



**Second Report to the
Governor and the General Assembly
Of Maryland**

**MARYLAND UNDERGROUND FACILITIES
DAMAGE PREVENTION AUTHORITY**

7223 Parkway Drive, Suite 210

Hanover, MD 21076

410-782-2037

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January 2013



TABLE OF CONTENTS

Letter of Transmittal From the Chairman.....	1
Origin and Background of Authority.. ..	2
Authority Mission Statement.....	9
Authority Members and Officers.....	10
Summary of Authority Activities and Actions.....	11
Future Actions and Implementation by Authority.....	15
Conclusion.....	16
Appendix A - Authority Revised Bylaws.....	A
Appendix B - Authority Code of Conduct	B
Appendix C - List of Authority Outreach and Education for 2012....	C
Appendix D - Authority Notice of Probable Violation Process.....	D
Appendix E - Authority Report of Probable Violations Form	E



**Maryland Underground Facilities
Damage Prevention Authority**

7223 Parkway Drive, Suite 210
Hanover, MD 21076
410-782-2037

R. Thomas Hoff, Sr.
Chairman

January 2013

Kevin Woolbright
Vice Chairman

To the Governor of Maryland
To the General Assembly of Maryland

Cynthia Flanders
Treasurer

Thomas C. Baldwin
Arthur I. Bell III
Bernard W. Cochran
Marcia M. Collins
Walter F. Gainer
Walter W. Gilmer

Pursuant to the Public Utilities Article of the Annotated Code of Maryland, Section 12-114, I hereby, as Chairman of the Maryland Underground Facilities Damage Prevention Authority submit this second report to the Governor and the General Assembly of Maryland for Calendar year 2012 on the activities of the Authority during calendar year 2012.

Bruce C. Bereano
Staff

Sincerely,

info@mddpa.org
www.mddpa.org

Tom Hoff
Chairman



ORIGIN AND BACKGROUND OF AUTHORITY

In the fall of 2006 two meetings were called by the Maryland Public Service Commission on October 25, 2006 and November 29, 2006 to all stakeholders involved with or affected by the State's Underground Facilities Law to discuss the status of the application and enforcement of the law, and, in particular, its compliance with the Federal Pipeline Safety Act legislation then pending before the United States Congress.

Several hundred people attended these two meetings, all stakeholders of the State Underground Facilities Law such as contractors, utility companies, locators, one call miss utility system, county and local government officials and developers.

As a result of discussions at these two meetings, it was decided to create a stakeholders steering committee work group tasked with the following goals, that is, to review the current State underground facilities "Miss Utility Law" (1) to make substantive and non substantive revisions in light of current practices and experience since the last enactment of the law in May 1990; (2) to bring Maryland's law in harmony and compliance with the 9 damage prevention program elements and provisions of the then pending Federal Pipeline Safety Act legislation which subsequently has become a federal law; and (3) to review and incorporate as appropriate the best practice recommendations of the Common Ground Alliance.

The members of the stakeholders group which was established were:

Chairman James Barron – Ronkin Construction – Contractor Representative

Scott Brown – Washington Gas Light – Gas Representative

John Clementson- Maryland Public Service Commission– Regulator Representative

Wayne Gilmer – Utiliquest – Locator Representative

Tom Hastings – One Call Concepts Locating Service – Locator Representative

Vince Healy (replaces Nelson Sneed) – Verizon – Telephone Representative

Brian Holmes – Maryland Transportation, Builders and Materials Association – Contractor Representative
(resigned August 2009)

Gary Kaufman (replaced John Eichhorn) – Comcast – CATV Representative

Matt Ruddo – One Call Concepts, Inc. – Call Center Representative

Nelson Smith – Maryland State Highway Administration – State Highway Representative

Tom Baldwin (replaced Pete Parr) – Baltimore Gas & Electric
Representative

Kevin Woolbright – Washington Suburban Sanitary Commission –
Water/Sewer Representative

Artie Bell III – Burgemeister Bell, Inc. – Contractor Representative

Zenon Sushko- Maryland Public Service Commission – Regulator
Representative

Bruce C. Bereano – Associated Utility Contractors of Maryland
Representative

Mark Hamrick – Verizon – Telephone Representative

The stakeholders group commenced its regular meetings on June 20, 2007 and conducted more than 65 working sessions meetings – each approximately three to four hours, to discuss and propose revisions to the current statute.

The key goals of the steering group have been:

- Establish practices that meet the PIPES Act 9 key elements of an effective damage prevention program.
- Establish a sensible law that meets the needs of the excavating community while protecting all facilities.

- Include stronger enforcement to prevent unsafe practices utilizing very effective Damage Prevention Committee created privately by the stakeholders over three years ago where all parties are welcome at the monthly meetings to discuss safe practices and resolve issues. The expectations are that proposed changes to the law will strengthen the present damage prevention goals.
- Create a sensible Locate ticket scope to include response time by facility owners, life of a ticket with a clear explanation of when a ticket expires while meeting the needs of the excavating community and allowing facility owners a reasonable amount of time to mark their facilities.

The final product of the stakeholders group was presented to the Maryland General Assembly in the 2010 legislative session as Senate Bill 911, and House Bill 1290. Senate Bill 911 was enacted by the legislature and the Maryland Underground Facilities Damage Prevention Authority was created, and Maryland's underground facility damage prevention law, more commonly known as the Miss Utility Law, was updated.

Unlike the history of other state statutes, when Maryland's underground facilities law was enacted originally, over 20 years ago, it was left to the private sector and not government regulators nor any government agency to implement and apply the statute. Generally speaking, this approach has worked very well over the years with all of the various stakeholders communicating and working well together with mutual respect and trust and commitment to the goal of public safety through training and education and compliance with the statute. The stakeholders established, over 15 years ago, the MD/DC Miss Utility Damage Prevention Committee which meets monthly to address and

resolve the day-to-day practical issues and problems that occur with the statute.

In addition, the stakeholders who are owners of underground facilities also established over 15 years ago a MD/DC Miss Utility Subscribers Committee which meets regularly to work on public education and outreach programs, damage prevention programs, and advertisements concerning knowledge of and compliance with the law for the purposes of public safety and avoidance of interruption of services.

Accordingly, it is with this unique background and history of the development and implementation of the Maryland Underground Facilities Law that compliance with the 9 elements of the Federal Pipeline Safety Act was addressed and met in the revisions and changes proposed while keeping Maryland's existing approach, structure and operation of the law.

