

Pipeline and Hazardous Materials Safety Administration Calendar Year 2009 State Damage Prevention Grants Awards Summary

Background

Section 2 of the PIPES Act added a State Damage Prevention grant program to the Federal Pipeline Safety Law as 49 USC §60134. Any State authority (or municipality with respect to intrastate gas transportation) that is or will be responsible for preventing damage to underground pipeline facilities is eligible as long as 1) the State participates in the oversight of pipeline transportation pursuant to an annual 49 U.S.C. §60105 certification or 49 U.S.C. §60106 agreement in effect with the Pipeline and Hazardous Materials Safety Administration, and 2) is designated by the Governor, in writing, as the eligible recipient of the grant funding.

The purpose of these grants is to establish comprehensive State programs designed to prevent damage to underground pipelines in States that do not have such programs and to improve damage prevention programs in States that do. The Act sets forth nine elements of an effective State damage prevention program:

- *Element (1):* Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.
- *Element (2):* A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.
- *Element (3):* A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.
- *Element (4):* Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.
- *Element (5):* A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- *Element (6):* A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.
- *Element (7):* Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.
- *Element (8):* A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.
- *Element (9):* A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

Funding Opportunity Title: “State Damage Prevention Program”
Funding Opportunity Number: DTPH56-09-SN-0001
Catalog of Federal Domestic Assistance (CFDA)
Number 20.720 – “State Damage Prevention Grants”

Application Review Process

A team composed of representatives from stakeholder groups involved with damage prevention efforts reviewed and evaluated each completed application that met the eligibility requirements.

The team was comprised of:

- Two representatives of the National Association of Pipeline Safety Representatives (NAPSR)
- Two representatives of excavators; one from the Associated General Contractors of America (AGC) and one from the National Utility Contractors Association (NUCA)
- Two representatives of State One Call centers
- One representative of the American Gas Association (AGA)
- One representative of the Interstate Natural Gas Association of America (INGAA)
- One representative of the Association of Oil Pipe Lines (AOPL)
- One Pipeline and Hazardous Materials Safety Administration Community Assistance Technical Services (CATS) Manager
- One representative of the Pipeline and Hazardous Materials Safety Administration State Programs Office

The review team evaluated applications based on the five (5) criteria listed below. The criteria were weighted in the following order: criterion 1 was most heavily weighted, criterion 2 was second most heavily weighted, criteria 3 and 4 were weighted equally and were third most heavily weighted, and criterion 5 was fourth most heavily weighted.

- (1) *Quality of the Damage Prevention Program.* The team evaluated the quality of State damage prevention programs against the 9 elements as listed above and in Section 2 of the PIPES Act of 2006.
- (2) *Jurisdiction of Civil Penalty.* The team evaluated whether State damage prevention programs have the authority under State law to assess civil penalties for violations of the State’s One Call laws and a demonstrated ability to exercise such authority; or alternatively, a commitment to seek action from the State legislature to obtain civil enforcement authority.
- (3) *Outreach and Participation.* The team evaluated whether State damage prevention programs demonstrate a commitment to being inclusive of all stakeholders.
- (4) *Education.* The team evaluated whether State damage prevention programs have programs to educate the public and other parties who can benefit from, or who are essential to, the success of the Statewide damage prevention program, including use of the 811 system.
- (5) *Program Performance.* The team evaluated whether State damage prevention programs have a means to measure the effectiveness of their programs and disseminate this information to the appropriate stakeholders.

2009 Grantees, Award Amounts, and Project Scopes

A summary of each grant is provided on the following pages. For more information about a specific grant project, please contact the Agreement Administrator (AA) or Agreement Officer's Technical Representative (AOTR) listed below.

Agreement Administrator (AA) for All Grants

Ms. Karina Munoz
U.S. Department of Transportation
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Office of Contracts and Procurement, PHA-30
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Washington, D.C. 20590
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Agreement Officer's Technical Representative (AOTR) for All Grants

Mr. Sam Hall
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety, PHP-20
2180 Adventure Lane
Maidens, VA 23102
Telephone: (804) 556-4678
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E-mail: sam.hall@dot.gov

Arizona Corporation Commission

Basic Award Information

Award Number: DTPH56-09-G-PHPS01

Grant Amount: \$100,000.00

Arizona Corporation Commission

Safety Division

1200 W. Washington

Phoenix, AZ 85007

Specific Objective(s) of the Agreement

Under this grant agreement, the ACC will produce and distribute an interactive training DVD targeted to excavators, contract locators, and underground facility owners/operators in partnership with the Commission's contractor, the Arizona Blue Stake (One Call) Center. Mass production of the training DVD will allow for reaching much larger numbers of target groups that will benefit from the training, thereby continuing to reduce the number of third party damages to underground utilities.

