

**OHBA
LEGISLATIVE REVIEW
JANUARY 4, 2016 – REPORT #1**

CALL BEFORE YOU DIG ENFORCEMENT IN EFFECT

The new enforcement provisions of existing Call Before You Dig laws became effective January 1, 2016. While the PUCO rules implementing the new law are expected to be finalized later this year, the statutory provisions are in effect. Be sure to call OUPS when required to do so, and the PUCO will be sending out invoices in 2017 for registration based on those calls to OUPS in 2016.

- **When and who is required to call OUPS?**
 - The person or persons responsible for making the actual excavation **MUST** contact the Ohio Utilities Protection Service, 8-1-1 or 1-800-362-2764, at least 48 hours but no more than 10 working days (excluding weekends and legal holidays) before beginning ANY digging project.
 - Each separate entity planning to excavate is required to call OUPS. **Note:** if a subcontractor has been hired to do any digging, the entity/person responsible for the actual excavation is required to call.
 - **Excavation** is defined as, “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.” (ORC 3781.25 (I))
 - **Note: Everyone must call. An excavator is still required to call even if there are already marks present from a separate entity doing excavation on the same site, or in the same trench, if they are doing any work that would constitute excavation from definition above.**
 - **Developers:** 3781.27 (A) In order to ascertain the name of each utility with underground utility facilities located at the proposed excavation site and the types and tolerance zones of those facilities based on current records of the utility, any developer who is planning a project that will require excavation or the designer employed by the developer for the project shall notify a protection service of the location of the proposed excavation site.