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**136th General Assembly**  
**Regular Session**  
**2025-2026**

**Sub. H. B. No. 227**

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To amend sections 153.64, 3781.25, 3781.26,  
3781.261, 3781.27, 3781.271, 3781.28, 3781.29,  
3781.30, and 4913.01 of the Revised Code to  
modify excavation requirements.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 153.64, 3781.25, 3781.26,  
3781.261, 3781.27, 3781.271, 3781.28, 3781.29, 3781.30, and  
4913.01 of the Revised Code be amended to read as follows:

**Sec. 153.64.** (A) As used in this section:

(1) "Public improvement" means any construction,  
reconstruction, improvement, enlargement, alteration, or repair  
of a building, highway, drainage system, water system, road,  
street, alley, sewer, ditch, sewage disposal plant, water works,  
and all other structures or works of any nature by a public  
authority.

(2) "Public authority" includes the following:

(a) The state, or a county, township, municipal  
corporation, school district, or other political subdivision;



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(b) Any public agency, authority, board, commission, 18  
instrumentality, or special district of or in the state or a 19  
county, township, municipal corporation, school district, or 20  
other political subdivision; 21

(c) A designer as defined in section 3781.25 of the 22  
Revised Code who is acting on behalf of any entity described in 23  
division (A)(2)(a) or (b) of this section. 24

(3) "Underground utility facilities" includes any item 25  
buried or placed below ground or submerged under water for use 26  
in connection with the storage or conveyance of water or sewage; 27  
or electronic, telephonic, or telegraphic communications; 28  
electricity; petroleum products; manufactured, mixed, or natural 29  
gas; synthetic or liquified natural gas; propane gas; or other 30  
substances. "Underground utility facilities" includes, but is 31  
not limited to, all operational underground pipes, sewers, 32  
tubing, conduits, cables, valves, lines, wires, manholes, and 33  
attachments, whether owned by any public or private or profit or 34  
nonprofit person, firm, partnership, company, corporation, joint 35  
stock association, joint venture, or voluntary association, 36  
wherever organized or incorporated, except for a private septic 37  
system in a single- or multi-family dwelling utilized only for 38  
that dwelling and not connected to any other system. 39

(4) "Protection service" means a notification center not 40  
an owner of an underground utility facility that complies with 41  
the following: 42

(a) It exists for the purpose of receiving notice from 43  
public authorities and from other persons that plan to prepare 44  
plans and specifications for, or engage in, public improvements 45  
involving digging, blasting, excavating, or other underground 46  
construction activities; 47

(b) It distributes the information described in division 48  
(A) (4) (a) of this section to its members and participants; 49

(c) It has registered by March 14, 1989, with the 50  
secretary of state and the public utilities commission under 51  
former division (F) of this section as it existed on that date. 52

(5) "Construction area" means the area delineated on the 53  
plans and specifications for the public improvement within which 54  
the work provided for in the contract will be performed. 55

(6) "Interstate gas pipeline" means an interstate gas 56  
pipeline subject to the "Natural Gas Pipeline Safety Act of 57  
1968," 49 U.S.C. 1671, as amended. 58

(7) "Interstate hazardous liquids pipeline" means an 59  
interstate hazardous liquids pipeline subject to the "Hazardous 60  
Liquid Pipeline Safety Act of 1979," 49 U.S.C. 2002, as amended. 61

(B) (1) In any public improvement which may involve 62  
underground utility facilities, the public authority, prior to 63  
preparing plans and specifications, shall contact a protection 64  
~~service and any owners of underground utility facilities that~~ 65  
~~are not members of a protection service~~ for the existence and 66  
location of all underground utility facilities within the 67  
construction area. 68

(2) If requested by the public authority, each owner of 69  
underground utility facilities within the construction area, 70  
other than real property owners listed in divisions (C) (1) to 71  
(4) of section 3781.25 of the Revised Code, shall do one of the 72  
following within ten days of receiving notice from the public 73  
authority or a protection service: 74

(a) Mark the location of the underground utility 75  
facilities, other than those facilities serving single-family or 76

two-, three-, or four-unit dwellings, within the construction 77  
area in accordance with the marking standards described in 78  
division (C) of section 3781.29 of the Revised Code; 79

(b) Provide digital or paper drawings, or both, that meet 80  
both of the following requirements: 81

(i) They are drawn to scale and include locatable items. 82  
Locatable items may include poles, pedestals, back of curb, 83  
sidewalk, edge of pavement, centerline of ditch, property lines, 84  
and other similar items. 85

(ii) They depict the location of the underground utility 86  
facilities. 87

(3) If the public improvement is within six hundred sixty 88  
feet of the center point of any interstate hazardous liquid 89  
pipeline or interstate gas pipeline, the pipeline operator shall 90  
provide to the public authority all of the following: 91

(a) A written notice of any special notification 92  
requirements; 93

(b) The location and description of any right-of-way 94  
associated with the pipeline as well as pipeline location 95  
information, such as providing documents reflecting the actual 96  
location of the pipeline, marking facilities on design drawings, 97  
and providing maps; 98

(c) Contact information for the primary contact person for 99  
the project area. 100

Compliance with divisions (B) (2) and (3) of this section 101  
does not relieve an owner of underground utility facilities from 102  
compliance with the marking requirements of section 3781.29 of 103  
the Revised Code. 104

(4) The public authority shall include, in the plans and 105  
specifications for such improvement, the identity and location 106  
of the existing underground utility facilities located in the 107  
construction area as provided to the public authority by the 108  
owner of the underground utility facility and the name, address, 109  
and telephone number of each owner of any underground utility 110  
facilities in the construction area ~~that does not subscribe to a~~ 111  
~~protection service.~~ 112

