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**136th General Assembly**  
**Regular Session**  
**2025-2026**

**Sub. H. B. No. 227**

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To amend sections 153.64, 3781.25, 3781.26, 1  
3781.27, 3781.271, 3781.28, and 3781.29 of the 2  
Revised Code to modify excavation requirements. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 153.64, 3781.25, 3781.26, 4  
3781.27, 3781.271, 3781.28, and 3781.29 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 153.64.** (A) As used in this section: 7

(1) "Public improvement" means any construction, 8  
reconstruction, improvement, enlargement, alteration, or repair 9  
of a building, highway, drainage system, water system, road, 10  
street, alley, sewer, ditch, sewage disposal plant, water works, 11  
and all other structures or works of any nature by a public 12  
authority. 13

(2) "Public authority" includes the following: 14

(a) The state, or a county, township, municipal 15  
corporation, school district, or other political subdivision; 16

(b) Any public agency, authority, board, commission, 17



instrumentality, or special district of or in the state or a 18  
county, township, municipal corporation, school district, or 19  
other political subdivision; 20

(c) A designer as defined in section 3781.25 of the 21  
Revised Code who is acting on behalf of any entity described in 22  
division (A)(2)(a) or (b) of this section. 23

(3) "Underground utility facilities" includes any item 24  
buried or placed below ground or submerged under water for use 25  
in connection with the storage or conveyance of water or sewage; 26  
or electronic, telephonic, or telegraphic communications; 27  
electricity; petroleum products; manufactured, mixed, or natural 28  
gas; synthetic or liquified natural gas; propane gas; or other 29  
substances. "Underground utility facilities" includes, but is 30  
not limited to, all operational underground pipes, sewers, 31  
tubing, conduits, cables, valves, lines, wires, manholes, and 32  
attachments, whether owned by any public or private or profit or 33  
nonprofit person, firm, partnership, company, corporation, joint 34  
stock association, joint venture, or voluntary association, 35  
wherever organized or incorporated, except for a private septic 36  
system in a single- or multi-family dwelling utilized only for 37  
that dwelling and not connected to any other system. 38

(4) "Protection service" means a notification center not 39  
an owner of an underground utility facility that complies with 40  
the following: 41

(a) It exists for the purpose of receiving notice from 42  
public authorities and from other persons that plan to prepare 43  
plans and specifications for, or engage in, public improvements 44  
involving digging, blasting, excavating, or other underground 45  
construction activities; 46

(b) It distributes the information described in division 47  
(A) (4) (a) of this section to its members and participants; 48

(c) It has registered by March 14, 1989, with the 49  
secretary of state and the public utilities commission under 50  
former division (F) of this section as it existed on that date. 51

(5) "Construction area" means the area delineated on the 52  
plans and specifications for the public improvement within which 53  
the work provided for in the contract will be performed. 54

(6) "Interstate gas pipeline" means an interstate gas 55  
pipeline subject to the "Natural Gas Pipeline Safety Act of 56  
1968," 49 U.S.C. 1671, as amended. 57

(7) "Interstate hazardous liquids pipeline" means an 58  
interstate hazardous liquids pipeline subject to the "Hazardous 59  
Liquid Pipeline Safety Act of 1979," 49 U.S.C. 2002, as amended. 60

(B) (1) In any public improvement which may involve 61  
underground utility facilities, the public authority, prior to 62  
preparing plans and specifications, shall contact a protection 63  
service and any owners of underground utility facilities that 64  
are not members of a protection service for the existence and 65  
location of all underground utility facilities within the 66  
construction area. 67

(2) If requested by the public authority, each owner of 68  
underground utility facilities within the construction area, 69  
other than real property owners listed in divisions (C) (1) to 70  
(4) of section 3781.25 of the Revised Code, shall do one of the 71  
following within ten days of receiving notice from the public 72  
authority or a protection service: 73

(a) Mark the location of the underground utility 74  
facilities, other than those facilities serving single-family or 75

two-, three-, or four-unit dwellings, within the construction 76  
area in accordance with the marking standards described in 77  
division (C) of section 3781.29 of the Revised Code; 78

(b) Provide digital or paper drawings, or both, that meet 79  
both of the following requirements: 80

(i) They are drawn to scale and include locatable items. 81  
Locatable items may include poles, pedestals, back of curb, 82  
sidewalk, edge of pavement, centerline of ditch, property lines, 83  
and other similar items. 84

(ii) They depict the location of the underground utility 85  
facilities. 86

(3) If the public improvement is within six hundred sixty 87  
feet of the center point of any interstate hazardous liquid 88  
pipeline or interstate gas pipeline, the pipeline operator shall 89  
provide to the public authority all of the following: 90

