

State Damage Prevention Law Summary

State: Ohio

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Ohio Revised Code (ORC) 3781.25 (I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.
Excavator: Definition	ORC 3781.25 (K) "Excavator" means the person or persons responsible for making the actual excavation.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	<p>ORC 3781.28 (A) Except as otherwise provided in divisions (C), (D), (E), and (F) of this section, at least forty-eight hours but not more than ten days before commencing excavation, the excavator shall notify the protection service of the location of the excavation site and the date on which excavation is planned to commence. ... (C) In the case of an interstate hazardous liquids pipeline or interstate gas pipeline, the excavator shall comply with the special notice requirements of the public safety program of the owner of the pipeline as indicated in the plans or otherwise provided to the excavator in accordance with division (E) or (F)(2) of section 3781.27 of the Revised Code. (D) If it has been determined pursuant to division (D) of section 3781.27 of the Revised Code that relocation, support, removal, or protective steps are necessary, the excavator shall provide earlier notice to the utility in order to provide the utility with reasonable time to coordinate making the adjustments with actual excavation. (E) If an excavation will cover a large area and will progress from one area to the next over a period of time, the excavator shall provide written notice of excavation with projected timelines for segments of the excavation as the excavation progresses in order to coordinate the marking of underground utility facilities with actual excavation schedules. Under such circumstances, the utility and excavator shall determine a mutually agreed upon marking schedule based on the project schedule. Once such a schedule is established, the marking and notification requirements set forth in division (A)(1) of section 3781.29 of the Revised Code shall not apply. (F)(1) In the case of a utility that is making an emergency repair to its own underground utility system or a governmental entity making an underground emergency repair to traffic control devices, as defined in section 4511.01 of the Revised Code, used on any street or highway under the entity's jurisdiction, the utility or governmental entity shall notify a protection service and each limited basis participant of the excavation site. This notice need not occur before commencing excavation. (2) In the case of an excavation at the site of real property of the type described in divisions (C)(1) to (4) of section 3781.25 of the Revised Code: (a) If the owner of the property is the excavator, this section does not apply unless the excavation is planned for an area where a utility easement is located, a public right-of-way, or where utility facilities are known to serve the property. (b) If the owner of the property employs an excavator, the excavator shall comply with the requirements of this section. If the owner did not employ a designer to make written plans, the excavator shall provide the notice required under this section to a protection service and to each utility that is a limited basis participant in a protection service that has underground utility facilities within the municipal corporation or township and county of the excavation site, as indicated by the protection service.</p> <p>§ 3781.31 (A) When a utility marks its underground utility facilities in accordance with section 3781.29 of the Revised Code, the utility may request that the excavator provide prior notice to the utility of the actual commencement of the excavation. An excavator that receives a request for notice under this division shall provide the notice to the utility at least one full working day prior to the commencement of excavation. The excavator may make this notice by telephone.</p>
Ticket Life (# of days)	Not addressed.
White-Line Required (Yes / No)	Yes. (ORC 3781.29 (D))
Tolerance Zone	18" (ORC 3781.29 (D))

