
By: **Senator Colburn**

Introduced and read first time: February 4, 2000

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities - One-Call Systems - Information on Underground Facilities**

3 FOR the purpose of requiring certain owners of underground facilities to submit
4 certain documentation of the location, extent, and depth of the underground
5 facilities to certain one-call systems that allow a person to use a one-number
6 telephone utility protection system; specifying certain depth measures to be
7 documented and submitted to the one-call system; requiring one-call systems to
8 maintain a database system of certain information; requiring one-call systems
9 to make certain information available within a certain period of time to persons
10 proposing an excavation or demolition; defining a certain term; and generally
11 relating to one-call systems that allow a person to use a one-number telephone
12 utility protection system and underground facility information.

13 BY repealing and reenacting, with amendments,
14 Article - Public Utility Companies
15 Section 12-101
16 Annotated Code of Maryland
17 (1998 Volume and 1999 Supplement)
18 (As enacted by Chapter 650 of the Acts of the General Assembly of 1999)

19 BY repealing and reenacting, with amendments,
20 Article - Public Utility Companies
21 Section 12-109
22 Annotated Code of Maryland
23 (1998 Volume and 1999 Supplement)

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

26 **Article - Public Utility Companies**

27 12-101.

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

1 (b) (1) "Contractor" means a person that performs excavations or
2 demolitions.

3 (2) "Contractor" includes a person that performs excavations or
4 demolitions under a contract or subcontract.

5 (c) "Demolition" means an operation in which a structure or mass of material
6 is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive.

7 (d) (1) "Excavation" means an operation in which earth, rock, or other
8 material in or on the ground is moved, removed, or otherwise displaced by using any
9 tool, equipment, or explosive.

10 (2) "Excavation" includes grading, trenching, digging, ditching, drilling,
11 augering, tunnelling, scraping, cable or pipe plowing and driving a mass of material.

12 (e) "One-call system" means a communications network in the State that
13 allows a person to telephone a one-number utility protection system.

14 (f) (1) "Owner" means a person that:

15 (i) owns or operates an underground facility; and

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

17 (2) "Owner" includes:

18 (i) a public utility;

19 (ii) a telecommunications corporation;

20 (iii) a cable television corporation;

21 (iv) a political subdivision;

22 (v) a municipal corporation;

23 (vi) a steam heating company; and

24 (vii) an authority.

25 (g) "OWNER-MEMBER" MEANS AN OWNER THAT PARTICIPATES AS A MEMBER
26 IN A ONE-CALL SYSTEM.

27 (H) (1) "Person" has the meaning stated in § 1-101 of this article.

28 (2) "Person" includes:

29 (i) a municipal corporation; and

30 (ii) a governmental unit, department, or agency.

1 (h) (I) (1) "Underground facility" means personal property that is to be
2 buried or submerged for:

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

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

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

9 (3) "Underground facility" does not include a stormwater drain.

10 12-109.

11 (a) Each owner shall file notice with and submit to the Commission in writing
12 the telephone number of the person in each county to which calls concerning proposed
13 excavations or demolitions are to be directed.

14 (b) Each owner shall be a member of a one-call system that has filed a
15 telephone number with the Commission on behalf of all owner-members.

16 (c) (1) EACH OWNER-MEMBER OF A ONE-CALL SYSTEM SHALL SUBMIT TO
17 THE ONE-CALL SYSTEM WRITTEN OR ELECTRONIC DOCUMENTATION OF THE
18 LOCATION, EXTENT, AND DEPTH OF ALL UNDERGROUND FACILITIES OWNED OR
19 OPERATED BY THE OWNER-MEMBER.

20 (2) THE DOCUMENTATION OF DEPTH SUBMITTED TO THE ONE-CALL
21 SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE WITHIN AN 18 INCH
22 MARGIN OF ERROR FROM TOP TO BOTTOM.

23 (3) A ONE-CALL SYSTEM SHALL MAINTAIN AN UNDERGROUND FACILITY
24 INFORMATION DATABASE SYSTEM OF THE INFORMATION SUBMITTED BY
25 OWNER-MEMBERS TO THE ONE-CALL SYSTEM UNDER PARAGRAPH (1) OF THIS
26 SUBSECTION.

27 (4) A ONE-CALL SYSTEM SHALL PROVIDE THE INFORMATION REQUIRED
28 IN PARAGRAPH (1) OF THIS SUBSECTION WITHIN 48 HOURS, THROUGH VERBAL,
29 WRITTEN, OR ELECTRONIC MEANS, TO A PERSON WHO HAS CONTACTED THE
30 ONE-CALL SYSTEM AND HAS REQUESTED THE INFORMATION AS TO A PROPOSED
31 EXCAVATION OR DEMOLITION AREA.

32 (D) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after
33 receiving notice from a person under § 12-108 of this subtitle, an owner shall
34 determine if a proposed excavation or demolition:

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

1 (2) because of planned blasting, is in such proximity to an underground
2 facility that the underground facility may be damaged or disturbed.

3 [(d)] (E) Excluding Saturdays, Sundays, and legal holidays, within 48 hours
4 after receiving the person's notice under § 12-108 of this subtitle, an owner that
5 determines under subsection (c) of this section that an underground facility may be
6 damaged or disturbed shall notify the person of the determination.

7 [(e)] (F) An owner that elects to perform a proposed excavation or demolition
8 shall perform the excavation or demolition around the underground facility in a
9 timely manner.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2000.