(a) A written notice of any special notification 91  
requirements; 92

(b) The location and description of any right-of-way 93  
associated with the pipeline as well as pipeline location 94  
information, such as providing documents reflecting the actual 95  
location of the pipeline, marking facilities on design drawings, 96  
and providing maps; 97

(c) Contact information for the primary contact person for 98  
the project area. 99

Compliance with divisions (B) (2) and (3) of this section 100  
does not relieve an owner of underground utility facilities from 101  
compliance with the marking requirements of section 3781.29 of 102  
the Revised Code. 103

(4) The public authority shall include, in the plans and 104  
specifications for such improvement, the identity and location 105  
of the existing underground utility facilities located in the 106  
construction area as provided to the public authority by the 107  
owner of the underground utility facility and the name, address, 108  
and telephone number of each owner of any underground utility 109  
facilities in the construction area that does not subscribe to a 110  
protection service. 111

(a) If the public authority is notified that the 112  
improvement is within six hundred sixty feet of the center point 113  
of any interstate hazardous liquid pipeline or interstate gas 114  
pipeline, the public authority shall also include in the plans 115  
and specifications for the project all of the following: 116

(i) Any special notification requirements; 117

(ii) The name and contact information of the primary 118  
contact person for each pipeline operator who has provided 119  
notice to the public authority under division (B) (3) of this 120  
section; 121

(iii) Notice stating that the public authority has 122  
utilized reasonable means to contact the pipeline operator to 123  
verify the location of the pipeline and pipeline right-of-way; 124

(iv) Notice that the public authority has reviewed, or has 125  
attempted to review, preliminary information about the public 126  
improvement with the pipeline operator and incorporated the 127  
requested adjustments into the plans. 128

(b) For purposes of division (B) (4) (a) (iii) of this 129  
section, a public authority who provides notice to the 130  
protection service in accordance with division (B) (1) of this 131  
section is deemed to have utilized reasonable means to contact 132

the operator of the pipeline. 133

(5) Any anticipated temporary or permanent relocation of 134  
underground utility facilities deemed necessary by the public 135  
authority shall be negotiated or arranged by the public 136  
authority with the owners of the underground utility facilities 137  
prior to the start of construction. If a temporary or permanent 138  
relocation of utility facilities is necessary, the owner of the 139  
underground utility facility shall be given a reasonable time to 140  
move such utility facilities unless the contractor to whom the 141  
contract for a public improvement is awarded or its 142  
subcontractor agrees with the owner of the underground utility 143  
facility to coordinate relocation with construction operations. 144

(6) The public authority, within ten calendar days after 145  
award of a contract for a public improvement, shall notify in 146  
writing all owners of underground utility facilities known to be 147  
located in the construction area of the public improvement of 148  
the name and address of the contractor to whom the contract for 149  
the public improvement was awarded. Where notice is given in 150  
writing by certified mail, the return receipt, signed by any 151  
person to whom the notice is delivered, shall be conclusive 152  
proof of notice. 153

(C) The contractor to whom a contract for a public 154  
improvement is awarded or its subcontractor, at least two 155  
working days, ~~excluding Saturdays, Sundays, and legal holidays,~~ 156  
~~but no more than ten working days,~~ not including the day of the 157  
notification, but not more than sixteen calendar days prior to 158  
commencing construction operations in the construction area 159  
which may involve underground utility facilities, shall cause 160  
notice to be given to ~~a~~ the protection service and the owners of 161  
underground utility facilities shown on the plans and 162

specifications who are not members of a protection service. The 163  
owner of the underground utility facility, within ~~forty-eight~~ 164  
~~hours, excluding Saturdays, Sundays, and legal holidays, after~~ 165  
~~notice is received~~ at least two working days, not including the 166  
day of the notification, shall stake, mark, or otherwise 167  
designate the location of the underground utility facilities in 168  
the construction area in such a manner as to indicate their 169  
course together with the approximate depth at which they were 170  
installed. 171

(D) If the public authority fails to comply with the 172  
requirements of division (B) of this section, the contractor to 173  
whom the work is awarded or its subcontractor complies with the 174  
requirements of division (C) of this section, and the contractor 175  
or its subcontractor encounters underground utility facilities 176  
in the construction area that would have been shown on the plans 177  
and specifications for such improvement had a protection service 178  
or owner of the underground utility facility who is not a member 179  
of a protection service whose name, address, and telephone 180  
number is provided by the public authority been contacted, then 181  
the contractor, upon notification to the public authority, is 182  
entitled to an increase to the contract price for itself or its 183  
subcontractor for any additional work that must be undertaken or 184  
additional time that will be required and is entitled to an 185  
extension of the completion date of the contract for the period 186  
of time of any delays to the construction of the public 187  
improvement. 188