Special Digging Requirements Within Tolerance Zone (Specific Language)	ORC 3781.30 Duties of excavator (A) When making excavations using traditional or trenchless technologies, the excavator shall do all of the following: . (3) When approaching and excavating within the tolerance zone of underground utility facilities with powered equipment, require an individual other than the equipment operator, to visually monitor the excavation activity for any indication of the underground utility facility; (4) Conduct the excavation within the tolerance zone of underground utility facilities in a careful , prudent, and nondestructive manner, when necessary, in order to prevent damage; (5) Excavate up to the total depth of the excavation to either determine the precise location of underground utility facilities or verify that the total depth of excavation is free of such facilities;
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (ORC 3781.25 (W) and 3781.30 (A) (4))
Preserve / Maintain Marks Required (Yes / No)	Yes. (ORC 3781.30 (A) (2))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes. (ORC 3781.31 (B))
Special Language Regarding Trenchless Technology (Yes / No)	Yes. (ORC 3781.30 (B))
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (ORC 3781.30 (A))
Notify Operator of Damage (Yes / No)	Yes. (ORC 3781.30 (A) (6))
Notify One Call Center of Damage (Yes / No)	Yes. (ORC 3781.30 (A) (7))
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (ORC 3781.30 (A) (7))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	ORC 3781.25 As used in sections 3781.25 to 3781.32 of the Revised Code: ... (B) "Underground utility facility" ... does not include a private septic system in a one-family or multi-family dwelling utilized only for that dwelling and not connected to any other system.... (I) "Excavation" ... excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it. ORC 3781.28 (F) (2) In the case of an excavation at the site of real property of the type described in divisions (C)(1) to (4) of section 3781.25 of the Revised Code: (a) If the owner of the property is the excavator, this section does not apply unless the excavation is planned for an area where a utility easement is located or a public right-of-way;
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	ORC 3781.29 (A) (1) Except as otherwise provided in division (A)(2) of this section, within forty-eight hours of receiving notice under section 3781.28 of the Revised Code, each utility shall review the status of its facilities within the excavation site, locate and mark its underground utility facilities at the excavation site in such a manner as to indicate their course, and report the appropriate information to the protection service for its positive response system. If a utility does not mark its underground utility facilities or contact the excavator within that time, the utility is deemed to have given notice that it does not have any facilities at the excavation site. If the utility cannot accurately mark the facilities, the utility shall mark them to the best of its ability, notify the excavator using the positive response system that the markings may not be accurate, and provide additional guidance to the excavator in locating the facilities as needed during the excavation. (2) In the case of an interstate hazardous liquids pipeline or an interstate gas pipeline, the owner of the pipeline shall locate and mark its pipeline within the time frame established in the public safety program of the owner. (B) Unless a facility actually is uncovered or probed by the utility or excavator, any indications of the depth of the facility shall be treated as estimates only.
Minimum Standards for Locator Qualifications (Yes / No)	No

Minimum Standards for Locator Qualifications (Specific Language)	Not addressed
Law Specifies Marking Standards Other Than Color (Yes / No)	Yes
Law Specifies Marking Standards Other Than Color (Specific Language)	ORC 3781.29 (C) (1) Except as provided in division (C)(2) of this section, a utility shall mark its underground facilities using the following color codes: (Type of Underground Utility Facility / Color) Electric power transmission and distribution / Safety red; Gas transmission and distribution / High visibility safety yellow; Oil transmission and distribution / High visibility safety yellow; Dangerous materials, product lines, and steam lines / High visibility safety yellow; Telephone and telegraph systems / Safety alert orange; Police and fire communications / Safety alert orange; Cable television / Safety alert orange; Water systems / Safety precaution blue; Slurry systems / Safety precaution purple; Sewer lines / Safety green. (2) All underground facilities shall be marked in accordance with the Ohio universal marking standards that are on file with the Ohio utilities protection service. Industry representatives serving on Ohio damage prevention councils shall review the marking standards every two years.
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	No
Operator Must Locate Abandoned Facilities (Specific Language)	Not addressed
Positive Response Required - Operator Contact Excavator (Yes / No)	Yes
Positive Response Required - Operator Contact Excavator (Specific Language)	ORC 3781.26 (D) Each utility fully participating in a protection service pursuant to this section shall also participate in its affiliated positive response system. Each utility participating in a protection service on a limited basis shall directly communicate to the excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site.
Positive Response Required - Operator Contact One Call Center (Yes / No)	Yes
Positive Response Required - Operator Contact One Call Center (Specific Language)	ORC 3781.26 (D) Each utility fully participating in a protection service pursuant to this section shall also participate in its affiliated positive response system. Each utility participating in a protection service on a limited basis shall directly communicate to the excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site.
Positive Response - One-Call Automated (Yes / No)	Yes. (ORC 3781.29 (A) (1))
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	ORC 3781.26 (A) Each utility that owns or operates underground utility facilities shall participate in and register the location of its underground utility facilities with a protection service that serves the area where the facilities are located. A utility may elect to participate in the service on a limited basis and if it does so, it shall register the location of its underground utility facilities only by identifying the municipal corporations, and outside the limits of a municipal corporation, the townships by county in which it has facilities.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	No
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	Not addressed

