



Maryland Underground Facilities Damage Prevention Authority

Wednesday, October 17, 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 August 30, 2017 meeting

§12-127- Owner-Member of one-call system

- New revised language added to 12-127 (d) (1) (i) concerning mandatory reporting of damages – See working copy
 - Subscribers to report back if this can be handled with a Code or Damage Ticket

§12-129 - Detectible Wires

- Additional language added to title – see working copy
- Additional language added to (a) – see working copy
 - It was suggested the language was grammatically incorrect, however, upon further review the language is correct as written. The “Underground Storm Drain Systems” added is specific for private property connecting to buildings as written. The general use of the term is found the 12-101 (j) (1) & (2) and 12-103.

The following two items, exemption language submitted by Mr. Erv Beckert on behalf of Princes Georges County and exemption language submitted by Mr. Bill Jackson on behalf of MDOT and SHA could not reach consensus at the October 10, 2018 meeting to be included in the current Title 12 Re-Write. A final vote will be taken at the October 17, 2018 meeting

Suggested language from Mr. Erv Beckert representing Prince George’s County Government for the Title 12 Re-Write Committee to review and if approved by consensus add to the projected 2019

legislation:

Change from (the below is the proposed language):

- (2) "Underground facility" does not include a stormwater drain **INSTALLED PRIOR TO OCTOBER 1, 2020.**
- (i) **STORMWATER DRAINS INSTALLED OR REPLACED AFTER OCTOBER 1, 2020 ARE AN UNDERGROUND FACILITY FOR THE PURPOSES OF THIS ACT.**

To:

(2) "Underground facility" does not include a stormwater drain or any facility owned by a governmental entity with jurisdictional authority over the right-of-way. Said governmental entity shall require identification of said facilities by the permittee and any otherwise responsible party.

and

Proposal for consideration submitted by Mr. Bill Jackson representing the Maryland State Highway Administration and its subsidiaries:

The MDOT SHA (with the possibility of County DPWs, Municipalities, Townships, or incorporated Cities) shall be removed from "Owner Member" requirements as the agency(ies) that already have a permitting process in place (MDOT with General Provisions outlining the requirements to access their Rights-of-Ways and clear instructions to obtain As-Builts and Records and to have their facilities identified in the field (i.e. for Storm Drains, etc.) at roads.maryland.gov <https://www.roads.maryland.gov/index.aspx?pageid=783>

- The MDOT SHA shall be relieved of the financial obligations for invoices from One Call Concepts. This is an undue burden on the Maryland Transportation budget and taxpaying residents.

- As for Storm Drains: ○ Add: Said governmental entity shall require identification of said facilities by the permittee and any otherwise responsible party.

○ Add: Prior to the "said 10/01/2019 or 2020" date of the anticipated legislation passing, the MDOT SHA will start to install tracer wire(s) and test station(s) on all newly installed [to include retrofitting and maintenance repair(s)] for locating purposes on MDOT owned storm drains.

Verbiage for "Underground facility": does not include a stormwater drain or any facility owned by a governmental entity with jurisdictional authority over the right-of-way.

Two topics:

See additional documentation submitted by Mr. Bill Jackson on behalf of MDOT SHA on Saturday, October 13, 2018 for inclusion during the October 17, 2018 discussion on the MDOT SHA Exemption.

New proposal for review at the October 17, 2018 Title 12 Re-Write Meeting

§12-13? – Severability

(a) Nothing in this Title shall abrogate, modify, or infringe upon permitting requirements or the requirements of any Permits issued by any governmental entity or agency.

Mr. Tom Ballentine representing **NAIOP Maryland Chapters** has presented the following changes for the **Re-Write Committee** to consider for inclusion in Title 12.

12-101 – Definitions
(S) OWNER –

- (1) "Owner" means a person that:
 - (i) owns OR OPERATES an underground facility; REGARDLESS OF THE SIZE OR SCOPE OF THE FACILTIEIS AND WHEHTHER OR NOT THE OWNER USES THE FACILTIES TO TRANSMIT TO THIRD PARTIES OR USES THE FACILTIEIES FOR ITS OWN PURPOSES; and
 - (ii) **has the right IS AUTHORIZED BY THIS ARTICLE** to bury an underground facility.
- (2) "Owner" includes, **BUT NOT LIMITED TO:**
 - (i) a public [utility] **FACILITY PUBLIC SERVICE COMPANY**
 - (ii) a telecommunications corporation;
 - (iii) a cable television corporation;
 - (iv) a political subdivision
 - (v) a municipal corporation;
 - (vi) a steam heating company;
 - (vii) an authority; and
 - (viii) a unit of the state.

~~(3) OWNER LESSEE OR OCCUPANT OF A SINGLE-FAMILY PROPERTY IS NOT CONSIDERED AN OWNER OF AN UNDERGROUND FACILITY AS DEFINED IN THIS SUBTITLE~~

~~**(3) THE FOLLOWING PERSONS ARE NOT CONSIDERED AN OWNER OF AN UNDERGROUND FACILITY AS DEFINED IN THIS SUBTITLE**~~

~~**(i) A PERSON WHO OWNS OR OPERATES AN UDERGROUND FACILITY WITHIN A BUILDING OR SITE OWNED OR LEASED BY THE PERSON OR THE PERSON'S AFFILLIATE THAT IS INCIDENTAL TO A PRIMARILY LANDLORD-TENANT RELATIONSHIP OR TO THE ADMINISTRATION OF A COMMON OWNERSHIP COMMUNITY, OR CAMPUS.**~~

~~**(ii) AN OWNER, LESSEE OR OCCUPANT OF A SINGLE-FAMILY PROPERTY**~~

(u) Person –

(1) Person has the meaning stated in S 1-101 of this article.

(2) "Person" includes; **BUT IS NOT LIMITED TO:**

- (i) a municipal corporation;
- (ii) the State;
- (iii) a political subdivision of the state; and
- (iv) any governmental unit, department or agency.

(aa) Underground facility --

(1) UNDERGROUND FACILITY – MEANS ANY ITEMS OF PUBLIC OR PRIVTE PROEPRTY WHICH IS BURIED OR PLEACED BELOW OR SUBMERGED FOR USE **BY AN OWNER AS DEFINED IN THIS SUBTITLE** IN CONNECTION WITH THE STORAGE OR CONVEYANCE OF WATER SEWAGE TELECOMMUNICATION, ELECRIC ENERGY, CABLE TELEVISION, OIL PETROLEUM PRODUCTS, GAS OR TOHER SUBSTANCES, AND INCLUDES ~~**BUT IS NOT LIMITED TO**~~ PIPES, SEWERS, ~~**COMPINATION STORM/SANITARY SEWER SYSTEMS, STORM DRAIN SYSTEMS, GEOTHERMAL SYSTEMS.**~~ CONDUITS, CABLES, VALVES, LINES, WIRES, MANHOLES AND ATTACHMENTS.

(2) "Underground facility" does not include a stormwater drain ~~**INSTALLED PRIOR TO OCTOBER 1, 2020.**~~

~~**STORMWATER DRAINS INSTALLED OR REPLACED AFTER OCTOBER 1, 2020 ARE IN UNDERGROUND FACILITY FOR THE PURPOSES OF THIS ACT.**~~

Future Meeting Date: November 1, 2018 at 9:00 AM