In the event of a dispute as to the application of this 189  
section, procedures may be commenced under the applicable terms 190  
of the construction contract, or if the contract contains no 191  
provision for final resolution of the dispute, pursuant to the 192  
procedures for arbitration in Chapter 2711. of the Revised Code. 193

This section does not affect rights between the 194  
contractors and the public authority for any increase in 195  
contract price or additional time to perform the contract when 196  
the public authority complies with division (B) of this section. 197

Any public authority who complies with the requirements of 198  
division (B) of this section and any contractor or its 199  
subcontractor who complies with the requirements of division (C) 200  
of this section shall not be responsible to the owner of the 201  
underground utility facility if underground utility lines are 202  
encountered not as marked in accordance with the provisions of 203  
division (C) of this section by the owner of the underground 204  
utility facility, unless the contractor or its subcontractor has 205  
actual notice of the underground utility facility. Except as 206  
noted in this division, this section does not affect rights 207  
between the contractor or its subcontractor and the owner of the 208  
underground utility facility for failure to mark or erroneously 209  
marking utility lines. The public authority shall not make as a 210  
requirement of any contract for public improvement any change in 211  
responsibilities between the public authority and the owners of 212  
the underground utility facilities in connection with damage, 213  
injury, or loss to any property in connection with underground 214  
utility facilities. 215

The contractor or its subcontractor shall alert 216  
immediately the occupants of nearby premises as to any emergency 217  
that the contractor or subcontractor may create or discover at 218  
or near such premises. The contractor or its subcontractor shall 219  
report immediately to the owner or operator of the underground 220  
facility any break or leak on its lines or any dent, gouge, 221  
groove, or other damage to such lines or to their coating or 222  
cathodic protection, made or discovered in the course of their 223  
excavation. 224

(E) This section does not affect rights between the public 225  
authority and the owners of the underground utility facilities 226  
for responsibility for costs involving removal, relocation, or 227  
protection of existing underground utility facilities, or for 228  
costs for delays occasioned thereby. 229

**Sec. 3781.25.** As used in sections 3781.25 to 3781.38 of 230  
the Revised Code: 231

(A) "Protection service" means a notification center, but 232  
not an owner of an individual utility, that exists for the 233  
purpose of receiving notice from persons that prepare plans and 234  
specifications for or that engage in excavation work, that 235  
distributes this information to its members and participants, 236  
and that has registered by March 14, 1989, with the secretary of 237  
state and the public utilities commission of Ohio under former 238  
division (F) of section 153.64 of the Revised Code as it existed 239  
on that date. 240

(B) "Underground utility facility" includes any item 241  
buried or placed below ground or submerged under water for use 242  
in connection with the storage or conveyance of water or sewage; 243  
electronic, or telephonic communications; television signals; 244  
electricity; crude oil; petroleum products; artificial or 245  
liquefied petroleum; manufactured, mixed, or natural gas; 246  
synthetic or liquefied natural gas; propane gas; coal; steam; 247  
hot water; or other substances. "Underground utility facility" 248  
includes all operational underground pipes, sewers, tubing, 249  
conduits, cables, valves, lines, wires, worker access holes, and 250  
attachments, owned by any person, firm, or company. "Underground 251  
utility facility" does not include a private septic system in a 252  
one-family or multi-family dwelling utilized only for that 253  
dwelling and not connected to any other system. 254

(C) "Utility" means any owner or operator, or an agent of 255  
an owner or operator, of an underground utility facility, 256  
including any public authority, that owns or operates an 257  
underground utility facility. "Utility" does not include the 258  
owners of the following types of real property with respect to 259  
any underground utility facility located on that property: 260

(1) The owner of a single-family or two-, three-, or four- 261  
unit residential dwelling; 262

(2) The owner of an apartment complex; 263

(3) The owner of a commercial or industrial building or 264  
complex of buildings, including but not limited to, factories 265  
and shopping centers; 266

(4) The owner of a farm; 267

(5) The owner of an exempt domestic well as defined in 268  
section 1509.01 of the Revised Code. 269

(D) "Approximate location" means the immediate area within 270  
the perimeter of a proposed excavation site where the 271  
underground utility facilities are located. 272

(E) "Tolerance zone" means the site of the underground 273  
utility facility including the width of the underground utility 274  
facility plus eighteen inches on each side of the facility. 275

