

Comeau, Jeremy

To: Comments, Urc
Subject: RE: Responses to Topics Within 170 IAC 5-5, RM 22-03, 811 law Strawman Draft Proposed Rule

From: Sipes, David <David.Sipes@milestonelp.com>

Sent: Thursday, June 09, 2022 2:17 PM

To: Comments, Urc <URCCComments@urc.IN.gov>

Subject: Responses to Topics Within 170 IAC 5-5, RM 22-03, 811 law Strawman Draft Proposed Rule

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Hello,

I have attempted to express our concerns by commenting on the areas that have been affecting us the most. We understand there that appears to be a shortage of labor for all our underground utility locating partners but it creates risks, both monetary and especially bodily risk to us who dig. Please see the comments below.

- .6 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. I interpret this to imply that the locator could apply AN ADDITIONAL oral communication or signed agreement if the marking does not get completed by the original agreed time. Would it be possible to set a limit of “no more than 5 days” from the original agreement? I ask this because I have received emails implying that my requests would not be completed for 20 days. When I was told this, I knew of no options other than delaying the work for 20 days! 5 day delays, though inconvenient, are much more manageable than 20 days. This applies to d.) Should there be an maximum limit for reschedules, so that, for instance, an 811 ticket cannot be rescheduled for a date after the 811 ticket would be expired?
 - a. Should the rule address spacing of paint lines and flags? Spacing of no more then 2 feet(if not closer) would be beneficial. Installation of underground lines (primarily communication lines) are not uniform and consistent throughout the whole burial process. Can't tell you how many times lines vary within a short distance. This applies to depth as well.
 - g. Should there be a penalty or other enforcement mechanism if an operator fails to provide positive response? Yes, many times as an excavator, we are not sure whether the area has been located if there is no positive response. This is dangerous.

Thank you for this opportunity to interact with you all.

Sincerely,
David Sipes

David Sipes

Project Manager

3410 S 650 E

Columbus, IN 47203

Office:+1-812-579-5495
Mobile:+1-812-322-6877

