



Maryland Underground Facilities Damage Prevention Authority

Wednesday, March 15, 2018

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 March 1, 2018 meeting (noted in red on the working copy of Title 12 posted on the website).
4. Anticipated subsections to be covered in the March 15, 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.**

§12-111. Funding

- Should the Authority have the legislative authority to charge the losing party in a hearing all processing costs for that hearing? (see working copy)

§12-120 – Effect of subtitle

- Add (a) (1) (i) - See working copy

§12-124 – Notice to One-Call System

- Definitions for “Primary Contractor” and “Temporary Excavator” have been added under §12-101 and have been inserted at the appropriate locations in §12-124 and into other appropriate subsections

§12-125 – Repeat Notification

- (3) Revised language - see working copy

§12-127 – Excavation After Notice

- Add language to (c) (1) on temporary excavator- see working copy
- 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 power 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: March 29, 2018