(F) "Working days" ~~excludes Saturdays, Sundays, begin at~~ 276  
midnight, end at eleven fifty-nine p.m. on the same date, and 277  
exclude weekends and legal holidays as defined in section 1.14 278  
of the Revised Code and "hours" excludes hours on ~~Saturdays,~~ 279  
~~Sundays, weekends~~ and legal holidays. 280

(G) "Designer" means an engineer, architect, landscape 281  
architect, contractor, surveyor, or other person who develops 282

plans or designs for real property improvement or any other 283  
activity that will involve excavation. 284

(H) "Developer" means the person for whom the excavation 285  
is made and who will own or be the lessee of any improvement 286  
that is the object of the excavation. 287

(I) "Excavation" means the use of hand tools, powered 288  
equipment, or explosives to move earth, rock, or other materials 289  
in order to penetrate or bore or drill into the earth, or to 290  
demolish any structure whether or not it is intended that the 291  
demolition will disturb the earth. "Excavation" includes such 292  
agricultural operations as the installation of drain tile, but 293  
excludes agricultural operations such as tilling that do not 294  
penetrate the earth to a depth of more than twelve inches. 295  
~~"Excavation" excludes any activity by a governmental entity~~ 296  
~~which does not penetrate the earth to a depth of more than~~ 297  
~~twelve inches.~~ "Excavation" excludes coal-mining and reclamation 298  
operations regulated under ~~Chapter~~ Chapters 1513. and 1514. of 299  
the Revised Code and rules adopted under it. "Excavation" 300  
excludes all of the following activities when performed in the 301  
public right-of-way: 302

(1) Milling and grinding of asphalt road surfaces up to 303  
six inches without penetrating the earth or sub-base, except for 304  
pulverizing activities, activities at signalized intersections, 305  
and activities where signal or environmental sensors may be 306  
present; 307

(2) Utility wood pole inspection utilizing hand tools to 308  
excavate to a depth that does not penetrate the earth more than 309  
twelve inches and working on the clear side of poles, greater 310  
than ninety degrees from any risers; 311

(3) Tilling for sowing of grass and wildflower coverings 312  
to a depth that does not penetrate the earth more than four 313  
inches for erosion control or beautification purposes; 314

(4) Placement of temporary signage, without penetrating 315  
the earth more than four inches; 316

(5) Localized pavement repairs on all areas outside 317  
municipal corporations without penetrating the earth to a depth 318  
greater than twelve inches. 319

(J) "Excavation site" means the area within which 320  
excavation will be performed. 321

(K) "Excavator" means the person or persons responsible 322  
for making the actual excavation. 323

(L) "Interstate gas pipeline" means an interstate gas 324  
pipeline subject to the "Natural Gas Pipeline Safety Act of 325  
1968," 82 Stat. 720, 49 U.S.C. 1671, as amended. 326

(M) "Interstate hazardous liquids pipeline" means an 327  
interstate hazardous liquids pipeline subject to the "Hazardous 328  
Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 329  
2002, as amended. 330

(N) "Special notification requirements" means requirements 331  
for notice to an owner of an interstate hazardous liquids 332  
pipeline or an interstate gas pipeline that must be made prior 333  
to commencing excavation and pursuant to the owner's public 334  
safety program adopted under federal law. 335

(O) "Commercial excavator" means any excavator, excluding 336  
a utility as defined in this section, that satisfies both of the 337  
following: 338

(1) For compensation, performs, directs, supervises, or is 339

responsible for the excavation, construction, improvement, 340  
renovation, repair, or maintenance on a construction project and 341  
holds out or represents oneself as qualified or permitted to act 342  
as such; 343

(2) Employs tradespersons who actually perform excavation, 344  
construction, improvement, renovation, repair, or maintenance on 345  
a construction project. 346

(P) "Person" has the same meaning as in section 1.59 of 347  
the Revised Code and also includes a public authority. 348

(Q) "Positive response system" means an automated system 349  
facilitated by a protection service allowing a utility to 350  
communicate to an excavator the presence or absence of any 351  
conflict between the existing underground utility facilities and 352  
the proposed excavation site. 353

(R) "One-call notification system" means the software or 354  
communications system used by a protection system to notify its 355  
membership of proposed excavation sites. 356

(S) "Project" means any undertaking by a private party of 357  
an improvement requiring excavation. 358

(T) "Public authority" has the same meaning as in section 359  
153.64 of the Revised Code. 360

(U) "Improvement" means any construction, reconstruction, 361  
improvement, enlargement, alteration, or repair of a building, 362  
highway, drainage system, water system, road, street, alley, 363  
sewer, ditch, sewage disposal plant, water works, and all other 364  
structures or works of any nature. 365

