



## Maryland Underground Facilities Damage Prevention Authority

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

**From:** Jim Barron, MUFDPA

**CC:**

**Date:** March 20, 2018

**Re:** March 15, 2018 Meeting Notes

---

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

### **Pending:**

- §12-120 (a) (2)(i) – new language proposed by Washington Gas: **the excavator shall exercise reasonable care to protect the private facilities including; but not limited to, any unmarked sewer and water laterals.** This would shift the burden on damage prevention on the private homeowner to mark their own assets i.e. dog fence, irrigation systems etc.
- The Authority will present new fining guidelines at the March 29, 2018 meeting.
- §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. **PHMSA, Washington Gas and BGE are willing to assist in any technical questions that might arise.**
- 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 and will likely remain at 18 inches.

- “Call before you Clear”- The “emergency obstruction definition was amended to include service laterals and language was removed that included service in the public right-of-way. This issue was tabled after much discussion until after the March CGA meeting. This issue is expected to be debated at the best practices committee meeting.
- Information Ticket - §12-121 (b) (4) --in the case of an obstruction caused by a suspected cross-bore as defined in §12-101(f) the person intending to remove the obstruction (i.e. plumber) shall:
  - (i) notify the One Call Center and request an Information Ticket which will be transmitted to all owner-members in the geographic area indicated for that ticket; and
  - (ii) the facility owner will notify its contract locator of the suspected cross-bore and request the marking of the underground facility at the location indicated by the person who filed the Information Ticket;
  - (iii) the contract locator shall respond as soon as reasonably possible, not to exceed 3 hours from the time of notification; if
  - (iv) the underground facility appears to intersect with an existing underground facility, the facility owner shall immediately contact the Once Call Center and file an Emergency Excavation ticket prior to the mechanical removal of the obstruction
- §12-125 – Repeat notification -- the new heading for this section is proposed to be “Re-notification” – added new § (b) if a person discovers the marker is obliterated, destroyed or removed they shall notify the call center to request, all or part of the current scope of work, of a valid ticket be re-marked.
- Damage Ticket – should there be a ticket or new code for reporting damages for data collection purposes with no fines attached?

Part V – Designer Requests - §12-131 has been amended to mirror the DC re-write language. It has been recommended that the section (§12-131(c) that refers to surveys, drawings etc. be stricken entirely. The new §12-131(c) reads

(c) the call center will provide the designer requesting a design notice, a contact means for each utility within two business days; and

(i) underground facility owners will maintain current contact information for designers to contact.

## Progress:

- A definition for “Mark” has been added to the definition section §12-101 of the statute.
- Primary Contractor, formally “Responsible Contractor” - Language has been approved (see 3/1/18 working copy of the Title XII statute)
- §12-124(a)(ii) was deleted- **there is no need for a temporary excavator to call the call center when their work is completed.**
- Trenchless Technology definition has been approved (§12-101 (x))
- §12-127(c)(3)(i) under duties of excavator, trenchless technology guidance has been added to the statute
- §12-126 Emergency Tickets -- **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. There is still no agreement regarding a repository for these agreements, but language was approved on the agreement.**
  - (ii) work with the person that intends to perform the excavation or demolition to develop a mutually **[agreeable] documented agreement [schedule]** for marking the underground facility
- §12-127- Excavation after notice that facilities marked or not in vicinity.
  - (i) If the marker is obliterated, destroyed, or removed, the person shall **[repeat the notification required] request the area be re-marked as required under §12-[124]125 (b) of this subtitle; and**
    - (ii) the person shall not, under any circumstance, replace or repair marks.**

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

- Please be prepared to discuss the section changes in “red “(under consideration) at the March 1, 2018 meeting.
- The Agenda for the March 1, 2018 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):** All meetings are held from 9:00 a.m. to 12:00 p.m.

Thursday, March 29, 2018

Thursday, April 19, 2018

Thursday May 17, 2018

**Attachments:** Please go to [www.mddpa.org](http://www.mddpa.org) and click on the Annapolis Capitol Dome for the following: (Note: Please allow at least a week for posting!)

March 15, 2018 -- Title XII Statute mark-up, Sign-in Sheet & Meeting Notes