



**“Duties of the Excavator” Review Sub-Committee
2/17/2026**

Attendees: Brian Bedel, Brad Shoemaker, Davy Myers, Brad Hegwood, Matt Hines, Griffin Weasel, Ben Oldaker, Greg Vergamini, Russell Johnson, Jim Wooten, Jim Mander, Scott Mergler, Les Schell, Clayton Heitz, Greg First, Justin Fruedeman, Jimmy Stewart, Jim Collins, James Finucan, Johnny Henson, Mike Wartko, Will Cramblett, Dave Coniglio, Mike Burroughs, Lawrence Hampton, Brian Holden, Patrick Wiltshire, Deborah Harris, Al Tonetti, Deron Large, Brent St. Clair, Chris Russ, Wendi Snyder, Richard Thompson, Michael Evans, Larry Harley, Jason Broyles

Opening comments offered by co-chairs. Intent of subcommittee discussed. (Please see on page 3). Specifically focusing on ORC 3781.30:

(B)(1): “Non-Destructive”: Currently seeing issues in field during the permitting process where municipalities are denying access to local utility owners to pot hole in roadway stating that potholing is destructive to roadway system. Look at definition of non-destructive manner and discuss.

(B)(2): Discuss to find clarity around distance from utility as it pertains to directional drilling. Current legislation states that *“Expose all parallel underground utility facilities in a nondestructive manner at the beginning and end of each trenchless excavation to the installation depth of the new facility. If the proposed alignment is within the tolerance zone of any parallel underground utility facility, the underground utility facility shall be exposed every one hundred feet.”*

(B)(3): Add “12 inches” to language

Mike Burroughs commented that he can see both sides of the coin when looking specifically at potholing sewer systems or using a method of popping lids to confirm depth by top and bottom of pipe. Has concerns that assumptive behavior (it is 13’ in this location so assumption being made that it maintains the same depth for entirety of run) could lead to damages. Feels that we may be opening a door that will lead to complacency.

Dave Coniglio added that the depth of pipe should be sufficient to fulfill the requirement of maintaining the minimum 12” clearance as mandated in ORC 3781.27(E)(4). If installation is occurring at 36” and pipe is confirmed deeper than that, why would I need to go any deeper?

Will Cramblett stated that the potholing is to ensure that the 12" clearance is maintained throughout the project as depth of existing underground utility does vary

Jim Collins commented on (B)(2) stating that having to spot the utility every 100' is a tight window and feels we should look at expanding the distance requirements.

Jim Manderer added that Enbridge has internal policies that are more stringent than the ORC. Provides example of 18"- 3' requires every 50'; 3' – 5' requires every 100'.

Will Cramblett agrees this would be a good starting point.

Jim Manderer starts to discuss "nondestructive manner" and asks the group if they feel roadways could be excluded. Asks for input from Municipalities, Twps, ODOT, Engineers or any other entity that ownership responsibilities with the roadways.

Greg Vergamini stated that he would have to discuss with his internal folks and will report back to subcommittee.

Mike Wilson asks if there should be language considered specific to road/hard surface excavation and if so, would it be through definitions or where could that type of language be housed within the ORC?

Matt Hines states that adding too many parameters could lead to more confusion in the field and adds a word of caution surrounding that point. Agreement with the importance of this conversation but doesn't want to cause any additional confusion.

Jim Manderer shared with subcommittee some possible starting language (see wording on page 4)

Mike Burroughs comments that consideration should be given to adding "closest to or next available" to 1a.

Jim Manderer asks if this just speaks to HDD, if that makes it any more palatable?

Mike Burroughs responds that it does, but it doesn't. Continues by stating that he is thinking of worst-case scenarios and adding that specification alleviates some of the concerns but not all.

Brent St. Clair added that language specifying prior authorization from utility owner prior to popping lids should be included in the language. We need to ensure that proper communications are still taking place with the utility owners.

