

## Comeau, Jeremy

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**To:** Comments, Urc  
**Subject:** RE: Comments Regarding Strawman Draft Proposed Rule

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**From:** Olson, Rick D <[Rick.Olson@terracon.com](mailto:Rick.Olson@terracon.com)>  
**Sent:** Tuesday, June 07, 2022 7:52 AM  
**To:** Comments, Urc <[URCComments@urc.IN.gov](mailto:URCComments@urc.IN.gov)>  
**Subject:** Comments Regarding Strawman Draft Proposed Rule

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In general, my biggest issues with the current law is the need for mandatory positive response and making locaters responsible for their actions (or more appropriately, lack thereof). It looks like we are moving in those directions.

In 5-5-2.1 / 8-1-26-18(k) it is good that you have brought clarification to the law regarding notification since we have had several fraudulent cases when locaters said that they called us when they did not. However, I believe that this provision could use some more teeth and clarification. Currently it says "(k) If an operator receives, under section 16 of this chapter, notice of an excavation or demolition and determines that **the operator is unable to do either or both of the following**, the operator shall notify the person responsible for the excavation...". I would assume that the spirit of the law is that this applies to a utility that is not toneable. However, it also implies that the locaters are not required to mark utilities at every project. It would be great if the law could list a few pf the reasons why "...the operator is unable to either or both of the following...".

Feel free to contact me if you have any questions or need clarification about my comments.

Thanks,

Rick

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