krista Bistline, Greg First, Jim Mander, Chuck Muller, Michael Wilson, Jim Collins, Chris Russ

Alex McCann opened the meeting at 1:01PM, started with a review of the meeting minutes from the last meeting. Motion to approve Jim Wooten, Seconded by Lori Wade. Minutes approved by a unanimous vote.

Alex McCann- Wanting to look at the Ohio Administrative Code instead of the Ohio Revised Code, since they are separate. Sections in the Ohio Revised Code that applies to how the UTC functions does not need to be in the enforceable section. 3781.25 (definitions) agree that it does not need to be enforceable under the law. Moved to 3781.261 protection of underground facilities protection training, 3781.271 modification of the one-call notification system. Believe this should be enforceable.

Jana Bruen- Point out that if you don't include the definitions, and try to enforce something that is defined in the definitions, then you could have someone who can dance around it.

Alex McCann- Understand what you are saying Jana, just thought as a group that the definitions were strictly just definitions, and doesn't need to be enforceable, its just defining.

Jason Broyles- Whenever we are looking at enforceable vs non enforceable, no way to have an aggrieved party per the definitions.

Jana Bruen- Understand that and agree. If there is something in there that reflects on something that we are wanting enforceable, they could, with a lawyer, make an argument since the definitions are not enforceable. Definitions are enforceable in other states.

Alex McCann- Can take a look at that later. Want to take a look at 3781.261, the training section. Looking at if we want to make that enforceable or not. Believe that the training language has been sent to LSC and is in the middle of a 30 day review period, which should end this Friday.

Jana Bruen- One piece about the training, training locators on the Ohio one call system. If you have a company that uses a ticket management system that replies to the state one calls, the personnel may not be trained on the states one call system.

Jason Broyles- They would still receive training on the one call system in Ohio. Using USIC as an example, they have hundreds of response codes, but they have to marry up those responses to one of our 9 positive response codes that Ohio has.

Aelx McCann- What him and Brad wants to do is look at 3781.261 and 3781.271, take a quick vote on whether we want this to be enforceable or not. The training language can be a separate conversation at a later time.

Jason Broyles- if the proposed language for 3781.261 doesn't go through, we still have language about training so we can decide if we want it to be enforceable whether the changes go through, or even as written now.

Jason Broyles- A lot of the states that made training enforceable are scaling back. The language was much more specific, and cited specific companies to get the training through etc..

Alex McCann, anyone opposed to not making it enforceable.

No one voted that it should not be enforceable.

Alex McCann- Moving on to 3781.271, is there anyone opposed to making this enforceable.

Jim Wooten- Why do we still have LBP members in the language.

Jason Broyles- The language to remove LBP's has not been passed yet and is still at the statehouse. Once it is approved, it will be removed.

Jim Mandera- If someone doesn't provide the contact information, who would be the aggrieved party. If someone doesn't do it, how would 811 know, and who would be aggrieved at that point.

Alex McCann- Anyone could be an aggrieved party, the contractor, or the utility. If someone isn't providing the correct contact information.

Jason Broyles- It would be whoever requested the locate. If they request a locate, and the contact information is wrong, and never received the locate request, the excavator would be the aggrieved party.

Jim Mandera- As long as we think it is worthwhile, then I am not opposed.

Anyone opposed to having 3781.271 enforceable... no one had any issues with that.

Alex McCann- Anyone opposed to the definition section being enforceable?

Jason Broyles- Recommendation, have that conversation after having some research done on states that have the definitions enforceable, and then have a discussion.

Jim Wooten- Doesn't think it would hurt to have it in there.

Alex McCann- I agree, not opposed to having it enforceable, wouldn't hurt anything, so no reason we couldn't do it.

Jason Broyles- Realistically can schedule another meeting prior to the July full coalition meeting, and be clear how we want to proceed before the full meeting in July.

Alex McCann- Doesn't think the meeting would take very long, just discuss what we found and take an informal vote. Then take it to the full coalition.

Alex McCann- Read proposed language for compliance failure.

Jana Bruen- Are there sections of the code that we are not making enforceable,

Jason Broyles- UTC language is not enforceable, need to look at the language for that a little closer, there will be another sub committee that will review the UTC language after this portion is done.

Chris Russ- 3781.28 on previous page is scratched out, what is reasoning for that again?

Jason Broyles- took the current legislation, added in these two subsections. Those subsections are still in there.

Some discussion between Chris and Jason about what is enforceable and what isn't.

Jim Wooten- When they are saying it is not enforceable, are they saying that if the contractor started in 16 days as opposed to 10 days, that isn't enforceable?

Chris Russ- If there are multiple updates, and on the 6th update the operator is a couple hours late, the fact that there are multiple updates and the other requests weren't started on time is not enforceable.

Jana Bruen- Not going to chase after someone that is not starting within the 10 days, just have to deal with it on the back end when something gets hit.

Jim Wooten- Issues with contractors calling tickets in over and over, then on one of those updates being a little later in responding and then getting fined.

Alex McCann- Can get another meeting before the next coalition meeting, discuss definitions and have it ready by that meeting.

Lori Wade- 3781.25, change once call utility to one call utility.

Alex McCann- Will schedule a meeting, shouldn't take long, Will do some research on what other states are doing with definitions. Then can decide if that is what works for Ohio and move this process forward. I appreciate everyone's input. Will have another meeting for the training language in committee.

Alex McCann- Any other questions or comments before we adjourn?

Motion to adjourn, Jim Wooten, seconded by Jason Broyles.

Meeting adjourned at 1:40PM