



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington DC 20590

PIPELINE SAFETY

2010 State Damage Prevention Grant

for

MAINE PUBLIC UTILITIES COMMISSION

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign page 2.
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire document, including this cover page to the following:

**ATTN: Karina Munoz
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Office of Contracts and Procurement
1200 New Jersey Avenue, SE Second Floor E22-228
Washington, D.C. 20590**

FedSTAR Information

Submission Date: 8/31/2009 10:21:14 AM



Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

DEPARTMENT OF TRANSPORTATION

APPLICATION

2010 GRANT PROGRAM IN SUPPORT OF STATE DAMAGE PREVENTION

The MAINE PUBLIC UTILITIES COMMISSION hereby applies to the Department of Transportation for Federal funds appropriated for the support of State Damage Prevention Programs established under 49 U.S.C. Section 60134 et seq.

The State agency plans to carry out the State Damage Prevention Program, during calendar year 2010, as described in Attachment 1, "Project Abstract/Statement of Objectives". To accomplish the program, the state agency proposes to expend funds as set forth in Attachment 4, "State Damage Prevention Estimated Budget".

Signature

Title

Date



Project Abstract/Statement of Objectives

Please provide a clear and concise description of the work this grant will fund for calendar year 2010

Under this grant award the Maine Public Utilities Commission (PUC) will implement two initiatives that will enhance Maine's already progressive Damage Prevention program.

First, the PUC intends to conduct a stakeholder process designed to result in improved clarity, accuracy and effectiveness of program publications and communications, particularly with regard to notification requirements. These tasks are being undertaken in response to a request from the Maine State Legislature's Utilities and Energy Committee. It is expected that the result of the stakeholder process will be recommendations for new publications and improved communications. The grant funding will allow the PUC to update its publications and training materials to incorporate suggestions from the stakeholder group.

Second, the grant award will allow the PUC to improve its field data collection, enforcement documentation, and trend data analysis through the purchase of advanced field data collection technology (hardware and software) and an on-line data analysis center.



State Damage Prevention Elements

ELEMENT 1 - EFFECTIVE COMMUNICATIONS

"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."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

The Maine Public Utilities Commission's (PUC) current Underground Facility Damage Prevention Program is governed by Chapter 895 which describes the responsibilities of excavators, underground facility operators, the damage prevention system (Dig Safe System, Inc.), and the Public Utilities Commission in implementing Maine's underground facility damage prevention statute. The rule establishes notification, marking, and reporting procedures, defines violations and penalties, and describes the process by which the Public Utilities Commission will enforce the program and monitor its success. The purpose of the rule is to implement the provisions of the State's underground facility damage prevention requirements contained in 23 M.R.S.A. ? 3360-A, "Protection of Underground Facilities."

Since 2003, the Damage Prevention Staff has offered a monthly, free, training session at the PUC. The Damage Prevention staff also provides free training directly to utilities or excavators, upon request, at their premises. The training offered by the PUC covers all aspects of the Damage Prevention law and rule. Attendance at a training session is accepted, in lieu of a penalty, for initial violations of the law.

In addition, since 2006, the Damage Prevention staff at the PUC has actively been involved with the Managing Underground Safety Training (MUST) program which promotes underground facility safety through training efforts in cooperation with Dig Safe?, underground facility owners, private locating companies, municipalities, excavators and regulatory agencies, and continually evaluates the New England one-call laws and underground safety best practices.



ELEMENT 3 - OPERATOR INTERNAL PERFORMANCE MEASUREMENT

"A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

There are no state initiatives that specifically support this element.



ELEMENT 4 - EFFECTIVE EMPLOYEE TRAINING

"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."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

As stated in the response for Element 1, the Damage Prevention Staff at the PUC offers on-site training, upon request of excavators or utilities at no cost. In addition, the two Damage Prevention Investigators spend a large portion of their time in the field investigating incidents and explaining the program, thus improving the training of employees of operators, excavators, and locators.

The PUC sponsored 52 certification and/or informational sessions at various businesses, organizations, trade shows and the Commission in 2008. The Commission remains committed to providing training and education for any individual or organization seeking assistance in understanding the roles and responsibilities of excavators, facility operators, the regional Dig Safe organization and the Commission.



