

Article - Public Utilities

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§12-101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Authority” means the Maryland Underground Facilities Damage Prevention Authority.
- (c) “Business day” means a calendar day other than a Saturday, Sunday, or legal holiday.
- (d) “Clear evidence” means a visible indication that an underground facility or structure is not marked as required in § 12-126 of this subtitle.
- (e) “Contract locator” means a person contracted by an owner specifically to determine the approximate horizontal location of the owner’s underground facilities as specified in the ticket issued by the one-call system.
- (f) “Cross-bore” means an intersection of an existing underground facility by a second underground facility resulting in contact between the two facilities that results in the original facility being damaged, dislocated, or disturbed.
- (g) “Damage” means any excavation activity that results in the need to repair an underground facility due to a weakening or the partial or complete destruction of the facility, including the protective coating, lateral support, cathodic protection, or housing for the underground facility.
- (h) “Demolition” means an operation in which a structure or mass of material is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive.
- (i) “Designer” means a licensed architect, professional engineer, professional land surveyor, or licensed landscape architect, as those terms are defined in the Business Occupations and Professions Article, who prepares a drawing for a project that may require excavation or demolition.
- (j) “Detectable underground facility” means an underground facility that utilizes a location device that is installed underground, such as an electronic marker or a traceable wire that may be detected above ground with an electronic locating device.

(k) “Emergency” means a sudden or unexpected occurrence involving a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or injury to, life, health, property, or an essential public service.

(l) (1) “Excavation” means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by using any tool, equipment, or explosive.

(2) “Excavation” includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing, pipe bursting, and driving a mass of material.

(m) “Excavator” means a person that performs an excavation or a demolition.

(n) “Extent of work” means a clear and concise description of work to be done at a property, including the property address or specific distance and direction from a specified point, not to exceed 1,320 feet, that completely depicts the scope of work and that the excavator can complete within the designated life of the ticket.

(o) “Fund” means the Maryland Underground Facilities Damage Prevention Education and Outreach Fund.

(p) “Legal holiday” means:

(1) the day on which a legal holiday, as defined in § 1–111 of the General Provisions Article, is observed; or

(2) a federal legal holiday.

(q) “Locatable underground facility” means an underground facility that can be identified or discovered by methods including installation records, facility markers or risers, locator tape, manual location techniques, surface extensions of underground facilities, or any visible indicators that a facility or structure is buried underground in the immediate vicinity.

(r) “Mark” means a line, an arrow, a curve, a whisker, a flag, a stake, or any other symbol, placed or made to identify an underground facility.

(s) “One–call system” means a communications system in the State that:

(1) allows a person to notify owner–members of planned excavation or demolition by:

- (i) calling a toll-free number or abbreviated dialing code; or
 - (ii) initiating an interactive Internet ticket request; and
- (2) maintains an underground facilities information exchange system.

(t) (1) “Owner” means a person that:

- (i) owns or operates an underground facility; and
- (ii) has the right to bury an underground facility.

(2) “Owner” includes:

- (i) a public utility;
- (ii) a telecommunications corporation;
- (iii) a cable television corporation;
- (iv) a political subdivision;
- (v) a municipal corporation;
- (vi) a steam heating company;
- (vii) an authority; and
- (viii) a unit of the State.

(u) “Owner-member” means an owner that participates as a member in a one-call system.

(v) (1) “Person” has the meaning stated in § 1-101 of this article.

(2) “Person” includes:

- (i) a municipal corporation;
- (ii) the State;
- (iii) a political subdivision of the State; and

(iv) any governmental unit, department, or agency.

(w) “Primary contractor” means the person that:

(1) initiates the notification to the one-call system to establish a ticket;

(2) performs excavation duties for the duration of the ticket; and

(3) is on site to supervise all activities, employees, and any temporary excavator added to the valid ticket as required in § 12–130(b) of this subtitle.

(x) “Temporary excavator” means a person that the primary contractor may identify and add as a subcontracting excavator to an existing ticket under § 12–130(c) of this subtitle.

(y) “Ticket” means a numbered document issued by a one-call system to notify owner-members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § 12–131 of this subtitle.

(z) (1) “Trenchless technology” means a family of methods, materials, and equipment capable of being used for the installation of new or replacement, or rehabilitation of existing, underground infrastructure that requires excavation with minimal disruption to surface traffic business and other activities.

(2) “Trenchless technology” includes:

(i) tunnelling;

(ii) microtunnelling;

(iii) horizontal directional drilling or directional boring;

(iv) pipe ramming;

(v) pipe jacking;

(vi) moling;

(vii) horizontal auger boring; and

(viii) any other method for the installation of pipelines and cables below ground with minimal excavation.

(aa) “Underground facilities information exchange system” means an automated voice response unit or interactive Internet access system that is maintained as part of a one-call system.

(bb) (1) “Underground facility” means an item that is buried, placed below ground, or submerged for use in connection with the:

(i) storage or conveyance of water, sewage, oil, gas, or other substances; or

(ii) transmission or conveyance of telecommunications, cable television, or electricity.

(2) “Underground facility” includes pipes, sewers, combination storm/sanitary sewer systems, geothermal systems, conduits, cables, valves, lines, wires, manholes, and attachments.

(3) “Underground facility” does not include a storm drain.

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