

# HOUSE BILL 994

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CF SB 789

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By: **Delegate Brooks**

Introduced and read first time: February 10, 2022

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Underground Facilities – One-Call System**

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

11 BY repealing and reenacting, with amendments,  
12 Article – Public Utilities  
13 Section 12-124 and 12-126  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2021 Supplement)

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

18 **Article – Public Utilities**

19 12-124.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 [(2)] (3) may add a temporary excavator to an existing ticket.

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

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

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

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

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

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

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

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

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

30 12-126.

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

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

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

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

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

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

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

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

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

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

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

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

34 (2) If the owner–member or its contract locator and person that intends to  
35 perform the excavation or demolition cannot reach a mutually documented agreement for

1 marking under paragraph (1) of this subsection, the owner–member or its contract locator  
2 shall mark that portion of the site where excavation or demolition will first occur, and the  
3 owner–member or its contract locator shall mark the remainder of the site within a  
4 reasonable time.

5 (3) If, due to circumstances beyond the control of an owner–member or its  
6 contract locator and for reasons other than those specified in paragraph (1) of this  
7 subsection, an owner–member or its contract locator is unable to mark the location of the  
8 owner–member’s underground facility within the time period prescribed in subsection (c)  
9 of this section, the owner–member or its contract locator shall report to the underground  
10 facilities information exchange system that an extension is required.

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

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