



Maryland Underground Facilities Damage Prevention Authority
AUTHORITY MEETING Minutes
Wednesday, March 14, 2018

Agenda Items 1 & 2:

Call to Order, Welcome:

The meeting was called to order by Chairman Vince Healy at 9:03 a.m. in the Miss Utility Call Center, Conference Room, 7223 Parkway Drive, Suite 200, Hanover, MD 21076.

Mr. Healy welcomed all present and made a few introductory remarks and introduced the guests which included: Mark Hamrick, Verizon; Dora Parks, Miss Utility; Chuck Small, WSMPA; Kevin Woolbright & Diane Spriggs, WSSC; Chris Ratliff & Paul D'Imperio, Lamberts; and Tom Hastings, OCCLS.

Agenda Item 3:

Attendance Roll Call:

A roll call of the Board of Directors was conducted by the Secretary, Mr. Erik Phillips. A quorum was present for the session. In attendance were Authority members: Charlie McCadden, Walter Gainer, Bucky Taylor, Jeff Garner, Joyce Brooks, Matt Ruddo and Vince Healy. The MACo seat remains vacant. Jim Barron and Susan Stroud were also present.

Agenda Item 4: (Handout)

Approval of Minutes:

A motion to approve the February 7, 2018 was made by member Taylor and seconded by member McCadden. The motion carried by acclamation.

Agenda Item 5: (Handout)

Authority Financial Report:

The Executive Director provided financial statements as of February 28, 2018. He reported that the Operating Account has a balance of \$186,149.41 and the Education and Outreach Account has a balance of \$43,556.57. There were no legal fees for the month of February. The December revenue from the Miss Utility surcharge was \$12,642.85; which is \$5,027.00 less than December 2016. The cumulative total for 2017 is currently \$ 209,232.87. The Executive Director updated his prediction on the projected gross revenue from the surcharge to be \$187,685.00 for revenue year June 2017 through May 2018. A motion to accept the financial report was made by Secretary Phillips and seconded by member Garner. The motion was approved by acclamation.

Agenda Item 6:

Scheduled Hearing:

The hearing scheduled for today was cancelled, the Probable Violator has settled.

NPV# 283 - Washington Gas v. Reliable Contracting is now officially closed. They have paid their fine and had on-site training.

Agenda Item 7:

Presentation by Chris Ratliff, Lamberts Cable:

Chris Ratliff gave a brief presentation on Lamberts' Buried Service Wire Locate Process (BSWLP), which was implemented in October 2015 in the State of Virginia to manage Lamberts' subcontractors ticket activity. This agreement with Virginia has assured quick response times in the field. He stated that Lamberts has called in and managed 300,338 locate tickets in Virginia since the program began. In Maryland, according to Ratliff, there are an average of 38,000-40,000 BSW tickets per year. Maryland's damage rate is .0334 (13 damages of 38,823). He claims that in Virginia, they have only had 7 at-fault damages reported to the SCC; which is equal to a .0266 for his company. Lamberts believes that their ability to control the ticketing process gives them the advantage of working directly with the locating community (i.e.: resolve access issues, manage code usage & reduce ticket volumes). Virginia has allowed Lamberts to operate outside of the 811 statute with this program. *(It should be noted that Lambert is comparing a damage rate based on 7 damages over 30 months of ticketing in Virginia with Maryland's 13 damages over a 12-month period. The difference in the time frames skews the averages.)* Ratliff is requesting that the Authority allow this type of program in Maryland. He also stated that in his opinion this would not require a change to Title 12.

Agenda Item 8:

Open NPV's:

Please see 03/14/18 handout for updates on these issues.

Agenda Item 9:

Closed/Incomplete NPV's:

Please see 03/14/18 handout for updates on these issues.

Agenda Item 10:

New NPV's for Research and Review:

Please see 03/14/18 for updates on these issues. There are currently 22 NPV's awaiting review. As of today's reviews, the Authority will have caught up on all the 2017 NPV's submitted.