The new Law went into effect on October 1, 2010. Although created by the legislature, MDUFDPA is a stakeholder-run organization that has the ability to enforce the Miss Utility Law in the form of mandatory training or fines for violators.

All nine members of this Authority are appointed by the Governor to serve staggered two-year terms. They do not receive any compensation or any reimbursement for expenses. The makeup of this Authority is as follows:

- Two underground facility owners that are Maryland members of the Maryland/DC subscribers committee;

- One from the Associated Utility Contractors of Maryland;

- One from the Public Works Contractors of Maryland;

- One from the Public Works Contractors Association of Maryland;

One from the One-Call Centers operating in the State;

One that represents the underground utility locator community selected by the Maryland members of the Maryland/DC Damage Prevention Committee;

One from the Maryland Association of Counties with experience in the field of underground utilities;

One from the Maryland Municipal League with experience in the field of underground facilities;

One person from the general public selected by the appointed and qualified members of the Authority.

On February 25, 2011, the Authority was fully appointed and composed and commenced deliberations and operation. Its first annual report to the Governor and the General Assembly was filed in January 2012. The Authority accomplished the important organizational work of electing officers, adopting an official seal, crafting by-laws and a Code of Conduct and mission statement, creating a website (www.mddpa.org), publicizing meeting dates, and taking advantage of opportunities for educating the public about the importance of marking underground facilities before digging and the role of the Authority in enforcing the State law. The Authority also created a damage prevention brochure which was printed to use for distribution.

The Authority was successful in getting seed funding from the Maryland Damage Prevention Committee, the Utilities Service Protection Center of Delmarva, Inc. (USPCD), and Baltimore Gas and Electric. Because the Authority is prohibited by law from receiving appropriations from the State budget, a grant request was filed with the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration for \$100,000.00. Authorized by the Governor, the purpose of the grant

request is to establish an office and professional staff, manage the website and public outreach, and record process and track all probable violation cases. Funding the Authority and encouraging the filing of probable violations were two of the important issues that were carried forward into the second year of the Authority.

The Authority was successful in being awarded \$95,000.00 by the Federal Government, \$47,500.00 of which has been received by the Authority to commence the goals and objectives of the grant. The balance \$47,500.00 will be received by the Authority upon federal procedure verification of use and expenditure of the first half of the grant money.



AUTHORITY MISSION STATEMENT

Pursuant to the legislative intent enacted by the Maryland General Assembly, as part of the State Underground Facilities law, Article Public Utilities, Title 12, Section 12-102, the mission statement adopted by the Authority is as follows:

MISSION STATEMENT

The Authority seeks to protect underground facilities of owners in the State of Maryland from destruction, damage or dislocation to prevent:

- death or injury to individuals;
- property damage to private and public property; and
- the loss of services provided to the general public.

To accomplish this, the Authority seeks to promote, enhance, and assist the State of Maryland in enforcing the Maryland underground utility damage prevention law and furthering programs through efforts that include consistent enforcement, effective public education, and the constant knowledge that public safety through reduced damages is our prime concern.

**MARYLAND UNDERGROUND FACILITIES
DAMAGE PREVENTION AUTHORITY
MEMBERS AND OFFICIALS**

<u>MEMBER</u>	<u>REPRESENTING</u>	<u>ORGANIZATION</u>
R. Thomas Hoff, Sr., Chairman	One Call Centers	One Call Concepts, Inc.
Kevin Woolbright, Vice Chairman	Underground Facility Owners	WSSC
Cynthia Flanders, Treasurer	General Public	Skipjack Partners, LLC
Thomas C. Baldwin	Underground Facility Owners	BGE
Arthur Bell	Associated Utility Contractors of Maryland	Burgemeister-Bell Inc.
Bernard W. Cochran	Maryland Municipal League	City of Chesapeake Beach Maryland, Department of Public Works
Robert B. Cooper*	Maryland Association of Counties	Harford County Maryland, Department of Public Works
Marcia Collins**	Maryland Association of Counties	Baltimore City Department of Public Works
Walter F. Gainer	Public Works Contractors Association	W.F. Wilson and Sons, Inc.
Walter W. Gilmer	Underground Utility Locators	USIC

STAFF

Bruce C. Bereano, Secretary	Office of Bruce C. Bereano
Laura Olander, Executive Assistant	One Call Concepts, Inc.

* Appointed ended September, 2012 with Mr. Cooper's retirement from County government.

**Marcia Collins of Baltimore City was appointed by the Governor upon the recommendation of MACo and began service October, 2012.



SUMMARY OF AUTHORITY ACTIVITIES AND ACTIONS

During Calendar Year 2012

Since February 25, 2011, when the Authority was fully appointed by the Governor and therefore operational, the Authority has conducted the following activities and actions:

1. The Authority has held 7 publically announced meetings at the Miss Utility One Call Center, conference room, Hanover, Maryland. All meeting dates were announced and posted in the General Assembly Notice of Meetings document and on the Authority website.
2. The Authority re-elected officers who are R. Thomas Hoff, Sr. as Chairman, Kevin Woolbright as Vice Chairman, and Cynthia Flanders as treasurer.
3. Article VIII of the Authority By-laws required by law for the conduct of its business was revised to establish a procedure when a vacancy occurs. A copy of the revised by-laws is Appendix A of this Report.
4. The Authority adopted as required by law a Code of Conduct for its members, copy of which is Appendix B of this Report.
5. The Authority's PowerPoint presentation was enhanced, posted on the website, and used to explain the role and activities of the Authority. The presentation was presented

at the Maryland Municipal League conference in June and the Maryland Association of Counties in August. Outreach continued with several Authority members attending the Greater Chesapeake Damage Prevention training Conference in Ocean City, Maryland November 7-9. New Authority brochures were developed and distributed at the various conferences and at other educational opportunities.

