

NAIOP_TBallentine_FAV_SB877

Uploaded by: Ballentine, Tom

Position: FAV



February 25, 2020

The Honorable Delores G. Kelly, Chair
Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

Support: SB – 877 – Underground Facilities Damage Prevention

Dear, Chair Kelly and Committee Members:

NAIOP participated in the SB 877 workgroup representing commercial land development.

SB 877 requires that, beginning in October of 2021, newly installed underground facilities be detectable or locatable. The bill also makes changes to reduce the risk of damage caused by horizontal directional drilling and other trenchless technologies. We endorse these provisions as they improve safety and reduce the possibility of accidental damage.

Should the committee consider amendments to the bill, NAIOP would like the opportunity to provide further comment.

Sincerely,

A handwritten signature in blue ink that appears to read "Tom Ballentine".

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Senate Finance Committee Members
Nick Manis – Manis, Canning Assoc.

BaltimoreCounty_FWA_SB0877

Uploaded by: Byrne, Julia

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Chief Legislative Officer

KIMBERLY S. ROUTSON
Deputy Legislative Officer

JOEL N. BELLER
Assistant Legislative Officer

BILL NO.: **SB 877**

TITLE: Underground Facilities Damage Prevention – Revision

SPONSOR: Senator Feldman

COMMITTEE: Finance

POSITION: **SUPPORT WITH AMENDMENTS**

DATE: February 25, 2020

Baltimore County **SUPPORTS WITH AMENDMENTS** Senate Bill 877 – Underground Facilities Damage Prevention – Revision. This bill makes various changes to the Maryland Underground Facilities Damage Prevention Authority, its composition and powers, and specifies related procedures for the ongoing protection of underground facilities.

SB 877 contains a number of provisions to help better protect the vital facilities that Maryland residents rely on, including natural gas, cable, television, water, and sewer lines. Baltimore County believes the bill could be strengthened through the following amendments of relating to emergency tickets:

On page 15, in line 32, after “center;” insert “and, except for circumstances beyond an owner-member or contract locator’s control begin the locating process to mark their respective utility within 5 hours of the transmission of the ticket as noted in 12-121 (a) or clear the ticket if the facility owner has no facilities within the delineated excavation area.”

On page 16, strike lines 5 through 7 in their entirety.

These adjustments are also supported by the Maryland Association of Counties and the Maryland Municipal League.

Accordingly, Baltimore County requests a **FAVORABLE WITH AMENDMENTS** report on SB 877. For more information, please contact Chuck Conner, Chief Legislative Officer, at 443-900-6582.

MBIA SB 877 FAV

Uploaded by: Graf, Lori

Position: FAV

February 25, 2020

The Honorable Delores G. Kelley
Chair, Finance Committee
Miller Senate Office Building, 3E
11 Bladen Street
Annapolis, MD 21401

RE: Support for Senate Bill 877 (Underground Facilities Damage Prevention - Revision)

Dear Chairwoman Kelley:

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, supports Senate Bill 877 (Underground Facilities Damage Prevention - Revision) in its current form.

This bill makes various changes to the Maryland Underground Facilities Damage Prevention Authority, its composition and powers, and specifies related procedures for the ongoing protection of underground facilities. This draft was the result of stakeholder input and cooperation. MBIA appreciates the Sponsor's willingness to consider our concerns and incorporate our industry feedback, and we support the bill in its current form.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Senate Finance Committee Members

MML_FAV_SB877

Uploaded by: Jorch, Bill

Position: FAV



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 25, 2020

Committee: Senate Finance

Bill: SB 877 - Underground Facilities Damage Prevention - Revision

Position: Support

Reason for Position:

The Maryland Municipal League supports SB 877 which alters various aspects of underground facilities damage prevention, several of which impact municipalities.

Although not often grouped together with entities like gas and electric utilities, municipalities are owners of underground facilities; primarily water, sewer, and stormwater systems. As owners, protecting these assets during an excavation is critically important.

Two points in particular will improve the protection of all underground facilities. First, starting in 2021 all newly installed or completely replaced facilities must be locatable or detectable. This low-cost procedure will increase the ease of which it is to find and mark underground facilities prior to excavation. Second, the time to respond to an emergency notification is reduced to three hours. In an emergency situation time is critical and municipal public works officials understand the importance of a quick response whether their facility is the cause of the issue or potentially endangered by the emergency.

Adding these additional requirements in order to protect every entity's underground facilities is of utmost importance and a real safety issue. We therefore respectfully request that the committee report SB 877 favorably.

FOR MORE INFORMATION CONTACT:

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MACo_FAV_SB877

Uploaded by: Mehu, Natasha

Position: FAV



Senate Bill 877

Underground Facilities Damage Prevention - Revision

MACo Position: **SUPPORT**

To: Finance Committee

Date: February 25, 2020

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** SB 877 as it presents the results of a two-year workgroup effort spearheaded by the Maryland Underground Damage Prevention Authority (the Authority). MACo participated as a member of this stakeholder workgroup.

