

OUDDPC Accountability for Third Party Locators Subcommittee

Conference Call 1/25/2019

10:00 – 11:00 a.m.

Call Participants: Mitchell Croy, Steve Euton, Rob Fadley, Jennifer Reams, Mark Ritter, Briant Thomas, Joe Igel, Jeff Kursman, Alice Miller

Joe Igel opened the call by saying he is on the call as an unofficial member of the committee; explaining the group's role with regard to discussing accountability for third party locators. Joe discussed the process used by the Underground Technical Committee (UTC) when a complaint is filed against a utility locating company. Joe suggested a representative/spokesperson be identified during this call.

Steve Euton suggested that the subcommittee look at the question – Is the current structure (concerning owner/operator and locators) working the way it should, or would changes to the law improve the system?

Topics discussed included: Looking at owner / locator contracts, at-fault ratios, key performance indicators, other states' procedures - Mark Ritter noted that operators in other states pass fines received for no/miss marks onto their locators and they are doing away with locators who are "bad actors".

Rob Fadley: As a regulator, we regulate most facilities 1) If a gas company hires a contractor to bury lines – the facility owner is held responsible for that work, 2) PHMSA will probably not like this change in legislation, and 3) Passing legislation should be solving a problem.

Joe Igel asked if someone would be the group's representative: Jennifer Reams, representing the National Utility Contractor Association (NUCA), said she would serve as representative and present the group's findings at the next OUDDPC meeting.

Rob Fadley noted that, from the current discussion, he was not seeing a push to write new legislation.

Mitch made the point that as a locator he is held accountable in Ohio and other states. Everyone should be accountable – and the topic should be looked at the right way. There was a discussion as to whether the utility company should be accountable for the actions of its third party locator, comparing it to a contractor/subcontractor relationship. A discussion about accountability followed, Joe Igel noted that Igel Company is responsible for sub contractors' work, safety, and the like.

Briant Thomas noted that it's fine if we leave well enough alone. He posed the question is Ohio law good enough – does the subject require more discussion?

Jennifer noted that the enforcement legislation currently in place is working – the UTC is seeing an improvement in communications, an increase in those being trained, and an improvement in the requested process improvement plans.

Rob Fadley suggested we leave the current language alone and noted that damages are trending in the right direction, Steve Euton also felt there was no need for a change in legislation.

Mark Ritter suggested that the committee be open to talking again if the need arises.

Final outcome: Committee members decided not to pursue new language, unless a persuasive need is identified. Jennifer Reams will address the OUDDPC during its next meeting and share this group's findings. At that time OUDDPC members will be able to share their thoughts with the group at large.

Submitted By: Alice Miller, OHIO811, 1/25/2019