6. Links to the Authority's website were established on the One Call Concept's and the USPCD's website. In addition, members were encouraged to recommend links that could be placed on the Authority's website to other relevant organizations and conferences.
7. A process was developed and adopted by the members to receive, screen, and accept incidents for hearing by the Authority. The Authority at one of its meetings held a practice mock hearing trial. Not all incidents will require consideration and a hearing by the Authority.
8. The Authority website continued to be improved in content and in its ease of use. An important improvement was to the incident report format and the ability to file on-line. A test of the incident reporting process was performed at one of the Authority meetings, based on an actual incident. A mock hearing was held and tested. The complainant and respondent were given the opportunity to present their positions and the Authority considered the information, made relevant queries, and a decision voted upon and rendered.
9. The Authority established a \$250 filing fee for filing a complaint. The filing fee is to cover the costs of the Authority to process and hear an incident and is a non-refundable fee. With the Authority now ready to hear

reported incidents, the members voted to suspend the filing fee for the first 6 months of 2013 to encourage potential complainants to file incidents they believe are violations of the law and deserving of action of the Authority.

10. It came to the Authority's attention that some underground facility owners had yet to become members of the Miss Utility System. The Authority voted to send letters to these utility owners to explain their responsibilities under State law. These letters will include all appropriate forms needed to file with Miss Utility.
11. One of the most important happenings in 2012 was the receipt of a \$95,000 grant from the Pipeline and Hazardous Materials Safety Administration (U.S. Department of Transportation) to the Authority. The application had been made in 2011 and notice of the grant was received in August of 2012. Half of the grant funds are to be initially disbursed to the Authority, with a mid-term report required to be filed to receive the balance of the funds, the Authority began discussing the hiring of professional staff and establishing an office. The members immediately began planning for filing subsequent grant requests to secure future funds.
12. With receipt of grant funds, the Authority members voted to hire Laura Olander as the part time Assistant in order to provide continuity and support to the eventual hiring of an Executive Director, also part time. A job description was developed and a process for seeking viable candidates was discussed.
13. The Authority, in conjunction and participation with the MD/DC Damage Prevention Committee conducted numerous education and training sessions concerning the

new Miss Utility law, and attended and participated in a number of trade shows and public events to promote damage prevention and safe excavation. A list of these training sessions and events is included as Appendix C of this Report.



FUTURE ACTIONS AND IMPLEMENTATION BY AUTHORITY

The Authority will continue to meet publically in 2013 and will continue with its education and outreach efforts. In the third year of its existence, the Authority will be focusing on the following:

- Hiring an Executive Director to assist the Authority members to, among other things, foster public understanding and awareness of the importance of underground damage prevention and the responsibilities of the public to call for utility marking before excavating; evaluate and process online filing of incidents that require Authority attention and track all such incidents and any necessary follow up actions; seek out and oversee efforts to acquire additional grant support for the work of the Authority; and assist with the day to day business aspects of the Authority.
- Encourage potential complainants to use the services of the Authority to address violations of the State underground facilities law. Evaluate the 6 month suspension of the filing fee. Continue an aggressive outreach effort to stimulate interest in the work of the Authority and its ability to successfully address and correct violations and lack of training that leads to violations.
- Develop a matrix of violations and related fines.



CONCLUSION

The Authority respectfully and sincerely believes that a great deal has been accomplished by the members of the Authority in complying with the requirements of the law and getting the Authority up and operating. The Authority has made every effort to focus on and expand public awareness and compliance with damage prevention and safe excavation. The Authority has commenced its complaint process and procedure and will conduct its operation in a fair and practical fashion always bearing in mind the purpose of the Authority and intent of the law.

Each of the Authority members appointed by the Governor continues to serve in a very dedicated, professional and committed fashion to accomplish the goals of damage prevention and public education.

The Authority hopes that the Governor and the Maryland General Assembly will use it as a resource of professional knowledge and practical experience concerning any pending policy or legislative matter within the scope of the Authority's role.



APPENDIX A

Authority Revised Bylaws



**MARYLAND UNDERGROUND FACILITIES
DAMAGE PREVENTION AUTHORITY
7223 Parkway Drive, Suite 210
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410-782-2037**

BYLAWS

Revised and Voted on

ARTICLE I – NAME

This Authority shall be known as the “Maryland Underground Facilities Damage Prevention Authority” (the “Authority”).

ARTICLE II – PURPOSE

The purpose of the Authority is to perform certain duties. Such duties may include, but are not limited to, the review of reports of probable violations of the Maryland Underground Facilities Damage Prevention (“Law”), making recommendations relative to such reports, making recommendations with regard to Public Education and Awareness Programs that further public safety by the reduction of damage to underground facilities, and to monitor, analyze, influence, propose, support or oppose programs or regulations that directly affect damage to underground facilities serving the citizens of the state of Maryland.

ARTICLE III – AUTHORITY MEMBERSHIP

The Maryland Underground Damage Prevention Authority shall consist of nine (9) voting members representing the following entities:

- Two underground facility owners that are Maryland members of the Maryland/DC Subscribers Committee;
- One from the Associated Utility Contractors of Maryland;
- One from the Public Works Contractors Association of Maryland;
- One from the One-Call Centers operating in the State;
- One that represents the underground utility locator community selected by the Maryland members of the Maryland/DC Damage Prevention Committee;
- One from the Maryland Association of Counties with experience in the field of underground utilities;
- One from the Maryland Municipal League with experience in the field of

- underground utilities;
- One person from the general public selected by the appointed and qualified members of the Authority.

The members are appointed by the Governor of the State of Maryland in accordance with Maryland law. The Authority shall be empowered to establish one or more subcommittees to assist in performing its tasks.

QUALIFICATION TO SERVE

Membership on the Authority shall be through appointment as provided under the Maryland Underground Facilities Damage Prevention Law.

TERM OF APPOINTMENT

An appointed member shall serve a term of two years and if in good standing may, on recommendation, be re-appointed for an additional two year term. Request for appointment shall be made in the month of July to be effective with the first regular meeting of the Authority subsequent to October 1, of any given year.

OFFICERS

The members shall elect from their ranks a Chairperson, a Vice Chairperson, a Treasurer, and a Secretary. These officers shall be elected at the Authority's first regular meeting of the year and serve for a term of one year. Each officer shall be elected by a majority vote of the members. The Chairperson position will be voted upon first. Following the election of the Chairperson, the Vice Chairperson position will be voted upon next. Following the election of the Vice Chairperson, the Treasurer position shall be voted upon and then Secretary.

When no candidate receives a majority of the votes, the candidate who receives the most votes shall be elected to the position. When there is a tie in the most votes received by two or more candidates for a position, the members shall take another vote, and only those candidates who were tied for the most votes shall be included in that ballot. This shall continue until one person has received the most votes or a tie continues to exist. If a tie continues to exist, the previous term's Chairperson shall choose the person, from the candidates who are still tied with the most votes, to hold that position for the next one-year term.