(V) "Emergency" means an unexpected occurrence causing a 366  
disruption or damage to an underground utility facility that 367

requires immediate repair or a situation that creates a clear 368  
and imminent danger that demands immediate action to prevent or 369  
mitigate loss of or damage to life, health, property, or 370  
essential public services. 371

(W) "Nondestructive manner" means using low-impact, low- 372  
risk technologies such as hand tools, or hydro or air vacuum 373  
excavation equipment. 374

(X) "Cable service provider" has the same meaning as in 375  
section 1332.01 of the Revised Code. 376

(Y) "Electric cooperative" and "electric utility" have the 377  
same meanings as in section 4928.01 of the Revised Code. 378

**Sec. 3781.26.** (A) Each utility that owns or operates 379  
underground utility facilities shall participate in and register 380  
the location of its underground utility facilities with a 381  
protection service that serves the area where the facilities are 382  
located. ~~A utility may elect to participate in the service on a~~ 383  
~~limited basis and if it does so, it shall register the location~~ 384  
~~of its underground utility facilities by identifying the~~ 385  
~~municipal corporations, and outside the limits of a municipal~~ 386  
~~corporation, the townships by county and, where applicable, the~~ 387  
~~immediate geographic area in which it has facilities. The~~ 388  
~~service shall establish reasonable fees for limited basis~~ 389  
~~participants.~~ 390

(B) Protection services, utilities, commercial excavators, 391  
excavation equipment dealers, the public utilities commission of 392  
Ohio, the board of building standards, local law enforcement 393  
agencies, and fire departments should publicize the importance 394  
of ascertaining the location of underground utility facilities 395  
before excavating and the use of protection services to 396

ascertain that information. 397

(C) A protection service shall maintain records of 398  
notifications received from developers, designers, and 399  
excavators, and of its notifications made to utilities, 400  
developers, designers, and excavators, under sections 3781.27 401  
and 3781.28 of the Revised Code. The records of a protection 402  
service shall identify by reference number, the notifications it 403  
received regarding a proposed excavation site, the notifications 404  
it provided regarding a proposed excavation site, and the date 405  
and time of each notification. 406

(D) Each utility fully participating in a protection 407  
service pursuant to this section shall also participate in its 408  
affiliated positive response system. ~~Each utility participating~~ 409  
~~in a protection service on a limited basis shall directly~~ 410  
~~communicate to the excavator the presence or absence of any~~ 411  
~~conflict between the existing underground utility facilities and~~ 412  
~~the proposed excavation site.~~ 413

**Sec. 3781.27.** (A) In order to ascertain the name of each 414  
utility with underground utility facilities located at the 415  
proposed excavation site and the types and tolerance zones of 416  
those facilities based on current records of the utility, any 417  
developer who is planning a project that will require excavation 418  
or the designer employed by the developer for the project shall 419  
notify a protection service of the location of the proposed 420  
excavation site. 421

(B) ~~Except in the case of limited basis participants, the~~ 422  
The protection service shall provide notice of the proposed 423  
excavation to each participant in the service that has 424  
underground utility facilities in the area of the proposed 425  
excavation site. ~~Except as provided in section 3781.271 of the~~ 426

~~Revised Code, in the case of limited basis participants, the~~ 427  
~~protection service shall notify the developer or the designer~~ 428  
~~employed by the developer of the name of each limited basis~~ 429  
~~participant with underground utility facilities within the~~ 430  
~~municipal corporation or township and county of the proposed~~ 431  
~~excavation site, and the developer or designer shall contact~~ 432  
~~that utility.~~ 433

(C) (1) Each utility that has any underground utility 434  
facilities in the area of the proposed excavation site shall 435  
notify the developer or the designer employed by the developer 436  
of the locations and description of the utility's underground 437  
utility facilities located at the proposed excavation site in 438  
accordance with division (C) (2) of this section. The utility 439  
shall make this notification within ten working days of 440  
receiving a notice under division (B) of this section or by a 441  
later date acceptable to the developer or designer and utility. 442  
If the proposed project is within six hundred sixty feet of the 443  
center point of an interstate hazardous liquid pipeline or an 444  
interstate gas pipeline, the utility shall provide written 445  
notice to the developer or designer of any special notification 446  
requirements and identify its primary contact person for the 447  
project area. 448

(2) If requested by the developer or the designer employed 449  
by the developer, each utility shall do one of the following in 450  
order to comply with the notification requirements of division 451  
(C) (1) of this section: 452

