

Ohio Gas Association Technical Seminar

Ohio Underground Protection Service

Safety Legislation Update

Utility/Contractor Coalition Update

3/29/12

OUPS Coalition – Situation Analysis

- Formed to address need for incremental improvement to Ohio's one-call system (ORC 3781.25 – 3781.99/153.64 – 153.99)
 - 20 years since law was amended
 - Statutes outdated and do not reflect current safety needs
- PHMSA threatening action if Ohio does nothing to improve the law
 - Recent increase in budget and investigators
 - Possible reduction in federal funding to Ohio
- S.B. 152 from previous General Assembly failed
- Universal recognition that public safety should guide discussions – however issues are highly complicated
- Goal: “incremental improvement” legislation in 2012

Utility/Contractor “Coalition”

- Composition/membership
 - 27 “voting members”; 50 organizations; 75 participants
- Initial Process – Monthly Meetings (8 months, 2/11)
 - Co-chairs – Utility, Contractor
 - “Operating Principles”
 - Sub-committees (Administrative, Membership, Positive Response, Enforcement, Technical, Marking Standards, Defined Limits, Stakeholder Responsibility)
 - “Voting Rights” – 80% rule
- Positive Response “meltdown” – 20 no, 6 yes
- Reorganization (4 months...and counting)

Legislation/Coalition Status

- Coalition continues to meet monthly
- “vote” to submit language to Ohio Legislature based on S.B. 152 from the previous General Assembly - 2 bills (Sen. Coley: Rep. Sprague)
- Outstanding issues remain – PHMSA
 - Enforcement/Dispute Resolution Mandatory
- Politics/advocacy
- Expected legislative process in 2012

Draft Legislation – what’s in...

- Requires contractor membership in a protection service
- Changes 48 hour notification to exclude the day notice is given
- Tightens up/cleans up current statutory language
- Broadens applicable fuel sources – “electric energy”, “manufactured, mixed, propane gas, synthetic or liquefied natural gas”
- Adds definition to facilities – “operational pipes, sewers, tubing, conduits, cables, valves, lines, wires, access holes and attachments...”
- Changes “approximate location” to “Tolerance Zones” and requires marking to include the width of the facility plus 18 inches on “all sides” (changed from “each side”)
- Establishes a Positive Response System and requires all utilities participating in a protection service to participate in the PR system
- Establishes protocols and procedures for emergency excavations and trenchless excavation methods
- Creates numerous definitions not currently in statute
- Coley and Sprague bills exactly the same except for Limited Basis Participants

Draft Legislation - What's not in...

- Enforcement/Dispute Resolution
- Liability – Stakeholder Responsibilities
- Protocols for Positive Response
- Protocols for Marking Standards