

2008 State Damage Prevention Program Grants Final Report
Funding Opportunity Number: DTPH56-08-SN-0001
CFDA Number: 20.720

Award Number: DTPH56-08-G-PHPS02
Project Title: Georgia Utility Facility Protection
Date Submitted: *[Date you are submitting]*
Submitted by: *Danny McGriff & Gary Mason*

Specific Objective(s) of the Agreement

Under this grant award, Georgia Public Service Commission will add up to three (3) additional positions, one motor vehicle, and equipment to enhance enforcement of the Georgia Utility Facility Protection Act (GUFPA). This would provide one (1) field investigator position with a priority for investigating high profile damages in the Atlanta metro area and two (2) positions performing assigned investigations to concentrate on reported violations to the Commission estimated in excess of 7,000 annually.

Workscope

- *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 (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 (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.

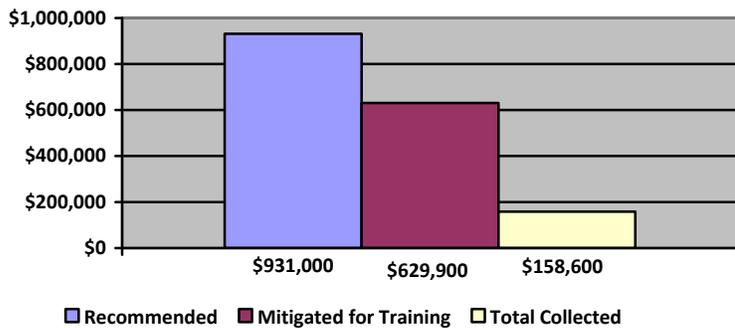
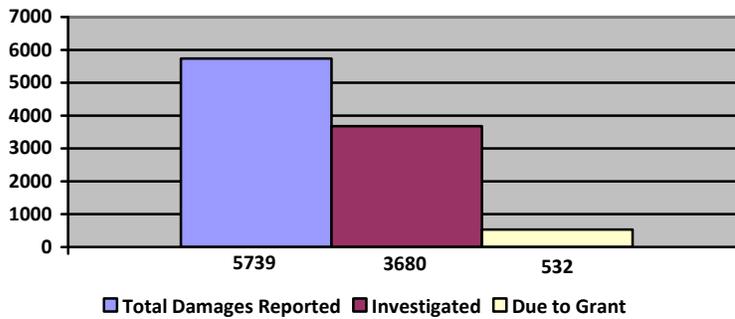
Accomplishments for the grant period (Item 1 under Agreement Section 9.02 Final Report: "A comparison of actual accomplishments to the objectives established for the period.")

As stated in the Objectives, the Commission desired to hire 3 additional enforcement persons and has included that in the Public Service Commission's annual budget request to the legislature. Due to the economic times and state budget constraints, the request was denied in FY08. The Commission hired one field investigator effective 6/1/08 with the funds secured from PHMSA in the 2008 State Damage Prevention Grant. That person has been equipped with an automobile, communication device, computer and setup to work from home when not doing fieldwork. The person hired came with a 32 year background with AT&T, the last 7 years of that employment being spent in the damage prevention program administered by the phone company. The experience and work history of the new investigator made him an immediate force in enforcing the dig law in Georgia.

Quantifiable metrics/measures of effectiveness (Item 2 under Agreement Section 9.02 Final Report: “Where the output of the project can be quantified, a computation of the cost per unit of output.”)

Since coming on board 6/1/08, the new investigative person has initiated 530 investigations of violations of the dig law, recommending \$931,000 in penalties. Of the recommended penalties, \$158,600 has been collected while \$629,900 was mitigated for respondents to attend training on the requirements of the Georgia Utility Facility Protection Act. The difference between total recommended penalties and penalties collected/mitigated would represent a sum for those cases that have not yet been brought to closure. In addition to the investigative work accomplished, the new investigative person has worked to become the public face of enforcement within the state by giving 11 public presentations addressing 375 persons on the requirements of the GUFPA. This person was also appointed to a team for rewriting the excavator handbook distributed free of charge to the excavating community in Georgia covering the dig law as well as Commission Rules for enforcement. He worked at the International Locate Rodeo, held annually in Atlanta to test the abilities of those who locate buried utilities daily, serving as a judge in the water events. The competition has competitors who come from nationwide as well as Canada. All of the accomplishments listed here obviously would not have taken place had the Georgia Public Service Commission not had the ability to hire this additional investigative person thru funds secured in this grant.

	June 1, 2008 Through June 30, 2009
Damages Report to Commission	5739
Investigated By GUFPA Investigators	3680
Investigated By Grant Investigator	530
Penalties Recommended By GUFPA Investigators	\$4,116,500
Penalties Recommended By Grant Investigator	\$931,000
Total Penalties Collected	\$925,978.25
Total Penalties Collected as a result of this Grant	\$158,600
Total Penalties Mitigated for Training	\$2,923,400
Total Penalties Mitigated for Training (GRANT)	\$629,900
Number of Training Presentation (Staff)	32
Number of Training Presentation (Grant)	11
Number of People Trained by Staff	1,651
Number of People Trained by Grant Inspector	375



Issues, problems or challenges (Item 3 under Agreement Section 9.02 Final Report: “The reasons for slippage if established objectives were not met. “)

There are no issues, problems or challenges to report at this time.

