

From: [Nathan Crowder](#)
To: [Comments_Urc](#)
Subject: 170 IAC 5-5 Comments
Date: Tuesday, May 10, 2022 7:29:17 AM
Attachments: [trico-emailsignature_ca193d9d-598e-49f8-8145-c44523f2bdaf.jpg](#)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

I have read over the proposed changes, and I have some comments on those changes as well as some additional items that I think should be addressed, they are outlined below. Please let me know if you have further questions or want to discuss these points further.

3. 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.

I do not think that this should pertain to sewer lines unless they are forced mains (high pressure and low pressure). It is hard to gauge exactly what should and shouldn't be included because most sewer pipes are considered large diameter from a contractor perspective. If I am out locating a line for a tree installation, the contractor likely isn't going to come across our lines, so should the labeling matter? I label them when I should or when I know the work type requires it. I make field decisions for each locate and will usually determine the necessity for labeling accordingly.

7. Adds a new section to define the clearance zone for facilities as 2 feet on all sides, including above and below the facility.

Addressed my comments in section F below

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

Touched on this in my comments below under section G, but I do not agree that there should be a required electronic positive response. Simply put, this is because there are so many late tickets by contract locating firms that they need that positive response to let the contractor know that the locate has been completed so then the contractor isn't wasting their time going to the jobsite only to be disappointed. We shouldn't adhere to these firms that cannot adhere to the law of 2 working days to complete the locate. Our positive response is putting paint on the ground for the locates where we are in "conflict" (conflict meaning greater than 3 feet in depth or a FM is located within the scope of the ticker). For the locates that we NLR (No Locate Required) based on depth, main across the street, rear easement and etc, if our argument has always been that there is sewer on the property (laterals) then we cannot assume the risk by saying that the locate is "ok" or "clear" because not everyone understands that the laterals are considered private. We would need a disclaimer if we were required to adhere to a positive response change that indicates we are not liable for laterals, etc. Something like, "TriCo facilities are clear at this address based on the work type and depth provided on the locate request. There may be sewer on the property such as a customer lateral, which is private from the building to the main. If the work type or depth indicated on the locate changes, you must provide a new locate ticket indicating the changes."

a. **Should the rule address spacing of paint lines and flags?**

No, I do not think there should be a rule addressing spacing because it cannot be uniform in terms of each locate because each locate varies.

b. **Should the rule address the frequency of ongoing maintenance of the markings by the operator?**

Ongoing maintenance of the markings should be the responsibility of the contractor and not the operator.

c. **Do stakeholders see a need to require marking standardization, perhaps by incorporating CGA best practices?**

No need to require something that is already being practiced.

d. **Should there be a maximum limit for reschedules, so that, for instance, an 811 ticket cannot be rescheduled for a date after the 811 tickets would be expired?**

No direct input here because we do not reschedule locates, however it does impact us because other locating companies will reschedule tickets we have marked over and over, and we may have marked it 5 times or more before the company that rescheduled ends up locating it for the first time and we were not made aware of any "reschedule". The constant reschedules end up costing the utility money not only with the locator's time and vehicle, but the paint and flag cost, IUPPS ticket cost, and other expenses that go into a locate. Other stakeholders are not made aware of the reschedule, so they continue marking the locate repeatedly.

e. **Is there a benefit to defining a separate locate process for "project" locate tickets? Is there a standardized definition of "project" tickets?**

Yes, some contractors will call in the entire project knowing that they will not even get ¼ of it done before they need to call in remarks. Having tickets labeled as project allows us to work with the contractor better. A project in my terms would be defined by any locate inside city limits that exceeds 3000 feet which would be subject to a minimum of 2 locate requests. Just as with the benefit for Design Tickets, there is a benefit here, but I do not foresee contractors utilizing it because they don't utilize the design notice system. If they want to implement a project locate request, then what would stop them from implementing a quote locate request for the contractors who only call in locates to bid a job?