The Chairperson shall preside at all meetings except that in his/her absence the Vice Chairperson shall preside. The Secretary shall be responsible for recording the actions of the Authority. Minutes of the meeting shall be recorded and approved by the majority vote of the subsequent meeting. No other officers shall be appointed, except that the Chairperson or Vice Chairperson may from time to time appoint members to head subcommittees.

ARTICLE VII – REMOVAL

Any member may resign.

On the recommendation of the Authority, a member may be removed by the Governor for incompetence or misconduct.

ARTICLE VIII – VACANCIES

Any vacancy of either an officer of the Authority or a member of the Authority shall be filled as soon as practical.

When a vacancy occurs when an officer of the Authority, the Authority, by secret ballot, unless decided otherwise, shall elect the officer to the Authority to fill the vacancy for that term by majority of vote of the members of the Authority.

When a vacancy occurs as to a member of the Authority, the procedure to the extent possible shall be as follows:

1. The member leaving the Authority prior to the expiration of his/her term shall promptly and directly notify the chair of the Authority.

2. Except as to the public member of the Authority, the Authority shall promptly and directly notify the entity from which the vacating member was representing of the vacancy, and request such entity to promptly notify the Governor of the vacancy and submit to the Governor a name or names to fill and serve the balance of the term of the vacating number.

3. If a vacancy occurs in the position of public member representative of the Authority, the Chair of the Authority, as promptly as practical at a meeting of the Authority or otherwise, shall submit to the Governor for appointment a list voted upon and approved by a majority of the other appointed and qualified Authority members.

4. Unless and until the Governor appoints and fills a vacancy of any member of the Authority, that member, unless he/she resigns from the Authority, shall continue to serve and be a member of the Authority until the successor is appointed and qualifies.

ARTICLE IX – COMPENSATION

Members shall serve without compensation and without reimbursement for expenses. Nothing contained in this section shall be construed to prevent any sponsoring organization from compensating their representative for salary, expenses, or other compensation considered as a condition of their employment.

ARTICLE X – MEETINGS

Regular meetings shall be held at least every 3 months, or monthly, or as needed, at a time and place selected by majority vote of members. Unless suspended by the Chairperson, the regular meetings will be held on the first Wednesday of each month unless that day is a State or Federal holiday. In such cases, the meeting shall be the next regular workday or a day agreed upon by

the majority. If a scheduled meeting is cancelled due to weather or other reasons, the meeting may be rescheduled or combined with the next regularly scheduled meeting. Meetings shall be open, however, those attending that are not members or have not been called, shall be allowed to speak only at the discretion of the Chairperson. All meetings shall follow Robert's Rules of Order. Any regular meeting may be conducted telephonically (conference call) at the discretion of the Authority.

ARTICLE XI – SPECIAL MEETINGS

The Chairperson may call special meetings. Such notice shall be as far in advance as practical, but not less than three days. Such meetings may be held at a time and place established by the notice. Special meetings may be by conference call or by other appropriate telecommunications means approved for the occasion. A quorum of 5 members is required for a special meeting.

ARTICLE XII – ATTENDANCE

A roll call shall be taken by the Secretary at the beginning of each meeting and a record of those members in attendance shall be kept as part of the records of the actions of the Authority. To remain in good standing a member must attend 75 percent of all meetings conducted in a calendar year.

ARTICLE XIII – AMENDMENTS

These bylaws may be amended by a two-thirds (2/3) majority vote of the members present at any regular meeting, if such amendment is first read and approved by a two-thirds (2/3) vote of the members present at the prior regular meeting of the Authority.

ARTICLE XIV – QUORUM

At any meeting of the Authority, five (5) members present, in person or telephonically, shall constitute a quorum for the transaction of business. Actions by a quorum shall be deemed to represent the actions of the entire Authority.

ARTICLE XV – ACTIONS AND POWERS

Enforcement action relative to the reports of probable violations shall be undertaken by roll call vote of those present. A simple majority vote of those voting shall be deemed to be the position of the Authority. Members who cannot attend meetings shall not be allowed to send an alternate representative. When an enforcement action that directly involves the employer of an Authority member, that member shall have the right to speak on the issue before the Authority and the Authority shall consider the views of the member; however, the member will abstain from voting. Such abstention shall be reported in the roll call vote. Each member shall vote in person. No person shall vote by proxy or allow his/her vote to be cast by another.

The Authority may vote on and adopt policies to be used as guidelines during its review and recommendation process relative to reports of probable violations. Such policies may serve as guidelines, but do not represent a general order, rule or regulation of the State of Maryland.



APPENDIX B

Authority Code of Conduct



Code of Conduct

I. Application of Policy

This policy adopted pursuant to the requirements of the Public Utility Companies Article §12-110(b). It is applicable to Authority members and is intended to supplement, but not replace, federal and state laws governing conflicts of interest applicable to nonprofit corporations. Persons covered under this policy, as well as their spouse or dependent children, are hereinafter referred to as "interested parties."

II. Conflict of Interest

A conflict of interest may exist when the interests or concerns of an interested party may be seen as competing with the interests or concerns of the Maryland Underground Facilities Damage Prevention Authority (the "Authority"). There are a variety of situations that raise conflict of interest concerns including, but not limited to, the following:

A. **Financial Interests** – A conflict may exist where an interested party directly or indirectly benefits or profits as a result of a decision, policy or transaction made by the Authority. Examples include situations where:

- The Authority contracts to purchase or lease goods, services, or properties from an interested party.
- The Authority offers employment to an interested party, other than a person who is already employed by the Authority.
- An interested party is provided with a gift, gratuity, or favor of a substantial nature from a person or entity that does business or seeks to do business with the Authority.
- An interested party is gratuitously provided use of the facilities, property, or services of the Authority.
- The Authority adopts a policy that financially benefits an interested party.

A financial interest is not necessarily a conflict of interest. A financial conflict of interest exists only when the Authority decides a person with a financial interest has a conflict of interest.

B. **Other Interests** – A conflict also may exist where an interested party obtains a non-financial benefit or advantage that he/she would not have obtained absent his/her relationship with the Authority. Examples include where:

An interested party seeks to obtain preferential treatment by the Authority or recognition for himself/herself or another interested party.

