



Maryland Underground Facilities Damage Prevention Authority

Thursday, August 10, 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 July 27, 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 August 10, 2017 meeting
- **§12-101 (o) (3)** - MML & MACo to discuss the storm drain exemption issue with regard to the prevalence of “cross boring” (directional drilling) in today’s world. This has become a health and safety issue for utility maintenance workers as well as the general public. Both Washington Gas and BGE are willing to assist in any technical questions that might arise.

Please Note: Attached is a copy of the “Dangers of Unmarked Sewer Laterals” that Washington Gas prepared when the Authority introduced the 2015 Legislation, which resulted in §12-129 being added to Title 12. This would also apply to unmarked storm drains.

§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.

Being reviewed by lobbyist and counsel

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

Being reviewed by lobbyist and counsel

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

Being reviewed by lobbyist and counsel

§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.

§12-121 (a) (3) – 3-hour Emergency Ticket – The locators have been asked to review the proposed language and return with comments, refinements or suggestions at the august 10th meeting.

- Excavator Definition – (NJ Statute) "Excavator" means any person performing excavation or demolition and may include a contractor having oversight for an excavation or demolition to be performed by rented, operated equipment under the contractor's on-site direction provided the contractor contacts the One-Call Damage Prevention System in the contractor's name, thereby assuming responsibility and liability, to give notice of the intent to engage in excavation or demolition work in that manner.

§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.

§12-127 – Excavation After Notice

It's been suggested that the person who is performing the excavation or demolition have a copy of the Miss Utility Ticket on-site during all phases of the excavation or demolition.

Under (e) of this section, it's suggested that we change "Effect of knowledge of unmarked facility" to "Effect of knowledge of unmarked and marked facilities" and make appropriate changes in the rest of subtitle (e).

It's been suggested that the Facility Owner and Locating Contractor be held to the same "Clear Evidence" standard as the Contractor. Right now the Contractor is the last line of defense and liability if a facility is not marked (Clear/No Conflict) when a facility actually exists in the field.

5. Future Meeting Dates

August 24, 2017 at 9:00 AM