

# SENATE BILL 789

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2lr2275  
CF HB 994

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By: **Senator Feldman**

Introduced and read first time: February 7, 2022

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Utilities – Underground Facilities – One-Call System**

3 FOR the purpose of requiring a person notifying the one-call system before performing an  
4 excavation or demolition to select a specific start work date; altering the information  
5 that must be provided to a one-call system; requiring the ticket generated by the  
6 one-call system to include a response date and time that corresponds with the start  
7 work date selected by the person; altering the time frame during which a ticket is  
8 valid; altering the time frame within which an owner-member or its contract locator  
9 must mark the location of the owner-member's underground facility and submit a  
10 certain report; and generally relating to underground facilities and the one-call  
11 system.

12 BY repealing and reenacting, with amendments,  
13 Article – Public Utilities  
14 Section 12-124 and 12-126  
15 Annotated Code of Maryland  
16 (2020 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Public Utilities**

20 12-124.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Before performing excavation or demolition in the State, a person:

2 (1) shall initiate a ticket request by notifying the one-call system serving  
3 the geographic area where the excavation or demolition is to be performed;

4 **(2) SHALL SELECT A START WORK DATE THAT COMMENCES:**

5 **(I) NOT SOONER THAN ~~2~~ 3 BUSINESS DAYS AFTER THE TICKET**  
6 **IS INITIATED; AND**

7 **(II) NOT LATER THAN 12 BUSINESS DAYS AFTER THE TICKET IS**  
8 **INITIATED; and**

9 **[(2)] (3)** may add a temporary excavator to an existing ticket.

10 (b) Notice provided to a one-call system under subsection (a) of this section shall  
11 indicate:

12 (1) the location of the proposed excavation or demolition;

13 (2) whether the proposed excavation or demolition is within rights-of-way  
14 owned or controlled by the Department of Transportation, an administration of the  
15 Department of Transportation, or the Maryland Transportation Authority and, if so, the  
16 entity and the permit number or authorization number obtained from that entity;

17 (3) the type **AND EXTENT** of work to be performed in connection with the  
18 proposed excavation or demolition; and

19 (4) the correct name of and contact information for the temporary  
20 excavator, if any, performing work under the ticket.

21 (c) (1) Except as provided in paragraph (2) of this subsection, on receiving  
22 notice, the one-call system shall promptly transmit a copy of the ticket to all  
23 owner-members in the geographic area indicated for that ticket.

24 (2) Based on information collected under § 12-124(b)(2) of this subtitle, the  
25 one-call system shall promptly transmit a copy of the ticket to the Department of  
26 Transportation, an administration of the Department of Transportation, or the Maryland  
27 Transportation Authority, as applicable.

28 **(3) (I) THE TICKET SHALL INCLUDE A RESPONSE DATE AND TIME**  
29 **FOR OWNER-MEMBERS OR THEIR CONTRACT LOCATORS THAT CORRESPONDS WITH**  
30 **THE START WORK DATE SELECTED BY THE PERSON WHO INITIATED THE TICKET.**

1                   (II) A ticket is valid for 12 business days after the [day] **SELECTED**  
2 **START WORK DATE** on [which the] A ticket **THAT** is transmitted by the one-call system to  
3 an owner-member **OR THEIR CONTRACT LOCATOR**.

4 12-126.

5           (a) An owner-member or its contract locator shall mark its underground facility  
6 if a proposed excavation or demolition that is specified in the extent of work contained in  
7 the ticket:

8                   (1) is within 5 feet of the horizontal plane of the underground facility; or

9                   (2) because of planned blasting, is so near to the underground facility that  
10 the underground facility may be damaged or disturbed.

11           (b) (1) An owner-member or its contract locator shall mark the location of its  
12 underground facility as specified under subsection (a) of this section by marking on the  
13 ground within 18 inches on a horizontal plane on either side of the underground facility.

14                   (2) (i) When marking the location of an underground facility, an  
15 owner-member or its contract locator shall use the color codes established by the American  
16 Public Works Association for marking underground facilities in effect at the time of  
17 marking.

18                   (ii) If two or more owner-members share the same color code, each  
19 owner-member or its contract locator shall include information with the marking that  
20 indicates the owner-member of the marked underground facility.

21           (c) Except as provided in subsection (d) of this section, within 2 business days  
22 after the day on which a ticket is transferred to an owner-member **OR BEFORE THE**  
23 **SELECTED START WORK DATE**, the owner-member or its contract locator shall:

24                   (1) mark the location of the owner-member's underground facility and  
25 report to the underground facilities information exchange system that the underground  
26 facility has been marked; or

27                   (2) report to the underground facilities information exchange system that  
28 the owner-member has no underground facilities in the vicinity of the planned excavation  
29 or demolition.

30           (d) (1) If an owner-member or its contract locator is unable to mark the  
31 location of the owner-member's underground facility within the time period prescribed in  
32 subsection (c) of this section because of the scope of the proposed excavation or demolition,  
33 the owner-member shall:

34                   (i) promptly notify the underground facilities information exchange  
35 system and the person that intends to perform the excavation or demolition; and

1 (ii) work with the person that intends to perform the excavation or  
2 demolition to develop a documented agreement for marking the underground facility.

3 (2) If the owner–member or its contract locator and person that intends to  
4 perform the excavation or demolition cannot reach a mutually documented agreement for  
5 marking under paragraph (1) of this subsection, the owner–member or its contract locator  
6 shall mark that portion of the site where excavation or demolition will first occur, and the  
7 owner–member or its contract locator shall mark the remainder of the site within a  
8 reasonable time.

9 (3) If, due to circumstances beyond the control of an owner–member or its  
10 contract locator and for reasons other than those specified in paragraph (1) of this  
11 subsection, an owner–member or its contract locator is unable to mark the location of the  
12 owner–member’s underground facility within the time period prescribed in subsection (c)  
13 of this section, the owner–member or its contract locator shall report to the underground  
14 facilities information exchange system that an extension is required.

15 (4) In connection with extensive or contiguous excavation or demolition  
16 projects, the person performing the excavation or demolition and the owner–member or its  
17 contract locator may establish a working agreement regarding the time periods for marking  
18 the underground facility.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 ~~October~~ June 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.