- An interested party seeks to make use of confidential information obtained from the Authority for his/her own benefit (not necessarily financial) or for the benefit of another interested party.
- An interested party seeks to take advantage of an opportunity or enables another interested person or other organization to take advantage of an opportunity that he/she has reason to believe would be of interest to the Authority.
- The Authority adopts a policy that provides a significant nonfinancial benefit to an interested party.

A conflict of interest exists only when the Authority members decide there is a conflict.

III. Disclosure of Potential Conflicts of Interest

An interested party is under a continuing obligation to disclose any potential conflict of interest as soon as it is known or reasonably should be known.

An interested party shall complete the State Ethics Commission financial disclosure form annually by the 30th of April for the preceding calendar year to comply with State Law.

The Secretary of the Authority of Directors shall file copies of all disclosure statements with the official corporate records of the Authority and the State of Maryland.

IV. Procedures for Review of Potential Conflicts

Whenever there is reason to believe that a potential conflict of interest exists between the Authority and an Authority member, the Authority shall determine the appropriate response. This shall include, but not necessarily be limited to, invoking the procedures described below with respect to a specific proposed action, policy or transaction. The Chair of the Authority has a responsibility to bring a potential conflict of interest to the attention of the Authority promptly for action at the next regular meeting of the Authority or during a special meeting called specifically to review the potential conflict of interest.

Where the potential conflict involves an employee of the Authority the Chair shall be responsible for reviewing the matter and may take appropriate action as necessary to protect the interests of the Authority. The Chair shall report to the full Authority membership the results of any review and the action taken. The Chair shall determine whether any further Authority review or action is required.

V. Procedures for Addressing Conflicts of Interest

Where a potential conflict exists between the interests of the Authority and an interested party with respect to a specific proposed action, policy or transaction, the members shall consider the matter during a meeting of the Authority. The Authority shall refrain from acting until such time as the proposed action, policy or transaction has been approved by the disinterested members of the Authority. The following procedures shall apply:

An interested party who has a potential conflict of interest with respect to a proposed action, policy or transaction of the corporation shall not participate in any way in, or be present during, the deliberations and decision-making vote of the Authority with respect to such action, policy or transaction. However, the interested party shall have an opportunity to provide factual information about the proposed conflict and/or action, policy or transaction. Also, the Authority may request that the interested party be available to answer questions.

- The disinterested members of the Authority may approve the proposed action, policy or transaction upon finding that it is in the best interests of the Authority. The Authority shall consider whether the terms of the proposed action, transaction or policy are fair and reasonable to the Authority and whether it would be possible, with reasonable effort, to find a more advantageous arrangement with a party or entity that is not an interested party.
- Approval by the disinterested members of the Authority shall be by vote of a majority of members in attendance at a meeting at which a quorum is present. An interested party shall not be counted for purposes of determining whether a quorum is present, nor for purposes of determining what constitutes a majority vote of Authority members in attendance.
- The minutes of the meeting shall reflect that the conflict disclosure was made to the Authority, the vote taken and, where applicable, the abstention from voting and participation by the interested party. Whenever possible, the minutes should frame the decision of the Authority in such a way that it provides guidance for consideration of future conflict of interest situations.

VI. Violations of Conflict of Interest Policy

If the Authority has reason to believe that an interested party has failed to disclose a potential conflict of interest, it shall inform the person of the basis for such belief and allow the person an opportunity to explain the alleged failure to disclose.

If the Authority decides that the interested party has in fact failed to disclose a possible conflict of interest, the Authority shall take such disciplinary and corrective action as the Authority shall determine.



APPENDIX C

Outreach and Education



Know what's below.
Call before you dig.

MD/DC Damage Prevention Committee

7223 Parkway Drive, Suite 100
Hanover, MD 21076

2012 Damage Prevention Training Schedule

Andrew Shaw James G. Davis Const. (O) 301-945-0504 (M) 301-468-3918 ashaw@davisconstruction.com	MON 2/13/12	8AM	12530 Parklawn Drive Rockville, MD 20852 (Montgomery County)
Carl Cencetti, Sr. CTS Safety 215-859-2194 ccencetti@verizon.net	FRI 2/17/12	9AM	Robert Fulton Fire Company 2271 Robert Fulton Hwy Peach Bottom, PA 17563
Nic Barone-Safety Manager Gray & Son 410-771-4311 cell = 410-365-5635 nbarone@graynson.com	2/21/12 2/23/12 3/1/12	11AM	Hunt Valley Marriott 245 Shawan Rd. Hunt Valley, 21031
WSSC/WLG TRAINING Kevin Woolbright	FRI 2/24/12	11am	Switzler Lane Laurel, MD
John McCormick-BB&T Insurance-Risk (Jimmy Richards & Sons) 410-480-4415 jmccormick@atlanticrisk.com	THUR 3/8/2012	3PM	12200 Billingsly Road Waldorf, MD 20602
Calvin Brooks-Howard County DPW (M) 410-948-0315 (O) 410-313-4952 cbrooks@howardcountymd.gov	THUR 3/22/12	7AM	8270 Old Montgomery Rd. Columbia, MD 21227 Howard County
Donnie McCready Calvert Co. HWY Maintenance 410-535-0905 (M) 410-610-8634 mccreadh@co.cal.md.us	THUR 4/12/12	10AM	335 Stafford Road Prince Frederick, MD Calvert County

Centennial Angie Stein 202-635-0482 astein@cce-inc.com	TUE 4/17/12	10-1045	Martin's West Baltimore, MD
Jason Pickett-R.W. Warner, Inc. ABC Chapter 240-367-0660 jason.pickett@rwwinc.com	WED 4/18/12	12noon	530 N. Locust Street Hagerstown, MD 21740 Washington County
Ctr for Career & Technical Education Allegany County Scott Puffenbarger 301-729-6486 (Cell=301-697-3356) scott.puffenbarger@acps.k12.md.us	FRI 5/11/12	830am	School (CCTE) 14211 McMullen Hwy Cresaptown, MD 21502
Eastern Caisson Corp. Tim S. Klein 717-235-7909 tsklein@easterncaisson.com	FRI 5/11/12	10AM	8108 Intersection Road Glen Rock, PA 17327 (Work is in MD)
WSSC/WLG TRAINING Kevin Woolbright	WED 5/30/12	8am	Anacostia Depot 3500 Kenilworth Ave. Bladensburg, MD
Conrad (C-rad)-W.W. O. Short Course Water/Waste Water Recertification/Training conradshows@gmail.com (O) 301-292-4919 (Cell) 240-505-4281	TUE 6/5/12	8am- 12pm (4 hours)	Mount St. Mary's University Emmitsburg, MD 21727
American Infrastructure Jeff Snow-Project Manager Cell = 410-365-1611 jeff.snow@americaninfrastructure.com REMINDER EM= 7/25/12	MON 7/30	8AM	1209 S. Philadelphia Blvd. Aberdeen, MD 21001 Harford County
Charles County Ronnie Wright 301-399-8558 wright@charlescounty.org	TUE 7/31	8AM	1001 Radio Station Road (building is on Audie Lane) La Plata, MD 20646 Charles, CO)
WSSC/WGL TRAINING Kevin Woolbright For the Support Service Unit	TUE 8/14	8am	Anacostia Service Center 3500 Kenilworth Avenue Hyattsville, MD