(a) If the public authority is notified that the 113  
improvement is within six hundred sixty feet of the center point 114  
of any interstate hazardous liquid pipeline or interstate gas 115  
pipeline, the public authority shall also include in the plans 116  
and specifications for the project all of the following: 117

(i) Any special notification requirements; 118

(ii) The name and contact information of the primary 119  
contact person for each pipeline operator who has provided 120  
notice to the public authority under division (B) (3) of this 121  
section; 122

(iii) Notice stating that the public authority has 123  
utilized reasonable means to contact the pipeline operator to 124  
verify the location of the pipeline and pipeline right-of-way; 125

(iv) Notice that the public authority has reviewed, or has 126  
attempted to review, preliminary information about the public 127  
improvement with the pipeline operator and incorporated the 128  
requested adjustments into the plans. 129

(b) For purposes of division (B) (4) (a) (iii) of this 130  
section, a public authority who provides notice to the 131  
protection service in accordance with division (B) (1) of this 132  
section is deemed to have utilized reasonable means to contact 133

the operator of the pipeline. 134

(5) Any anticipated temporary or permanent relocation of 135  
underground utility facilities deemed necessary by the public 136  
authority shall be negotiated or arranged by the public 137  
authority with the owners of the underground utility facilities 138  
prior to the start of construction. If a temporary or permanent 139  
relocation of utility facilities is necessary, the owner of the 140  
underground utility facility shall be given a reasonable time to 141  
move such utility facilities unless the contractor to whom the 142  
contract for a public improvement is awarded or its 143  
subcontractor agrees with the owner of the underground utility 144  
facility to coordinate relocation with construction operations. 145

(6) The public authority, within ten calendar days after 146  
award of a contract for a public improvement, shall notify in 147  
writing all owners of underground utility facilities known to be 148  
located in the construction area of the public improvement of 149  
the name and address of the contractor to whom the contract for 150  
the public improvement was awarded. Where notice is given in 151  
writing by certified mail, the return receipt, signed by any 152  
person to whom the notice is delivered, shall be conclusive 153  
proof of notice. 154

(C) The contractor to whom a contract for a public 155  
improvement is awarded or its subcontractor, at least two 156  
working days, ~~excluding Saturdays, Sundays, and legal holidays,~~ 157  
~~but no more than ten working days,~~ not including the day of the 158  
notification, but not more than sixteen calendar days prior to 159  
commencing construction operations in the construction area 160  
which may involve underground utility facilities, shall cause 161  
notice to be given to ~~a the protection service and the owners of~~ 162  
~~underground utility facilities shown on the plans and~~ 163

~~specifications who are not members of a protection service.~~ The 164  
owner of the underground utility facility, within ~~forty-eight~~ 165  
~~hours, excluding Saturdays, Sundays, and legal holidays, after~~ 166  
~~notice is received~~ at least two working days, not including the 167  
day of the notification, shall stake, mark, or otherwise 168  
designate the location of the underground utility facilities in 169  
the construction area in such a manner as to indicate their 170  
course together with the approximate depth at which they were 171  
installed. 172

(D) If the public authority fails to comply with the 173  
requirements of division (B) of this section, the contractor to 174  
whom the work is awarded or its subcontractor complies with the 175  
requirements of division (C) of this section, and the contractor 176  
or its subcontractor encounters underground utility facilities 177  
in the construction area that would have been shown on the plans 178  
and specifications for such improvement had a protection service 179  
~~or owner of the underground utility facility who is not a member~~ 180  
~~of a protection service whose name, address, and telephone~~ 181  
~~number is provided by the public authority~~ been contacted, then 182  
the contractor, upon notification to the public authority, is 183  
entitled to an increase to the contract price for itself or its 184  
subcontractor for any additional work that must be undertaken or 185  
additional time that will be required and is entitled to an 186  
extension of the completion date of the contract for the period 187  
of time of any delays to the construction of the public 188  
improvement. 189

In the event of a dispute as to the application of this 190  
section, procedures may be commenced under the applicable terms 191  
of the construction contract, or if the contract contains no 192  
provision for final resolution of the dispute, pursuant to the 193  
procedures for arbitration in Chapter 2711. of the Revised Code. 194

This section does not affect rights between the 195  
contractors and the public authority for any increase in 196  
contract price or additional time to perform the contract when 197  
the public authority complies with division (B) of this section. 198

Any public authority who complies with the requirements of 199  
division (B) of this section and any contractor or its 200  
subcontractor who complies with the requirements of division (C) 201  
of this section shall not be responsible to the owner of the 202  
underground utility facility if underground utility lines are 203  
encountered not as marked in accordance with the provisions of 204  
division (C) of this section by the owner of the underground 205  
utility facility, unless the contractor or its subcontractor has 206  
actual notice of the underground utility facility. Except as 207  
noted in this division, this section does not affect rights 208  
between the contractor or its subcontractor and the owner of the 209  
underground utility facility for failure to mark or erroneously 210  
marking utility lines. The public authority shall not make as a 211  
requirement of any contract for public improvement any change in 212  
responsibilities between the public authority and the owners of 213  
the underground utility facilities in connection with damage, 214  
injury, or loss to any property in connection with underground 215  
utility facilities. 216

The contractor or its subcontractor shall alert 217  
immediately the occupants of nearby premises as to any emergency 218  
that the contractor or subcontractor may create or discover at 219  
or near such premises. The contractor or its subcontractor shall 220  
report immediately to the owner or operator of the underground 221  
facility any break or leak on its lines or any dent, gouge, 222  
groove, or other damage to such lines or to their coating or 223  
cathodic protection, made or discovered in the course of their 224  
excavation. 225



