

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 194
Finance

(Senator Bromwell)

Environmental Matters

Underground Facilities - Marking Fees

This bill prohibits a political subdivision or municipal corporation from charging fees for initially marking or remarking underground utilities. It provides an exception for those jurisdictions that collected such fees on or before January 1, 2002, allowing them to continue to collect 50% of the fees allowed by current law. No fees may be collected for initial marking or remarking that is related to proposed excavation or demolition to be performed on private property.

Fiscal Summary

State Effect: The bill would not directly affect State operations or finances.

Local Effect: Potential meaningful.

Small Business Effect: Potential minimal.

Analysis

Current Law: To ensure public safety and prevent unintended damage to underground facilities, owners of utilities in Maryland must belong to a one-call system that has filed a telephone number with the Public Service Commission (PSC) on behalf of all owner members. A person who plans to excavate or demolish in the State must contact an owner either directly or through a one-call system at least 48 hours prior to commencing work activity. Generally within 48 hours, the owner is responsible for either notifying the person that the planned work will not disturb its facilities or for placing specific

marks to indicate the location of the owner's buried facilities -- such as electric, telephone, or gas lines -- in and around the worksite.

As an owner of an underground facility, a political subdivision or municipal corporation may charge a person a one-time, initial fee not to exceed \$35 to mark underground utilities. If remarking is requested or required, that fee may not exceed \$15.

Background: Of the counties that responded to the request for information regarding this bill (Montgomery, Worcester, Prince George's, and Kent), none reported that they charged fees for marking. Baltimore Gas and Electric (BGE) reports that the cost for marking BGE facilities is included in the operations and maintenance budget, and there is no separate or additional charge to a customer for marking BGE underground facilities.

Local Fiscal Effect: Baltimore City is an owner of conduit and underground rights-of-way throughout the city and also is responsible for water lines that run throughout the city, throughout Baltimore County, and through parts of northern Anne Arundel County. The counties may undertake and pay for infrastructure improvements to the water lines, but Baltimore City remains the repository for comprehensive engineering drawings and maps, and as such is the "owner" who is registered with a one-call system and must respond to calls related to marking underground facilities.

Baltimore City reports that in 2001 it made 973 markings in Anne Arundel County, 12,027 in Baltimore City, and 30,437 in Baltimore County. At \$35 per marking, the cost recovery by jurisdiction breaks out to: \$34,055 -- Anne Arundel County; \$420,945 -- Baltimore City; and \$1,065,295 -- Baltimore County. To each \$35 call, the city attributes the following costs: \$4 to the one-call system owner; \$20 to investigate and mark facilities; and \$11 for program administration. Baltimore City reports that to the extent the city is unable to charge fees for this service, it would pursue cost recovery with Anne Arundel and Baltimore counties for all markings made in the counties.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Kent County, Worcester County, Public Service Commission, Baltimore City, Baltimore Gas and Electric, Department of Legislative Services

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