

64th House District

Trumbull County

Columbus Office

Vern Riffe Center
77 S. High Street
13th Floor
Columbus, Ohio 43215-6111
(614) 466-5441
(800) 282-0253
(614) 719-0008 (Fax)
Rep64@ohiohouse.gov
www.ohiohouse.gov



Committees

Development
Finance
JCARR
Redistricting
Rules and Reference
Ways and Means
Workforce and Higher Education

Nick Santucci Majority Whip

August 12, 2026

Howland Township Board of Trustees
Howland Administration Building
205 Niles Cortland Rd. NE
Warren, OH 44484

Dear Howland Township Trustees,

Thank you for your July 14 letter outlining the Howland Township Board of Trustees' concerns regarding underground fiber-optic installation and the impact repeated utility strikes have had on residents, businesses, first responders, and critical infrastructure throughout the Township.

I share your belief that expanding broadband infrastructure is important to the future of our community and our state. At the same time, that investment cannot come at the expense of public safety. Howland Township has experienced firsthand the consequences of repeated utility strikes, while local officials and first responders are left to manage the resulting emergencies and service disruptions. I also understand the Board's frustration that townships currently have limited statutory authority to intervene when a pattern of unsafe excavation practices develops.

Given the technical and regulatory nature of the issues raised by the Township, I believed it was important to seek guidance from OHIO811 before determining the appropriate legislative response. OHIO811 plays a central role in Ohio's underground utility protection and damage-prevention system, serving as the state's one-call notification system and coordinating the process through which underground facilities are identified and marked before excavation begins. Ohio's excavation safety framework requires excavators to notify OHIO811 before digging, after which utility owners and operators are responsible for reviewing the proposed excavation area, locating and marking conflicting facilities, and providing the appropriate response. Because OHIO811 works at the center of this process and has extensive experience with safe excavation and damage prevention across the state, I wanted their assessment of Howland Township's recommendations and their guidance on where Ohio law could be strengthened.

I also believe it is important to distinguish between the respective roles of the General Assembly, state regulatory and damage-prevention entities, and local government. As a State Representative, my principal responsibility in this matter is legislative: to examine Ohio law, determine whether deficiencies exist, and work with my colleagues and stakeholders to amend those laws when necessary. My office does not function as a regulatory or enforcement agency, nor does a member of the General Assembly independently investigate or adjudicate whether an individual contractor or company has violated existing

requirements. Those responsibilities are assigned by law to the appropriate entities and authorities. My role is to make sure those laws provide them with the tools necessary to protect the public and hold responsible parties accountable.

There is also an important local component. Ohio law provides township trustees authority over excavation occurring within township highways and township rights-of-way under their jurisdiction. A board of township trustees may, by resolution, require excavation permits and, as conditions of those permits, require project plans, specify methods of excavation, require appropriate safety measures, and require indemnification or bonding. Accordingly, while my office can pursue longer-term changes to state law, Howland Township has tools available at the local level to manage work occurring within areas under its jurisdiction. Where the Township believes excavation is being performed unsafely or permit conditions are not being followed, I would encourage the Township to fully exercise the authority provided to it under existing law. Those local tools can provide a more immediate response than the legislative process in Columbus.

With that in mind, I asked OHIO811 to review each of the legislative recommendations outlined in your letter. I was encouraged that OHIO811 not only recognizes the validity of the concerns raised by Howland Township, but indicated that many of these same issues are already the subject of ongoing discussions among stakeholders through the Ohio Underground Damage Prevention Coalition.

Specifically, I received the following feedback:

- Local stop-work authority: OHIO811 advised that Representative Roy Klopfenstein, working with the County Engineers Association, OHIO811, and the Ohio Department of Transportation, has been developing legislation addressing utility issues within public rights-of-way. According to OHIO811, that proposal includes enhanced authority for entities responsible for public safety within the right-of-way and could provide an appropriate legislative vehicle for the type of limited stop-work authority requested by Howland Township.
- Non-destructive excavation: Ohio law already contains provisions addressing excavation practices within tolerance zones under ORC 3781.30. However, OHIO811 believes those provisions could be strengthened and indicated that this issue is part of ongoing stakeholder discussions. Importantly, OHIO811 also noted that several recent damages have occurred, in part, because fiber construction excavators failed to comply with existing requirements. Current law already requires excavators using trenchless methods to expose and confirm underground utilities at crossing points in a nondestructive manner and establishes additional requirements for parallel underground facilities.
- Improved oversight and utility locating: OHIO811 acknowledged a significant concern with the current system: while the organization has substantial responsibility in Ohio's utility protection and damage-prevention process, it currently lacks authority over many of the entities and practices within the industry. OHIO811 indicated that it is open to legislative discussions that would provide additional authority and accountability in this area.
- Uniform statewide safety standards: OHIO811 agreed that there is merit in establishing uniform statewide standards. While safety programs, educational resources, and industry standards already exist, OHIO811 indicated that these could be assembled into a uniform set of standards, codified in Ohio law, and made enforceable statewide.
- Contractor accountability and enforcement: OHIO811 confirmed that although accountability and enforcement provisions currently exist in Ohio law, those provisions need to be updated and expanded. The Ohio Underground Damage Prevention Coalition currently has a subcommittee working specifically on these issues.

I am encouraged that there appears to be substantial agreement between Howland Township and OHIO811 on both the seriousness of these issues and the need for additional action. Your recommendations are not occurring in a vacuum; many of the shortcomings you identified are also being recognized by those working in underground utility protection across Ohio.

My next step will be to continue working with OHIO811, Representative Klopfenstein, local officials, and other stakeholders to determine where Ohio law needs to be strengthened without unnecessarily slowing responsible broadband deployment. I am particularly interested in ensuring that local governments have reasonable tools to respond to genuine public safety threats, strengthening compliance and enforcement, and establishing clear and consistent standards for contractors operating throughout the state.

I also want to recognize the Township's work with Lumos. Their willingness to implement enhanced safety measures, increase field supervision, strengthen contractor accountability, and improve coordination is encouraging. However, I agree with the Board that public safety should not ultimately depend upon whether an individual provider voluntarily adopts stronger practices. These safeguards should be consistent, predictable, and applicable to those performing this work throughout Ohio.

At the same time, we should continue to recognize the distinction between immediate local project oversight and longer-term statewide policy. The Township is closest to the work occurring in its rights-of-way and has authority available under current law to establish and enforce appropriate excavation permit requirements within its jurisdiction. The General Assembly's responsibility is to determine whether that existing framework is sufficient and, where it is not, improve the law. I believe both levels of government have an important role to play, and the most effective solution will require each of us to use the authority already entrusted to us while working together to address any gaps that remain.

I appreciate the Trustees bringing these concerns to my attention and providing thoughtful recommendations rather than simply identifying a problem. Your July 14 letter was particularly helpful because it identified specific changes to state law, which is precisely where I can be most effective as your State Representative. I intend to remain engaged on these legislative issues and will keep the Township informed as the proposals currently under development move forward.

Howland Township should not have to choose between expanding modern infrastructure and protecting the safety of its residents. We can and should accomplish both, but doing so will require state government, local government, utilities, and contractors to each fulfill their respective responsibilities.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'N. Santucci', written over a light gray rectangular background.

Nicholas S. Santucci
State Representative
64th Ohio House District