



## **Maryland Underground Facilities Damage Prevention Authority**

Thursday, July 13, 2017

9:00 AM

The Miss Utility One Call Center  
Lower Level Conference Room 103  
7223 Parkway Drive  
Hanover, MD 21076

### **AGENDA**

1. Call to Order
2. Introductions
3. Review and Approval of changes agreed to at the June 15, 2017 meeting (noted in italicized red on the working copy of Title 12 posted on the website).
4. Anticipated subsections to be covered in the June 15, 2017 meeting

#### **§12-110. Powers**

If a subpoena is issued for a probable violator to appear before the Authority for a hearing, the probable violator does not appear, the hearing is held and a decision is rendered against the Probable Violator; should the Authority have legislative authority to collect fines through the Civil Court system if the probable violator does not pay the fine within the designated time period.

Should the Authority have the legislative authority to charge attorney fees and interest on unpaid balances?

Should the Authority have the legislative authority to charge the losing party in a hearing all processing costs for that hearing?

#### **§12-117 - Fund Established**

Should the use of funds in the Maryland Underground Facilities Damage Prevention Education and Outreach Fund be expanded to include certain Authority expenses?

#### **§12-121 - Emergency Excavation and Demolition**

There appears to be continued abuse of the Emergency Ticket. This section ought to be looked at for possible changes to curb that abuse.

We need to look at requiring a quicker response by facility owners/marketing companies to an Emergency Ticket. Right now the statute doesn't address it so the normal 2-day response is permitted. We need to look at a 2-hour to 4-hour required response/marketing. This should be applied to Re-Mark /Tickets and/or Repeat Notifications as well.

## **§12-124 – Notice to One-Call System**

Clarify “person” in (a) so that it’s clear that one cannot perform an excavation or demolition under someone else’s ticket. Address rental equipment issue.

Should some language be added to the statute that requires each ticket to contain a description of the work area under “Extent of Work” that is specific and unique to the ticket only? Some large companies that have multiple tickets each day file their tickets by computer and use the exact same language on each ticket to describe the work area under “Extent of Work”.

## **§12-126 – Marking Requirements**

The “...within 5 feet of the horizontal plane..” languages on marking requirements has been used by probable violators as a defense for not marking tickets. Should this language to changed to eliminate that defense.

It’s been suggested that reference is made in the statute to the “Codes” established and maintained by the Subscribers Committee and that communication occur by and between the facility owner (or their contract locator) and the person performing the excavation or demolition whenever a code other than “1” or “2” is used.

It’s been suggested that the Marking Guidelines be included in Title 12 by reference much like the APWA Color Code. That way if the Guidelines change, the statute will automatically be executed.

It’s been suggested that a simple written agreement be executed by and between the Contractor and Facility Owner/Locating Contractor when a delay is instituted or a Code 5 is entered on the ticket. Too much he said/she said with no way to prove if the parties communicated.

### **5. Future Meeting Dates**

July 27, 2017 at 9:00 AM