



Maryland Underground Facilities Damage Prevention Authority

Thursday, December 14, 2017
9:00 AM
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 November 30, 2017 meeting (noted in red on the working copy of Title 12 posted on the website).
4. Anticipated subsections to be covered in the December 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:

- **Emergency Obstruction**
- **“Underground Facility” – A subcommittee from MML & MACo to bring language back to the re-write committee concerning storm drain exemption**

§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 losing party in a hearing all processing costs for that hearing? **Under review by counsel.**

§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. A teleconference has been scheduled for Wednesday, November 15, 2017 at 9:00 AM. See Vince Healy for details.

§12-125 – Repeat Notification

- **(3) Revised language - see working copy**

§12-126 – Marking Requirements

- 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

- **(b) (3) (4) – 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**
- **Add (c) (3) (i) - 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). **“or Clear Evidence”** has been added. Does that addition satisfy the original suggestion?
- 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 it 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.

§12-135 – Civil Penalties

- Should we consider increasing the maximum fines?
- Under (a) (2) change "...the Authority may:" to "...the Authority shall:"
- It's been questioned that §12-135 (a) (3) does not allow the Authority to assess a \$2,000.00 fine for any violation of Part IV if the probable violator has already been fined for a No Call under §12-124 (a)
- It's been suggested that under §12-135 (a) (3) a \$4,000.00 fine be added to the statute for "...each subsequent offense" much the same as allowed under the statute for a No Call under §12-124 (a).

Future Meeting Date/s: Wednesday, January 17, 2018 at 9:00