OHIO UNDERGROUND DAMAGE PREVENTION COALITION

UCP Subcommittee Meeting

June 23, 2021

Call Meeting to Order:

Introductions and Attendance (14):

Gene Barbour, Bryon Bedel, Peyton Hall, Joe Igel, Jeff Kursman, Mike Lawson, Mary Logan So, Jim Mandera, Seamus Mulligan, Kyle McLeod, Mark Niehe, Liz Pyles, Kevin Schimming, Les Schell, Scott Tustin

Recap:

Kevin Schimming provided an overview of the previous UCP Subcommittee discussions. Participants on the call reviewed the drafted language and agreed that this process continues to represent the best path forward to enhance safety, promote communication amongst stakeholders and provide clarification around certain provisions in the ORC. The Subcommittee agreed that the next step likely involves a broader conversation with the full Coalition and that there is a potential for opposition from stakeholder groups that may require further negotiation and compromise.

UTILITY COORDINATION PROJECT

Proposed Draft language added to an enforceable section of the law:

Excavation(s) that exhibit one or more of the components of a Utility Coordination Project (UCP) may be designated as such by a commercial excavator when a ticket is created or by a utility within one full working day of receiving a ticket(s) from a commercial excavator or utility. A utility, as defined in ORC 3781.25(C), whom designates an excavation as a UCP shall make this designation utilizing the positive response system and the protection service shall notify the commercial excavator that the designation has been made.

Upon designation as a UCP, the excavator and utility shall communicate to each other Project Related Information and agree to a marking schedule that coordinates utility markings with actual excavation activities and/or follow the UCP Best Practices on file with the Protection Service. The marking schedule shall be agreed to and documented by each party prior to the commencement of any excavation activity. The protection service may serve as repository for this information.

The excavator or utility, as defined in ORC 3781.25(C), may request a modification to the agreed upon marking schedule. Any modification to the marking schedule shall be agreed upon and documented by each party prior to it becoming effective.

Representatives of Commercial Excavators and Utilities, serving on Ohio Damage Prevention Councils, and at least one representative from the protection service shall review, and modify if needed, the UCP Best Practices every 2 years.

Discussion

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There continues to be broad-based support for the Utility Coordination Project (UCP) as defined to replace the existing "Large Project" language.

Could a "maximum size" be added that would trigger the UCP? "Size would continue to be one possible trigger of the large project, but not automatically. The subcommittee continues to support that complexity of locating efforts and number of utility conflicts is a much better indicator of the need to enter into the UCP process."

"Cooperation, Documentation, Communication and a Mechanism for Accountability – this process hits on all four points."

Would there be a need to redefine the 007 positive response code? If the current proposed language moves forward, with the positive response system serving as the mechanism to notify excavator of a utilities' desire to initiate the UCP, updates would likely be required.

There is continued concern with the continuing mislabeling and potential abuse of this process by third-party locators. "It needs to be enforceable to protect against abuse." "I think we all understand the potential for abuse, and minimizing that potential was a part of nearly every discussion."

"As a subcommittee, we need to determine if this process does more to enhance safety and communication amongst stakeholders, than it does to create opportunities for misuse or abuse. Essentially, does it solve more problems than it creates? We will revisit this point at the end of this meeting."

Also, excavators need to check positive response to know that the utility has designated a possible UCP. While this is the closing of the communications loop, we know many excavators don't review the responses. What can be done to address/confirm the excavator that never checks positive response? Is there a technological option that would auto generate an email to a contractor when an 007 is designated and/or require acknowledgement of the 007?

If a utility designates an 007, could there be a way to add contact information for the utility to the response. While tickets provide contact information for the excavator, no contact information is provided for the utilities. This is a challenge as contractors have no idea who to call/email and the CSRs at a contact center for a larger utility are completely unprepared to field these questions.

Can / should Ohio move toward allowing subcontractors to be added to a ticket like in Australia? This has the potential to alleviate excessive ticket volume. Example discussed relating to Energy Co-operatives where multiple contractors may be working on or competing for a given project.

SCOPE OF TICKET- CLARIFICATION AROUND WHITELINING

Likely added to 3781.25 (J) "Excavation site means the area within which excavation will be performed… *If an excavator indicates the excavation site has been pre-marked, they shall also be asked to indicate the number of pre-marked excavation locations and to specify any additional footages needed from each pre-marked location. When this information is provided, and included on the notice of proposed excavation that utilities receive, the excavation site/scope shall be the pre-marked area, along with any additional footage specified. If pre-marking is not indicated by the excavator, the excavation site/scope shall be as described on the notice of proposed excavation.*

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Discussion:
"Can a temporary drop by a contractor be accepted as white lining?"

This topic was discussed and determined to be outside of the scope of the subcommittee.

SCOPE OF TICKET- GEOGRAPHIC LIMITATIONS TO SIZE OF A TICKET

A locate request submitted to the protection service shall not be more than ¼ mile (1320 feet) in length.

Discussion:
"Would this limitation apply to design tickets or just 48-hour dig tickets?"

"If markings are requested – yes. If drawings/design schematics – no."

"If requested, marking requirements are different for Design tickets. Mains only (no services)… Utility owners have 10 days to mark."

"Shouldn't apply to design tickets as many design projects are significantly larger than ¼ mile. This is scope of ticket restriction should only be applied to 48-hour tickets."

"Define length vs. area. Is this a quarter mile in every direction?" – The subcommittee has previously discussed this issue as a square ¼ mile equates to 40 acres. "Maybe ¼ mile and '250 feet on either side of the road." "The majority of utilities are located in the right-of-way." For long road projects, keep as is."

TICKET LIFE- 30 DAY TICKET EXPIRATION

A ticket will be valid for 30-calendar days from the date of notification to the Protection Service, provided markings are visible and continue to clearly identify the approximate location and direction of underground utility facilities. If the markings are not visible and/or clear, the ticket is no longer valid, even if it has been less than 30 days since notifying the Protection Service. If excavation activity is required to extend past 30 calendar days, the excavator shall notify the protection service as required in 3781.28(A).

Discussion:

"The 30-day life helps clarify and is consistent for excavators, but there may be some opposition and the proposed language adds a terminal end to a ticket that doesn't currently exist."

TICKET LIFE- 16 DAY COMMENCEMENT OF EXCVATION REQUIREMENT

3781.28(A) Excavator notifying protection service or pipeline (A) except as otherwise provided in divisions (C), (D), (E) and (F) of this section, at least forty-eight hours, not including weekends and holidays, but not more than 16 calendar days before commencing excavation, the excavator shall notify a protection service of the location of the excavation site and the date on which excavation is planned to commence. If the excavation is not started within 16 calendar days, the ticket will be considered no longer valid.

Discussion:

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"What define a "start" or "commencement" of an excavation activity? "Penetration of the earth or demolition of structures."

Excavation is defined in 3781.25. When an activity occurs that meets that definition, excavation has commenced/started.

NEXT STEPS

Any changes will require extensive public education and outreach to stakeholders.

Although the Subcommittee identified items that may still need to be addressed/clarified, they agreed that the proposed changes are a significant step forward in providing a safer working environment through enhanced communication and stakeholder involvement. "These changes are likely to solve many more challenges than they create."

The Subcommittee reaffirmed their commitment to and support of these revisions.

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