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# 2009 Greater Chesapeake Damage Prevention Training Conference

**LAW CHANGE ROUNDTABLE  
Maryland Law Re-Write  
Title 12  
Underground Facilities**

# Stakeholder Steering Committee Members

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- **Jim Barron – Ronkin Construction, Inc. - Chairman**
- **Tom Baldwin – BGE – Electric Rep**
- **Artie Bell III – AUC of Maryland - Contractor**
- **Bruce Bereano – AUC of Maryland – Lobbyist**
- **Scott Brown – Washington Gas – Gas Rep**
- **John Clementson – PSC – Regulator Rep**
- **Wayne Gilmer – Utiliquest – Locator Rep**
- **Mark Hamrick – Verizon – Telecom Rep**
- **Tom Hastings – OCC Locating Service – Locator Rep**
- **Vince Healy – Verizon – Telecom Rep**
- **Brian Holmes – MD Trans, Bldrs & Mat. – Contractor Rep**
- **Gary Kaufman – Comcast – CATV Rep**
- **Matt Ruddo – One Call Concepts – Call Center Rep**
- **Nelson Smith – SHA – State Highway Rep**
- **Zeke Sushko – PSC – Regulator Rep**
- **Kevin Woolbright – WSSC – Water & Sewer Rep**
- **David Wilkins – WSSC – Water & Sewer Rep**

# Motivation for the Title 12 Re-Write

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  - 9 Elements of an Effective State Damage Prevention Program

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  - 9 Elements of an Effective State Damage Prevention Program
- Existing Title 12
  - 30 Years Old
  - Last Re-Write in the 90's
- Best Practices
  - Incorporate as many CGA Best Practices into the Law as possible

# Goals

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- Establish Expected Best Practices Legally that meet the PIPES Act 9 Elements

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- Create a Sensible Law that meets the needs of all Stakeholders

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- Establish Best Practices that meet the PIPES Act 9 Elements
- Create a Sensible Law that meets the needs of all Stakeholders
- Stronger Enforcement to help Prevent Unsafe Practices
- Create a Sensible Locate Ticket that Mirrors Current Practices

# Substantive Changes to Current Law

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- Create a Workable Designer Ticket
  - 12-109. Pg. 12 of 26

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  - Move Damage Prevention to the Design Stage of a Project
    - Allows Licensed Architects and Engineers to get existing utilities marked during design

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- Create a Workable Designer Ticket
  - 12-109. Pg. 12 of 26.
  - Move Damage Prevention to the Design Stage of a Project
    - Allows Licensed Architects and Engineers to get existing utilities marked during design
  - Remove current Abuse in the System

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  - 12-111. Pg. 17 & 18 of 26. Removed from the law.

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      - **46% of National Damages are a result of no calls**

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    - Only two States out of 50 allow for charging for marking services – Maryland & California

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    - Harford Co & Baltimore Co only charge for marking of certain facilities

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    - St. Mary's Co started to charge but has since stopped
    - City of Westminster has just started to charge

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  - Pipes Act Element No 6 – “A process for resolving disputes that defines the State authority’s role as a partner and facilitator...”
  - Pipes Act Element No 7 – “Enforcement of State damage prevention laws...and the use of civil penalties ...by the ...State authority.”

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  - 12-110. Pg. 14 thru 16 of 26 is essentially replaced with 12-111. Pg. 16 thru 18 of 26.
  - Specific reference to the colors used to mark facilities is removed from the law and APWA National Standards are included by reference.

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    - Brings it in line with the remainder of the State
    - Brings it in line with National Standards and CGA Best Practices

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  - 12-101. Definitions. (O) *Underground facility*. (3) Pg. 4 of 26 has been removed from the law
  - By definition the exemption for storm water drain is no longer acknowledged in the law
  - Because of increased pressure from the Gas and Electric Industries due to the increased use of directional drilling for the installation of gas and electric lines an amplified probability now exists that storm water lines could be and are damaged as a result of directional drilling operations

# Summary of Substantive Changes

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- Create a Designer Ticket
- Marking Fees Deleted
- Creation of the Authority
- Deletion of Marking Color Codes
- Deletion of Montgomery County Articles
- Definition of the Storm Water Exemption

# QUESTIONS

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