(a) Mark the location of the underground utility 453  
facilities, other than those facilities serving single-family or 454  
two-, three-, or four-unit dwellings, at the proposed excavation 455  
site in accordance with the marking standards described in 456

division (C) of section 3781.29 of the Revised Code; 457

(b) Provide digital or paper drawings, or both, that meet 458  
both of the following requirements: 459

(i) They are drawn to scale and include locatable items. 460  
Locatable items may include poles, pedestals, back of curb, 461  
sidewalk, edge of pavement, centerline of ditch, property lines, 462  
and other similar items. 463

(ii) They depict the location of the underground utility 464  
facilities. 465

(3) In the case of an interstate hazardous pipeline and an 466  
interstate gas pipeline, the utility shall also provide the 467  
location and description of any right-of-way associated with the 468  
underground utility facilities as well as pipeline location 469  
information, such as providing documents reflecting the actual 470  
location of the pipeline, marking facilities on design drawings, 471  
and providing maps. 472

Compliance with divisions (C) (2) and (3) of this section 473  
does not relieve a utility from compliance with the marking 474  
requirements of section 3781.29 of the Revised Code. 475

(D) The utility shall determine if any relocation, 476  
support, or removal, or protective steps beyond those described 477  
in divisions (A) (1) to (5) of section 3781.30 of the Revised 478  
Code are required in order to prevent disturbance or 479  
interference with the underground utility facilities during 480  
excavation. The utility shall determine whether it will permit 481  
the developer or the designer employed by the developer to make 482  
those adjustments, and, if the adjustments are to be made by the 483  
utility, a reasonable amount of time necessary to make those 484  
adjustments. 485

(E) (1) Based on the information provided pursuant to 486  
division (C) of this section, the developer or the designer 487  
employed by the developer shall indicate the approximate 488  
locations of underground utility facilities either on or with 489  
the plans prepared for the project. The developer or designer 490  
shall include with the plans the names, addresses, and telephone 491  
numbers of utilities with underground facilities at the 492  
excavation site, ~~indicating which utilities are limited basis-~~ 493  
~~participants;~~ the name and telephone number of any appropriate 494  
protection service; and any required adjustments as described in 495  
division (D) of this section, including the reasonable time 496  
necessary for the utility to make those adjustments. In the case 497  
of an interstate hazardous liquid pipeline or an interstate gas 498  
pipeline, the developer or designer also shall include all of 499  
the following: 500

(a) Any special notification requirements; 501

(b) The name and contact information of the primary 502  
contact person for each pipeline operator who has provided 503  
notice to the developer or designer under division (C) (1) of 504  
this section; 505

(c) Notice stating that the developer or designer has 506  
utilized reasonable means to contact the pipeline operator to 507  
verify the location of the pipeline and pipeline rights-of-way. 508  
Developers and designers who provide notice to the protection 509  
service in accordance with division (A) of this section are 510  
deemed to have complied with the notification requirement under 511  
this division. 512

(d) Notice that the developer or designer has reviewed, or 513  
attempted to review, preliminary information about the proposed 514  
development with the pipeline operator and incorporated 515

requested adjustments into the plans. 516

(2) (a) Except as otherwise provided in division (E) (2) (b) 517  
of this section, the developer or designer shall provide the 518  
plans to the commercial excavator prior to entering into a 519  
contract that involves such excavation. If the developer does 520  
not prepare written plans or have any written plans prepared, 521  
the developer shall otherwise provide the approximate locations, 522  
identifying information on the utilities, information on 523  
required adjustments, and any special notification requirements 524  
to the commercial excavator before excavation begins. 525

(b) When the developer is a utility, the utility shall 526  
provide either the plans or the approximate locations, 527  
identifying information on the utilities, information on 528  
required adjustments, and any special notification requirements 529  
to the excavator before excavation begins. 530

(3) The developer or designer shall design the project 531  
taking into account the approximate location of existing 532  
underground utility facilities in order to prevent, as far as is 533  
practicable, disturbance or interference with those facilities. 534

(4) When a project includes installation of new 535  
underground utility facilities, the developer or designer shall 536  
attempt to design the installation so that at least a twelve- 537  
inch clearance is provided between the facilities. No facility 538  
shall be installed with less than a twelve-inch clearance unless 539  
the owners of existing facilities are notified, in writing, 540  
prior to installation. 541

(F) (1) This section does not apply in the case of a 542  
utility making emergency repair to its own underground utility 543  
facility. 544

(2) This section does not apply in the case of the owner 545  
of the types of real property identified in divisions (C)(1) to 546  
(4) of section 3781.25 of the Revised Code, unless the owner 547  
employs a designer to make written plans for work that will 548  
involve excavation. If the owner employs a designer, the 549  
designer shall contact a protection service ~~and utilities that~~ 550  
~~are limited basis participants~~ in accordance with divisions (A) 551  
and (B) of this section, and shall include in or with the plans 552  
the information required under division (E) of this section. The 553  
owner shall provide that information to the excavator. 554