(E) This section does not affect rights between the public 226  
authority and the owners of the underground utility facilities 227  
for responsibility for costs involving removal, relocation, or 228  
protection of existing underground utility facilities, or for 229  
costs for delays occasioned thereby. 230

**Sec. 3781.25.** As used in sections 3781.25 to 3781.38 of 231  
the Revised Code: 232

(A) "Protection service" means a notification center, but 233  
not an owner of an individual utility, that exists for the 234  
purpose of receiving notice from persons that prepare plans and 235  
specifications for or that engage in excavation work, that 236  
distributes this information to its members and participants, 237  
and that has registered by March 14, 1989, with the secretary of 238  
state and the public utilities commission of Ohio under former 239  
division (F) of section 153.64 of the Revised Code as it existed 240  
on that date. 241

(B) "Underground utility facility" includes any item 242  
buried or placed below ground or submerged under water for use 243  
in connection with the storage or conveyance of water or sewage; 244  
electronic, or telephonic communications; television signals; 245  
electricity; crude oil; petroleum products; artificial or 246  
liquefied petroleum; manufactured, mixed, or natural gas; 247  
synthetic or liquefied natural gas; propane gas; coal; steam; 248  
hot water; or other substances. "Underground utility facility" 249  
includes all operational underground pipes, sewers, tubing, 250  
conduits, cables, valves, lines, wires, worker access holes, and 251  
attachments, owned by any person, firm, or company. "Underground 252  
utility facility" does not include a private septic system in a 253  
one-family or multi-family dwelling utilized only for that 254  
dwelling and not connected to any other system. 255

(C) "Utility" means any owner or operator, or an agent of 256  
an owner or operator, of an underground utility facility, 257  
including any public authority, that owns or operates an 258  
underground utility facility. "Utility" does not include the 259  
owners of the following types of real property with respect to 260  
any underground utility facility located on that property: 261

(1) The owner of a single-family or two-, three-, or four- 262  
unit residential dwelling; 263

(2) The owner of an apartment complex; 264

(3) The owner of a commercial or industrial building or 265  
complex of buildings, including but not limited to, factories 266  
and shopping centers; 267

(4) The owner of a farm; 268

(5) The owner of an exempt domestic well as defined in 269  
section 1509.01 of the Revised Code. 270

(D) "Approximate location" means the immediate area within 271  
the perimeter of a proposed excavation site where the 272  
underground utility facilities are located. 273

(E) "Tolerance zone" means the site of the underground 274  
utility facility including the width of the underground utility 275  
facility plus eighteen inches on each side of the facility. 276

(F) "Working days" ~~excludes Saturdays, Sundays, begin at~~ 277  
midnight, end at eleven fifty-nine p.m. on the same date, and 278  
exclude weekends and legal holidays as defined in section 1.14 279  
of the Revised Code and "hours" excludes hours on ~~Saturdays,~~ 280  
~~Sundays, weekends~~ and legal holidays. 281

(G) "Designer" means an engineer, architect, landscape 282  
architect, contractor, surveyor, or other person who develops 283

plans or designs for real property improvement or any other 284  
activity that will involve excavation. 285

(H) "Developer" means the person for whom the excavation 286  
is made and who will own or be the lessee of any improvement 287  
that is the object of the excavation. 288

(I) "Excavation" means the use of hand tools, powered 289  
equipment, or explosives to move earth, rock, or other materials 290  
in order to penetrate or bore or drill into the earth, or to 291  
demolish any structure whether or not it is intended that the 292  
demolition will disturb the earth. "Excavation" includes such 293  
agricultural operations as the installation of drain tile, but 294  
excludes agricultural operations such as tilling that do not 295  
penetrate the earth to a depth of more than twelve inches. 296  
~~"Excavation" excludes any activity by a governmental entity~~ 297  
~~which does not penetrate the earth to a depth of more than~~ 298  
~~twelve inches.~~ "Excavation" excludes coal-mining and reclamation 299  
operations regulated under ~~Chapter~~ Chapters 1513. and 1514. of 300  
the Revised Code and rules adopted under it. "Excavation" 301  
excludes all of the following activities when performed in the 302  
public or utility right-of-way: 303

(1) Milling and grinding of road surfaces up to the 304  
following depths without penetrating the earth or sub-base: 305

(a) For interstate routes, twelve inches; 306

(b) For multi-lane routes outside of municipal 307  
corporations, whether divided or undivided, six inches; 308

(c) For multi-lane divided routes inside municipal 309  
corporations, six inches; 310

(d) For all other roadways, six inches. 311

(2) Utility wood pole inspection utilizing hand tools to 312  
excavate to a depth that does not penetrate the earth more than 313  
twelve inches and working on the clear side of poles, greater 314  
than ninety degrees from any risers; 315

(3) Tilling for sowing of grass and wildflower coverings 316  
to a depth that does not penetrate the earth more than four 317  
inches for erosion control or beautification purposes; 318

(4) Placement of temporary signage, without penetrating 319  
the earth more than four inches; 320

(5) Localized pavement repairs on all areas outside 321  
municipal corporations, without penetrating the earth or sub- 322  
base, to a depth not greater than twelve inches; 323

(6) Any activity conducted solely in response to a valid 324  
notification, provided that such activity is performed 325  
exclusively by means of hand tools. This exemption shall apply 326  
irrespective of whether the activity occurs within or outside 327  
the boundaries of a road right-of-way. If a transmission 328  
facility is within the scope of the notification, coordination 329  
between the responding party and the transmission facility owner 330  
must take place for this exemption to exist. 331

