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H.B. 227
136th General Assembly

Bill Analysis

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Version: As Reported by House Commerce and Labor

Primary Sponsors: Reps. Robb Blasdel and Johnson

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SUMMARY

One call utility protection service

- Removes a utility's ability to participate in a protection service on a limited basis.
- Modifies the definition of "excavation" to exclude mining and reclamation operations and certain activities performed in a public right-of-way, regardless of whether such activities are performed by a government entity.
- Modifies the required timing of a notice provided by an excavator to a protection service before beginning an excavation project.
- Modifies the required timing of an underground utility facilities owner marking underground utility facilities after receiving notice of a pending excavation project.

Underground facilities protection during public improvement

- Modifies the required timing of a notice provided by a contractor or subcontractor for a public improvement to a protection service or nonmember of the service before beginning construction of the improvement.
- Modifies the required timing of an underground utility facilities owner marking underground utility facilities in the construction area after receiving notice of public improvement construction project.

DETAILED ANALYSIS

Overview

Under Ohio law, underground utility facilities are protected by the One-Call Utility Protection Service. This service is applicable to utility facility owners and excavators and requires notification and marking of utility facilities prior to excavations that would likely disturb or destroy such facilities. Ohio law also establishes additional requirements when a public

improvement is involved. These requirements are applicable to public authorities, contractors, and underground utility facility owners. Both regulatory schemes require the use of a protection service.

An “underground utility facility” for both laws includes any items buried or placed below ground or submerged under water for use in connection with water, sewer, telecommunication, and other utility services. A “protection service” is a notification center that receives notices from persons planning or engaging in excavation work, distributes this information to its members and participants, and that has registered with the Secretary of State and the Public Utilities Commission of Ohio (PUCO).¹ Under current law, a “public improvement” means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other structures or works of any nature by a public authority. A “public authority” includes (1) the state, or a county, township, municipal corporation, school district, or other political subdivision; (2) any public agency, authority, board, commission, instrumentality, or special district of or in the state or a county, township, municipal corporation, school district, or other political subdivision; or (3) a designer acting on behalf of any entity described in (1) and (2).²

The bill makes changes to each of these laws as described below.

One call utility protection service

Enrollment in protection service

Utility companies are required to participate in and register the location of their underground utility facilities.³ Under current law, a utility company may choose to participate in a protection service on a limited basis. Limited participants are required to register their underground utility facilities with the service but do not otherwise participate in the service’s positive response system. The bill removes this option, requiring utility companies to fully register and participate in the service.⁴

Excavation

The bill also modifies the activities that are exempt from the definition of “excavation” for the purposes of the Protection Services Law. Under current law, “excavation” excludes any activity by a governmental entity that does not penetrate the earth to a depth of more than 12 inches, as well as coal mining and reclamation operations subject to Chapter 1513 of the Revised Code. The bill changes this to exempt all mining and reclamation operations regulated

¹ R.C. 153.64(A)(3) and (4) and 3781.25(A) and (B). Under both laws, these definitions are substantially similar, with some slight variations that do not appear to have substantive effect.

² R.C. 153.64(A)(1) and (2).

³ R.C. 3781.26(A).

⁴ R.C. 3781.26(A) and (D); 3781.27(B), (E), and (F); 3781.271; and 3781.28(A) and (F).

under Chapter 1513 or 1514 of the Revised Code. The bill also excludes from the definition the following specific activities when performed in a public right-of-way:

- Milling and grinding road surfaces up to six inches without penetrating the earth or sub-base, except for pulverizing activities, activities at signalized intersections, and activities where signal or environmental sensors may be present;
- Utility wood pole inspections using hand tools to excavate up to 12 inches and working on the clear side of poles, greater than 90° from any risers;
- Tilling for sowing of grass and wildflower coverings to a depth that does not penetrate the earth more than four inches;
- Placement of temporary signage without penetrating the earth more than four inches;
- Localized pavement repairs on all areas outside municipal corporations without penetrating the earth up to a depth greater than 12 inches.⁵

Notice periods

Under current law, an excavator must notify the protective service of its intent to excavate at least 48 hours, but not more than ten working days before, excavating. The bill changes this notice period to at least two working days, but not more than 16 calendar days prior to excavation. The bill also specifies that “working days” begin at 12:00 a.m. and end at 11:59 p.m. on the same date, which appears to allow a day to be included in the notice period even if the notice is delivered after standard working hours. Under the bill, the day of the notification is not included in determining the notification timeline.⁶

Under current law, the owner of an underground utility facility must review the status of its facilities and mark them within 48 hours of receiving notice of a pending excavation. The bill changes this notice period to at least two working days prior to the excavation operation, not including the day of notification.⁷

Underground facilities protection during public improvement

Under current law, a contractor awarded a public improvement contract, or its subcontractor, if underground utility facilities may be involved, must cause notice to be given to the protection service and underground utility facility owners that are not protection service members of the plans and specifications of the construction. The notice is required at least two working days, excluding Saturdays, Sundays, and legal holidays, but not more than ten working days before construction commences. The bill changes this to “two working days, not including the day of the notification, but not more than 16 calendar days.”

⁵ R.C. 3781.25(I).

⁶ R.C. 3781.25(F) and 3781.28(A).

⁷ R.C. 3781.29(A)(1).

Current law also requires the underground utility facilities owner, within 48 hours, excluding Saturdays, Sundays, and legal holidays, after notice is received, to mark the location of the facilities in the construction area. The bill changes this to “at least two working days, not including the day of notification.”⁸ The public improvement protection law, under current law or the bill, does not provide a definition for “working days.”

HISTORY

Action	Date
Introduced	04-07-25
Reported, H. Commerce and Labor	10-08-25

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⁸ R.C. 153.64(C).