

SENATE BILL 789

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CF 2lr2274

By: **Senator Feldman**

Introduced and read first time: February 7, 2022

Assigned to: Finance

A BILL ENTITLED

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 work
7 date selected by the person; altering the time frame during which a ticket is valid;
8 altering the time frame within which an owner-member or its contract locator must
9 mark the location of the owner-member's underground facility and submit a certain
10 report; and generally relating to underground facilities and the one-call system.

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

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

18 **Article – Public Utilities**

19 12-124.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) NOT SOONER THAN 2 BUSINESS DAYS AFTER THE TICKET IS
2 INITIATED; AND

3 (II) NOT LATER THAN 12 BUSINESS DAYS AFTER THE TICKET IS
4 INITIATED; and

5 [(2)] (3) may add a temporary excavator to an existing ticket.

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

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

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

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

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

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

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

24 (3) (I) THE TICKET SHALL INCLUDE A RESPONSE DATE AND TIME
25 FOR OWNER-MEMBERS OR THEIR CONTRACT LOCATORS THAT CORRESPONDS WITH
26 THE WORK DATE SELECTED BY THE PERSON WHO INITIATED THE TICKET.

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

30 12-126.

1 (a) An owner–member or its contract locator shall mark its underground facility
2 if a proposed excavation or demolition that is specified in the extent of work contained in
3 the ticket:

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

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

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

10 (2) (i) When marking the location of an underground facility, an
11 owner–member or its contract locator shall use the color codes established by the American
12 Public Works Association for marking underground facilities in effect at the time of
13 marking.

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

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

20 (1) mark the location of the owner–member’s underground facility and
21 report to the underground facilities information exchange system that the underground
22 facility has been marked; or

23 (2) report to the underground facilities information exchange system that
24 the owner–member has no underground facilities in the vicinity of the planned excavation
25 or demolition.

26 (d) (1) If an owner–member or its contract locator is unable to mark the
27 location of the owner–member’s underground facility within the time period prescribed in
28 subsection (c) of this section because of the scope of the proposed excavation or demolition,
29 the owner–member shall:

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

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

34 (2) If the owner–member or its contract locator and person that intends to
35 perform the excavation or demolition cannot reach a mutually documented agreement for

1 marking under paragraph (1) of this subsection, the owner–member or its contract locator
2 shall mark that portion of the site where excavation or demolition will first occur, and the
3 owner–member or its contract locator shall mark the remainder of the site within a
4 reasonable time.

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2022.