Other pertinent information including, when appropriate, actions taken to address the recommendations PHMSA provided in correspondence dated [Different for each agreement] (Item 4 under Agreement Section 9.02).

RESPONSE TO QUESTION ON PHMSA DAMAGE PREVENTION GRANT

3b(1) The Georgia Public Service Commission maintains an online database for the reporting of GUFPA probable violations. Commission Rules further require that any probable violation as a result of violating the GUFPA must be investigated by the facility owner/operator and the results of that investigation reported thru this database. In addition to this reporting responsibility, the GUFPA itself requires that all damages be reported to the UPC. Now comes DIRT with a third reporting function. The PSC is currently working with the UPC in Georgia to develop one reporting function to satisfy all three of these reporting requirements thru one report. The GUFPA is an excellent damage prevention tool. The weak side of the Act is enforcement. Current staffing allows for only addressing about 1/3 of the probable violations filed with the Commission. Grant monies would be used to bolster the enforcement process.

3b(2) The enforcement responsibility in Georgia is assigned by Georgia Code to the Georgia Public Service Commission. The UPC has no enforcement authority in Georgia. The UPC simply serves as a communication conduit between the excavating community and facility owners to facilitate the marking of facilities in areas of proposed excavation so that damage to buried utilities may be avoided. An additional enforcement tool included in the GUFPA is an Advisory Committee charged with assisting the Commission in the administration of the GUFPA by giving those who have been found guilty under the GUFPA and feel that Commission Staff has erred in its assessment and opportunity to air its disagreement before an impartial board. There are 14 members on the committee, appointed by the governor, representing all phases of the utility industry from owner/operators to excavators to locators to cities and counties to water/sewer authorities to the PSC to the State DOT to the UPC. A broad wealth of knowledge of the utility industry is represented by this committee. Anyone charged with a violation of the GUFPA and found culpable by Commission Staff may ask for a review of their case before this committee who may then make a separate recommendation to the Commission if they disagree with staff recommendation. As to the representation of locators on the UPC board, all members of the UPC board own or operate a buried utility in the state and as such are required by the GUFPA to be a member of the UPC. The GUFPA further requires that those owners or operators locate their facilities making all members of the UPC locators as well. True that some of those owners or operators use contract locators to meet that locating requirement. What purpose would be served to have a contract locator on the board when they serve at the direction of that owner/operator they are contracted to and who controls their destiny?

3b(3) The GUFPA provides for a maximum penalty of \$10,000 for each and every violation of the Act. The GUFPA further provides that the Commission may recommend education in lieu of penalties as a means of enforcing the Act. The Commission has used recommended penalties to drive violators to education. The minimum recommended penalty under the GUFPA is \$1500 while training can be accomplished for between \$300 and \$400. The Commission looks upon violators of the Act, especially first time violators, as an educational opportunity. In 2007, the Commission assessed \$2.5 million dollars for violations of the Act while only \$620,000 was collected and forwarded to the General Fund of Georgia. The bulk of the uncollected amount was mitigated for those attending training and of course a small portion is currently in collections.

3b(4) The State Dept of Transportation is not exempted from the GUFPA. Traffic control devices and traffic control systems are not defined as utility facilities by the GUFPA. This is true whether the facilities are operated by state DOT, city or county government. Also, if replacing existing structures, road signage, guard rail, etc., in the same hole to the same depth, a locate is not required. Seems logical. Any other activities requiring mechanized excavation by DOT are subject to the requirements of the GUFPA. Farming activities are not defined in the GUFPA as mechanized excavation. In looking at the damage history in Georgia, damages involving farming activities are extremely rare and do not warrant the expenditure of resources that it would take to get passage thru the legislature. Farming activities are not viewed as a problem and the legislature is certainly not going to expend its resources on an issue that is perceived as a non-issue. Railroads are not exempt from the GUFPA. Only those routine activities carried out in the maintenance of their right of way are not defined as excavating and therefore do not require a dig ticket. Only those who own or operate buried utilities by definition of the GUFPA are required to be members of the GUFPA.

Final Financial Status Report

[Per the instructions in Section 9.04 of your agreement (included below), this should go to the AA as a separate form and all you put here is something to the effect of “The final financial report has been sent as a separate attachment sent to the AA.”. However, if there are any issues with the Financial Status Report, or additional explanation is needed, please put that here. If there are any delays for whatever reasons, these should be communicated to the AA and AOTR in advance.

“At the end of the grant period, the Grantee will submit a Final Financial Status Report, Standard Form 269 (SF-269), to report the status of funds. In addition to SF-269, the Grantee should provide the break down of costs for each object class category as stated in SF-424A. This report must be submitted to the AA in electronic form via e-mail no later than [refer to your agreement for date, but should be same as this progress report].”]

Requests of the AOTR and/or PHMSA

No action requested at this time.

Mid-term Financial Status Report - Breakdown of Costs

Object Class Categories	Amount
a. Personnel	\$ 52,000.00
b. Fringe Benefits	\$ 16,280.00
c. Travel	\$ 4,213.00
d. Equipment	\$ 10,227.00
e. Supplies	\$ 104.00
f. Contractual	
g. Construction	
h. Other	\$ 17,271.00
i. Total Direct Charges (sum of a-h)	\$ 100,095.00
j. Indirect Charges	\$ 9,508.00
k. TOTALS (sum of i and j)	\$ 109,603.00