New Facilities Must Be Locatable Electronically (Yes / No)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed
Design Request (Yes / No)	Yes. (ORC 3781.27)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes. (ORC 3781.26 (A))
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	ORC 3781.25 As used in sections 3781.25 to 3781.32 of the Revised Code: ... (C) "Utility" means any owner or operator, or an agent of an owner or operator, of an underground utility facility, including any public authority, that owns or operates an underground utility facility. "Utility" does not include the owners of the following types of real property with respect to any underground utility facility located on that property: (1) The owner of a single-family or two-three-, or four-unit residential dwelling; (2) The owner of an apartment complex; (3) The owner of a commercial or industrial building or complex of buildings including but not limited to, factories and shopping centers; (4) The owner of a farm; (5) The owner of an exempt domestic well as defined in section 1509.0 of the Revised Code.
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not addressed
Separate Body Designated to Advise Enforcement Authority (Yes / No)	Yes
Separate Body Designated to Advise Enforcement Authority (Specific Language)	ORC 3781.34 (A) There is hereby created the underground technical committee. ORC 3781.36 (A) The underground technical committee shall do the following: (1) Coordinate with the public utilities commission in carrying out its duties under Chapter 4913. of the Revised Code; (2) Provide subject matter expertise when requested during inquiries conducted under section 4913.09 of the Revised Code; (3) Review reports in accordance with section 4913.15 of the Revised Code; (4) Make recommendations under sections 4913.15 and 4913.16 of the Revised Code; (5) Perform any additional duties as may be required under this chapter. [Also see Ohio Adm. Code Chapter 4901:1-2]
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	ORC 4913.03 (A) Each utility, excavator, developer, and designer who participates in the one-call notification system shall register with the public utilities commission and pay a safety registration not to exceed fifty dollars annually, which the commission may lower if the commission determines lowering the registration to be necessary. The commission shall administer and oversee the registration process. Failure to register shall result in a fine of not more than two thousand five hundred dollars. ORC 4913.151 In determining a fine or penalty recommendation as required under section 4913.15 or 4913.16 of the Revised Code: (A) If the compliance failure is the first for the person responsible, the underground technical committee may recommend a penalty of a training requirement, an education requirement, or another nonmonetary penalty, or may recommend a fine not exceeding two thousand five hundred dollars, or may recommend a combination of this fine and these penalties. (B) If the compliance failure is a subsequent compliance failure for the person responsible, the committee may recommend a penalty of a training requirement, an education requirement, or another nonmonetary penalty, or may recommend a fine not exceeding five thousand dollars, or may recommend a combination of this fine and these penalties. (C) Any penalty recommended under this section shall be appropriately related to enforcement of the provisions enumerated in division (A) of section 4905.041 of the Revised Code. ORC 4913.171 If the underground technical committee reports that a person responsible for a compliance failure has been found to be a persistent noncomplier under section 4913.17 of the Revised Code, the public utilities commission may impose a fine on the person not exceeding ten thousand dollars. A penalty recommended by the committee under section 4913.15 or 4913.16 of the Revised Code may also be imposed by the commission.
Penalties / Fines Operators (Yes / No)	Yes