Workscope

Under the terms of this agreement, the Grantee will address Element 4 listed in 49 USC §60134.

Utility Notification Center of Colorado

Basic Award Information

Award Number: DTPH56-09-G-PHPS02

Grant Amount: \$100,000.00

Utility Notification Center of Colorado

16361 Table Mountain Parkway

Golden, CO 80403

Specific Objective(s) of the Agreement

Under this grant award, the UNCC will:

- Create an administrative foundation for future compliance enforcement of state One-Call Laws.
- Develop a method of identifying and documenting damage prevention programs and activities around the state for use with the Damage Data Report, the Damage Prevention Report Card, and the Damage Prevention Portal.
- Continue to promote the nine elements and support the Damage Prevention Action Team (DPAT) and Damage Prevention Councils (DPCs).
- Continue to support the Damage Prevention Action Team in its leadership role.
- Support Damage Prevention Awareness Month in April 2009 with a statewide public awareness campaign.
- Distribute Damage Data Report and Damage Prevention Report Card and encourage active participation of local community governance and regulatory agencies, including County Commissioners, City/Town Mayors, Public Works Directors, Permit Office Managers, the PUC, PHMSA, and OSHA.

- Increase the number and the involvement of Damage Prevention Councils in the state.
- Provide some financial support for every Damage Prevention Council in the state.
- Continue development of the Colorado Damage Prevention Portal to collect and provide additional damage prevention information to stakeholders.

Workscope

Under the terms of this agreement, the Grantee will address Element 2, Element 5, Element 7, and Element 8 listed in 49 USC §60134.

Georgia Public Service Commission

Basic Award Information

Award Number: DTPH56-09-G-PHPS03
 Grant Amount: \$91,800.00
 Georgia Public Service Commission
 244 Washington Street SW
 Atlanta, GA 30334

Specific Objective(s) of the Agreement

Under this grant award, the Georgia Public Service Commission will fund continued employment of the field investigator hired under the prior year grant.

Workscope

Under the terms of this agreement, the Grantee will address Element 7 listed in 49 USC §60134.

Indiana 811

Basic Award Information

Award Number: DTPH56-09-G-PHPS04
 Grant Amount: \$84,120.00
 Indiana 811
 1020 Sierra Drive, Suite 1200
 Greenwood, IN 46143

Specific Objective(s) of the Agreement

Under this grant award, Indiana 811 will:

- Continue its excavation quality control program and outreach program to strengthen the Regional Common Ground Alliance.
- Support a legislative effort, proposed by Indiana 811’s Legislative Committee in conjunction with the Indiana Energy Association, by sponsoring stakeholder meetings to discuss proposed changes to the call before you dig law and/or developing educational materials related to the proposed changes. The legislative effort consists of proposed changes to the call before you dig law in Indiana (IC 8-1-26) that could be introduced into the 2009 Indiana State Legislative session. Key changes to IC 8-1-26 are related to the establishment of a seven (7) member Underground Protection Advisory Committee that would oversee an enforcement program.

- Provide Indiana 811 members with a marketing tool box that can be used to promote a consistent message on 811 and the “Call Before You Dig” process. Member utilities and stakeholders will be able to track their efforts on the existing web based tool (www.onecallmaps.org) provided by Indiana 811. In addition, Indiana 811 will acknowledge public education efforts in their quarterly newsletter.
- Develop a web-based portal that will be used to provide interactive web-based training that emphasizes Common Ground Alliance best practices. The portal will be developed with a tiered set of training lessons that will start with the basics and increase in difficulty as a trainee progresses through the course. Once a trainee has completed the entire course, he/she will receive a printable certificate as proof of successful completion of the training.
- Sponsor four (4) quarterly stakeholder events designed to foster the Regional Common Ground Alliance in Indiana.

Workscope

Under the terms of this agreement, the Grantee will address Element 2, Element 4, Element 5, Element 6, and Element 7 listed in 49 USC §60134.