(G) A public authority, as defined in section 153.64 of 555  
the Revised Code, may withhold approval to a project until the 556  
requirements of this section have been satisfied by the 557  
developer and utility, as applicable. A public authority may 558  
rely solely upon the notice submitted under division (E) of this 559  
section when determining whether the requirements of this 560  
section have been satisfied for purposes of granting final 561  
approval of such development. A public authority is immune from 562  
liability related to the approval or construction of such 563  
development when the approval is based upon information as 564  
provided in this division. 565

**Sec. 3781.271.** Beginning on July 1, 2013, each protection 566  
service shall reasonably modify its one-call notification system 567  
so as to permit the reasonable identification of the location of 568  
a proposed excavation site ~~in a manner in which the protection~~ 569  
~~service may then notify any potentially affected limited basis~~ 570  
~~participants~~. Each member of a protection service, ~~including~~ 571  
~~limited basis participants~~, shall be responsible for providing 572  
current contact information to the protection service. 573

**Sec. 3781.28.** (A) Except as otherwise provided in 574

divisions (C), (D), (E), and (F) of this section, ~~at least~~ 575  
~~forty-eight hours but not more than ten working days before~~ 576  
~~commencing excavation,~~ at least two working days, not including 577  
the day of the notification, but not more than sixteen calendar 578  
days before commencing excavation, the excavator shall notify a 579  
the protection service of the location of the excavation site 580  
and the date on which excavation is planned to commence. 581

(B) On receipt of notice under division (A) of this 582  
section, the protection service shall provide to each utility 583  
with underground utility facilities located at the excavation 584  
site, notice of the proposed excavation. 585

(C) In the case of an interstate hazardous liquids 586  
pipeline or interstate gas pipeline, the excavator shall comply 587  
with the special notice requirements of the public safety 588  
program of the owner of the pipeline as indicated in the plans 589  
or otherwise provided to the excavator in accordance with 590  
division (E) or (F) (2) of section 3781.27 of the Revised Code. 591

(D) If it has been determined pursuant to division (D) of 592  
section 3781.27 of the Revised Code that relocation, support, 593  
removal, or protective steps are necessary, the excavator shall 594  
provide earlier notice to the utility in order to provide the 595  
utility with reasonable time to coordinate making the 596  
adjustments with actual excavation. 597

(E) If an excavation will cover a large area and will 598  
progress from one area to the next over a period of time, the 599  
excavator shall provide written notice of excavation with 600  
projected timelines for segments of the excavation as the 601  
excavation progresses in order to coordinate the marking of 602  
underground utility facilities with actual excavation schedules. 603  
Under such circumstances, the utility and excavator shall 604

determine a mutually agreed upon marking schedule based on the 605  
project schedule. Once such a schedule is established, the 606  
marking and notification requirements set forth in division (A) 607  
(1) of section 3781.29 of the Revised Code shall not apply. 608

(F) (1) In the case of a utility that is making an 609  
emergency repair to its own underground utility system or a 610  
governmental entity making an underground emergency repair to 611  
traffic control devices, as defined in section 4511.01 of the 612  
Revised Code, used on any street or highway under the entity's 613  
jurisdiction, the utility or governmental entity shall notify a 614  
protection service ~~and each limited basis participant~~ of the 615  
excavation site. This notice need not occur before commencing 616  
excavation. 617

(2) In the case of an excavation at the site of real 618  
property of the type described in divisions (C) (1) to (4) of 619  
section 3781.25 of the Revised Code: 620

(a) If the owner of the property is the excavator, this 621  
section does not apply unless the excavation is planned for an 622  
area where a utility easement is located, a public right-of-way, 623  
or where utility facilities are known to serve the property. 624

(b) If the owner of the property employs an excavator, the 625  
excavator shall comply with the requirements of this section. If 626  
the owner did not employ a designer to make written plans, the 627  
excavator shall provide the notice required under this section 628  
to a protection service ~~and to each utility that is a limited~~ 629  
~~basis participant in a protection service that has underground~~ 630  
~~utility facilities within the municipal corporation or township~~ 631  
~~and county of the excavation site, as indicated by the~~ 632  
~~protection service.~~ 633