Penalties / Fines Operators (Specific Language)	<p>ORC 4913.03 (A) Each utility, excavator, developer, and designer who participates in the one-call notification system shall register with the public utilities commission and pay a safety registration not to exceed fifty dollars annually, which the commission may lower if the commission determines lowering the registration to be necessary. The commission shall administer and oversee the registration process. Failure to register shall result in a fine of not more than two thousand five hundred dollars.</p> <p>ORC 4913.151 In determining a fine or penalty recommendation as required under section 4913.15 or 4913.16 of the Revised Code: (A) If the compliance failure is the first for the person responsible, the underground technical committee may recommend a penalty of a training requirement, an education requirement, or another nonmonetary penalty, or may recommend a fine not exceeding two thousand five hundred dollars, or may recommend a combination of this fine and these penalties. (B) If the compliance failure is a subsequent compliance failure for the person responsible, the committee may recommend a penalty of a training requirement, an education requirement, or another nonmonetary penalty, or may recommend a fine not exceeding five thousand dollars, or may recommend a combination of this fine and these penalties. (C) Any penalty recommended under this section shall be appropriate related to enforcement of the provisions enumerated in division (A) of section 4905.041 of the Revised Code.</p> <p>ORC 4913.171 If the underground technical committee reports that a person responsible for a compliance failure has been found to be a persistent noncomplier under section 4913.17 of the Revised Code, the public utilities commission may impose a fine on the person not exceeding ten thousand dollars. A penalty recommended by the committee under section 4913.15 or 4913.16 of the Revised Code may also be imposed by the commission.</p>
Penalties / Fines Other (Yes / No)	<p style="text-align: center;">Yes</p>
Penalties / Fines Other (Specific Language)	<p>ORC 4913.03 (A) Each utility, excavator, developer, and designer who participates in the one-call notification system shall register with the public utilities commission and pay a safety registration not to exceed fifty dollars annually, which the commission may lower if the commission determines lowering the registration to be necessary. The commission shall administer and oversee the registration process. Failure to register shall result in a fine of not more than two thousand five hundred dollars.</p> <p>ORC 4913.151 In determining a fine or penalty recommendation as required under section 4913.15 or 4913.16 of the Revised Code: (A) If the compliance failure is the first for the person responsible, the underground technical committee may recommend a penalty of a training requirement, an education requirement, or another nonmonetary penalty, or may recommend a fine not exceeding two thousand five hundred dollars, or may recommend a combination of this fine and these penalties. (B) If the compliance failure is a subsequent compliance failure for the person responsible, the committee may recommend a penalty of a training requirement, an education requirement, or another nonmonetary penalty, or may recommend a fine not exceeding five thousand dollars, or may recommend a combination of this fine and these penalties. (C) Any penalty recommended under this section shall be appropriate related to enforcement of the provisions enumerated in division (A) of section 4905.041 of the Revised Code.</p> <p>ORC 4913.171 If the underground technical committee reports that a person responsible for a compliance failure has been found to be a persistent noncomplier under section 4913.17 of the Revised Code, the public utilities commission may impose a fine on the person not exceeding ten thousand dollars. A penalty recommended by the committee under section 4913.15 or 4913.16 of the Revised Code may also be imposed by the commission.</p>
Enforcement Authority Identified	<p style="text-align: center;">Ohio Public Utilities Commission (ORC 4905.041)</p>
Damage Investigation Required by Enforcement Authority (Yes / No)	<p style="text-align: center;">Yes. (ORC 4913.09)</p>
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	<p style="text-align: center;">No</p>
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	<p style="text-align: center;">No</p>
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	<p style="text-align: center;">No</p>
Law and Regulation	

Statute / Law (Name & Link)	<p>Ohio Revised Code (ORC). Chapter 3781. Building Standards - General Provisions. §§ 3781.25 - 3781.32. Underground-Utility-Damage-Prevention Law (http://codes.ohio.gov/orc/3781), and</p> <p>ORC Chapter 153.64. Protecting underground utility facilities during construction of public improvement. (http://codes.ohio.gov/orc/153), and</p> <p>ORC Chapter 4905. Public Utilities Commission - General Powers. § 4905.041. (http://codes.ohio.gov/orc/4905), and</p> <p>ORC Chapter 4913. Public Utilities Commission - Enforcement of Underground-Utility-Damage-Prevention Law. §§ 4913.01 - 4913.52. (http://codes.ohio.gov/orc/4913)</p> <p>Also see One-Call Center Website for Information on State Law.</p>
Date of Last Revision to Statute / Law	March 23, 2015
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	<p>Ohio Administrative Code (OAC), Chapter 4901:1-2 (http://codes.ohio.gov/oac/4901%3A1-2)</p>
State One Call Center(s) (Name & Link)	<p>Ohio Utilities Protection Service (OUPS) (http://www.oups.org/)</p>
Miscellaneous Notes	
Notes	<p>The 130th Ohio General Assembly adopted Amended Substitute Senate Bill 378 (S.B. 378) to amend Revised Code (R.C.) 3781.25 and R.C. 4905.26 and to enact a new chapter R.C. 4913 in order to enforce the law governing protection of underground utility facilities. [All effective March 23, 2015] Newly adopted R.C. 4913.45 directed the Commission to adopt rules pursuant to R.C. 111.15 in order to carry out this new chapter. The Commission adopted Ohio Adm. Code 4901:1-2 on July 29, 2015.</p>
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0