

Chapter 435

(House Bill 994)

AN ACT concerning

Public Utilities – Underground Facilities – One-Call System

FOR the purpose of requiring a person notifying the one-call system before performing an excavation or demolition to select a specific start work date; altering the information that must be provided to a one-call system; requiring the ticket generated by the one-call system to include a response date and time that corresponds with the start work date selected by the person; altering the time frame during which a ticket is valid; altering the time frame within which an owner-member or its contract locator must mark the location of the owner-member’s underground facility and submit a certain report; and generally relating to underground facilities and the one-call system.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 12-124 and 12-126
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Public Utilities

12-124.

(a) Before performing excavation or demolition in the State, a person:

(1) shall initiate a ticket request by notifying the one-call system serving the geographic area where the excavation or demolition is to be performed;

(2) SHALL SELECT A START WORK DATE THAT COMMENCES:

(I) NOT SOONER THAN ~~2~~ 3 BUSINESS DAYS AFTER THE TICKET IS INITIATED; AND

(II) NOT LATER THAN 12 BUSINESS DAYS AFTER THE TICKET IS INITIATED; and

[(2)] (3) may add a temporary excavator to an existing ticket.

(b) Notice provided to a one-call system under subsection (a) of this section shall indicate:

(1) the location of the proposed excavation or demolition;

(2) whether the proposed excavation or demolition is within rights-of-way owned or controlled by the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority and, if so, the entity and the permit number or authorization number obtained from that entity;

(3) the type **AND EXTENT** of work to be performed in connection with the proposed excavation or demolition; and

(4) the correct name of and contact information for the temporary excavator, if any, performing work under the ticket.

(c) (1) Except as provided in paragraph (2) of this subsection, on receiving notice, the one-call system shall promptly transmit a copy of the ticket to all owner-members in the geographic area indicated for that ticket.

(2) Based on information collected under § 12-124(b)(2) of this subtitle, the one-call system shall promptly transmit a copy of the ticket to the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority, as applicable.

(3) **(I) THE TICKET SHALL INCLUDE A RESPONSE DATE AND TIME FOR OWNER-MEMBERS OR THEIR CONTRACT LOCATORS THAT CORRESPONDS WITH THE START WORK DATE SELECTED BY THE PERSON WHO INITIATED THE TICKET.**

(II) A ticket is valid for 12 business days after the [day] SELECTED START WORK DATE on [which the] A ticket **THAT is transmitted by the one-call system to an owner-member **OR THEIR CONTRACT LOCATOR.****

12-126.

(a) An owner-member or its contract locator shall mark its underground facility if a proposed excavation or demolition that is specified in the extent of work contained in the ticket:

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

(2) because of planned blasting, is so near to the underground facility that the underground facility may be damaged or disturbed.

(b) (1) An owner–member or its contract locator shall mark the location of its underground facility as specified under subsection (a) of this section by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.

(2) (i) When marking the location of an underground facility, an owner–member or its contract locator shall use the color codes established by the American Public Works Association for marking underground facilities in effect at the time of marking.

(ii) If two or more owner–members share the same color code, each owner–member or its contract locator shall include information with the marking that indicates the owner–member of the marked underground facility.

(c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner–member **OR BEFORE THE SELECTED START WORK DATE**, the owner–member or its contract locator shall:

(1) mark the location of the owner–member’s underground facility and report to the underground facilities information exchange system that the underground facility has been marked; or

(2) report to the underground facilities information exchange system that the owner–member has no underground facilities in the vicinity of the planned excavation or demolition.

(d) (1) If an owner–member or its contract locator is unable to mark the location of the owner–member’s underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner–member shall:

(i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and

(ii) work with the person that intends to perform the excavation or demolition to develop a documented agreement for marking the underground facility.

(2) If the owner–member or its contract locator and person that intends to perform the excavation or demolition cannot reach a mutually documented agreement for marking under paragraph (1) of this subsection, the owner–member or its contract locator shall mark that portion of the site where excavation or demolition will first occur, and the owner–member or its contract locator shall mark the remainder of the site within a reasonable time.

(3) If, due to circumstances beyond the control of an owner–member or its contract locator and for reasons other than those specified in paragraph (1) of this subsection, an owner–member or its contract locator is unable to mark the location of the

owner–member’s underground facility within the time period prescribed in subsection (c) of this section, the owner–member or its contract locator shall report to the underground facilities information exchange system that an extension is required.

(4) In connection with extensive or contiguous excavation or demolition projects, the person performing the excavation or demolition and the owner–member or its contract locator may establish a working agreement regarding the time periods for marking the underground facility.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2022.

Approved by the Governor, May 16, 2022.