(7) Activities conducted entirely within twelve inches in 332  
any horizontal direction and twelve inches in any vertical 333  
direction from an existing, exposed, or visible utility 334  
appurtenances, as defined in division (Z) of this section, 335  
provided such activities are performed exclusively with hand 336  
tools and do not otherwise disturb the surrounding subsurface 337  
area. This exemption shall apply irrespective of whether the 338  
activity occurs within or outside the boundaries of the road 339  
right-of-way. 340

(J) "Excavation site" means the area within which 341  
excavation will be performed. 342

(K) "Excavator" means the person or persons responsible 343  
for making the actual excavation. 344

(L) "Interstate gas pipeline" means an interstate gas 345  
pipeline subject to the "Natural Gas Pipeline Safety Act of 346  
1968," 82 Stat. 720, 49 U.S.C. 1671, as amended. 347

(M) "Interstate hazardous liquids pipeline" means an 348  
interstate hazardous liquids pipeline subject to the "Hazardous 349  
Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 350  
2002, as amended. 351

(N) "Special notification requirements" means requirements 352  
for notice to an owner of an interstate hazardous liquids 353  
pipeline or an interstate gas pipeline that must be made prior 354  
to commencing excavation and pursuant to the owner's public 355  
safety program adopted under federal law. 356

(O) "Commercial excavator" means any excavator, excluding 357  
a utility as defined in this section, that satisfies both of the 358  
following: 359

(1) For compensation, performs, directs, supervises, or is 360  
responsible for the excavation, construction, improvement, 361  
renovation, repair, or maintenance on a construction project and 362  
holds out or represents oneself as qualified or permitted to act 363  
as such; 364

(2) Employs tradespersons who actually perform excavation, 365  
construction, improvement, renovation, repair, or maintenance on 366  
a construction project. 367

(P) "Person" has the same meaning as in section 1.59 of 368

the Revised Code and also includes a public authority. 369

(Q) "Positive response system" means an automated system 370  
facilitated by a protection service allowing a utility to 371  
communicate to an excavator the presence or absence of any 372  
conflict between the existing underground utility facilities and 373  
the proposed excavation site. 374

(R) "One-call notification system" means the software or 375  
communications system used by a protection system to notify its 376  
membership of proposed excavation sites. 377

(S) "Project" means any undertaking by a private party of 378  
an improvement requiring excavation. 379

(T) "Public authority" has the same meaning as in section 380  
153.64 of the Revised Code. 381

(U) "Improvement" means any construction, reconstruction, 382  
improvement, enlargement, alteration, or repair of a building, 383  
highway, drainage system, water system, road, street, alley, 384  
sewer, ditch, sewage disposal plant, water works, and all other 385  
structures or works of any nature. 386

(V) "Emergency" means an unexpected occurrence causing a 387  
disruption or damage to an underground utility facility that 388  
requires immediate repair or a situation that creates a clear 389  
and imminent danger that demands immediate action to prevent or 390  
mitigate loss of or damage to life, health, property, or 391  
essential public services. 392

(W) "Nondestructive manner" means using low-impact, low- 393  
risk technologies such as hand tools, or hydro or air vacuum 394  
excavation equipment. 395

(X) "Cable service provider" has the same meaning as in 396

section 1332.01 of the Revised Code. 397

(Y) "Electric cooperative" and "electric utility" have the 398  
same meanings as in section 4928.01 of the Revised Code. 399

(Z) "Utility appurtenances" means the physical components 400  
and legal rights attached to a property that are necessary for 401  
providing utility services such as water, electricity, gas, 402  
communications, and sewage. These include items like, but not 403  
limited to, utility poles, meters, valves, and electrical boxes, 404  
as well as easements that allow utility companies to access the 405  
property for installation, maintenance, and repair. They are 406  
essential for the property's use and typically transfer with 407  
ownership. 408

(AA) "Localized pavement repair" means repair of areas of 409  
pavement requiring deeper removal in order to correct a pavement 410  
deficiency that is not common or cannot be sufficiently repaired 411  
in the overall pavement milling area of work. 412

**Sec. 3781.26.** (A) Each utility that owns or operates 413  
underground utility facilities shall participate in and register 414  
the location of its underground utility facilities with a 415  
protection service that serves the area where the facilities are 416  
located. ~~A utility may elect to participate in the service on a 417  
limited basis and if it does so, it shall register the location 418  
of its underground utility facilities by identifying the 419  
municipal corporations, and outside the limits of a municipal 420  
corporation, the townships by county and, where applicable, the 421  
immediate geographic area in which it has facilities. The 422  
service shall establish reasonable fees for limited basis 423  
participants. 424~~

(B) Protection services, utilities, commercial excavators, 425

excavation equipment dealers, the public utilities commission of 426  
Ohio, the board of building standards, local law enforcement 427  
agencies, and fire departments should publicize the importance 428  
of ascertaining the location of underground utility facilities 429  
before excavating and the use of protection services to 430  
ascertain that information. 431

(C) A protection service shall maintain records of 432  
notifications received from developers, designers, and 433  
excavators, and of its notifications made to utilities, 434  
developers, designers, and excavators, under sections 3781.27 435  
and 3781.28 of the Revised Code. The records of a protection 436  
service shall identify by reference number, the notifications it 437  
received regarding a proposed excavation site, the notifications 438  
it provided regarding a proposed excavation site, and the date 439  
and time of each notification. 440

(D) Each utility fully participating in a protection 441  
service pursuant to this section shall also participate in its 442  
affiliated positive response system. ~~Each utility participating~~ 443  
~~in a protection service on a limited basis shall directly~~ 444  
~~communicate to the excavator the presence or absence of any~~ 445  
~~conflict between the existing underground utility facilities and~~ 446  
~~the proposed excavation site.~~ 447

