

November 5, 2025

The Honorable Shane Wilkin  
Chair, Senate Public Utilities Committee  
Ohio Senate  
1 Capital Square  
Columbus, Ohio 43215-4275

Re: Proponent Testimony- HB 227 (Rep Blasdel and Rep Johnson)

Chair Wilkin, Vice Chair Reineke, Ranking Member DeMora, and Members of the Committee,

My name is Roger Lipscomb and, as the President / Executive Director of the Ohio Utilities Protection Service (OHIO811), I am thankful for the opportunity to speak with you today and to provide Proponent Testimony regarding HB227.

OHIO811 is a not-for-profit public safety organization that has been continuously serving Ohio since 1972. As the “Call Before You Dig” Notification Center, OHIO811 is the vital communications link between those who have a need to excavate and those who own, operate and maintain Ohio’s essential underground utility infrastructure.

OHIO811’s stakeholder representation includes 1,700+ members, including public and private utility companies, municipal and governmental entities, utility cooperatives, excavators, commercial contractors, engineering and design firms, higher education institutions, and other industry-related entities operating at the local, state, or national level. OHIO811’s comprehensive public education and outreach initiatives support our public safety mission to protect Ohio’s families, communities, and utility infrastructure by promoting safe excavation through efficient, effective communication and awareness for all stakeholders. By fostering cooperation among stakeholders, we are creating safer communities for Ohioans to work and live while protecting the vital underground utility infrastructure we all rely on every day.

OHIO811 also serves as the Secretary for the Ohio Underground Damage Prevention Coalition (OUDPC). The OUDPC was established in 2011 for the purpose of bringing industry stakeholders together to review, update and improve Ohio’s safe excavation laws. The organization is open to all interested entities and currently consists of 27 industry associations and trade organizations who represent all of Ohio’s utility infrastructure segments. Their mission is to develop and promote safe excavation legislation that serves all Ohio.

In reviewing HB227, we wanted to take the opportunity to speak about the importance of the changes being considered.

Currently, under **ORC 3781.28 (A)** excavators are required to notify OHIO811 of planned excavations “...at least 48 hours but not more than 10 working days before commencing excavation.” HB227 changes these requirements from 48 hours to two working days, not including the day of the call and the ten working days to sixteen calendar days. These changes will allow the utilities an adequate amount of time to respond to excavation notifications and identify their underground facilities, resulting in safer excavations.

Additionally, HB 227 amends the definition of excavation. Currently, under **ORC 3781.25 (I)**, “Excavation” excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. HB227 would remove the blanket exemption for an entity and would outline a list of exempted activities that the Ohio Underground Damage Prevention Coalition (OUDPC) has vetted and agreed to. These are activities that do not penetrate the earth more than 12” and in many circumstances are occurring within 12” of above ground appurtenances.

The exemptions as outlined in HB227 are every day, common excavation practices widely utilized across the industry and are universally considered as “low risk” practices that allow the industry to operate efficiently and safely without delays or disruptions to essential services.

Additionally, eliminating the blanket exemption for governmental entities working less than 12” in favor of exempting excavation activities that are less than 12” will restore Ohio’s eligibility to receive federal grant dollars through the USDOT’s department of Pipeline and Hazardous Materials Safety Administration (PHMSA). These grant funds would support and broaden education programs and public safety initiatives for all Stakeholders. The result will be safer working conditions for Ohio’s utility workforce by promoting the underground damage prevention damage measures that ultimately keep Ohio’s neighborhoods safe.

Additional amendments have been supported by the Ohio Underground Damage Prevention Coalition (OUDPC) as it pertains to the language contained in **ORC 3781.261** “Protection of underground utility facilities training”. This adds clarification to the training criteria required for compliance and expands the training requirement to all Stakeholder Groups. This change will broaden participation, increase awareness and ultimately lead to safer excavations throughout the state.

HB 227 also updates **ORC 4913.01**, ensuring that Stakeholders are equally accountable for compliance with all sections outlined in **ORC 3781.25 – ORC 3781.32**. This change will promote equal and fair enforcement ensuring that all parties are accountable to Ohio's damage prevention laws.

The final changes that HB227 brings forward is the removal of antiquated, existing language in the ORC as it pertains to Limited Basis Participants (LBP's). When HB458 of the 129<sup>th</sup> General Assembly was passed mandating **ORC 3781.271** *"...each protection service shall reasonably modify its one-call notification system so as to permit the reasonable identification of the location of a proposed excavation site in a manner in which the protection service may then notify any potentially affected limited basis participants."* This language removed the need for Limited Basis Participation by requiring OHIO811 to directly notify all utility members. Language referencing LBPs is no longer applicable and, as such, it is important to remove it from the ORC to ensure clarity and eliminate confusion.

We appreciate the opportunity to address the committee on the very important provisions contained in HB 227. Passing this bill will aid in safeguarding the 11.8 million Ohioans who call our state home, it ensures safer working environments for those who maintain our utility infrastructure, and represents an important enhancement to public safety, efficiency and modernization of Ohio's damage prevention laws.

At this time, I would be happy to answer any questions that the committee may have.