

Notification Timelines | ORC 3781.28 (A)



Utility Response Time - 2 Working Days

Amends 48-hour notification timeline to “...at least two working days, not including the day of the notification...”.



Excavation Start-by Date - 16 Calendar Days

Changes the mandated excavation start-by date from 10 working days to 16 calendar days.

Exemptions | as per ORC 3781.25 (I)

Exempt Activities, *when performed in the public or utility right-of-way**, include:

1. Milling and grinding of road surfaces, without penetrating the earth or sub-base:
 - o Interstate routes.....up to 12"
 - o Multi-lane routes outside of municipal corporations.....up to 6"
 - o Multi-lane divided routes inside municipal corporations.....up to 6"
 - o All other roadways.....up to 6"
2. Utility wood pole inspections, working on the clear side of poles and using hand tools.....up to 12"
3. Shallow tilling for erosion control or beautification.....up to 4"
4. Temporary signage placement.....up to 4"
5. Localized pavement repairs outside municipal corporations, without penetrating the earth or subbase.....up to 12"
6. Activities conducted solely **in response to** a valid notification
 - o Provided the activity solely uses hand tools
 - o *Such as: When the intent is to direct connect to a tracer wire to perform a locate.*
7. Activities **within twelve inches** of an existing, exposed, or visible utility appurtenance
 - o Provided the activity solely uses hand tools

*(6) and (7): “...shall apply irrespective of whether the activity occurs within or outside the boundaries of the road right-of-way...”

Training | ORC 3781.261

Employee training requirements shall be:

- The one-call OHIO811 notification process
- Responsibilities of utilities & excavators
- Positive Response system
- The Ohio Universal Marking Standards
- The laws & regulations described in sections 153.64 and 3781.25 to 3781.34 of the Revised Code

Requires employers to provide and document employees training. Must be completed every 5 years or whenever changes occur to Chapters 3781. or 4913. of the Revised Code.

ATTENTION - Compliance failure with:

- Training requirements
- Damage reporting requirements

are enforceable (as defined in ORC 4913.01)

Mandatory Damage Reporting | ORC 3781.30 (A)

(6) Damages must be reported to OHIO811 (the protection service) in addition to notifying the utility *

“As soon as any damage is discovered, including gouges, dents, or breaks to coatings, cable sheathes, and cathodic protection anodes or wiring, report the type and location of the damage to the utility and the protection service and permit the utility a reasonable amount of time to make necessary repairs...”

(7) Updates “law enforcement and fire department” to “emergency response agencies” *

(8) Compliance Requirements for Damage Reports Must Include:

- **Location** of the damaged underground facility
- **Type** of underground utility facility damaged (including size, material type, and color)
- **Approximate depth** at which the damaged underground utility facility was encountered

**ORC 3781.30 (A) (6) & (7) “...If the owner or operator of the [damaged] utility facility is unknown, notification to [OHIO811] satisfies the excavator’s reporting requirement to the utility...” OHIO811 will provide notice to the appropriate facility owner on the excavator’s behalf.*



HB 227 INFO

Damage Reporting Data | ORC 3781.271

New statutory language adds the following sections:

- (B) OHIO811 will collect and maintain a centralized database of underground facility damage notifications.
- (C) Compiled, nonconfidential damage data will be published on OHIO811’s web site.
- (D) Detailed reports will be available upon request to the Public Utilities Commission of Ohio (PUCO) and will remain confidential, except as permitted by law.

Definitions

ORC 4913.01

(A) Aggrieved Person

"Aggrieved person" includes **all who have a responsibility in the 811 process** who are directly involved in or impacted by the alleged compliance failure. This definition encompasses sections 153.64, 3781.25 to 3781.32, which include **training requirements and damage reporting**.

Furthermore, the definition of 'Aggrieved Person' is expanded to include anyone with knowledge of a compliance failure as defined in ORC 4913.01(B):

"...'Aggrieved person' includes any person when the alleged compliance failure is a failure to comply with the reporting requirements prescribed in divisions (A)(6) and (8) of section 3781.30 of the Revised Code."

(B) Compliance Failure

"'Compliance failure' means a failure to comply with any provision of sections 153.64 and 3781.25 to 3781.32 of the Revised Code."

ORC 3781.25

(F) Working Days

The updated definition establishes that a **working day begins at 12:00am and ends at 11:59pm** and excludes weekends and legal holidays, as defined in ORC 1.14

- Supports Notification Timeline Change: 48 hours → two working days (not including the day of the notification)



(I) Excavation

Updates the definition of excavation by:

- Removing the blanket exemption for governmental entities with a clearly defined list of low-risk exempted activities, applicable to the *entire industry*

See previous page for additional information of this definition, including exempted activities

This change restores Ohio's eligibility for federal grant funding through Pipeline and Hazardous Materials Safety Administration (PHMSA).

(Z) Utility Appurtenances

"'Utility appurtenances' means the physical components and legal rights attached to a property that are necessary for providing utility services..."

- This includes items that allow utility companies to access properties for installation, maintenance, and repair like, but not limited to: utility poles, meters, valves, electrical boxes, and pedestals.

(AA) Localized Pavement Repair

"'Localized pavement repair' means repair of areas of pavement requiring deeper removal in order to correct a pavement deficiency that is not common or cannot be sufficiently repaired in the overall pavement milling area of work."

Statutory Cleanup

The passage of HB 458 in the 129th General Assembly mandated all utility members to receive excavation notifications directly from the protection service, eliminating the need for the LBP membership type.

- This cleanup eliminates antiquated language and solidifies standards among all utility members, creating clearer communications between the utility and the excavator.



HB 227 INFO