OUDPC Quarterly Meeting

5/30/2024

Minutes

Welcome: Co-Chairs Greg First and Michael Wilson called the meeting to order at 10:00 am. Greg First presented the evacuation and safety plan along with a review of the Guidelines of Engagement for the participants.

Roll Call: Frank Riegler, Al Tonetti, Jim Wooten, Joel Johnson, Blake Ross, Elizabeth Pyles, Drew Williams, Dave Coniglio, Lori Wade, Scott Tustin, Clayton Heitz, Seamus Mulligan, Chris Russ, Melving "Johnny" Henson, Les Schell, Alex McCann, Brad Shoemaker, Jim Weist, Jennifer Reams, Dominick Belser, Jim Mandera, Jim Collins, Patrick Murphy, Stephanie Kromer, Zachary Thayer, Casey Fritz, Jaime Gillen, Brandon Ottke, Bryon Bedel, Roger Lipscomb, Greg First, Mike Wilson, Jason Broyles, Jason Harvey

Approval of Minutes: Minutes from 2023 Q4 were reviewed. Mike Wilson motioned to accept as presented. Motion was seconded by Jim Wooten. Minutes accepted as presented with no opposition.

Subcommittee Reports:

- **Utility Coordination:** Jim Wooten and Clayton Heitz reported out on work being done by utility coordination subcommittee. Request made that subcommittee be permitted to create focus groups to start getting proposed language written to be submitted to subcommittee then to coalition after subcommittee comes to consensus. Focus groups to be comprised of volunteer members and will be created during the June 18, 2024, subcommittee meeting.

- Next Meeting date: June 18, 2024

- **Abandoned Lines:** Scott Tustin reported out on the work of the abandoned lines subcommittee. Reviews presentation that was given by Arizona811 on their unidentified lines program and the use of an "A" with a circle around it in the appropriate APWA color code for identifying abandoned lines. A lot of good information has been discussed at the subcommittee level; they are still working in the research phase and hope to start discussing what could work for Ohio based off of the past presentations/conversations with other states that currently have a program for abandoned/unidentified lines. Next subcommittee meeting scheduled for July 9, 2024, and plan to discuss the information presented by Arizona811 and what could be applicable in Ohio.

- Next meeting date: July 9, 2024

Discussion Group Report:

- **Training:** Report given by co-chairs Alex McCann and Brad Shoemaker. Last discussion group meeting was to review work done prior to the group getting halted due to COVID. Al Tonetti helped to carry the conversation as he is the only returning member of former group. Reported that there is general consensus that the current language found in ORC3781.261 is inadequate to meet the safety expectation in Ohio.

- NY811 process referenced. It is suggested that the training language be similar to the Ohio Universal Marking Standards to allow the industry to review and revise to keep training relevant to the industry as it changes without having to legislatively change every time.

- Mike Wilson questioned whether the group felt that it was in a position to be changed into a subcommittee. Co-chairs stated they were. Motion made by Scott Tustin to change the training

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discussion group into a subcommittee. The motion was seconded by Brad Shoemaker. Motion carried with no opposition.

- Next meeting date: June 11, 2024

Language Review: Mike Wilson asks for the group to review the language that was sent to Statehouse just to keep it fresh in everyone's mind. Although the group has already voted and moved forward on the language, it is important to continue reviewing and discussing. During the review, Jim Mandera questions the coalition on the exemptions list. The group feels that there is still work that can be done with the exemptions that consensus was not obtained and that it would be a disservice to the industry to just stop talking about them. Jim Wooten stated that this will be added to the June meeting agenda for the Utility Coordination subcommittee. Discussed how important it is to get the Ohio Township Association and the County Commissioners Association to reengage with this subcommittee due to the possible affects to their industry groups specifically. Jason Broyles to reach out and find out what it will take to get them back to the table for this discussion. Three specific exempted activities were referenced during this conversation: 1) Ditching, 2) Removal/Addition of Roadside Berm Material, 3) Utility Locating Practices.

The group then reviewed language surrounding ORC3781.28. The group felt that the language could be more concise. Conversation led group to decide to reword and submit rewording to the LSC. The rewording does not impact the intent and purpose of the changes so does not necessarily need to be recirculated to the masses at this time. However, any new language received back from LSC would be. Roger Lipscomb talks to the importance of being timely with this as there are current conversations attempting to get a supporter to the changes at the Statehouse and the importance of having everything buttoned up prior to the introduction. Chris Russ adds to the conversation by stating the language is what was sent back by LSC, not 100% what was submitted. The group worked on rewording ORC3781.28 with the following results:

> "(A) Except as otherwise provided in divisions (C), (D), (E), and (F) of this section, at least ~~forty-eight hours~~ two working days, not including the day of the notification, but not more than ~~ten working~~ sixteen calendar days before commencing excavation, the excavator shall notify ~~a~~ the protection service of the location of the excavation site and the date on which excavation is planned to commence, ~~not less than two working days, beginning one minute after midnight the next working day after the notification is generated, but not more than sixteen calendar days before commencing excavation~~

Focus of conversation then turned to revising definition of "Working Day" as found in ORC3781.25(F):

> "Working day" begins at 12:00 am, and ends at 11:59 pm of the same date, and excludes weekends and legal holidays as defined in section 1.14 of the Revised Code and "hours" excludes hours on weekends and legal holidays.

This language will be circulated to meeting attendees for final review prior to sending to LSC.

New Business:

- Brandon Ottke, DTS, brought up changes in locate practices that are leading to an unsafe environment for excavators. Brandon specifically discusses the changes recently made by Duke Energy Electric and them stopping the locating/marking of secondary electric lines and there being no communications to the general public/industry. Historically Duke Electric has located and marked up to the meter. During this conversation, it was reminded to the group that should the coalition decided to work on language mandating the locating/marking up to the meter, it would affect all utility groups and would not be directed at any one utility type. Scott Tustin educates

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participants on the history of how natural gas has to locate up to the meter even if they do not own the service line following mandates of PHMSA. OCA reported that they have received numerous phone calls regarding this topic from its members as well. Scott Tustin and Jim Mandera spoke to how this is an industry issue and is not a single entity issue. Participants agreed on the safety concerns surrounding this topic. The OUDPC decided that, at this time, there is not enough traction surrounding this to form a discussion group or subcommittee.

- No other new business brought forward

Legislative Update: Roger Lipscomb reported to the Coalition on where we are at with getting legislator sponsorship of the submitted language. Currently, meetings were held with Representative Robb Blasdel of District 79 with which there is probability of her sponsoring the bill. Representative Blasdel is the vice chair of House Public Utilities and has been working diligently surrounding the East Palestine train derailment. Roger emphasizes that the work being done by the Coalition assists in making changes easier on the legislators and all involved moving forward. Byers and Minton are working on conversations with other representatives should Robb Blasdel not have the bandwidth to sponsor. Roger also reported that there is a fare amount of infighting and gridlock of the legislators at this time and focuses on the importance of the bill getting introduced into the 2024 General Assembly.

Closing Statements/Adjournment: Greg First thanks everyone for their continued work and participation with the OUDPC. Thank you to OHIO811 for sponsoring the lunch for today's meeting and the Ohio Contractors Association for continuing to provide a meeting location for the group. Greg First motions for adjournment. Motion seconded by Jim Wooten and Patrick Murphy. Motion carries with no opposition. Meeting adjourned at 12:36 pm.

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