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April 12, 2010

Mr. Bob Leonberger
Mr. Dale Johansen
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Damage Prevention Stakeholder Roundtable Meeting

Dear Messrs. Leonberger and Johansen:

Thank you again for the opportunity given to the SITE Improvement Association and its membership to offer comments on the proposed changes drafted by the Missouri Public Service Commission in regards to Missouri's Underground Facility Safety and Damage Prevention Act. SITE is pleased that you have kept us involved in the negotiations since this issue is important to many of our members as well as their safety. Two of SITE's staff members attended the meeting held on March 9 and I am responding with these comments/suggestions as requested:

319.015 (20) Definition of "Ticket Life" SITE opposes the "Ticket Life" concept in the law. Time schedules are important on a job site and certain unforeseen factors can cause delay. SITE understands that harsh weather conditions can cause problems especially in regards to utility markings. However if an excavator returns to a job site after the 45-day period and the markings are still visible, a ticket renewal should not be necessary. Having to call for a locate can add a "waiting period" before the contractor can commence excavation.

319.070 Installation depth requirements We would still support a statewide minimum depth of burial requirements set for new underground utility construction. SITE would encourage the Public Service Commission to consider similar language as seen in other counties across Missouri. Phelps County, for example, has depth requirements for cable, electric, natural gas, and other utilities located along county roadways. St. Charles County also has minimum depth coverage for underground installations along county roadways. The average depth requirement is 30 inches within right-of-ways, which can be changed upon the request of the County Engineer.

It is important for an excavator to have a certain idea how deep something is buried underground. In some instances, the facility owner may run a line underneath a roadway. A contractor may come in later for a road construction project and accidentally damage the wire because the line was stuck to the concrete and not buried deep enough. Any minimum depth requirements set statewide by the Public Service Commission, especially along public roadways, should assure a safer job site.

319.065 Damage Prevention Review Board As previously commented, SITE is open to the creation of a damage prevention review board, and with it the authority to act as an arbitrator to resolve disputes relative to provisions of the law. However, SITE also notes the following concerns with regard to 319.065(3):

- The review board makeup seems weighted more towards the utilities. Could an excavator get a fair and impartial examination of the facts by the review board?
- Additionally, a 12-member review board may be too large a group to handle disputes. Perhaps a subcommittee composed equally of utility and excavator members with a PSC member may be a more equitable approach.
- Finally, without knowing the rules and regulations that would govern the board, it is difficult for us to give acceptance to this proposal.

Overview

Overall, SITE Improvement Association commends the Missouri Public Service Commission for its hard work on this difficult issue. We understand the concerns regarding several of the other proposals and hope the PSC fully considers our suggestions as well. SITE continues to support measures, which protect the safety of the public, the employees on the jobsite, as well as the contractors.

Again, thank you for the opportunity to present our comments and feel free to contact our office if you should have any questions.

Sincerely,



Jay Schultehenrich, Executive Director

Pc: Andy Ernst, SITE President