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Subject: IEA 811 initial comments
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Attachments: [image006.jpg](#)

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Jeremy – Thanks for the opportunity to give initial and informal feedback to the proposed rule changes to 170 IAC 5-5. We have not and will not have a chance to review the proposed changes in their entirety with every member of the IEA, but we do appreciate the opportunity to give quick feedback. There is a caveat that our future feedback may or may not reflect changes to our initial comments.

Adds a definition for re-mark, job extension, and second notice tickets.

- a. This section needs further clarification.

Adds a new section requiring operators to mark their underground facilities by 7:00 am after the elapse of two full working day periods from 7:00 a.m. to 6:00 p.m.

- a. No issues.

Adds a new section to require a description of underground facilities, typically by painting on the ground a designation of the size of the pipeline or facility, and the type of material.

- a. Opposed to any additional size and material requirements. On the electric side, records may not indicate if it is in conduit or not. On the gas side, parts of plastic services may be in steel. This proposal could slow locates and cause confusion.

Adds a new section to clearly state the expiration of an 811 ticket is at midnight after 20 calendar days; provides expiration dates for job extension tickets and re-mark tickets; and specifies under what conditions an excavator may continue to work uninterrupted with a job extension ticket.

- a. Agree with 811 Board comments.

Amends the timelines for a pipeline operator to submit notice of a damage (30 days from the date of damage) and to respond to a request for additional information (30 days from the request).

- a. Oppose.

Adds a new section to define compliant methods for notifying excavators of a reschedule under IC 8-1-26-18(k), requiring an oral communication or an signed agreement for the reschedule.

- a. **Strongly oppose.** There is no incentive for excavator to agree to terms of a reschedule. Initial evaluation shows costs increasing under this proposal. Not all employees are authorized signers in the field. Emergency weather would be hard to factor into this rulemaking and the need to reschedule. Also, the type and amount of tickets called in might not actually reflect the work being done at that time with calls coming in for miles and miles of work every first of the month as an example.

Adds a new section to define the clearance zone for facilities as 2 feet on all sides,

including above and below the facility.

- a. Agree with 811 Board comment.

Requires operators to provide affirmative, positive response to Indiana 811 in the manner directed by Indiana 811 after facilities are located.

- a. Further review needed to understand cost and implementation on all operators.

Clarifies the notices that will be provided to excavators and operators of the Pipeline Safety Division's determination and the UPPAC recommendation, and clarifies the type of additional information the UPPAC will review (written only).

- a. Oppose.

Requires the UPPAC to use a publicly available penalty schedule to recommend penalties.

- a. No issues.

Provides that a person may request a grant from the UPPA account.

- a. No issues.

The IEA is in favor of further discussing white lining. If a locate area is unclear to the utility, or overly burdensome due to the way the ticket was composed, the utility should have the right to request white lining by an excavator as a "next step" before commencing their locating. Perhaps white lining could be incentivized under the fining matrix. White lining could be considered a mitigating factor when determining fines or perhaps there are other ways white lining could be better addressed than current practice.

Thanks,
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