

OUDPC Abandoned Lines Subcommittee

Minutes

10/8/2024

Call to Order/Opening Statements: Mary Logan So called meeting to order. Co-Chair Scott Tustin has announced that due to a shift in his position, he will not be able to continue serving as co- chair. Nominations made and accepted to fill roll. Seamus Mulligan was nominated and accepted the position.

Roll Call: Jim Wooten, Chuck Muller, Scott Mergler, Mary Logan So, Johnny Henson, James Kennedy, Les Schell, Jim Mandera, Jonathan Culbreath, John Kelly, Jim Collins, Seamus Mulligan, Rod Troxell, Lori Wade, James Finucan, Frank Riegler, Larn Chelius, Clayton Heitz, Dave Coniglio, Blake Ross, Brent St. Clair, Greg First, Deron Large, Casey Fritz, Jimmy Stewart, Mike Chadsey

Review/Approval of Minutes: Mary Logan So motioned to approve and was seconded by John Kelly. Motion passed with no opposition.

Abandoned Lines Discussion: Mary Logan So began the conversation by reminding everyone that we still need to focus on getting solid definitions for terms used in the industry relating to "abandoned lines" (ie: out of service, abandoned, abandoned in place, etc.).

Mary Logan So then introduced some language from other states (specifically Washington and Virginia) and reminded everyone that the group is looking at this from a "point forward" perspective.

> *Proposed language:*
>
> *Facility owners must maintain maps, drawings, diagrams, BIM information, or other records regarding the location of any underground facilities that have been abandoned, out-of-service, inactive, deactivated, disconnected or otherwise as of XX/XX/202X.*

All facilities, abandoned, out-of-service, inactive, deactivated, disconnected, or otherwise, are deemed the responsibility of the facility owner unless transfer or ownership is completed, submitted and approved by the PUCO. This information shall also be transferred, with accompanying map data, to the One Call Center for maintenance as a database of such lines. Excavators shall be furnished records of such potential conflicts during the submittal of a utility locate request.

Wherever feasible, abandoned, out-of-service, inactive, deactivated, disconnected, or otherwise should be removed from public right-of-way. All removal costs are ultimately the cost of the facility owner. Resulting damage from excavating activities around unmarked facilities is presumed to be the responsibility of the facility owner.

During conversation, Deron Large stated that he has issues with the third paragraph. Stated that this would be really difficult to obtain, especially with lead cables and other existing issues with current and abandoned lines. Mary Logan So responded with understanding the point and asks if it helps any that this is point forward so anything currently in the ground that is abandoned would not be affected by the language? Deron Large stated that it makes sense and could possibly help but would continue to be a struggle on the communications side. Seamus Mulligan added that the language could be more considerable if it stated, “lines in public right of way” in place of the current “wherever feasible”. Mary Logan So agreed that this could make the language more palatable.

Jim Mandara stated that this would come at a huge expense to the utilities and that Enbridge would not support. He also stated that part of their procedure is to remove all above ground access points when lines are abandoned.

Seamus Mulligan and Jim Mandera both agreed that the language stating removal of lines would have to be removed before any consideration could be given.

Jim Wooten comments that if the utilities providing the mapping, gps points, etc directly to the contractors would cause concerns that contractors might cut out, drill, or remove sections of line without having confirmation that the line is not active. Jim Wooten continued by stating that currently, damages resulting from unmarked facilities is presumed to be the responsibility of the facility owner and this could cause some contractors to act unsafely by the impression that they have no liability due to no marks.

Lori Wade added that she agrees with the prior comments that removing lines as they are abandoned is unrealistic and expensive and asks if this would also apply to distribution and service lines? Lori added that this would be extremely difficult to do past abandonments. Mary Logan So reminds the group again that this is being looked at from “point forward”. Mary also states that steps are being taken elsewhere to deal with this and we need to find what works for Ohio. Stated that any step forward is better than where we are today.

Lori Wade asks if it could be a shared cost or if PUCO grants could offset some of the costs? Agrees that we need to see movement at a state level, so the Federal Government (PHMSA) doesn't step in.

Mary Logan So stated that some of the work could be put back on the contractors by making it mandatory that they back report the location of unearthed abandoned lines to the notification center for mapping and future use.

Deron Large stated that this is two separate discussions, gas lines versus telecommunications. He added that he does not see an issue with organizations sharing mapping to OHIO811 to provide information to contractors. Can possibly support language if it does not require the removal of anything. Guarantees that utilities will not support any language mandating costs onto the utility. States that it will be difficult to find consensus without the legislation breaking down by utility type. Mary Logan So stated that she is not opposed to categorizing by utility type on this.

Chuck Muller stated that the group is looking at this the wrong way. People need to be required to maintain their Right of Way and that by using SUE on all projects, it would be possible to identify live versus inactive lines and would also knowing exactly where the new install will be going.

Jim Wooten stated that sending mapping to OHIO811 is agreeable. However, the removal of abandoned lines poses a greater issue. Continued by saying that he can see the value in removing when necessary but does not support in all cases and situations. Jim Wooten referenced a past project where AT&T was removing lines as they abandoned them and using the scrap copper to pay for the project. The result was the cost of this practice was still too steep and was discontinued.

Mary Logan So asks the group if they could discuss and possibly move forward with the language found in the first paragraph since that seems to be the most agreeable language currently. Also states that Governmentals, specifically municipalities, need to get more involved in this conversation and provide feedback. Mary asks if the group would be okay just focusing on the mapping and records for now and continuing the conversations surrounding the rest as we go? Lori Wade agrees.

Les Schell stated issues with all three paragraphs. Stated that there would be no problem with submitting maps/records to OHIO811 but could not support the removal of lines due to ownership reverting back to property owner and stated that once abandoned they have no right to be on the property.

Adjournment: Motion made, seconded, and carried with no opposition.