



# Ohio Utilities Protection Service

2016 Safety and Legislative Presentation

Ohio Utilities Protection Service is  
**the contact before you dig** notification  
center for the state of Ohio.

O.U.P.S. is the communication link  
between those who own and operate  
underground utility facilities and those  
with a desire to excavate.

# Excavator Responsibilities

- Definition of an Excavation
  - “...penetrate or bore or drill into the earth...”
  - ORC 3781.25(I)
- Plan Work
- Premark in White
- Click, Call or Tap the App
  - 48 hours but not more than 10 days before you plan to dig
- Each Excavator Has to Have Their Own Ticket
  - “the person or persons responsible for making the actual excavation” ORC 3781.25(K)
- Locate Work Order

# Excavator Responsibilities Cont.

- CSR Verification – Listen Closely
- Ticket Number
- We Notify Our Members But Not All Utilities Are Members With O.U.P.S.
- Wait 48 Hours Before You Begin Excavation
- Check Positive Response
  - Excavator has an obligation to check positive response
    - 800-445-3894
- Perform Site Assessment - Observe tolerance zone
- Dig With Care

# **Senate Bill 378**

**The Enforcement of Ohio's Damage  
Prevention Laws**

**Became Active January 1, 2016**

# **What will be enforced?**

153.64 – The protection of underground facilities during public improvement projects

3781.26 (A) – Requires all utilities who own and operate underground facilities to register with a protection service.

3781.26 (B) – Requires protection services, utilities, excavators, equipment dealers, PUCCO, etc. to publicize the importance of contacting a protection service prior to excavation.

3781.27 – Developer or designer notifying protection service of intended excavation.

# What will be enforced? Cont.

- 3781.28 – Excavator notifying protection service.
- 3781.29 – Marking location of facilities or give indication of no facilities at site.
- 3781.30 – Duties of excavator.
- 3781.31 – Notifying of commencement of excavation or of removal of markings.
- 3781.32 – Corrections or tie-ins within right-of-way.
- 4913 – Rules surrounding enforcement process.

# **How will the enforcement process be funded?**

**All utilities, excavators, developers and designers who participate in the one-call system will pay an annual registration fee not to exceed \$50 to the PUCO**



# **How will the enforcement process work?**

- **Complaint driven process**
- **“Aggrieved party” may file request for inquiry with the PUCO within 90 days**
- **PUCO will notify the alleged responsible party and gather information**
- **PUCO will forward all information to the Underground Technical Committee (UTC)**

# **What are the fines/penalties for non-compliance?**

- **1<sup>st</sup> time violations – training/education requirement, fine of up to \$2500 or combination of both**
- **2<sup>nd</sup> time violations – training/education requirement, fine of up to \$5000 or combination of both**
- **“Persistent Noncomplier” – PUCO may impose fine of up to \$10000**

# **What if I disagree with the finding of the UTC?**

- **The aggrieved party or the alleged responsible party may file for reconsideration with the PUCO within 30 days**
- **If a reconsideration is filed, the PUCO will review the finding of the UTC and may hold a hearing**
- **PUCO will affirm, reject or modify finding**

**What happens to the monies collected as a result of the fines?**

**All fines collected will be deposited into the underground facilities protection fund and used solely to fund grants for underground utility damage prevention education awareness programs**

# **Additional Resources...**

**Visit [www.oups.org](http://www.oups.org) for valuable  
resources**

**Senate Bill 378**

**FAQs**

**Enforcement Process Flow Chart**