

01/11/22 FINAL DRAFT

EXPLANATION:

[Brackets] indicate matter deleted from existing law

BOLD CAPITALS indicate matter added to existing law

§12–121. Emergency excavation or demolition

(a) (1) This section applies to any action taken to address an emergency from the time the emergency arises until a standard ticket is initiated and valid under § 12–124 of this subtitle, including any work associated with stopping or mitigating the emergency.

(2) Subject to § 12–120(b) of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § 12–120(a) of this subtitle and §§ 12–122 through 12–135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) A primary contractor or a person performing an emergency excavation or demolition to prevent or mitigate loss of or injury to life, health, property, or an essential public service shall:

(1) identify the location and extent of work, as stated in §12–124 (b) (1) **& (2)** of this subtitle, in a clear and concise manner;

(2) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

(3) immediately notify the one–call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner–members of the excavation or demolition area.

(c) (1) The owner–member or its contract locator shall:

(i) respond to an emergency notice as soon as possible but not later than 2 hours from the transmission of the ticket from the one–call center; and

§12–123. Owner-member of one-call system

(a) (1) An owner shall be a member of a one-call system.

(2) Except as provided in paragraph (3) of this subsection, an owner becomes a member of a one-call system by registering with the one-call system.

(3) The Department of Transportation, its administrations, and the Maryland Transportation Authority shall become members of the one-call system through a separate agreement and using the information collected under § 12–124(b) [(2)] **(3)** of this subtitle.

(b) (1) An owner-member of a one-call system shall submit to the one-call system, in writing, the telephone number of the person to which calls concerning proposed excavations or demolitions shall be directed.

(2) An owner-member shall ensure that all contact information provided to the one-call system remains current.

§12–124. Notice to one-call system

(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 [;] and **WHICH**

(i) SHALL SELF SELECT A START WORK DATE;

(ii) SHALL COMMENCE NO SOONER THAN 2 BUSINESS DAYS AFTER THE TICKET IS INITIATED;

(iii) NO LATER THAN 12 BUSINESS DAYS AFTER THE TICKET IS INITIATED AND

(iv) WILL REQUIRE THE ONE-CALL SYSTEM TO GENERATE A CORRESPONDING RESPONSE DATE AND TIME FOR OWNER-MEMBERS OR THEIR DESIGNATED CONTRACT LOCATOR.

(2) 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) THE EXTENT OF WORK AS DEFINED IN §12-101(n) OF THIS SUBTITLE;

[(2)] (3) 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)] (4) the type of work to be performed in connection with the proposed excavation or demolition; and

[(4)] (5) 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)] (3) 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) A ticket is valid for 12 business days after **A SELF SELECTED START WORK DATE ONCE** [the day on which] the ticket is transmitted by the one-call system to an owner-member, **OR THEIR CONTRACT LOCATOR, AS DESCRIBED IN §12-124 (a)(1) OF THIS SECTION.**

§12-126. Marking requirements

(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 PRIOR TO THE SELF 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.