Jim Manderer asks to hear from organizations that own/operate sewer systems (primarily gravity fed) and hear their thoughts. (Jason Broyles to reach out and compile list of

owner/operator's and provide to co-chairs as well as attempt to get them in attendance at next subcommittee meeting.)

Brad Shomaker stated that especially for those with large systems, it would be a big lift to get permissions to start opening sewer manholes.

Jim Mander asks Brad for his opinion on minimum clearances. Brad states the 5' would probably work for gravity lines, but not for forced systems.

Conversation ensues on possible trespassing issues that could arise from opening a utility appurtenance without authorization as well as the safety aspect surrounding untrained individuals accessing. Also points are made as to the risk to existing utility lines in the system if the lid were to be dropped on them and if the lid is not put back correctly causing an accident, where would that fall? Jim Mander asks which is more problematic: Tearing up a street or getting utility authorization to access sewer system?

Meeting concludes. Next meeting scheduled for March 17, 2026.

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Section 3781.30 (B) (1) and (2) “Duties of excavator”

(B) When utilizing trenchless excavation methods, the excavator must comply with the following requirements, in a manner consistent with division (A) of this section:

(1) Expose and confirm all underground utility facilities at each crossing point by the proposed excavation in a nondestructive manner to the installation depth of the new facility;

(2) Expose all parallel underground utility facilities in a nondestructive manner at the beginning and end of each trenchless excavation to the installation depth of the new facility. If the proposed alignment is within the tolerance zone of any parallel underground utility facility, the underground utility facility shall be exposed every one hundred feet.

(3) Ensure that the final product installation maintains the proper clearances of existing underground utility facilities as determined pursuant to division (E)(4) of section 3781.27 of the Revised Code.

(B) (1) and (2) – Nondestructive manner – What is this definition? Some municipalities are interpreting this to mean breaking concrete/asphalt. I do not believe this was the intent. I would like to discuss the intent and adjust accordingly to clarify expectations.

(B) (2) – At what point is a facility running parallel not required to be potholed? This just states parallel, but what if it is 50 feet away? 100 feet away? Are you still required to pothole?

(B) (1) and (2) – If a minimum (open for discussion) clearance can be verified, can the pothole requirements be optional? For example, if the depth of a sewer can be verified by popping sewer lids to be 12 feet deep in the middle of the road. Why would an excavator be required to pothole if they were

running a drop perpendicular at 36 inches deep? Can we come up with some sort of language around verifying depths by other means and minimum clearances for the potholing requirements?

Proposed Sewer Crossing Potholing Exemption

Potholing may be exempt when crossing a sewer mainline when utilizing HDD (horizontal directional drill) method of installation, provided all of the following conditions are met:

1. Depth Verification
 - a. Sewer manhole lids are available upstream and downstream of the excavation to determine the depth of the sewer line.
2. Minimum Vertical Clearance
 - a. The excavator must ensure a minimum vertical separation of five feet (5') between:
 - i. The bottom of the new facility being installed, and
 - ii. The top of the existing sewer line.
 - iii. If there is a difference in sewer depth readings between the upstream and downstream sides of the excavation, the shallower depth shall be used in calculating the vertical clearance.
3. Method Restriction
 - a. This exemption does not apply when using:
 - i. Pneumatic "bullets" (impact moling),
 - ii. Jacking methods, or
 - iii. Any HDD-adjacent method without active steering capability. **(Do we need to add HDD to the definitions, to include steerable drill head with a controlled bore path tracked in real time?)**

If the required five feet (5') of vertical clearance cannot be maintained, a potholing exemption may still be granted if all of the following additional conditions are met:

1. Minimum Acceptable Clearance
 - o A minimum vertical clearance of three feet (3') must be maintained between the new installation and the top of the sewer line.
2. Post-Installation Condition Assessment
 - o Upon completion of the installation, the excavator must:
 - run a video camera (CCTV) through the sewer mainline, and
 - verify that the sewer line has not been cracked, displaced, deformed, or otherwise negatively impacted by the HDD activity.

Question – do we need to address minimum cover expectations for all utilities, or is all of this covered elsewhere?