f. **Should the clearance zone requirement spell out the calculation of the size of the tolerance zone, i.e. half the diameter of the facility plus 24 inches on all sides?**

Yes, some people simply do not understand this part of the law and become surprised when I inform them of the law. There should be specific examples given within the law.

g. **Should there be a penalty or other enforcement mechanism if an operator fails to provide positive response?**

Yes, but to what degree? A positive response for us is putting paint on the ground. We can send a positive response, but since we do not put an "ok" down on clear locates or on NLR locates, how would that work with us if we decided to send positive responses? Would we implement something that says, we are clear if they don't dig greater than 3 feet? We would we put a note on the response too that says we do not locate laterals? This would require some creative thinking on our part as well as our legal responsibility to not be held liable for a contractor or especially a homeowner not understanding what we may say in our positive response.

Other Items:

Gate Codes: I also would like to see something implemented about gate codes. I come across tickets daily that require a gate code and they are not on the locate ticket. I believe the way the law is written, the contractor or whoever is responsible for calling in the locate that they give us full access to complete the locate. This would not be any different than making sure a fence is unlocked to locate a back yard. I would like to see something pop up for the 811 dispatcher or online that when a certain street is given, that is recognized that it is in a gated community and that a gate code is required before a request can be made. It should not be the responsibility of the locator to go searching for a gate code just to gain access to the locate.

2nd Notices: I have had issues with receiving 2nd notices for locates after we have had certain weather that effects the locate markings. I think the 811 dispatchers should have better training on using common sense in this area. For instance, I had a few 2nd notices come through after we got that big snow fall earlier this year. I had to end up calling 811 and speaking with a supervisor and then they called the contractor to cancel the 2nd notice because it was common sense that the locate was completed, but since we had a major snowfall, the marks were covered up. That would be classified as a "remark due to weather" and not a 2nd notice. I think better training for the dispatchers in this situation would be beneficial.

Also, the 811 dispatchers need to do a better job asking for a phone number of the person who calls in the 2nd notice. Often the person calling in the 2nd notice is not listed on the locate and therefore we do not have a phone number to call that person to give them an update on the ticket. For example, the ticket might list John as the caller and Mike as the contact, but Frank calls in the 2nd notice. How are we supposed to contact Frank if he wasn't originally listed on the locate? That person is clearly the person onsite and needs the locate, so why do they make it so we cannot contact them?

I also come across 2nd notices particularly in our service area where the contractor may inform the dispatcher that the Water and Sewer are good and not needed. So, the dispatcher clears Carmel Utilities, but then we still get the 2nd notice because the dispatcher does not understand that we are the sewer utility in the area. Not sure what can be done there, other than some better training.

False Emergencies: Piggy backing on the 2nd notice point above, I would like a better solution to the false emergency locate requests. I understand that if they agree to the fine/penalty agreement that the 811 dispatcher reads to them then there isn't anything they can do about it. I beg to differ though; these common-sense false emergency requests should be upgraded to a supervisor upon the dispatcher determining through process of elimination that the request is not a true emergency as defined by the law. The uptick in emergencies on Thursdays and Fridays (since locates called in after 6:00 PM Wednesday would not be due until Monday) cannot be ignored or when there is an 811 holiday. Their poor planning does not constitute an emergency on our part.

Design Notice Tickets: Design notice tickets are not being implemented as intended. I think there should be a better push by 811 to market these design tickets to engineering/survey firms. They are instead calling in normal notice tickets and as soon as the locator sees who the contractor is, they know it is a survey and firms like USIC will take weeks to get to them because they know there is no digging taking place. If they would call in the design notice ticket from the start, then it would potentially eliminate the length it takes certain locators or locating companies to complete the locate.

Thank you,



Nathan Crowder, Project Coordinator / Locator
TriCo Regional Sewer Utility

7236 Mayflower Park Drive, Zionsville, Indiana 46077-7906

Phone 317-844-9200 ext. 234 • Direct 765-336-9526 • Website www.trico.eco • Email nathan.crowder@trico.eco