HOUSE BILL 861

By: Delegates Hornberger, Arikan, Griffith, Jacobs, and Krebs
Introduced and read first time: February 3, 2020
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Public Utilities – Underground Facilities – Time–Sensitive Ticket

FOR the purpose of requiring an owner–member whose underground facility provides broadband service to mark the location of the underground facility within a certain number of hours after a time–sensitive ticket is transferred to the owner–member; defining “time–sensitive ticket”; making conforming changes; and generally relating to underground facilities.

BY repealing and reenacting, without amendments,

Article – Public Utilities
Section 12–101(a), (j), (k), (m), and (o)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities
Section 12–126
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

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

Article – Public Utilities

12–101.

(a) In this subtitle the following words have the meanings indicated.

(j)  (1) “Owner” means a person that:
(i) owns or operates an underground facility; and

(ii) has the right to bury an underground facility.

(2) “Owner” includes:

(i) a public utility;

(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.

(k) “Owner–member” means an owner that participates as a member in a one–call system.

(m) “Ticket” means a numbered document issued by a one–call system to notify owner–members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12–131 of this subtitle.

(o) (1) “Underground facility” means personal property that is buried or submerged for:

(i) use in connection with the storage or conveyance of water, sewage, oil, gas, or other substances; or

(ii) transmission or conveyance of electronic, telephonic, or telegraphic communications or electricity.

(2) “Underground facility” includes pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground.

(3) “Underground facility” does not include a stormwater drain.
IN THIS SECTION, “TIME–SENSITIVE TICKET” MEANS A TICKET THAT THE PERSON INITIATING A TICKET REQUEST IDENTIFIES AS REQUIRING AN OWNER–MEMBER TO MARK ITS UNDERGROUND FACILITY PROMPTLY IN ORDER TO MINIMIZE DAMAGE TO PROPERTY, SUCH AS PROPERTY DAMAGE CAUSED BY A WATER MAIN BREAK OR A SIMILAR UNANTICIPATED EVENT.

An owner–member shall mark its underground facility if the owner–member has determined that a proposed excavation or demolition:

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

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

An owner–member shall mark the location of its underground facility by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.

When marking the location of an underground facility, an owner–member shall use the current color codes established by the American Public Works Association for marking underground facilities.

If two or more owner–members share the same color code, each owner–member shall include information with the marking that indicates the owner–member of the marked underground facility.

Except as provided in SUBSECTIONS (E) AND (F) of this section, within 2 business days after the day on which a ticket is transferred to an owner–member, the owner–member shall:

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

report to the underground facilities information exchange system that the owner–member has no underground facilities in the vicinity of the planned excavation or demolition.

AN OWNER–MEMBER WHOSE UNDERGROUND FACILITY PROVIDES BROADBAND SERVICE SHALL MARK THE LOCATION OF THE UNDERGROUND FACILITY WITHIN 4 HOURS AFTER A TIME–SENSITIVE TICKET IS TRANSFERRED TO THE OWNER–MEMBER.

If an owner–member is unable to mark the location of the
owner–member’s underground facility within the time period prescribed in [subsection (c)]

SUBSECTION (D) OR (E) of this section because of the scope of the proposed excavation or
demolition, the owner–member shall:

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

(ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.

(2) If the owner–member and person that intends to perform the
excavation or demolition cannot reach a mutually agreeable schedule for marking under
paragraph (1) of this subsection, the owner–member shall mark that portion of the site
where excavation or demolition will first occur, and the owner–member shall mark the
remainder of the site within a reasonable time.

(3) If, due to circumstances beyond an owner–member’s control and for
reasons other than those specified in paragraph (1) of this subsection, an owner–member
is unable to mark the location of the owner–member’s underground facility within the time
period prescribed in [subsection (c)] SUBSECTION (D) OR (E) of this section, the
owner–member shall report to the underground facilities information exchange system that
an extension is required.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2020.