



## Maryland Underground Facilities Damage Prevention Authority

**To:** Title XII Re-write Steering Committee Members et.al.

**From:** Jim Barron, MUFDPA

**CC:**

**Date:** November 21, 2017

**Re:** November 9, 2017 Meeting Notes

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

### Pending:

- §12-101 (0)(3) – MML & MACo have asked for information from PHMSA regarding exemptions with regard to storm drains. Directional drilling has created the potential for health and safety issues for municipal and county 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”. NO progress has been made to date.
- 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” or 24” tolerance zone. There was discussion but no resolution to the issue.

- “Call before you Clear” - Several jurisdictions have initiated programs to encourage plumbers and public works employee to call before the clear sewer clogs outside the public right-of-way. This issue has arisen as a result of the proliferation of cross-bores and the ensuing dangers of clearing sewer clogs with mechanical devices. Ways to approach this issue: 1) change the definition of excavation to include mechanized clearing; 2) create a new code or ticket for emergency sewer or storm drain clog removal.
- Emergency Tickets - §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. NO action was taken on this issue.

- Emergency Tickets – proposed new language §12-126 (b)(4) the owner-member or its contract locator shall respond to an emergency notice as soon as possible but no later than three hours from the transmission of the ticket from the One-Call Center.

(5) the excavator shall be on site or in communication with the owner-member, their contract locator or their representative within three hours [of notification] from the transmission of the ticket [from] by the One-Call Center; or a mutually agreed upon response time.

(6) the owner-member or its contract locator shall respond to the Underground Facilities Information Exchange System as soon as the “Extent of Work” as referenced in § 12-124(b)(1) of this subtitle is marked or it is determined that no underground facilities are in the delineated area.

**NOTE: The Steering Committee was in agreement on these changes, with the exception of a governmental stakeholder group who has missed the last 2 meetings. The committee agreed to table the issue until the next meeting.**

- Ticket – the group removed the term “that identifies the “Extent of Work” this is” from the NEW definition - HOWEVER THIS LANGUAGE MUST BE INCLUDED DUE TO CHANGES TO THE EMERGENCY TICKET REQUIREMENTS.
- In §12-124(b)(3) it was suggested that a ticket remain valid for 15 days.
- §12-125 – Repeat notification -- (a) new (3) “discovers the marker is obliterated, destroyed or removed:”  
 New Language - (i) a repeat notification to replace obliterated, destroyed or removed marks, shall not be subject to the standard two (2) business day response time; and  
 (ii) shall be re-marked with-in 12 hours of the request.
- §12-127- Excavation after notice that facilities marked or not in vicinity.

New (b)(3) – the person shall not under any circumstance, replace or repair marks; or

(4) – notify the one-call system for a repeat notification if the ticket is to expire in XX days?

THE ABOVE LANGUAGE REMAINS UNDER DEBATE AS TO WHETHER THIS CONSTITUTES A “REPEAT NOTIFICATION” OR A “RE-MARK”

- Damage Ticket – should there be a ticket or new code for reporting damages for data collection purposes with no fines attached?

**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 §12-107 – Membership, new (a)(1) language approved
- All references to “Utility/ies” have been changed to “facility/ies”
- §12-107 – Membership, new (c)(1) Limitation language has been approved
- 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).

**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 agree 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. Notations will be shown in **PURPLE**

- Please be prepared to discuss the section changes in “red “(under consideration) at the November 30, 2017 meeting.
- The Agenda for the November 30, 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 [www.mddpa.org](http://www.mddpa.org) /click on Capitol Dome to go to the Title XII re-write page.

**Next Meeting(s):** Thursday, November 30, 2017 (9:00 a.m. to 12:00 p.m.)  
Thursday, December 14, 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:

November 9, 2017 -- Title XII Statute mark-up, Sign-in Sheet & Meeting Notes