

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 289  
Finance

(Senator Klausmeier)

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Underground Facilities - Marking Fees - Prohibited

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This bill prohibits a political subdivision or municipality from charging a person to mark, or remark, underground utilities.

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Fiscal Summary

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

**Local Effect:** Potential meaningful.

**Small Business Effect:** Potential minimal.

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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, Washington, 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 (the most recent information available) 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 if it were not able to charge the \$35 fee, it would pursue cost recovery with Anne Arundel and Baltimore counties for all markings made in the counties.

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### **Additional Information**

**Prior Introductions:** This bill was introduced as SB 194 of 2002. It passed the Senate but was not reported from the House Environmental Matters Committee.

**Cross File:** HB 713 (Delegate Redmer) – Economic Matters.

**Information Source(s):** Montgomery County, Prince George’s County, Kent County, Washington County, Worcester County, Public Service Commission, Baltimore City, City of Havre de Grace, Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2003  
ncs/jr

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Analysis by: Karen S. Benton

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

