



Maryland Underground Facilities Damage Prevention Authority

Wednesday, May 31, 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. Anticipated subsections and proposed changes to be covered in the May 31, 2017 meeting

§12-107 – Membership

- **New (g) – see working copy**

§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

- **Additions to (2) – see working copy**

§12-125 – Repeat Notification

- **(b) additional language – see working copy**
- **New (c) – see working copy**
- **New (e) – see working copy**

§12-129 – Detectible Wires

- Addition language added to (a) – see working copy
- It's been suggested that §12-129 be expanded to the installation of utilities in the public right of way and storm drains if an agreement is reached with MACo and MML

§12-130 – Previously “Reserved” Now a new section titled :

“Primary contractor and Temporary excavators”

- See working copy

PART V. DESIGNER REQUESTS

- Change to NON-EXCAVATION REQUESTS

§12-131 – Designer initiating ticket request

- Change to **“Other Ticket Requests”**
- Change language under (a) – see working copy
- Add language (3) and (i) – see working copy
- Remove in it's entirety (c) through and including (d) (2)
- Move (d) to end of subsection as new (e) with changes to (1) and (2) – see working copy
- Add new (d) - Notification of suspected cross-bore – see working copy

Associated Utility Contractors of Maryland Inc. suggestions for Title 12 Re-Write

1) ALL utilities owners must mark within 48 hours

2) if a damage occurs as a result of a facility owners failure to mark after notification, the contractor will not be held liable for the repair costs.

3) §12-101 (d) Clear Evidence – clear evidence must be within the “extent of work” as delineated on the ticket.

4) §12-121 –Emergency tickets – must last at least 4 days or for the life of the ticket, this is due to the delays caused by some facility owners delays when marks are requested.

5) Attorney Fees – Change the requirement of fee reimbursement to “the losing party” or each person pays their own fees.

6) §12-134 – Injunctive actions – A contractor may file for a writ of mandamus if:

(3) a facility owner or its contract locator fails to respond in good faith or in a timely manner to a request for marking the location of its underground facilities.

7) §12-135 – Civil Penalties – add to section (a)(1) or an owner who fails to respond in good faith to a request by a contractor to mark the location of its underground facilities, resulting in damages, dislocations, or disturbances to an underground facility, is deemed negligent and is subject to a civil penalty assessed by the Authority not exceeding:

Address items from the May 15, 2017 “1.2 Potential Items for title 12 Re-Write”

Future Meeting Date/s: June 14, 2018 & June 28, 2018