**Sec. 3781.261.** (A) An excavator, contractor, utility, 448  
designer, engineer, developer, or utility locator that utilizes 449  
a protection service who has responsibility to the 811 450  
notification process shall obtain training in the protection of 451  
underground utility facilities. ~~An excavator, contractor, or~~ 452  
~~utility shall be deemed to have obtained that training if the~~ 453  
~~excavator, contractor, or utility is a member of a protection~~ 454  
~~service or a statewide association representing excavators,~~ 455



~~contractors, or utilities and the service or association~~ 456  
~~provides that training. An excavator, contractor, or utility~~ 457  
~~also may obtain the training from such a service or association~~ 458  
~~without becoming a member.~~ 459

(B) Employers shall provide training at the time of 460  
initial assignment. Retraining of each employee shall occur 461  
every five years thereafter, or whenever changes occur to 462  
Chapters 3781. or 4913. of the Revised Code. 463

(C) Employee training provided and training successfully 464  
completed shall be documented and retained by the employer. 465  
Employee training requirements shall include the following 466  
topics: 467

(1) The one-call OHIO811 notification process; 468  
(2) Responsibilities of utilities and excavators; 469  
(3) Positive response system; 470  
(4) The Ohio universal marking standards; 471  
(5) The laws and regulations described in sections 153.64 472  
and 3781.25 to 3781.34 of the Revised Code. 473

**Sec. 3781.27.** (A) In order to ascertain the name of each 474  
utility with underground utility facilities located at the 475  
proposed excavation site and the types and tolerance zones of 476  
those facilities based on current records of the utility, any 477  
developer who is planning a project that will require excavation 478  
or the designer employed by the developer for the project shall 479  
notify a protection service of the location of the proposed 480  
excavation site. 481

~~(B) Except in the case of limited basis participants, the~~ 482  
The protection service shall provide notice of the proposed 483

excavation to each participant in the service that has 484  
underground utility facilities in the area of the proposed 485  
excavation site. ~~Except as provided in section 3781.271 of the~~ 486  
~~Revised Code, in the case of limited basis participants, the~~ 487  
~~protection service shall notify the developer or the designer~~ 488  
~~employed by the developer of the name of each limited basis~~ 489  
~~participant with underground utility facilities within the~~ 490  
~~municipal corporation or township and county of the proposed~~ 491  
~~excavation site, and the developer or designer shall contact~~ 492  
~~that utility.~~ 493

(C) (1) Each utility that has any underground utility 494  
facilities in the area of the proposed excavation site shall 495  
notify the developer or the designer employed by the developer 496  
of the locations and description of the utility's underground 497  
utility facilities located at the proposed excavation site in 498  
accordance with division (C) (2) of this section. The utility 499  
shall make this notification within ten working days of 500  
receiving a notice under division (B) of this section or by a 501  
later date acceptable to the developer or designer and utility. 502  
If the proposed project is within six hundred sixty feet of the 503  
center point of an interstate hazardous liquid pipeline or an 504  
interstate gas pipeline, the utility shall provide written 505  
notice to the developer or designer of any special notification 506  
requirements and identify its primary contact person for the 507  
project area. 508

(2) If requested by the developer or the designer employed 509  
by the developer, each utility shall do one of the following in 510  
order to comply with the notification requirements of division 511  
(C) (1) of this section: 512

(a) Mark the location of the underground utility 513

facilities, other than those facilities serving single-family or 514  
two-, three-, or four-unit dwellings, at the proposed excavation 515  
site in accordance with the marking standards described in 516  
division (C) of section 3781.29 of the Revised Code; 517

(b) Provide digital or paper drawings, or both, that meet 518  
both of the following requirements: 519

(i) They are drawn to scale and include locatable items. 520  
Locatable items may include poles, pedestals, back of curb, 521  
sidewalk, edge of pavement, centerline of ditch, property lines, 522  
and other similar items. 523

(ii) They depict the location of the underground utility 524  
facilities. 525

(3) In the case of an interstate hazardous pipeline and an 526  
interstate gas pipeline, the utility shall also provide the 527  
location and description of any right-of-way associated with the 528  
underground utility facilities as well as pipeline location 529  
information, such as providing documents reflecting the actual 530  
location of the pipeline, marking facilities on design drawings, 531  
and providing maps. 532

Compliance with divisions (C)(2) and (3) of this section 533  
does not relieve a utility from compliance with the marking 534  
requirements of section 3781.29 of the Revised Code. 535

(D) The utility shall determine if any relocation, 536  
support, or removal, or protective steps beyond those described 537  
in divisions (A)(1) to (5) of section 3781.30 of the Revised 538  
Code are required in order to prevent disturbance or 539  
interference with the underground utility facilities during 540  
excavation. The utility shall determine whether it will permit 541  
the developer or the designer employed by the developer to make 542

those adjustments, and, if the adjustments are to be made by the 543  
utility, a reasonable amount of time necessary to make those 544  
adjustments. 545

(E) (1) Based on the information provided pursuant to 546  
division (C) of this section, the developer or the designer 547  
employed by the developer shall indicate the approximate 548  
locations of underground utility facilities either on or with 549  
the plans prepared for the project. The developer or designer 550  
shall include with the plans the names, addresses, and telephone 551  
numbers of utilities with underground facilities at the 552  
excavation site, ~~indicating which utilities are limited basis~~ 553  
~~participants~~; the name and telephone number of any appropriate 554  
protection service; and any required adjustments as described in 555  
division (D) of this section, including the reasonable time 556  
necessary for the utility to make those adjustments. In the case 557  
of an interstate hazardous liquid pipeline or an interstate gas 558  
pipeline, the developer or designer also shall include all of 559  
the following: 560

(a) Any special notification requirements; 561

(b) The name and contact information of the primary 562  
contact person for each pipeline operator who has provided 563  
notice to the developer or designer under division (C) (1) of 564  
this section; 565