<p>AMERICAN INFRASTRUCTURE DYLAN TOMKIN Cell = 410-977-1596 dylan.tonkin@americaninfrastructure.com</p>	<p>WED 8/22</p>	<p>1:00pm</p>	<p>Prince George's County 14401 Sweitzer Lane Laurel, MD 2070</p>
<p>WSSC/WGL TRAINING Kevin Woolbright For the Customer Care South</p>	<p>WED 8/22</p>	<p>7:30am</p>	<p>Customer Care South Temple Hills Road</p>
<p>USIC, INC JEFF BUCK 443-575-6142 jeffbuck@usicinc.com (NEW contract locator for BGE) REMINDER EM= 9/4</p>	<p>THUR 9/6</p>	<p>7:30AM</p>	<p>7223 Parkway Drive Suite 100 Hanover, MD 21076</p>
<p>WSSC/WGL TRAINING Kevin Woolbright Romelia Kemp</p>	<p>WED 9/12</p>	<p>8AM</p>	<p>Customer Care West 2501 Lyttonsville Road Silver Spring, MD 20910</p>
<p>DIXIE CONSTRUCTION DARLA SNYDER 410-838-2030 darla@dixieconst.com</p>	<p>FRI 9/14</p>	<p>9am</p>	<p>260 Hopewell Road Churchville, MD 21028 Harford County</p>
<p>DC Water-Bryant Street Location Sorin Schwartz 202-787-4347 sorin.schwata@dcwater.com</p>	<p>WED 9/26</p>	<p>130pm</p>	<p>301 Bryant Street NW Washington, DC NW 20001</p>
<p>LINEAL INDUSTRIES JASON LINZI CELL = 443-277-3659 jason.linzi@linealind.com</p>	<p>TUE 10/2</p>	<p>7:00am</p>	<p>Baltimore County 10939 Philadelphia Rd. Suite A-4 White Marsh, MD 21162</p>
<p>HAWKINS ELECTRIC SCOTT NELSON C=240-793-3221 W=202-696-1805 steve@hecofdc.com</p>	<p>THUR 10/4</p>	<p>1 HOUR 2-3PM</p>	<p>ADDRESS CHANGE 10/3: 8751 Freestate Drive Laurel, MD 20723 PG County</p>

WSSC/WGL Kevin Woolbright Romelia Kemp	WED 10/10	7:30AM	Customer Care - North Gaithersburg Depo
Paradigm Pipeline Safety Training	WED 10/10	530PM	Camelot by Martin's 13905 Central Avenue Upper Marlboro, MD
Paradigm Pipeline Safety Training	THUR 10/11	530PM	Clarion Hotel 980 Hospitality Way Aberdeen, MD 21001
City Light & Power John Mitchell C=410-952-9246 W=410-306-6238 jkm@clpinc.com	FRI 10/26	7AM to 8:30AM	3560 Crozier Loop Aberdeen Proving Ground MD 21005 Baltimore County
Shirley Contracting IC3 Safety Meeting John Sewell (O) 703-550-8100 © 703-929-3426 john.sewell@shirleycontracting.com	WED 11/28	1 HOUR 3:45- 4:45	11700 Beltsville Dr. Suite 600 Beltsville, MD 20705
Lighting Maintenance, Inc. Eugene Frederick or Will Brown Office: 877-279-7373 efrederick@lightingmaintenance.com	FRI 12/7	8:00AM	832-A Oregon Avenue Linthicum, MD 21090 Anne Arundel County

2012 Trade Show Schedule

Show Name: Maryland Home and Garden Show
Date: March 3-4, 9-11, 2012
City/State: Timonium, MD
Location: Maryland State Fair Grounds
Web site: <http://www.mdhomeandgarden.com/spring>

Show Name: Builder Mart
Date: Wednesday, March 21, 2012
City/State: Timonium, MD
Location: Maryland State Fairgrounds
Web site: <http://www.homebuilders.org/page/55597/>

Show Name: Centennial Contractor Safety Fair
Date: Tuesday, April 17, 2012
City/State: Baltimore, MD
Location: Martin's West

Show Name: Northrop Grumman Health and Safety Fair
Date: Wednesday, April 18, 2012
City/State: Linthicum, MD
Location: Northrop Grumman Corporation

Show Name: NSSA Sign Expo 2012
Date: Wednesday, April 25, 2012
City/State: Ellicott City, MD
Location: Turf Valley Gold Resort and Conference Center
Web site: <http://www.nssasign.org/nssa-expo-2012.aspx>

Show Name: Mid Atlantic Construction Safety Conference
Date: Thursday, May 10, 2012
City/State: Upper Marlboro, MD
Location: Show Place Arena
Web site: <http://www.macsc.net/>

Show Name: CSAWWA Annual Joint Spring Meeting
Date: Friday, May 11, 2012
City/State: Upper Marlboro, MD
Location: Six Flags America
Website: <http://www.csawwa.org/~csawwa/>
<http://www.sixflags.com/america/info/Directions.aspx>

Show Name: 2012 NICCjv/Centennial Mid-Atlantic East Safety & Sustainability
Date: Thursday, May 24, 2012
City/State: Oxon Hill, MD
Location: Clarion Hotel

Show Name: DC Water Safety Day 2012
Date: Friday, June 8, 2012
City/State: Washington, D.C.
Location: Blue Plains Advanced Wastewater Treatment Plant

Show Name: WSSC Safety and Wellness Expo
Date: Wednesday, Jun 20, 2012
City/State: Laurel, MD
Location: Washington Suburban Sanitary Commission

