



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

Thursday, September 28, 2017  
9:00 AM

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

### **Title XII Re-Write Agenda**

1. Call to Order
2. Introductions
3. Review and Approval of changes agreed to at the September 14, 2017 meeting (noted in red on the working copy of Title 12 posted on the website).
4. Anticipated subsections to be covered in the September 14, 2017 meeting

**§12-101 (o) (3)** - MML & MACo to discuss the storm drain exemption issue with regard to the prevalence and dangers 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.

New Definitions for approval (see working copy)

- Clear Evidence
- Contract Locator
  - If accepted “Contractor Locator” will need to be inserted in multiple locations in Title 12 – see working copy
- Cross Bore
- Damage
- Excavator
- Extent of Work

### **§12-110. Powers**

- 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?  
**Under review by counsel.**
- Should the Authority have the legislative authority to charge attorney fees and interest on unpaid balances?  
**Under review by counsel.**

- Should the Authority have the legislative authority to charge the loosing party in a hearing all processing costs for that hearing?  
**Under review by 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 including a 3-hour turn around.  
**Draft language has drafted and will be reviewed and voted upon at this meeting. It can be down loaded from the Authority website.**

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

**A subcommittee has been created to work on language for a “Responsible Contractor/ Rental Contractor Ticket” for circumstances when last minute rental contractors and/or sub- contractors names may be added to an existing ticket, without creating a separate ticket. The New Jersey Statute has model language that can be used to draft this potential change to Title 12.**

### **§12-125 – Repeat Notification**

- **(3) Deena’s suggestion - see working copy**

### **§12-126 – Marking Requirements**

- **(2)(i) – see working copy**
- It has been suggested that a simple written agreement can 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. There is currently too much “he said/she said”, and no way to prove if the parties have communicated. **(d) (ii) – see working copy**

### **§12-127 – Excavation After Notice**

- **(a) (3) – see working copy**
- It has 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. **Add (c) (1) - see working copy**
- Under (e) of this section, it has been 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 has been suggested that the Facility Owner and Locating Contractor be held to the same “Clear Evidence” standard as the Contractor. 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.

### **§12-128 – Reimbursement**

- It’s been suggested that this subtitle be removed from the statute since is can serve as a reason for someone not to call the Call Center and proceed without a Miss Utility Ticket.

**§12-129 – Detectible Wires**

- It's been suggested that §12-129 be expanded to the installation of utilities in the public right of way.

**§12-134 – Injunctive Actions**

- It's been suggested the Authority be given injunctive action authority as well.

5. Future Meeting Date/s: October 19, 2017 at 9:00 AM