(c) Notice stating that the developer or designer has 566  
utilized reasonable means to contact the pipeline operator to 567  
verify the location of the pipeline and pipeline rights-of-way. 568  
Developers and designers who provide notice to the protection 569  
service in accordance with division (A) of this section are 570  
deemed to have complied with the notification requirement under 571  
this division. 572

(d) Notice that the developer or designer has reviewed, or 573  
attempted to review, preliminary information about the proposed 574  
development with the pipeline operator and incorporated 575  
requested adjustments into the plans. 576

(2) (a) Except as otherwise provided in division (E) (2) (b) 577  
of this section, the developer or designer shall provide the 578  
plans to the commercial excavator prior to entering into a 579  
contract that involves such excavation. If the developer does 580  
not prepare written plans or have any written plans prepared, 581  
the developer shall otherwise provide the approximate locations, 582  
identifying information on the utilities, information on 583  
required adjustments, and any special notification requirements 584  
to the commercial excavator before excavation begins. 585

(b) When the developer is a utility, the utility shall 586  
provide either the plans or the approximate locations, 587  
identifying information on the utilities, information on 588  
required adjustments, and any special notification requirements 589  
to the excavator before excavation begins. 590

(3) The developer or designer shall design the project 591  
taking into account the approximate location of existing 592  
underground utility facilities in order to prevent, as far as is 593  
practicable, disturbance or interference with those facilities. 594

(4) When a project includes installation of new 595  
underground utility facilities, the developer or designer shall 596  
attempt to design the installation so that at least a twelve- 597  
inch clearance is provided between the facilities. No facility 598  
shall be installed with less than a twelve-inch clearance unless 599  
the owners of existing facilities are notified, in writing, 600  
prior to installation. 601

(F) (1) This section does not apply in the case of a 602  
utility making emergency repair to its own underground utility 603  
facility. 604

(2) This section does not apply in the case of the owner 605  
of the types of real property identified in divisions (C) (1) to 606  
(4) of section 3781.25 of the Revised Code, unless the owner 607  
employs a designer to make written plans for work that will 608  
involve excavation. If the owner employs a designer, the 609  
designer shall contact a protection service ~~and utilities that~~ 610  
~~are limited basis participants~~ in accordance with divisions (A) 611  
and (B) of this section, and shall include in or with the plans 612  
the information required under division (E) of this section. The 613  
owner shall provide that information to the excavator. 614

(G) A public authority, as defined in section 153.64 of 615  
the Revised Code, may withhold approval to a project until the 616  
requirements of this section have been satisfied by the 617  
developer and utility, as applicable. A public authority may 618  
rely solely upon the notice submitted under division (E) of this 619  
section when determining whether the requirements of this 620  
section have been satisfied for purposes of granting final 621  
approval of such development. A public authority is immune from 622  
liability related to the approval or construction of such 623  
development when the approval is based upon information as 624  
provided in this division. 625

**Sec. 3781.271.** (A) Beginning on July 1, 2013, each 626  
protection service shall reasonably modify its one-call 627  
notification system so as to permit the reasonable 628  
identification of the location of a proposed excavation site ~~in~~ 629  
~~a manner in which the protection service may then notify any~~ 630  
~~potentially affected limited basis participants~~. Each member of 631

a protection service, ~~including limited basis participants,~~ 632  
shall be responsible for providing current contact information 633  
to the protection service. 634

(B) The protection service shall create and maintain a 635  
centralized database for the purpose of collecting and tracking 636  
underground facility damage notifications made in accordance 637  
with divisions (A) (6), (7), and (8) of section 3781.30 of the 638  
Revised Code. 639

(C) Compiled, nonconfidential damage data shall be made 640  
publicly available on the protection service's web site for the 641  
purpose of improving excavation safety, damage prevention 642  
education, and transparency. 643

(D) (1) All reports made pursuant to divisions (A) (6) and 644  
(8) of section 3781.30 of the Revised Code shall be made 645  
available to the public utilities commission upon request. 646

(2) Information contained in such reports provided to the 647  
commission shall be held as confidential, except when disclosed 648  
under section 4901.16 of the Revised Code or when requested by 649  
the underground technical committee as part of a report prepared 650  
pursuant to section 4913.13 of the Revised Code. 651

**Sec. 3781.28.** (A) Except as otherwise provided in 652  
divisions (C), (D), (E), and (F) of this section, ~~at least~~ 653  
~~forty-eight hours but not more than ten working days before~~ 654  
~~commencing excavation,~~ at least two working days, not including 655  
the day of the notification, but not more than sixteen calendar 656  
days before commencing excavation, the excavator shall notify a 657  
the protection service of the location of the excavation site 658  
and the date on which excavation is planned to commence. 659

(B) On receipt of notice under division (A) of this 660

section, the protection service shall provide to each utility 661  
with underground utility facilities located at the excavation 662  
site, notice of the proposed excavation. 663

(C) In the case of an interstate hazardous liquids 664  
pipeline or interstate gas pipeline, the excavator shall comply 665  
with the special notice requirements of the public safety 666  
program of the owner of the pipeline as indicated in the plans 667  
or otherwise provided to the excavator in accordance with 668  
division (E) or (F) (2) of section 3781.27 of the Revised Code. 669

(D) If it has been determined pursuant to division (D) of 670  
section 3781.27 of the Revised Code that relocation, support, 671  
removal, or protective steps are necessary, the excavator shall 672  
provide earlier notice to the utility in order to provide the 673  
utility with reasonable time to coordinate making the 674  
adjustments with actual excavation. 675

