



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, PUCO, 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?

- **1st time violations – training/education requirement, fine of up to \$2500 or combination of both**
- **2nd 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 for valuable
resources

Senate Bill 378

FAQs

Enforcement Process Flow Chart