Show Name: 2012 NICCjv/Centennial Mid-Atlantic East Safety & Sustainability
Date: Thursday, June 21, 2012
City/State: LaPlata, MD
Location: College of Southern Maryland

Show Name: Maryland Municipal League
Date: June 24 - 27, 2012
City/State: Ocean City, MD
Location: Roland Powell Convention Center
Website: <http://www.mdmunicipal.org/>
<http://www.mdmunicipal.org/cv12/cvexhibitorinfo.cfm>

Show Name: Maryland Association of Counties
Date: August 15-18, 2012
City/State: Ocean City, MD
Location: Roland Powell Convention Center
Website: http://www.mdcounties.org//events/sum/sc_overview.cfm

Show Name: NIH Safety Day 2012
Date: August 29, 2012
Location: NIH Main Campus
Natcher Conference Center, Building 45
13 South Drive Suite G904
Bethesda, MD 20892

Show Name: Howard County Tree Care Outreach (Presented by MOSH)
Date: October 10, 2012
Location: Howard County Fair Grounds
2210 Howard County Fair Road
West Friendship, MD

Show Name: Gunpowder Falls State Park State-Wide Employee Field Day
Wednesday, Oct. 17, 2012
Gunpowder Falls State Park
7200 Graces Quarters
Chase, MD 21027

Show Name: Maryland Home and Garden Show (Fall)
Date: October 19-21, 2012
City/State: Timonium, MD
Location: Maryland State Fair Grounds
2200 York Road
Timonium, MD 21093
Web site: <http://www.mdhomeandgarden.com/fall>

2012 Minor League Baseball Sponsorship Events

Frederick Keys, Frederick, Maryland
April 28th and 29th, May 12th, June 6th and 7th and August 9th

Bowie Baysox, Bowie, Maryland
August 1st

Southern Maryland Blue Crabs, Waldorf, MD
August 2nd

2012 Associated Utility Contractor of Maryland Meetings

January 9th
February 13th
June 11th
September 17th

March 12th
April 9th
May 14th

October 8th
December 10th

2012 National Utility Contractors Association - Committee Meetings

August 15th
September 19th

October 17th
December 5th

2012 Miss Utility of Delmarva (Eastern Shore MD) Membership Meetings

January 19th
February 19th
March 15th
April 19th
May 17th
June 21st

July 19th
August 16th
September 20th
October 18th
November 15th
December 20th

2012 Public Works Contractors Association Meetings

January 10th
March 13th
April 10th
May 8th

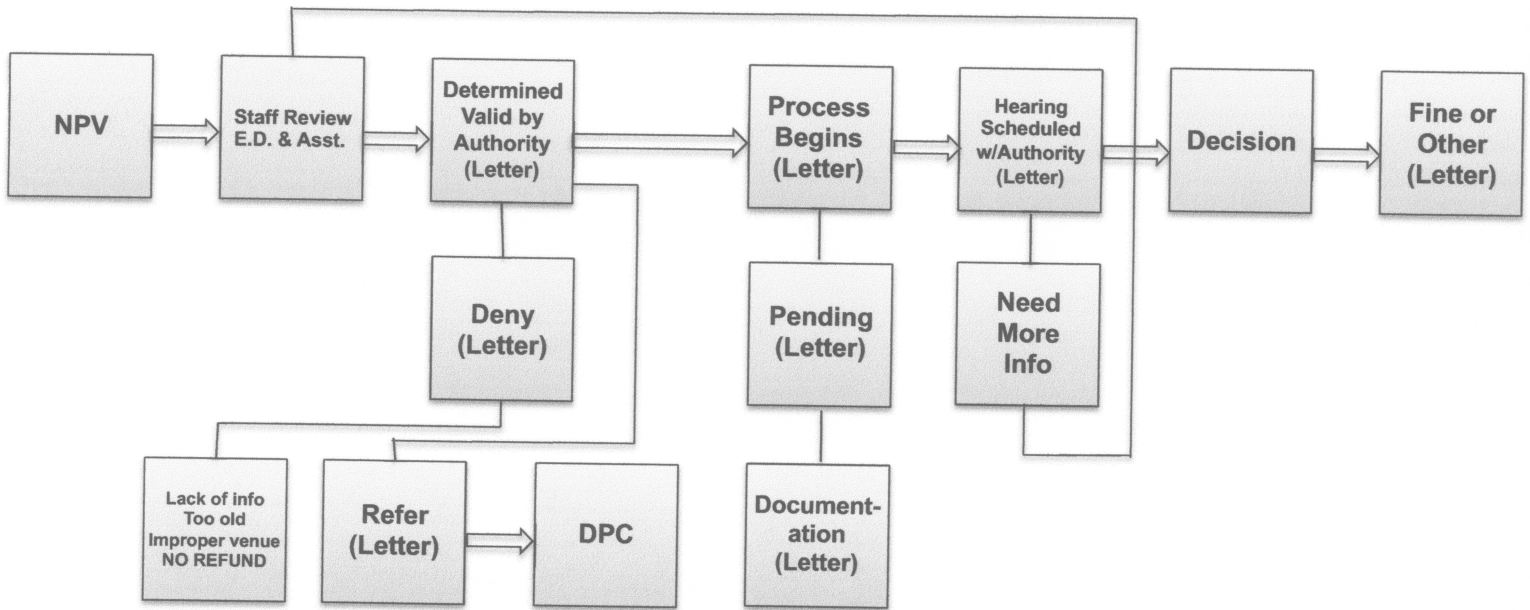
September 11th
October 9th
November 13th
December 11th



APPENDIX D

Notice of Probable Violation Process

NOTICE OF PROBABLE VIOLATION PROCESS





APPENDIX E

Report of Probable Violations



**MARYLAND UNDERGROUND FACILITIES
DAMAGE PREVENTION AUTHORITY
7223 Parkway Drive, Suite 210
Hanover, MD 21076
410-782-2037**

REPORT OF PROBABLE VIOLATIONS

Please provide all information requested below to assist in conducting a thorough investigation of this incident. This information will also help build a database to guide us in furthering damage prevention. Please use a separate report for each incident. Thank you for your time.