(E) If an excavation will cover a large area and will 676  
progress from one area to the next over a period of time, the 677  
excavator shall provide written notice of excavation with 678  
projected timelines for segments of the excavation as the 679  
excavation progresses in order to coordinate the marking of 680  
underground utility facilities with actual excavation schedules. 681  
Under such circumstances, the utility and excavator shall 682  
determine a mutually agreed upon marking schedule based on the 683  
project schedule. Once such a schedule is established, the 684  
marking and notification requirements set forth in division (A) 685  
(1) of section 3781.29 of the Revised Code shall not apply. 686

(F) (1) In the case of a utility that is making an 687  
emergency repair to its own underground utility system or a 688  
governmental entity making an underground emergency repair to 689  
traffic control devices, as defined in section 4511.01 of the 690



Revised Code, used on any street or highway under the entity's 691  
jurisdiction, the utility or governmental entity shall notify a 692  
protection service ~~and each limited basis participant~~ of the 693  
excavation site. This notice need not occur before commencing 694  
excavation. 695

(2) In the case of an excavation at the site of real 696  
property of the type described in divisions (C) (1) to (4) of 697  
section 3781.25 of the Revised Code: 698

(a) If the owner of the property is the excavator, this 699  
section does not apply unless the excavation is planned for an 700  
area where a utility easement is located, a public right-of-way, 701  
or where utility facilities are known to serve the property. 702

(b) If the owner of the property employs an excavator, the 703  
excavator shall comply with the requirements of this section. If 704  
the owner did not employ a designer to make written plans, the 705  
excavator shall provide the notice required under this section 706  
to a protection service ~~and to each utility that is a limited-~~ 707  
~~basis participant in a protection service that has underground-~~ 708  
~~utility facilities within the municipal corporation or township-~~ 709  
~~and county of the excavation site, as indicated by the-~~ 710  
~~protection service.~~ 711

**Sec. 3781.29.** (A) (1) Except as otherwise provided in 712  
division (A) (2) of this section, within ~~forty-eight hours at~~ 713  
least two working days, not including the day of the 714  
notification, of receiving notice under section 3781.28 of the 715  
Revised Code, each utility shall review the status of its 716  
facilities within the excavation site, locate and mark its 717  
underground utility facilities at the excavation site in such a 718  
manner as to indicate their course, and report the appropriate 719  
information to the protection service for its positive response 720

system. If a utility does not mark its underground utility 721  
facilities or contact the excavator within that time, the 722  
utility is deemed to have given notice that it does not have any 723  
facilities at the excavation site. If the utility cannot 724  
accurately mark the facilities, the utility shall mark them to 725  
the best of its ability, notify the excavator using the positive 726  
response system that the markings may not be accurate, and 727  
provide additional guidance to the excavator in locating the 728  
facilities as needed during the excavation. 729

(2) In the case of an interstate hazardous liquids 730  
pipeline or an interstate gas pipeline, the owner of the 731  
pipeline shall locate and mark its pipeline within the time 732  
frame established in the public safety program of the owner. 733

(B) Unless a facility actually is uncovered or probed by 734  
the utility or excavator, any indications of the depth of the 735  
facility shall be treated as estimates only. (C) (1) Except as 736  
provided in division (C) (2) of this section, a utility shall 737  
mark its underground facilities using the following color codes: 738  
739

1

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| A | Type of Underground Utility<br>Facility         | Color                         |
|---|-------------------------------------------------|-------------------------------|
| B | Electric power transmission<br>and distribution | Safety red                    |
| C | Gas transmission and<br>distribution            | High visibility safety yellow |
| D | Oil transmission and                            | High visibility safety yellow |

|   |                                                     |                               |
|---|-----------------------------------------------------|-------------------------------|
|   | distribution                                        |                               |
| E | Dangerous materials, product lines, and steam lines | High visibility safety yellow |
| F | Telephone systems                                   | Safety alert orange           |
| G | Police and fire communications                      | Safety alert orange           |
| H | Cable television                                    | Safety alert orange           |
| I | Water systems                                       | Safety precaution blue        |
| J | Slurry systems                                      | Safety precaution purple      |
| K | Sewer lines                                         | Safety green.                 |

(2) All underground facilities shall be marked in 740  
accordance with the Ohio universal marking standards that are on 741  
file with the Ohio utilities protection service. Industry 742  
representatives serving on Ohio damage prevention councils shall 743  
review the marking standards every two years. 744

(D) Except as otherwise provided in divisions (E) and (F) 745  
of this section, prior to notifying a protection service of the 746  
proposed excavation, an excavator shall define and premark the 747  
approximate location. Proposed construction or excavation 748  
markings shall be made in white through the use of an industry- 749  
recognized method such as chalk-based paint, flags, stakes, or 750  
other method applicable to the specific site and when possible 751  
shall indicate the excavator's identity by name, abbreviation, 752  
or initial. 753

(E) (1) Before beginning an emergency excavation, or as 754

soon as possible thereafter, an excavator shall make every 755  
effort to notify a protection service of the excavation. In 756  
providing notification, the excavator shall provide, at a 757  
minimum: 758

(a) The name of the individual notifying the protection 759  
service; 760

(b) The name, address, any electronic mail address, and 761  
telephone numbers of the excavator; 762

(c) The specific location of the excavation site; 763

(d) A description of the excavation. 764

(2) Upon receiving the information set forth in division 765  
(E) (1) of this section, the protection service shall provide the 766  
excavator with a reference number and a list of utilities that 767  
the protection service intends to notify. The protection service 768  
shall immediately notify each utility that according to the 769  
registration information provided under section 3781.26 of the 770  
Revised Code has facilities located within the designated area 771  
of the emergency excavation. 772

(3) Any utility notified of an emergency excavation may 773  
inspect all of its underground utility facilities located at the 774  
emergency excavation site and may take any otherwise lawful 775  
action it considers necessary to prevent disturbance to or 776  
interference with its facilities during excavation. 777

