



Maryland Underground Facilities Damage Prevention Authority

Wednesday, June 14, 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 June 14, 2017 meeting

§12-107 – Membership

- **New (g) – see working copy – to be reviewed by Authority on 6/6/18**

§12-121 – Emergency excavation or demolition

- **Research existing language in §12-121 (a) “...§12-120 (a) of this subtitle and §12-122 through §12-135 of this subtitle do not apply to an emergency excavation or demolition...” Was this the intent of the committee that drafted the 2010 legislation or is this a drafting error?**
- **At the advice of our consultant, add the following to §12-121 (a), “...an emergency excavation or demolition...”, as defined in §12-101 (j) of this subtitle, being performed to prevent [danger to life, health or property] or mitigate loss of, or injury to, life, health, property or essential public service.**
- **At the advice of our consultant, add the following to §12-121 (b), “...an emergency excavation or demolition...”, as defined in §12-101 (j) of this subtitle, being performed to prevent or mitigate loss of, or injury to, life, health, property or essential public service.**
- **Addition new (c) – see working copy**

§12-126 – Marking requirements

- **New (e) – see working copy – Added this at the 5/31/18 meeting. Needs work**

§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.

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

“Primary Contractor and Temporary Excavators”

- See working copy

§12-131 – Non-excavation [Designer initiating] ticket request

- Change language under (a) – see working copy
- Change (b) to (1) (i) through (vi) with added language – 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 (2) - Notification of suspected cross-bore – see working copy
- Add new (3) - Notification by owner-member – see working copy

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

§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:

Add language to (6) – see working copy

Baltimore Gas & Electric suggestions for Title 12 Re-Write

§12-113. Hearing procedure

Add new (f) (3) – Paragraph (1) of this subsection does no apply in civil judicial proceedings to the extent that records of proceedings and/or of the Authority's findings may be used to show that a Defendant in a civil case is a “subsequent offender” where civil penalties are sought pursuant to §12-135 of this Title.

Add new language to §12-123 (a) (1). An owner, no matter the size or scope of the facilities owned, and no matter whether or not the owner uses the facilities to sell or transmit material or electricity to third parties or uses the facilities for its own purposes, shall be a member of a one-call system.

§12-135. Civil penalties

Add the following to (b) (2) - "(i) Authority rulings in past cases may be used in a civil action solely as evidence of a previous offense. Judicial records from previous lawsuits also may be used for purposes of proving that person has committed a a previous offense under subsection (a) (1) of this section.

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