**Sec. 3781.29.** (A) (1) Except as otherwise provided in 634  
division (A) (2) of this section, within ~~forty-eight hours at~~ 635  
least two working days, not including the day of the 636  
notification, of receiving notice under section 3781.28 of the 637  
Revised Code, each utility shall review the status of its 638  
facilities within the excavation site, locate and mark its 639  
underground utility facilities at the excavation site in such a 640  
manner as to indicate their course, and report the appropriate 641  
information to the protection service for its positive response 642  
system. If a utility does not mark its underground utility 643  
facilities or contact the excavator within that time, the 644  
utility is deemed to have given notice that it does not have any 645  
facilities at the excavation site. If the utility cannot 646  
accurately mark the facilities, the utility shall mark them to 647  
the best of its ability, notify the excavator using the positive 648  
response system that the markings may not be accurate, and 649  
provide additional guidance to the excavator in locating the 650  
facilities as needed during the excavation. 651

(2) In the case of an interstate hazardous liquids 652  
pipeline or an interstate gas pipeline, the owner of the 653  
pipeline shall locate and mark its pipeline within the time 654  
frame established in the public safety program of the owner. 655

(B) Unless a facility actually is uncovered or probed by 656  
the utility or excavator, any indications of the depth of the 657  
facility shall be treated as estimates only. (C) (1) Except as 658  
provided in division (C) (2) of this section, a utility shall 659  
mark its underground facilities using the following color codes: 660  
661

|   |                                                     |                               |
|---|-----------------------------------------------------|-------------------------------|
|   | Facility                                            |                               |
| B | Electric power transmission and distribution        | Safety red                    |
| C | Gas transmission and distribution                   | High visibility safety yellow |
| D | Oil transmission and distribution                   | High visibility safety yellow |
| E | Dangerous materials, product lines, and steam lines | High visibility safety yellow |
| F | Telephone systems                                   | Safety alert orange           |
| G | Police and fire communications                      | Safety alert orange           |
| H | Cable television                                    | Safety alert orange           |
| I | Water systems                                       | Safety precaution blue        |
| J | Slurry systems                                      | Safety precaution purple      |
| K | Sewer lines                                         | Safety green.                 |

(2) All underground facilities shall be marked in 662  
accordance with the Ohio universal marking standards that are on 663  
file with the Ohio utilities protection service. Industry 664  
representatives serving on Ohio damage prevention councils shall 665  
review the marking standards every two years. 666

(D) Except as otherwise provided in divisions (E) and (F) 667  
of this section, prior to notifying a protection service of the 668

proposed excavation, an excavator shall define and premark the 669  
approximate location. Proposed construction or excavation 670  
markings shall be made in white through the use of an industry- 671  
recognized method such as chalk-based paint, flags, stakes, or 672  
other method applicable to the specific site and when possible 673  
shall indicate the excavator's identity by name, abbreviation, 674  
or initial. 675

(E) (1) Before beginning an emergency excavation, or as 676  
soon as possible thereafter, an excavator shall make every 677  
effort to notify a protection service of the excavation. In 678  
providing notification, the excavator shall provide, at a 679  
minimum: 680

(a) The name of the individual notifying the protection 681  
service; 682

(b) The name, address, any electronic mail address, and 683  
telephone numbers of the excavator; 684

(c) The specific location of the excavation site; 685

(d) A description of the excavation. 686

(2) Upon receiving the information set forth in division 687  
(E) (1) of this section, the protection service shall provide the 688  
excavator with a reference number and a list of utilities that 689  
the protection service intends to notify. The protection service 690  
shall immediately notify each utility that according to the 691  
registration information provided under section 3781.26 of the 692  
Revised Code has facilities located within the designated area 693  
of the emergency excavation. 694

(3) Any utility notified of an emergency excavation may 695  
inspect all of its underground utility facilities located at the 696  
emergency excavation site and may take any otherwise lawful 697

action it considers necessary to prevent disturbance to or 698  
interference with its facilities during excavation. 699

(F) An excavator is not required to premark the 700  
approximate location of an excavation as provided in division 701  
(D) of this section in any of the following situations: 702

(1) The utility can determine the precise location, 703  
direction, size, and length of the proposed excavation site by 704  
referring to the notification provided by the protection service 705  
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 706

(2) The excavator and the affected utility have had an on- 707  
site, preconstruction meeting for the purpose of premarking the 708  
excavation site. 709

(3) The excavation involves replacing a pole that is 710  
within five feet of the location of an existing pole. 711

(4) Premarking by the excavator would clearly interfere 712  
with pedestrian or vehicular traffic control. 713

**Section 2.** That existing sections 153.64, 3781.25, 714  
3781.26, 3781.27, 3781.271, 3781.28, and 3781.29 of the Revised 715  
Code are hereby repealed. 716