ELEMENT 5 - PUBLIC EDUCATION

"A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

Maine is a participant with the one-call system called the Dig Safe System, Inc. (Dig Safe?). Dig Safe? is a communication network, assisting excavators, contractors and property owners in complying with state law by notifying the appropriate utilities before digging. Dig Safe?, a free service, notifies member companies of proposed excavation projects. In turn, these member utilities respond to the work area and identify the location of underground facilities. Callers are given a permit number as confirmation.

A Damage Prevention Staff member is also on the State MUST Committee. The MUST (Managing Underground Safety Training) program's mission is to promote underground facility safety through training efforts in cooperation with Dig Safe?, underground facility owners, private locating companies, municipalities, excavators and regulatory agencies, and to continually evaluate the New England one-call laws and underground safety best practices. In March 2009, the Commission completed its fifth season working directly with MUST.



ELEMENT 6 - DISPUTE RESOLUTION

"A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

As stated in response to Element 1, the Maine Damage Prevention Program is governed by Chapter 895 which describes the responsibilities of excavators, underground facility operators, the damage prevention system (Dig Safe System, Inc.), and the Public Utilities Commission (PUC), in implementing Maine's underground facility damage prevention statute. The rule establishes notification, marking, and reporting procedures, defines violations and penalties, and describes the process by which the PUC will enforce the program and monitor its success. The purpose of this rule is to implement the provisions of the State's underground facility damage prevention requirements contained in 23 M.R.S.A. ? 3360-A, "Protection of Underground Facilities."

Section 7(B)(2)(a) of Chapter 895 describes the process whereby the recipient of a Notice of Probable Violation (NOPV) that has been issued by a Damage Prevention Investigator may request an informal review. If a respondent requests an informal review after receiving an NOPV, a staff member will be designated by the Commission to conduct the informal review. The review shall consist of an informal conference or an analysis of the respondent's written reply, if any, or both.



ELEMENT 7 - ENFORCEMENT

"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."

Does the proposed project address this element? (Required) No

Describe any existing state initiatives that support this element: (Required)

As stated in response to Element 5, Public Education, the Maine Public Utilities Damage Prevention Staff actively works to educate excavators, operators and other stakeholders. The Maine PUC also has responsibility to enforce State damage prevention laws. Section 7(B) of Chapter 895 of the PUC's rule, Enforcement Action Procedure, describes the process that the Commission shall use when it initiates an enforcement action. It includes issuing a Notice of Probable Violation of the Dig Safe Law (23 M.R.S.A. 23360-A) or the PUC's rule after an incident investigation, the Respondent's right to contest the NOPV, a process where the Respondent can consent to the violation and possibly pay a penalty, a process to follow when the Respondent fails to respond to the NOPV, and the process whereby the PUC can impose a penalty of up to \$5000 per violation.

In response to recent damage incident activity that resulted in increased concern for the safety and welfare of the public and continued, uninterrupted delivery of utility services to customers and ratepayers, the Commission initiated more aggressive enforcement measures in 2008 through the assessment of higher penalty levels to curb activities that placed people and underground facilities at risk. The Commission now imposes penalties up to \$5,000 involving egregious or repeat offenders that demonstrate complacency or an unwillingness to comply with the safety requirements set forth in the Dig Safe law. Examples of damage incidents that resulted with increased penalty levels include excavators digging without notification to the Dig Safe System or non-member facility operators, excavation that was performed in a reckless or negligent manner, facility operators not responding to excavator notifications of planned excavations and facility operators locating and marking underground facilities in a reckless or negligent manner. In 2008, 247 NOPVs were issued and \$219,200 was assessed in fines.



ELEMENT 8 - TECHNOLOGY

"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."

Does the proposed project address this element? (Required) Yes

Describe any existing state initiatives that support this element: (Required)

In 2008, Dig Safe System, Inc. activated an enhanced software mapping capability to more effectively locate underground facilities. Chapter 895 requires member utilities in Maine to provide the necessary location data for this mapping system.