Kansas Corporation Commission

Basic Award Information

Award Number: DTPH56-09-G-PHPS05
 Grant Amount: \$100,000.00
 Kansas Corporation Commission
 1500 SW Arrowhead Road
 Topeka, KS 66604-4027

Specific Objective(s) of the Agreement

Under this grant award, the Kansas Corporation Commission will continue the pilot program begun in 2008 to augment the enforcement of the Kansas Underground Utility Damage Prevention Act. The program will be revised to include one full time employee dedicated to damage prevention inspections in the Wichita area for all of 2009. The Kansas Corporation Commission will also use the funding to evaluate the effectiveness of an aggressive enforcement program by using the mandatory damage reporting requirements in effect in Kansas.

Workscope

Under the terms of this agreement, the Grantee will address Element 4, Element 5, Element 7, and Element 9 listed in 49 USC §60134.

Minnesota Department of Public Safety

Basic Award Information

Award Number: DTPH56-09-G-PHPS06
 Grant Amount: \$100,000.00
 Minnesota Department of Public Safety
 Office of Pipeline Safety
 444 Cedar Street

St. Paul, MN 55101-5147

Specific Objectives of the Agreement

Under this grant award, the Minnesota Department of Public Safety will hire one full time person to perform damage prevention program duties. Duties of this employee will include:

- Enforcement action follow-up and collections
- In-office investigations and research
- Statistical analysis and complaint and incident trending
- Court proceedings and conciliations
- Compliance monitoring of one-call center operations, frequent offenders, and types of offenses
- Rules and law review
- Outreach
 - Safety presentations to excavators
 - Safety & training presentations for operators & locators
 - Annual conference with Damage Prevention track
 - Safety messages for the general population
- Involvement in the regional Common Ground Alliance
- Active participation in area Utility Coordinating Committees
- Participation in the one-call center Operations and Communication Committees
- Participation in locator roundtable and summit meetings

Workscope

Under the terms of this agreement, the Grantee will address Element 2, Element 4, Element 5, Element 6, Element 7, and Element 9 listed in 49 USC §60134.

New Hampshire Public Utilities Commission

Basic Award Information

Award Number: DTPH56-09-G-PHPS07
Grant Amount: \$39,000.00
New Hampshire Public Utilities Commission
Safety Division
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

Specific Objective(s) of the Agreement

Under this grant award, the New Hampshire Public Utilities Commission will foster increased municipal membership in the Dig Safe one-call in an effort to assist towns with reducing impacts to underground municipal facilities. The work will be accomplished through the following tasks:

- Characterize the damages to municipal underground facilities that occurred in 2006, 2007, and 2008 in New Hampshire;
- Characterize the frequency and location of most excavation activity in New Hampshire towns;
- Determine the cost and other impediments to municipalities associated with participation in New Hampshire's Underground Damage Prevention Program;

- Collect from the Public Utilities Commission the amount of civil penalties assessed and collected for 2006, 2007, and 2008. Collect from the Public Utilities Commission the cost to utilities for: 1) Locating facilities and participating in the Underground Damage Prevention Program per employee, and; 2) Field mark-outs versus administrative costs (collecting, informal conferences, attending Dig Safe advisory meetings, internal meetings, etc.);
- Propose solutions and at least three or four funding mechanisms to offset municipal cost of participation; and
- Compile and propose a formal report of findings that includes background and statistics.

Workscope

Under the terms of this agreement, the Grantee will address Element 2 and Element 9 listed in 49 USC §60134.

New Mexico Pipeline Safety Bureau

Basic Award Information

Award Number: DTPH56-09-G-PHPS08
 Grant Amount: \$84,100.00
 New Mexico Public Regulatory Commission
 Pipeline Safety Bureau
 PO Box 1269
 Santa Fe, NM 87504

Specific Objective(s) of the Agreement

Under this grant award, the New Mexico Pipeline Safety Bureau will:

- Partially fund employment of a Damage Prevention Specialist for damage prevention program administration, including uploading data to the Damage Prevention Tracking System, uploading data to the Common Ground Alliance Damage Information Reporting Tool (DIRT), analyzing data to determine program effectiveness and indicated improvements, and enforcement for non-pipeline and pipeline damage violations.
- Partially fund employment of an Administrative Assistant for security administration of the Damage Prevention Tracking System, scheduling and coordinating training events, and budget and cost tracking management.
- Partially fund four (4) underground utility locators to be used by the Bureau to conduct training for locating personnel and to conduct investigations, as needed.
- Print Damage Prevention information booklets and other training materials by the New Mexico One-Call, Inc. that are used in the training of excavation equipment operators, first responders, and in “tailgate” training sessions. The training materials will also be translated into Spanish.
- Contract with the National Utility Contractors Association of New Mexico to conduct at least eight (8) classes (the “Next Step”) throughout the state to teach excavators about general excavation safety and excavation-for-utilities practices.

