
By: **Senator Bromwell**

Introduced and read first time: March 1, 2001

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Underground Facilities - Owner-Contractor Information Exchange System**

3 FOR the purpose of requiring the operator of a one-call system to maintain and make
4 available a certain owner-contractor information exchange system; requiring
5 certain persons to contact the owner-contractor information exchange system
6 before beginning certain excavation or demolition; requiring certain persons to
7 notify the owner-contractor information exchange system of certain actions to
8 identify certain underground facilities; requiring the one-call center to repeat
9 certain notification under certain circumstances; defining certain terms; and
10 generally relating to underground facilities.

11 BY repealing and reenacting, with amendments,
12 Article - Public Utility Companies
13 Section 12-101, 12-106, 12-108, and 12-110
14 Annotated Code of Maryland
15 (1998 Volume and 2000 Supplement)

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

18 **Article - Public Utility Companies**

19 12-101.

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

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

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

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

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

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

6 (e) "One-call system" means a communications network in the State that:

7 (1) allows a person to telephone a one-number utility protection
8 system;

9 (2) PROVIDES A TOLL-FREE NUMBER FOR PERSONS TO CALL AND
10 NOTIFY OWNER-MEMBERS OF PLANNED EXCAVATION OR DEMOLITION; AND

11 (3) MAINTAINS AN OWNER-CONTRACTOR INFORMATION
12 EXCHANGE SYSTEM.

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

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

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

16 (2) "Owner" includes:

17 (i) a public utility;

18 (ii) a telecommunications corporation;

19 (iii) a cable television corporation;

20 (iv) a political subdivision;

21 (v) a municipal corporation;

22 (vi) a steam heating company; and

23 (vii) an authority.

24 (G) "OWNER-CONTRACTOR INFORMATION EXCHANGE SYSTEM" MEANS AN
25 AUTOMATED VOICE RESPONSE UNIT MAINTAINED AS A PART OF A ONE-CALL
26 SYSTEM.

27 [(g)] (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 12-106.

11 (a) Except as provided in subsection (b) of this section, a person that operates
12 a one-call system in the State shall register with and obtain certification to operate
13 from the Commission.

14 (b) A person operating a one-call system on or before July 1, 1990, is
15 automatically registered with and certified by the Commission to continue to operate.

16 (C) (1) THE OPERATOR OF A ONE-CALL SYSTEM SHALL INSTALL AND MAKE
17 AVAILABLE AN OWNER-CONTRACTOR INFORMATION EXCHANGE SYSTEM IN ITS
18 ONE-CALL CENTER IN THE STATE.

19 (2) THE OWNER-CONTRACTOR INFORMATION EXCHANGE SYSTEM
20 SHALL BE AVAILABLE TO ANY CALLER AT ALL TIMES.

21 [(c)] (D) The Commission may grant, amend, or revoke the certification of a
22 person operating a one-call system.

23 12-108.

24 (a) Excluding Saturdays, Sundays, and legal holidays, at least 48 hours, but
25 not more than 10 working days before starting an excavation or demolition, a person
26 that intends to perform an excavation or demolition in the State shall notify by
27 telephone, either directly or through a one-call system, each owner of the person's
28 intent to perform an excavation or demolition.

29 (b) A person shall repeat the notification required under subsection (a) of this
30 section if:

31 (1) the excavation or demolition did not begin within 10 working days; or

32 (2) the excavation or demolition is to be expanded beyond its original
33 location.

34 (C) A PERSON MAY BEGIN EXCAVATION OR DEMOLITION ONLY IF THE PERSON
35 CONTACTS THE OWNER-CONTRACTOR INFORMATION EXCHANGE SYSTEM OF THE

1 ONE-CALL SYSTEM AND CONFIRMS THAT ALL APPLICABLE OWNERS HAVE EITHER
 2 MARKED THEIR UNDERGROUND FACILITIES OR REPORTED THAT THEY HAVE NO
 3 UNDERGROUND FACILITIES IN THE VICINITY OF THE EXCAVATION OR DEMOLITION.

4 [(c)] (D) A person shall exercise due care to avoid interference with or damage
 5 to an underground facility that an owner has marked in accordance with § 12-110 of
 6 this subtitle.

7 [(d)] (E) The person performing an excavation or demolition immediately
 8 shall notify the owner of the facility if the person discovers or causes any damage to or
 9 dislocation or disturbance of an underground facility in connection with any
 10 excavation or demolition.

11 12-110.

12 (a) An owner shall mark the location of an underground facility within 18
 13 inches on a horizontal plane on either side of the underground facility if the owner
 14 has determined under § 12-109 of this subtitle that a proposed excavation or
 15 demolition:

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

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

19 (b) Excluding Saturdays, Sundays, and legal holidays, if an owner cannot
 20 complete the marking under subsection (a) of this section within 48 hours after a
 21 determination under § 12-109 of this subtitle, the owner shall notify the person of the
 22 date and time when the location will be marked.

23 (c) When marking the location of an underground facility, an owner shall use
 24 the following color code:

25 UTILITY TYPE AND PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
27 Electric power distribution and transmission	safety red
28 Municipal electric systems	safety red
29 Gas distribution and transmission	high visibility safety yellow
30 Oil distribution and transmission	high visibility safety yellow
31 Dangerous materials, product lines, and steam	
32 lines	high visibility safety yellow
33 Telephone and telecommunications	safety alert orange
34 Cable television	safety alert orange

1 Water systems safety precaution blue
2 Sewer lines safety green.

3 (d) Excluding Saturdays, Sundays, and legal holidays, within 48 hours after
4 receiving notice from a person under § 12-108 of this subtitle, an owner shall notify
5 the person that marking is unnecessary if the owner determines that:

6 (1) the owner does not have an underground facility at the location
7 stated in the notice;

8 (2) the proposed excavation or demolition is not planned within 5 feet of
9 the horizontal plane of an underground facility; or

10 (3) the proposed excavation or demolition to be performed by blasting is
11 not planned in such proximity to an underground facility that the underground
12 facility may be damaged or disturbed.

13 (e) After an owner has marked the location of an underground facility in
14 accordance with this section, the person solely is responsible for the maintenance of
15 the designated marker.

16 (f) If a marker is obliterated, destroyed, or removed, an owner shall re-mark
17 the location of the underground facility not more than 48 hours, excluding Saturdays,
18 Sundays, and legal holidays, after receiving a request to re-mark the location.

19 (G) (1) NO LATER THAN 48 HOURS AFTER A CONTRACTOR NOTIFIES THE
20 ONE-CALL SYSTEM OF PROPOSED EXCAVATION OR DEMOLITION, AND AFTER TAKING
21 ALL ACTION NECESSARY TO IDENTIFY ANY OF THE OWNER'S UNDERGROUND
22 FACILITIES IN THE VICINITY OF THE PROPOSED EXCAVATION OR DEMOLITION, THE
23 PERSON WHO HAS TAKEN THE ACTION SHALL NOTIFY THE OWNER-CONTRACTOR
24 INFORMATION EXCHANGE SYSTEM OF WHETHER THE LOCATION IS MARKED OR IS
25 CLEAR OF THE OWNER'S UNDERGROUND FACILITIES.

26 (2) THE ONE-CALL CENTER SHALL REPEAT NOTIFICATION TO ANY
27 OWNER WHO HAS FAILED TO RESPOND TO THE OWNER-CONTRACTOR INFORMATION
28 EXCHANGE SYSTEM WITHIN 48 HOURS AFTER THE ORIGINAL NOTIFICATION UNDER
29 PARAGRAPH (1) OF THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2001.