SB 877 makes numerous changes to the Authority and the procedures governing the protection of underground facilities. Most notably from a local government perspective, the bill retains underground storm drain exemption with the compromise that newly installed, renovated, or restored underground facilities are required to be detectable or locatable beginning October 1, 2021.

Additionally, the bill strengthens the provisions for responding to an emergency excavation or demolition in a time sensitive manner. The bill requires the appropriate parties to respond and be on site no later than three hours from the transmission of an emergency ticket. In the event of an emergency, it is crucial that underground facilities are appropriately accounted for and marked to prevent or mitigate the loss of or injury to life, health, property, or essential public services.

MACo appreciates having had a seat at the table to voice our concerns and perspectives as these changes were developed. For these reasons, MACo urges a **FAVORABLE** report on SB 877.

Washington Gas_Brian Smith_Support_SB 877

Uploaded by: Smith, Brian

Position: FAV

Senate Finance
02/25/2020

Senate Bill 877 – Underground Facilities Damage Prevention – Rewrite

POSITION: SUPPORT

Safety—for customers, employees, contractors and the public—is Washington Gas’ number one priority, and we are committed to delivering natural gas safely and reliably each and every day. Maryland’s Miss Utility program is an integral piece in creating and preserving a strong safety culture throughout the state.

Washington Gas was involved throughout the process that led to this rewrite legislation, and we are appreciative that all stakeholders were able to agree upon the final product. We are aware of a number of friendly amendments and will be sure to communicate with Committee members if we are opposed to any that are formally considered.

The citizens of Maryland deserve to be protected by this bill and a consensus team was created and drafted this bill with the safety of our citizens in mind. The bill considers that training and education are a first choice when evaluating if the law has been violated.

Currently, Maryland is a recognized national leader with the Department of Transportation identifying the state as having a model damage prevention program. While we are successful, it is important to recognize that safety depends on each stakeholder adhering to the law on every excavation. At this time, approximately 30% of natural gas damages that occur in Maryland are a result of no request being made to the Miss Utility Call Center. This bill will help to ensure that the excavating community is aware of, and follows, the laws when excavating for the safety of all Maryland’s citizens.

The state’s underground infrastructure houses critical resources and this bill will ensure those assets remain protected to provide reliable services to all of Maryland’s residents.

Thank you and please don’t hesitate to contact me with any questions.

Brian Smith, State Government Relations and Public Policy Manager
M 202.945.7140 | bsmith@washgas.com



ABC_FAV_SB877

Uploaded by: Zinsmeister, Robert

Position: FAV



**Maryland Joint
Legislative Committee**

The Voice of Merit Construction

February 25, 2020

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Additional representation by:
Harris Jones & Malone, LLC

TO: FINANCE COMMITTEE
FROM: ASSOCIATED BUILDERS AND CONTRACTORS
RE: S.B. 877- UNDERGROUND FACILITIES DAMAGE PREVENTION- REVISION
POSITION: SUPPORT

Associated Builders and Contractors (ABC) supports S.B. 877 which is before you today for consideration. The bill makes various changes to the Maryland Underground Facilities Damage Prevention Authority while specifying related procedures for the ongoing protection of underground facilities. These would appear to be in the best interest of all parties.

On behalf of the over 1,500 ABC business members in Maryland, we respectfully request a favorable report on S.B. 877.

Robert Zinsmeister, Director
Government Affairs

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ColumbiaGasofMD_FWA_SB877

Uploaded by: Collins, Carville

Position: FWA



A NiSource Company
800 N 3rd Street, Suite 204
Harrisburg, PA 17102

SUPPORT With Amendment Senate Bill 877

Underground Facilities Damages Prevention — Revision

February 25, 2020

Senate Finance Committee

Columbia Gas of Maryland, ("Columbia"), providing natural gas utility distribution service to some 33,000 customers residing in Garrett, Allegany and Washington Counties, supports SB 877 with amendment. Periodic updating and improving of Maryland's underground facilities law at Title 12 of the Public Utilities Article has proven essential to the protection of underground utility facilities from construction activities occurring in and around those facilities. SB 877 is another good faith effort to continue to protect the integrity of those facilities, while staying up to date with ever-evolving construction, facility marking and Miss Utility One-Call activities.

Columbia offers an amendment to enhance clarity in the legislation. New language at page 25, line 25, directs the Damage Prevention Authority, when determining the amount of a civil penalty for a violation, to consider "the seriousness of the violation." Columbia submits that this language is vague and may lead to arbitrary or unpredictable civil penalty amounts. Columbia recommends that the language in line 25 be struck and replaced with:

"(I) THE DEGREE OF INJURY OR PROPERTY DAMAGE CAUSED BY THE VIOLATION;"

With this amendment, Columbia urges a favorable report on SB 877.

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