

**PRINCE GEORGE'S COUNTY COUNCIL**  
**COMMITTEE REPORT**  
**2018 Legislative Session**

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**Reference No.:** CB-17-2018  
**Draft No.:** 2  
**Committee:** TRANSPORTATION, HOUSING AND ENVIRONMENT  
**Date:** SEPTEMBER 13, 2018  
**Action:** FAVORABLE (A)

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**REPORT:**

Committee Vote: Favorable with Amendments, 4-0 (In favor: Council Members, Turner, Lehman, Franklin and Taveras).

The Legislative Officer provided an overview of the legislation, indicating that it was held in committee on July 12, 2018; and explained the proposed amendments.

The Bill sponsor indicated that a meeting was held with the utilities since the last committee work session to collaboratively discuss the impact of this legislation. The Bill sponsor for purposes of clarification further explained the intent of the Bill; provide communities meaningful advance notification of utility work in County roadways and to require that repaving and resurfacing of County roadways by utilities are done to standards.

The County Executive supports as amended and the Office of Law provided no additional comments.

The Department of Permitting, Inspections and Enforcement (DPIE) indicated no additional comments; their concerns were addressed in Draft 2.

Utility Representatives from PEPCO, WSSC and Washington Gas provided testimony. Written correspondence was provided by PEPCO and Baltimore Gas and Electric Company. The Utilities expressed concerns with the cost of the third-party inspector as well as the level of the inspection.

The DPIE representative indicated their readiness to train third-party inspectors up to 80 hours at no cost. The third-party inspector is required to oversee soil compaction, restoration of right of way and resurfacing efforts. The inspector would have to do sufficient inspection to create an inspection report.

The WSSC representative indicated that their preference would have been for language pertaining to DPIE third party inspection training be included in the Bill.

Inspections are required for emergency work on County roadways completed after hours. DPIE’s representative indicated that emergency work is described in Section 23-129 (j) (8) of the Road code.

The utilities expressed concerns with the Bill language pertaining to the debarment of a contractor if performed work for a utility in the County without a utility permit three or more times within one year. The issue was raised regarding the legality of this section. Legal staff was directed to research and develop revised language to address utilities concerns prior to Introduction.

The proposed amendments are noted below and include all of the amendments to the original Draft 1 of the Bill.

- 1. On page 1, in line 3, after “of” insert “defining certain terms”.

- 2. On page 1, after line 6, insert:

“BY adding:  
 SUBTITLE 23. ROADS AND SIDEWALKS.  
 Sections 23-102(b)(15.1) and 23-102(b)(18.1)  
 The Prince George's County Code  
 (2015 Edition, 2017 Supplement).”

- 3. On page 1, after line 11, insert:

“BY repealing and reenacting with amendments:  
 SUBTITLE 23. ROADS AND SIDEWALKS.  
 Sections 23-112, 23-120, 23-123, and 23-129  
 The Prince George's County Code  
 (2015 Edition, 2017 Supplement).”

“SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 23-102(b)(15.1) and Section 23-102(b)(18.1), of the Prince George's County Code be and the same are hereby added:  
 Sec. 23-102. - Definitions.

(a) Except as herein provided, the definitions of words and phrases used in this Subtitle shall be the same as stated in Subtitles 1, 4, 24, 26, and 27 of this Code. If not defined in the said Subtitles or herein, the words or phrases shall have the meanings generally recognized under

Maryland law.

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(b) The following words and phrases are hereby defined with respect to their use in this Subtitle:

\* \* \* \* \*

(15.1) Utility Designated Inspectors mean utility staff inspectors or third-party inspectors of the utility’s choosing. Utility staff eligible for training must be currently working in the inspection field as engineering technicians, or the appropriate equivalent, with construction inspection work experience.

\* \* \* \* \*

(18.1) Road Restoration means the temporary or permanent act of road restoration following road construction.

