

SENATE BILL 879

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2001 Regular Session  
11r2967  
CF 11r2968

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By: **Senator Bromwell**

Introduced and read first time: March 1, 2001

Assigned to: Rules

Re-referred to: Finance, March 5, 2001

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2001

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CHAPTER \_\_\_\_\_

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, or receive notification from, the owner-contractor  
6 information exchange system before beginning certain excavation or demolition;  
7 requiring certain persons to notify the owner-contractor information exchange  
8 system of certain actions to identify certain underground facilities; requiring the  
9 one-call center to repeat certain notification under certain circumstances;  
10 defining certain terms; and 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.

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

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

17 (3) MAINTAINS AN OWNER-CONTRACTOR INFORMATION  
18 EXCHANGE SYSTEM.

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

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

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

22 (2) "Owner" includes:

23 (i) a public utility;

24 (ii) a telecommunications corporation;

25 (iii) a cable television corporation;

26 (iv) a political subdivision;

27 (v) a municipal corporation;

28 (vi) a steam heating company; and

29 (vii) an authority.

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

4 [(g)] (H) (1) "Person" has the meaning stated in § 1-101 of this article.

5 (2) "Person" includes:

6 (i) a municipal corporation; and

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

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

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

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

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

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

17 12-106.

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

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

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

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

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

30 12-108.

31 (a) Excluding Saturdays, Sundays, and legal holidays, at least 48 hours, but  
32 not more than 10 working days before starting an excavation or demolition, a person  
33 that intends to perform an excavation or demolition in the State shall notify by

1 telephone, either directly or through a one-call system, each owner of the person's  
2 intent to perform an excavation or demolition.

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

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

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

8 (C) A PERSON MAY BEGIN EXCAVATION OR DEMOLITION ONLY IF THE PERSON  
9 CONTACTS OR RECEIVES NOTIFICATION FROM THE OWNER-CONTRACTOR  
10 INFORMATION EXCHANGE SYSTEM OF THE ONE-CALL SYSTEM AND CONFIRMS  
11 CONFIRMING THAT ALL APPLICABLE OWNERS HAVE EITHER MARKED THEIR  
12 UNDERGROUND FACILITIES OR REPORTED THAT THEY HAVE NO UNDERGROUND  
13 FACILITIES IN THE VICINITY OF THE EXCAVATION OR DEMOLITION.

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

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

21 12-110.

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

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

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

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

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

35 UTILITY TYPE AND PRODUCT

SPECIFIC GROUP

	IDENTIFYING COLOR
1	
2	
3 Electric power distribution and transmission	safety red
4 Municipal electric systems	safety red
5 Gas distribution and transmission	high visibility
6	safety yellow
7 Oil distribution and transmission	high visibility
8	safety yellow
9 Dangerous materials, product lines, and steam	
10 lines	high visibility
11	safety yellow
12 Telephone and telecommunications	safety alert orange
13 Cable television	safety alert orange
14 Water systems	safety precaution
15	blue
16 Sewer lines	safety green.

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

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

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

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

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

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

33 (G) (1) (I) NO LATER THAN 48 HOURS AFTER A CONTRACTOR PERSON  
 34 NOTIFIES THE ONE-CALL SYSTEM OF PROPOSED EXCAVATION OR DEMOLITION, AND  
 35 THE OWNER OR PERSON ACTING ON THE OWNER'S BEHALF, AFTER TAKING ALL  
 36 ACTION NECESSARY TO REQUIRED BY THIS SECTION TO IDENTIFY ANY OF THE  
 37 OWNER'S UNDERGROUND FACILITIES IN THE VICINITY OF THE PROPOSED  
 38 EXCAVATION OR DEMOLITION, THE PERSON WHO HAS TAKEN THE ACTION SHALL  
 39 NOTIFY THE OWNER-CONTRACTOR INFORMATION EXCHANGE SYSTEM OF WHETHER

1 THE LOCATION IS MARKED OR IS CLEAR OF THE OWNER'S UNDERGROUND  
2 FACILITIES.

3                   (II)       NOTIFICATION UNDER THIS SUBSECTION THAT THE LOCATION  
4 IS CLEAR OF THE OWNER'S UNDERGROUND FACILITIES CONSTITUTES NOTICE BY  
5 THE OWNER REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

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

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 ~~October~~ July 1, 2001.