(F) An excavator is not required to premark the 778  
approximate location of an excavation as provided in division 779  
(D) of this section in any of the following situations: 780

(1) The utility can determine the precise location, 781  
direction, size, and length of the proposed excavation site by 782

referring to the notification provided by the protection service 783  
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 784

(2) The excavator and the affected utility have had an on- 785  
site, preconstruction meeting for the purpose of premarking the 786  
excavation site. 787

(3) The excavation involves replacing a pole that is 788  
within five feet of the location of an existing pole. 789

(4) Premarking by the excavator would clearly interfere 790  
with pedestrian or vehicular traffic control. 791

**Sec. 3781.30.** (A) When making excavations using 792  
traditional or trenchless technologies, the excavator shall do 793  
all of the following: 794

(1) Maintain reasonable clearance between any underground 795  
facility and the cutting edge or point of powered equipment; 796

(2) Protect and preserve the markings of tolerance zones 797  
of underground utility facilities until those markings are no 798  
longer required for proper and safe excavations; 799

(3) When approaching and excavating within the tolerance 800  
zone of underground utility facilities with powered equipment, 801  
require an individual other than the equipment operator, to 802  
visually monitor the excavation activity for any indication of 803  
the underground utility facility; 804

(4) Conduct the excavation within the tolerance zone of 805  
underground utility facilities in a careful, prudent, and 806  
nondestructive manner, when necessary, in order to prevent 807  
damage; 808

(5) Excavate up to the total depth of the excavation to 809  
either determine the precise location of underground utility 810

facilities or verify that the total depth of excavation is free 811  
of such facilities; 812

(6) As soon as any damage is discovered, including gouges, 813  
dents, or breaks to coatings, cable sheathes, and cathodic 814  
protection anodes or wiring, report the type and location of the 815  
damage to the utility and the protection service and permit the 816  
utility a reasonable amount of time to make necessary repairs~~+~~. 817  
If the owner or operator of the utility facility is unknown, 818  
notification to the protection service satisfies the excavator's 819  
reporting requirement to the utility under this section. 820

(7) Immediately report to the utility, the protection 821  
service, and, if necessary, to the appropriate ~~law enforcement~~ 822  
~~agencies and fire departments~~ emergency response agencies by 823  
calling 9-1-1, any damage to an underground utility facility 824  
that results in escaping flammable, corrosive, explosive, or 825  
toxic liquids or gas, and take reasonable appropriate actions 826  
needed to protect persons and property and to minimize safety 827  
hazards until those agencies and departments and the utility 828  
arrive at the scene. If the owner or operator of the utility 829  
facility is unknown, notification to the protection service 830  
satisfies the excavator's reporting requirement to the utility 831  
under this section. 832

(8) In complying with divisions (A) (6) and (7) of this 833  
section, damage information reporting shall, at a minimum, 834  
include all of the following: 835

(a) The location or address where the damaged underground 836  
facility is located; 837

(b) The type of underground utility facility damaged, 838  
including the approximate size, material type and color, if 839

available; 840

(c) The approximate depth at which the damaged underground 841  
utility facility was encountered. 842

(B) When utilizing trenchless excavation methods, the 843  
excavator must comply with the following requirements, in a 844  
manner consistent with division (A) of this section: 845

(1) Expose and confirm all underground utility facilities 846  
at each crossing point by the proposed excavation in a 847  
nondestructive manner to the installation depth of the new 848  
facility; 849

(2) Expose all parallel underground utility facilities in 850  
a nondestructive manner at the beginning and end of each 851  
trenchless excavation to the installation depth of the new 852  
facility. If the proposed alignment is within the tolerance zone 853  
of any parallel underground utility facility, the underground 854  
utility facility shall be exposed every one hundred feet. 855

(3) Ensure that the final product installation maintains 856  
the proper clearances of existing underground utility facilities 857  
as determined pursuant to division (E) (4) of section 3781.27 of 858  
the Revised Code. 859

**Sec. 4913.01.** As used in this chapter: 860

(A) "Aggrieved person" means a person with duties and 861  
obligations under sections 153.64, ~~3781.27, and 3781.28~~ and 862  
3781.25 to 3781.32 of the Revised Code and divisions (A) and (B) 863  
of section 3781.26 of the Revised Code and who is directly 864  
involved with or impacted by the alleged compliance failure, as 865  
identified in the request for inquiry, of another person with 866  
duties and obligations under sections 153.64, ~~3781.27, and~~ 867  
~~3781.28~~ and 3781.25 to 3781.32 of the Revised Code ~~and~~ 868

~~divisions (A) and (B) of section 3781.26 of the Revised Code.~~ 869  
"Aggrieved person" includes any person when the alleged 870  
compliance failure is a failure to comply with the reporting 871  
requirements prescribed in divisions (A) (6) and (8) of section 872  
3781.30 of the Revised Code. 873

(B) "Compliance failure" means a failure to comply with 874  
any provision of sections 153.64, ~~3781.27, and 3781.28~~ and 875  
3781.25 to 3781.32 of the Revised Code ~~and divisions (A) and (B)~~ 876  
~~of section 3781.26 of the Revised Code.~~ 877

(C) "Designer," "developer," "excavation," "excavator," 878  
"one-call notification system," "person," "protection service," 879  
"underground utility facility", r, and "utility" have the same 880  
meanings as in section 3781.25 of the Revised Code. 881

**Section 2.** That existing sections 153.64, 3781.25, 882  
3781.26, 3781.261, 3781.27, 3781.271, 3781.28, 3781.29, 3781.30, 883  
and 4913.01 of the Revised Code are hereby repealed. 884