Part A – Please send this information to:

Maryland Underground Facilities Damage Prevention
Authority
7223 Parkway Drive, Suite 210
Hanover, MD 21076

Toll Free Number.....
Email info@mdppa.org
Web www.mdppa.org

Part B – Who is submitting this information:

Name: _____
Company: _____
Address: _____
City, State, Zip: _____
Email: _____

Date of this report: _____
Work Phone: _____
Mobile Phone: _____
Home Phone: _____
Pager Number: _____
Fax: _____

Part C – Incident Information:

Incident Date & Time: _____
Incident Address: _____
City/County: _____
Cause: _____

Incident Location:
 Public Property
 Private Property
 Utility Easement
Latitude _____
 City Right of Way
 County Right of Way
 State Right of Way
Longitude _____

Part D – Excavator Information:

Name: _____
Company: _____
Address: _____
City, State, Zip: _____
Email: _____

Date & Time Excavation Began:

Work Phone: _____
Mobile Phone: _____
Home Phone: _____
Pager Number: _____
Fax: _____

Part E – Excavator Category:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Contractor working for government | <input type="checkbox"/> Contractor working for utility | <input type="checkbox"/> County employee | <input type="checkbox"/> Railroad employee |
| <input type="checkbox"/> Contactor working for other | <input type="checkbox"/> Property owner/occupant | <input type="checkbox"/> State employee | <input type="checkbox"/> Farmer |
| <input type="checkbox"/> Contractor working for self | <input type="checkbox"/> Municipality employee | <input type="checkbox"/> Utility employee | <input type="checkbox"/> Developer |
| | <input type="checkbox"/> Private Individual | | <input type="checkbox"/> Unknown |

Part F – Type of excavation activity:

Parallel excavation Yes No Exposing (pot holing) facility Yes No

- | | | | | | |
|---|--|--|--|---|--------------------------------|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Drainage work | <input type="checkbox"/> Plumbing/septic work | <input type="checkbox"/> Road construction | <input type="checkbox"/> Electricity | <input type="checkbox"/> Gas |
| <input type="checkbox"/> Bldg. construction | <input type="checkbox"/> Driveway work | <input type="checkbox"/> Roadway maintenance | <input type="checkbox"/> Setting poles | <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Water |
| <input type="checkbox"/> Bldg. demolition | <input type="checkbox"/> Fence work | <input type="checkbox"/> Site development | <input type="checkbox"/> Sprinkler | <input type="checkbox"/> Cable | |
| <input type="checkbox"/> Bldg. reconstruction | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Traffic signal/system | <input type="checkbox"/> Sewer | | |
| <input type="checkbox"/> Curb/sidewalk work | <input type="checkbox"/> Lot grading | | <input type="checkbox"/> Other _____ | | |

Part G – Type of excavation

Equipment Type: _____

- Mechanical Hand

- Boring* Explosive

Method of excavation:

- | | | | | |
|-----------------------------------|-----------------------------------|---|------------------------------------|------------------------------------|
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Ditching | <input type="checkbox"/> Grading | <input type="checkbox"/> Paving | <input type="checkbox"/> Scraping |
| <input type="checkbox"/> Boring* | <input type="checkbox"/> Dredging | <input type="checkbox"/> Hand Dig | <input type="checkbox"/> Plowing | <input type="checkbox"/> Tilling |
| <input type="checkbox"/> Digging | <input type="checkbox"/> Drilling | <input type="checkbox"/> Moving | <input type="checkbox"/> Razing | <input type="checkbox"/> Trenching |
| | | <input type="checkbox"/> Pavement Milling | <input type="checkbox"/> Removing | <input type="checkbox"/> Tunneling |
| | | | <input type="checkbox"/> Rendering | <input type="checkbox"/> Wrecking |

*If method is "boring", list boring technique Directional or Missile

Part H – Description of damage

What type of facility was damaged?

- | | |
|-----------------------------------|--|
| <input type="checkbox"/> Water | <input type="checkbox"/> Sewer |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Telecommunications |
| <input type="checkbox"/> Cable | <input type="checkbox"/> Hazardous liquid pipeline |
| <input type="checkbox"/> Electric | <input type="checkbox"/> Other |

Utility line function:

- | | |
|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Service | <input type="checkbox"/> Secondary |
| <input type="checkbox"/> Drop | <input type="checkbox"/> Primary |
| <input type="checkbox"/> Feeder | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Trunk | <input type="checkbox"/> Fiber |
| | <input type="checkbox"/> Main |

Material type (steel, plastic, etc.): _____
 Pressure (PSIG/inches): _____
 Size (diameter, voltage, pairs, etc.): _____
 Depth of facility at the time of damage: _____

Utility/Facility/Owner /Operator
 Company: _____
 Address: _____
 City: _____
 State: _____ Zip: _____

Contact: _____
 Work Phone: _____
 Mobile Phone: _____
 Home Phone: _____
 Pager Number: _____
 Fax: _____

Email: _____

Part I – Incident impact:

- Did the fire department respond? Yes No
- Did the police department respond? Yes No
- Was evacuation necessary? Yes No How Many: _____
- Was traffic stopped or detoured? Yes No
- Was there a service interruption? Yes No Duration: _____
- Excavation Down Time Cost: \$ _____ Duration: _____

Number of Fatalities: _____
Number of Injuries: _____
Number of customers affected: _____
Damage Repair Cost: \$ _____
Other Property Impacted: _____
Other Property Repair Cost: \$ _____
Other Impact: _____

Part J – Notification center information:

- Did the person have a valid ticket?
 Yes No Ticket Number: _____
- Did the person check Underground Facilities Information Exchange System?
 Yes No How: Phone Fax Back Website Email

- Type of ticket:
- Regular 15 working day
 - Remark notice
 - Designer
 - Emergency
 - Special project
 - Meeting

Part K – Locating/marketing of utility line

NOTE: Please attach a copy of the "locator's manifest" and location sketch with this report if available

Who marked this line? Facility Owner/Operator Contract Locator

Locator's Name: _____
Company: _____
Address: _____
City, State, Zip: _____
Email: _____

Work Phone: _____
Mobile Phone: _____
Home Phone: _____
Pager Number: _____
Fax: _____

Was the line marked prior to the damage? Yes No

What types of marks were present? Paint Flags Stakes

Describe the condition of the marks in the proposed excavation area: Bright Visible Faded Destroyed No Marks

Were facilities visible (clear evidence) in the excavation area? Yes No – If Yes, indicate record type: _____

Were facilities marked in accordance with Maryland law and local practices? Yes No

Additional Comments: