

11/12/09 Public Meeting Law Change Update

**Maryland Law Re-Write
Public Utility Companies
Title 12
Underground Facilities**

Stakeholder Steering Committee Members

- **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

- Federal 2006 PIPES Act
 - 9 Elements of an Effective State Damage Prevention Program (*copy in handout*)

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 - 9 Elements of an Effective State Damage Prevention Program
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 - 35 Years Old
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- Best Practices
 - Incorporate as many CGA Best Practices into the Law as possible (www.commongroundalliance.com)

Goals

- 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

- 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
 - Remove current Abuse in the System

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 - 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.”

Maryland Underground Facilities Damage Prevention Authority

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What is it?

Maryland Underground Facilities Damage Prevention Authority

- A Private Entity Established by the Maryland Legislature to Maintain Compliance and Enforcement of Title 12.

Maryland Underground Facilities Damage Prevention Authority

- Consists of 9 Volunteer Members
 - Two Contractors
 - Two Private Utility Owners
 - One One-Call Center Member
 - One Utility Locator Member
 - One MACO Member
 - One MML Member
 - One Public Member

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- Establish filing fees and administrative costs
- Assess and impose Civil Penalties

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- Establish an outside source to collect fines and penalties.

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 - 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 National Standards and CGA Best Practices

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 - Two Year Phase In – Section 5. Pg 26 of 26

Summary of Substantive Changes

- 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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All final comments due in writing by close of business, 11/20/09.

To

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