



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

**To:** Title XII Re-write Steering Committee Members et.al.  
**From:** Jim Barron, MUFDPA  
**CC:**  
**Date:** September 28, 2017  
**Re:** September 28, 2017 Meeting Notes

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At the ninth meeting of the Title XII re-write, the following items were discussed:

### **Pending:**

- §12-101 (0)(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.
- “Responsible Contractor” - could an existing ticket be amended to show the subcontractor as an addition to the ticket, rather than issuing a new ticket which would require locators to respond to a notification. This would apply to rentals only. Vince Healy and Joe Shelton working to craft language; which would encompass all contractors working under the same ticket, coordinated by one (1) “Responsible Contractor”. This discussion will continue on the October 19, 2017 meeting.
- “Extent of Work” definition still needs more tweaking.
- 5-foot buffer - the group has decided to have further discussions on the 5ft. buffer issue - marking ...” within 5 feet of the horizontal plane” and the 18” tolerance zone.

- “Contract Locator” - There was general consensus on the definition of “Contract Locator”, however, the committee will wait until Vince Healy and John Clementson are present to approve the definition.
  
- Also in §12-126 in reference to emergency tickets and delayed response utilizing a code 5 scenario, the term “documented” has been added to the subsection as a means of proof that a conversation or dialogue occurred. Scott Brown feels this is too vague and wants more proof that an agreement has been reached by both parties and possibly housed with the call center.
  
- Language has been added to address:
  1. Re-mark requirements for destroyed marks, banning excavators from replacing marks. (recommended by Deena Joyce) §12-127(b)(3).
  2. Repeat Notification for a contractor who disturbs or destroys marks in §12-125 (a)(3) (recommended by Deena Joyce)
  3. The addition of a requirement to have on-site or available a copy of the pertinent ticket under duties of excavator §12-127(c)(1).

**Progress:**

- New Definitions approved: The committee approved the new definition for Clear Evidence and Cross Bore; which will appear as green in the mark-up. It was suggested that a reference to cross boring be added to §12-127 regarding test pitting.
- In addition, the committee approved a new definition for “Damage”; which will satisfy the PHSMA requirement.
- Existing language in the statute regarding Excavation has been amended to include “pipe bursting” and a few minor word changes.
- The committee approved the reference to the APWA Color code in §12-126 to reflect the latest version of the color codes.

**Reminders -**

**Potential Changes:** No changes will be added to the working copy of the statute unless discussed by the committee and placed in RED to indicate under consideration. Once agreed upon the text will convert to GREEN. Any language to be removed from the statute will be bracketed in RED and struck through, then turned to GREEN once agreed upon.

- Please be prepared to discuss the section changes in “red “(under consideration) at the October 19, 2017 meeting.
- The Agenda for the October 19, 2017 meeting will be sent by blast email prior to the meeting and will also be posted on the Authority website.
- Prepare for introduction of legislation for the 2019 Legislative Session. The bill will be cross-filed as before.

**All meeting notes,** lists and amendments will be put on the Authority website within 24 hours: [www.mddpa.org](http://www.mddpa.org) /click on Capitol Dome to go to the Title XII re-write page.

**Next Meeting(s):** Thursday, October 19, 2017 (9:00 a.m. to 12:00 p.m.)

Thursday, November 9, 2017 (9:00 a.m. to 12:00 p.m.)

**Attachments:** Please go to [www.mddpa.org](http://www.mddpa.org) and click on the Annapolis Capitol Dome for the following:

Title XII Statute mark-up; September 28, 2017 2017 Sign-in Sheet & Meeting Notes