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Vice-Chair Lear, Ranking Member McNally, and members of the House Commerce and Labor Committee. I am excited to be here today alongside my co-sponsor, Chair Johnson, to provide sponsor testimony on House Bill 227 – a safety driven piece of legislation that will update a number of provisions within the ORC that govern regulated excavation activities.

This bill will adjust the excavation notification timeline, enhancing public safety, and providing utilities and excavators with increased flexibility to ensure proper coordination. This language also updates the definition of “excavation”, to once again make Ohio eligible for federal grant funding through the US Department of Transportation.

These issues were brought to my attention by the Ohio Underground Damage Prevention Coalition – a group of industry leaders and stakeholders, committed to ensuring safe excavation practices.

This legislation would make two changes to the excavation commencement timeline. Under this bill, utility operators will have two working days – excluding the day of the call – rather than 48 hours to respond to excavation notices. This will give these operators a “true” 48 hours to respond to notices, and mark underground assets as required under ORC Section 3781.29. Furthermore, the excavation commencement timeline will extend from 10 working days to 16 calendar days, providing excavators with a more flexible timeline to begin development.

Additionally, in order to make Ohio eligible for federal grant funding from the US DOT through its office of Pipeline and Hazardous Materials Safety Administration (PHMSA), HB227 would update the definition of “Excavation”, removing the blanket exemption for specific entities. House Bill 227 will replace this blanket exemption, with a number of specific exempted activities, all of which occur at a depth of less than twelve inches. These specific exemptions will be as follows:

1. Milling and grinding of asphalt road surfaces without penetrating the earth to a depth greater than four inches, **except for** pulverizing activities, activities at signalized intersections, and activities where signal or environmental sensors may be present;
2. Utility wood pole inspection utilizing hand tools to excavate to a depth that does not penetrate the earth more than twelve inches and working on the clear side of poles, greater than ninety degrees from any risers;
3. Tilling for sowing of grass and wildflower coverings to a depth that does not penetrate the earth more than four inches for erosion control or beautification purposes;
4. Placement of temporary signage, without penetrating the earth more than four inches.

This language has been agreed to by the membership of the OUDPC, and aims to keep Ohioans safe, provide ample flexibility for those engaging in excavation activities, and ensure Ohio can benefit from grant dollars which promote pipeline safety.

Prior to becoming ineligible for the prevention grants administered through PHMSA, Ohio had received \$150K to develop, implement and promote the Ohio Universal Marking Standards. By regaining eligibility for these dollars, Ohio can continue to promote and support safe excavation practices.

Finally, this bill eliminates references to Limited Basis Participants (LBPs) from the ORC. LBPs are an outdated class of utility operator that is no longer relevant to the industry after the passage of HB458 during the 129th General Assembly.

In closing, this bill makes three changes that will ensure underground assets, and the citizens that reside near them, benefit from a safe and reliable excavation process. I would like to thank the committee for your attention to this matter and we'd be happy to answer your questions.