Workscope

Under the terms of this agreement, the Grantee will address Element 4, Element 7, and Element 9 listed in 49 USC §60134.

Dig Safely New York, Inc.

Basic Award Information

Award Number: DTPH56-09-G-PHPS09

Grant Amount: \$82,044.00

Dig Safely New York, Inc.

5063 Brittonfield Parkway

East Syracuse, NY 13057

Specific Objective(s) of the Agreement

Under this grant award, Dig Safely New York will implement a pilot program to measure the effects tolerance zone markings have in reducing damages caused by unsafe digging in the tolerance zone.

Workscope

Under the terms of this agreement, the Grantee will address Element 8 listed in 49 USC §60134.

Public Utilities Commission of Ohio

Basic Award Information

Award Number: DTPH56-09-G-PHPS10

Grant Amount: \$99,462.00

Public Utilities Commission of Ohio

Gas Pipeline Safety Section

180 East Broad Street, 6th Floor

Columbus, OH 43215-3793

Specific Objective(s) of the Agreement

Under this grant award, the Public Utilities Commission of Ohio will work with the Ohio Utilities Protection Service to support the efforts of the Ohio Marking Standards Committee. A wide range of methods will be used to educate and encourage all stakeholders to adopt the new marking standards, including:

- A professional marketing service will develop an effective marketing strategy targeting facility owners/operators, locators, professional excavators, and homeowners.
- The Ohio Utility Protection Service will both support and promote the new marking standards through its board members, staff, newsletters, and use of its web site to educate and survey excavators and homeowners at safety events and trade shows and by conducting phone surveys to measure the campaign's success.
- Ohio's three Utility Coordinating Councils and six Common Ground Alliance Regional Partners will actively promote the new marking standards among their members.
- Statewide industry groups will promote the new marking standards at meetings, in newsletters, and on their web sites.

- Production of a training video that targets professional excavators. The video will be produced in both English and Spanish languages.
- Production of “pocket” guides that provide graphic depictions of the new marking standards and describe their meanings as well as Ohio’s excavation laws and safe excavation practices. The guides will also promote Ohio’s six Common Ground Alliance Regional Partners and 811.

Workscope

Under the terms of this agreement, the Grantee will address Element 2, Element 3, Element 4, and Element 5 listed in 49 USC §60134.

Tennessee Regulatory Authority

Basic Award Information

Award Number: DTPH56-09-G-PHPS11
 Grant Amount: \$87,870.00
 Tennessee Regulatory Authority
 Gas Pipeline Safety
 460 James Robertson Parkway
 Nashville, TN 37243-0505

Specific Objective(s) of the Agreement

Under this grant award, the TRA will hire one person to establish an enforcement section within the Gas Pipeline Safety Division (GPSD). This individual will be responsible for developing and operating an initial damage prevention enforcement section based on the amended Tennessee Underground Utility Damage Prevention Act, enforcement section rules and regulations, and the model damage prevention enforcement section document. The TRA will also use the grant to fund the services of an assistant for approximately twenty percent of the year. This individual will be responsible for coordinating with stakeholders regarding establishment of the enforcement section.

Workscope

Under the terms of this agreement, the Grantee will address Element 7 listed in 49 USC §60134.

Railroad Commission of Texas

Basic Award Information

Award Number: DTPH56-09-G-PHPS12
 Grant Amount: \$78,000.00
 Railroad Commission of Texas
 Safety Division
 PO Box 12967
 Austin, TX 78711-2967

Specific Objective(s) of the Agreement

Under this grant award, the Railroad Commission of Texas will continue to digitize documents associated with enforcement activities stemming from third party damage to underground pipeline facilities. As a result, the Commission will enhance its online

data reporting system by providing open access to documents associated with enforcement activity.

Workscope

Under the terms of this agreement, the Grantee will address Element 6 and Element 7 listed in 49 USC §60134.