Agenda Item 10, 11 & 12: (Handouts) and below:

NPV's for Authority Review & Hearing Schedule:

Note: All reviews will be conducted in closed Executive Session

NPV Scheduled Hearings	Case
NPV# 17651 Scheduled for 04/04/18	Wash Gas v. Southern Maryland Cable §12-127 (a)(1)(2)(3) Facility owner had not yet staturesd ticket as "marked" or "clear no conflict" when the excavation began.
NPV# 10148 Scheduled for 04/04/18 CANCELLED	BGE v. Country Nursery §12-124 (a) Notice to One Call – 1st offense
NPV# 9937 Scheduled for 04/04/18	BGE v. N&J Excavating §12-124 (a) Notice to One Call – 1st offense
NPV# 8496 Scheduled for 05/02/18	Washington Gas v. Langford Excavating 12-124 (a) Notice to One Call – 1st offense

NPV# 15781 Scheduled for 05/02/18	Washington Gas v. BW Excavating 12-124 (a) Notice to One Call – 1st offense
NPVs for Further Review	Case
NPV#	There were none requested at this time.
New NPV's for Review	Case
NPV# 17764	Wash Gas v. Barr Plumbing, Inc. §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17839	Wash Gas v. CPF Underground Facilities §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17840	Wash Gas v. JL Underground, LLC §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17843	Wash Gas v. CA Grinder 4Construction §12-124 (a) Notice to One Call – 2nd offense §12-127(e) – Clear Evidence
NPV# 17845	Wash Gas v. Walker Site Development §12-124 (a) Notice to One Call – st offense §12-127(e) – Clear Evidence
NPV# 17846	Wash Gas v. FCC §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17955	Wash Gas v. Demetrio Gomez Sanchez §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17956	Wash Gas v. Electrico, Inc. §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17957	Wash Gas v. BRP Construction, LLC §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence

NPV# 17978	Wash Gas v. Rivers Construction Group §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence
NPV# 17981	Wash Gas v. PMV Plumbing & Heating §12-124 (a) Notice to One Call – 1st offense §12-127(e) – Clear Evidence

Agenda Item 13

Old Business:

- Title XII Re-write Meeting – the next meetings for the Title XII re-write have been scheduled for Thursday, March 15 & 29, April 19. All meetings are held in the Miss Utility Conference Room at the One-Call Center.
- Spring Luncheon –The luncheon was been rescheduled for May 9 , 2018 so that Bruce Bereano and some members of the legislature (Derek Davis, John Astle & Mack Middleton, Mike Busch & Mike Miller) can be invited.

Agenda Item 14:

New Business:

- The Executive Director gave a recap on the CGA conference, all that attended agreed that the program was skimpy and that the location was not the best. There was discussion if the cross-bore issue, which will be voted on in July.
- The Executive Director presented the media buy request for April, May and June of this year. In 2017, the Authority contributed \$15k/\$10k/\$7k for a total of \$32,000, Member Taylor made a motion to authorize a \$15k payment for April and revisit the request again in May. The motion was seconded by member Gainer. The motion carried by acclamation. The Executive Director mentioned that the media buy will zero out the original \$200,000 subscriber grant given to the Authority in 2015. He stated that the payment of filing fees or additional funding will be discussed at the next subscribers meeting in Cumberland.
- The Executive Director asked the Authority if they wished to offer amendments to §12-135 – Civil Penalties, which would raise the amount of the fine and allow for the maximum fine to be applied to all other section of PART IV. Ms. Stroud will prepare the new language for the Authority to review at the April 4th meeting.

Agenda Item 15:

Next Meeting Date:

- April 4, 2018 @ 9:00 a.m. – There will be a hearing at that meeting. There are 2 hearing scheduled for the meeting. (See chart above)

Agenda Item 16:

Adjournment and Move to Executive Session

- The Chairman called for a motion to adjourn and go into closed Executive session the meeting at 11:04 a.m. There was motion to go into Closed Executive Session was made and seconded and recorded via roll-call vote at 11:06.

Respectfully submitted by:
Susan A. M. Stroud
Recording Secretary