4. On page 1, in line 12, strike “1.” and substitute “2.”.
  5. On page 3, in line 4, strike “2.” and substitute “3.”.
  6. On page 3, in line 13, after “permits” insert “for non-emergency work.”.
  7. On page 4, in line 13, after “work” insert “for a utility in the County”; on page 4, in line 14, strike “they” and insert “the contractor after written notification of each instance of noncompliance”; on page 4, in line 14, after “debarred” insert: “from performing work for that utility”.
  8. On page 4, in line 23, after “road]” insert “For non-emergency work.” and on page 4, in line 30, after “permit]” insert: “For non-emergency work.”.
  9. On page 5, in line 8, after “(5)” insert “After written notification of noncompliance.”.
  10. On page 5, in line 12, after “Subtitle]” insert:  
“Upon request from a utility, the Department shall provide training and approval to utility designated inspectors and third-party inspectors to inspect permitted work to verify that the compaction and roadway restoration and repaving work has been performed in compliance with the Prince George’s County Code and Specifications.”
- On page 5, in line 12, after “Subtitle]” insert: “Beginning July 1, 2019.”; on page 5, in line 12, strike “All” and substitute “all”; on page 5, in line 12, after “contractors” insert: “their contractors doing compaction, right-of-way and roadway restoration and repaving”; on page 5, in line 12, after “Subtitle]”, in line 14, strike “which” and substitute “whom”; on page 5, in line 14, strike “certified and”; on page 5, in line 16, after “that” insert “the”; and on page 5, in line 16, after “permitted” insert: “compaction, right of way and roadway restoration and repaving”.
11. On page 5, in line 22, after “including” strike “public”. On page 6, in line 16, after the first “any”, strike “public or private”. On page 6, in line 19, after “including” strike “public”. On page 6, in line 20, strike “public”. On page 7, in line 1, after “Any” strike “public”. On page 7, in line 6, after “Standards”, strike “Public”. On page 7, in line 26, strike “public”.
  12. On page 7, in line 6, after “Standards.”, insert “After written notification of noncompliance.”; and on page 7, in line 7, after “of”, strike “this subsection” and substitute “Subsection 23-129(j)(3) of this Code”.
  13. On page 8, in line 13, strike “3.” and substitute “4.”. On page 8, in line 21, strike “4.” and substitute “5.” On page 8, strike beginning with “forty-five” in line 21 down through “law” in line 22, and substitute “on July 1, 2019”.

## Held In Committee

The Legislative Staff provided an overview of CB-17-2018 Draft 2 and the proposed amendments. CB-17-2018 seeks to require a valid road construction permit for any road construction in a public right-of-way, and establishes regulations for the issuance of utility permits by amending the specification for a utility permit application, approval of plans, public notification, and inspection of plan. The proposed bill also set forth penalties for violators of the utility permit regulations.

The sponsor indicated that this legislation enhances what is currently on the books. The legislation requires applicants for utility permits to provide a plan for public notification, for restoration milling, overlay and/or greenspace, maintenance of traffic, and for a utility inspector who is certified and approved by the County. Utility applicants seeking a maintenance permit shall have their utility construction specifications and quality control plan reviewed annually by the Department of Permitting, Inspections and Enforcement (DPIE). Stop work orders may be issued for work that commences without a permit.

The County Executive supports and the Office of Law finds it to be in proper legislative form with no legal impediments to its enactment.

The DPIE recognizes the need for the legislation and supports the need for third party inspectors since they need additional inspectors.

A Council Member raised a concern regarding the cost of third party inspectors.

The Bill sponsor indicated that the standards are Stricker in neighboring communities.

The DPIE representative indicated that in comparison to Montgomery County; Prince George's has poorer quality soil which requires more effort. DPIE does have a comparison study as it relates to the fees; indicating that Montgomery County fees are higher.

The Office of Audits and Investigations determined that CB-17-2018 may have a positive impact on the County related to any fines issued to and paid by violators that may results in a recovery of costs incurred by the County resulting from the strengthening of Road Ordinance regulations. Enactment of CB-17-2018 may enhance the safety and security of County residents by strengthening and clarifying the County's Road Ordinance regulations.

Public testimony was considered and utility representatives spoke (Washington Gas and WSSC) expressing concerns with the requirements being more stringent than other jurisdictions.

Reba J. Cooper (resident of Beltsville) and Garold Stone (resident of Laurel) provided written comments in support of CB-17-2018 Draft 2 speaking upon the poor quality of the road repair and holding contractors accountable.

The Committee Chair requested the utilities provide data on the number of permits, complaints and notice for DPIE prior to the next committee work session because a decision regarding CB-17-2018 will be made at that time.