

Exemptions Subcommittee Meeting

4/14/2025

1:00PM

Mike Burroughs opened the meeting at 1:00pm

Mike Burroughs gave a quick level 1 safety message

Reviewed previous month's meeting minutes.

Lori Wade made a motion to accept

Mike Lambdin seconded

Minutes approved by unanimous vote

Recommendation to break this into two separate ones. Top example is what Kentucky has, and the bottom A is what spectrum/charter submitted, and B is for the locating practices.

Mike asked everyone read through it and refresh your memory, asked group if anyone has anything they want to discuss

Dave Coniglio- Wondering what we are trying to accomplish, still trying to understand. Is this just for gas or across the board.

Mike Burroughs- Speaking directly about gas at the moment, a lot of unlocatable and untoneable things, locator has to go out, excavator has to wait, as it sits now, the facility owners and their contractors have to call in another ticket and wait an additional 48 hours in order to make those remediations to locate or make those facilities locatable.

Jason Broyles- Talking about the utility locating, assuming the intent is so the utilities don't have to wait an additional 48 hours to take action to make the lines locatable.

Chuck Muller- Communications part, if you have a hand hole "flower pot" go out and do an install, dig down next to the hand hole to insert the cable inside the handhole, contractor calls in another ticket to bury the top to the house. Idea is to allow them to hand dig gown by the handhole in order to connect the drop into the handhole.

Lori Wade- Reading (B) on the bottom section, only for locating of facilities where there has been an 811 request already. She is fine with that, it is something that they are doing already anyway so the excavator doesn't have to wait an additional 48 hours. Top portion of

A and B, does have an issue. As far as the drops go, doesn't agree with the 12" depth, maybe 6"? Wants to make sure the language around the drops is in there, then doesn't have a problem with it. Will help get resources to others tickets for higher risk excavations.

Chuck Muller- Needs to call locates for the drop bury from the ped to the house, only wanting the

Shawn Hudgel- Tennessee has done this and Kentucky already. Just talking about around the facilities if he understands correctly. Anything outside of the ped area should require a ticket.

Scott Mergler- Intent is to securely close these enclosures so no one can get in and mess with the connections. The 12" x 12" is what Kentucky did, trying to be somewhat similar to keep continuity among excavators that work in multiple states. This is already going on and folks are doing this work without tickets now, this will help get the law behind what is already happening.

Dave Coniglio- If we are changing the law to change something that is already being done illegally, it may not be the best approach. Making an exception for utilities that we won't make for the contractors. Don't know what's in the ground in the area if it isn't located, and is worried we could be potentially creating a safety issue.

Scott Mergler- What is the benefit for you, reducing the abundance of calls right now. If they call in all of these prior to the install so they can legally tie in the drop at the hand hole, you have a locate for the install, one to run the wire, and one to finish the job. Helps contractors by keeping locating resources on the jobs that are more hazardous. Is there any other contractors on here that have anything to say about it.

Shawn Hudgel- My perspective is anyone digging right next to a ped, flower pot etc. marks that are right near the ped, the accuracy of locates is questionable because you are so close to the structure. Should know there is stuff there anyway, and should dig carefully in the area just like there was a mark there.

Dave Coniglio- Still have some safety concerns with this from the OCA side, could possibly speed projects up. But if it's already being done, doesn't think it would speed things up much anyway. Could be opening the door to something that we may be sorry about later down the road.

Brent St Clair- Sounds like everyone is on the same page with the drop situation. As a pipeline company, have to record any foreign facilities that cross them. Only way to really know is through the one call system. Just wanted to make sure that it wasn't for the whole drop.

Mike Burroughs- As far as the one geared to communications, it's the one he has the most trouble getting behind or understanding. Have been a contractor and a locator., would speed things up, and sometimes make life easier as a locator, but several companies that do the drop buries. Go 4-5-6 months calling in the same address over and over to install these drops, which is eating up time. Lots of drop bury contractor that is working for the facility owner, hard enough to get them to do the right thing to get them to call in tickets, would give them another avenue to not do the right thing, and could take a mile if given an inch. Shifting gears to the locate practice sides. More inclined to side with the B section in order to ensure the accuracy and timeliness of locates. Not trying to give anyone a scapegoat, just for the folks going out to dig on top of that particular facility so the line can be toned, get better records, and help make the excavator safer cause the marks would be more accurate.

Jason Broyles- Telecom fiber- subcontractors. Multiple locates called in over and over again. This exemption wouldn't affect that, because that is with the subcontractors. This would be for the facility owner themselves (ATT) 6-12 inches right by the hand hole to tie in the drop and be able to close the structure.

Jim Mandera- Couple thoughts, the whole point of coming up with these specific exemptions, scenarios where there can't be a damage, and wasting a locate ticket. Thinks 12" is a lot. Not familiar enough with that type of work to have a strong opinion. Need to be specific on what non-intrusive is, but if indicated they will be hand digging 6" around the flower pot, and no more than 6" deep. If we are confident that there would be no damages, then he can get behind this. As for section B- this is a scenario where there is a ticket, and locates are already on the ground. It won't change anything, it will just allow to streamline the process. The additional locate request is redundant. Getting something formal in writing that they don't need tickets. Whether there is a new ticket or not, it won't change anything because there is already locates on the ground.

Scott Mergler- When we talk about this, it's not a 6' shovel, spade that is going into the ground 6-8", looking at a shovel you would plant flowers within the garden. Would be fine if it is a 6" x 6" area.

Jason Broyles- Anyway possible to get a visual from the telecom folks of the type of shovel that would be used, and helps folks get a better idea of what we are talking about.

Scott Mergler- Just putting the drop through a small hole so that way the enclosure can be closed and secured. Only for the communication workers, not for the sub-contractors.

Chuck Muller- Is ok with it being just digging around their own facilities, and not subcontractors. Helps get their customers back in service quicker and keep the area safe.

Lori Wade- Section B, digging up curb boxes, looking for tracer wires, minimal risk. The biggest risk is on unlocatables. Rare to have a damage to another utility while looking for their own facilities. Using shovels and or vac equipment. Is with Dave and Jim with having a little bit of heartburn on the communication portion. But does realize that even if that goes through, they had to excavate to install the handhole and thinks that there is a minimal chance for damage if we allow this exemption.

Dave Coniglio- Lot of talk on the locate portion, can someone explain in more detail, said something about untonable or unlocatable. Is this expanded into repairs too? Wants more guidance on what we are actually proposing.

Chuck Muller- When saying repairs, (telecom) they don't repair drops, they just replace it. Its just to get the customer back into service. New install for replacement for a line that was damaged.

Jim Mandera- Discussion around repair was just the repair of the tracer wire, and not a repair of the actually pipeline. Maybe if it is unclear, then we need to make the language more specific.

Seamus Mulligan- Takes it as making repair to the tracer wire in order to perform the locate going forward.

Scott Mergler- Wants to abide by the law, and even though some of this is already happening, want to get things above board.

Jim Collins- Not having to get another ticket in order to repair tracer wire to make the line locatable, install a marker ball, etc. in order to make the line locatable.

Dave Coniglio- So only exempting repairing a tracer wire?

Jim Collins- Tracer repair, marker ball, test box, using a shovel or a vac truck

Jim Mandera- more about the actions of a locator, minor digging, looking for a curb box, around the riser. If it is expanded to using a vac truck, road right of way, could potentially get around transmission lines. Has to have a rep on site, and if there is no ticket, they wont know about it. Concerned with giving an exemption for using a vac truck within the road right of way. Wants to have this exemption for the locators.

Jim Collins- Would have already had a locate ticket in the area, so you would be aware of a project going on in that area.

Jim Mandera- Would be for a different organization though, and communications are with that contractor, and not the utility coming out to make the remediation.

Jim Collins- Non-intrusive excavation is within the area of a transmission line, then a ticket would have to be called in.

Jim Mandera- Not opposed but starts to get a little sticky with it.

Jason Broyles- Keep in mind, most of who we are hearing from right now is gas utilities, but keep in mind this will affect all utilities.

Lori Wade- One thing forgot to mention, group pulled together to try and eliminate exemptions as much as possible, now talking about adding new ones. Have done a good job eliminating ones that could be eliminated. Concerned if we add too many we will be back where we started.

Jim Collins- Section B exemptions is already in place in the other 4 states they operate in, and it has been very beneficial to the excavators in other states.

Lori Wade- The locating part, advanced locate technicians (ALT). Admittedly already doing it, locates are completed for another excavator. Doesn't exempt them if something was to get damaged, would provide some type of protection for them if this gets passed.

Scott Mergler- Appreciates getting other points of view from the group, if it is already being done, and it is the right thing to do then we should back it up in law.

Lori Wade- Language that dealt specifically with the locates. Were some issues with it in the past it seems. Is behind these exemptions based on the conversations that have been had today.

Jason Broyles- Was discussed before, but it was before I got involved with the OUDPC. Will look at historical notes to see what was discussed.

Jim Collins- At this point, A and B is the proposed language we are settling on?

Jason Broyles- Top section is Kentucky law, bottom section of what was sent over as proposed. Sees the need for re-wording based on today's discussion.

Jim Collins- Get together with Jason, and Mike. Will not be able to make the OUDPC meeting next week.

Dave Coniglio- This isn't ready to be proposed yet is it?

Jim Collins- No, it is not ready to go out yet.

Jason Broyles- Size and scope, expiration date could be ready to go out for a 45-day review. White lining focus group should have something ready soon.

Jason Broyles motion to adjourn. Meeting adjourned at 1:59