Describe how the proposed project will enhance or continue implementation of this element: (Required only if proposal addresses this element)

The grant funding will enable the Maine Public Utilities Commission (PUC) to enter into a service agreement with Global Relief Technologies, Inc. (GRT) to provide field data collection technology (hardware and software), enabling Maine to greatly improve its current programs designed for gathering, analyzing and sharing with stakeholders information on underground facility locations. The hardware provided by GRT will enable Maine's two Damage Prevention Investigators and Pipeline Safety Program Staff to better collect information, fully GPS-referenced and photographed, in the field and wirelessly transmit this data to a centralized, online database system. The mobile hardware serves as a time multiplier for PUC staff, facilitating the collection of standardized data which is entered a single time in the field from the device, and transmitted directly to the PUC database, rather than copied over from paper forms when time allows. All program data will also be available in the field for easy reference for the Staff.

The grant funding will also support an online collaboration center (web page) that updates and modernizes PUC's myriad databases of information, which are currently maintained across multiple formats, such as Excel, Access and hard-copy/paper files. By merging these databases into a single online collaboration center, and with the addition of field-collected and verified data, the GRT solution will be a substantial improvement for the PUC to better collect, analyze and share up-to-date information with stakeholders through the use of technology. The system creates GIS maps based on data collected in the field, as well as allows for the exporting of single records and user-created reports that are typically required by stakeholders and legislative/oversight panels.



Legislative/Regulatory Actions

Provide a description of any legislature or regulatory actions (including legislative/regulatory studies) taken by the State within the past five (5) years pertaining to damage prevention program improvement, even if those actions were not completely successful.

In the past five years, several legislative and regulatory actions have been taken in Maine pertaining to Damage Prevention program improvement, in addition to those mentioned in previous responses. The following is a summary of those actions.

A personnel reorganization at the Maine Public Utilities Commission (PUC), effective January 12, 2009, created the Safety and Security Team, which includes staff from Damage Prevention, Pipeline Safety, the Emergency Services Communication Bureau and the Emergency Response/Critical Infrastructure program. This change enhanced the leadership for the Damage Prevention program and creates a closer alignment of goals for the Damage Prevention and Pipeline Safety Programs.

Chapter 895 was also modified during 2008 to require excavators to periodically renew Dig Safe notifications. This requirement addresses ongoing excavation jobs that extend beyond 30 days with the interest of refreshing and maintaining facility operator markings and identifying newly-installed underground facilities at the active excavation sites.

In 2007, the PUC designated Dig Safe System, Inc. as the sole entity entitled to use the 811 numbering code as the abbreviated dialing code for providing notification of excavation activities to underground facility operators in Maine.

In 2006, the Legislature approved the PUC's recommended changes to the damage prevention law to require that all excavators provide their own Dig Safe notifications, rather than rely on their general contractor to do so. That requirement became effective on January 1, 2008. Other changes introduced in the 2006 rulemaking included: instituting a 30-day ticket renewal requirement, the requirement to mark out newly installed facilities in excavation areas, additional criteria to evaluate penalty levels, and requiring operators to map newly discovered facilities.

In response to legislation which took effect during 2004 (PL 2003, chapter 127), the PUC has established a reference database that may be accessed online (www.OKTODIG.com) or via telephone (1-866-OKTODIG) for a listing of known nonmember facilities located within a particular municipality or township. This provides excavators with a valuable tool to facilitate their notification of planned excavation and to determine when there are no underground facilities in the area where they plan to excavate, permitting them to excavate without delay. The OKTODIG system was made fully functional in 2006.



State Damage Prevention Application Attachments

MEGO.pdf
MePUC Order Form_4 PDAs.DOC





JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

August 3, 2009

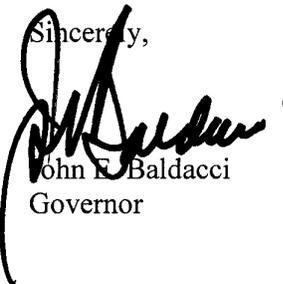
Warren Osterberg
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
ATTN: Office of Contracts and Procurement (PHA-30)
1200 New Jersey Avenue, SE
Room E22-103
Washington, DC 20590

RE: Opportunity # DTPH56-10-SN-0001, Calendar Year 2010

Dear Mr. Osterberg,

Please be advised that pursuant to Maine laws, 23 M.R.S.A. §3360-A, the Maine Public Utilities Commission (MPUC) is the agency that is responsible for enforcing the Damage Prevention law in the State of Maine. As such it is also the agency that is responsible for preventing damage to underground pipeline facilities. In addition, the MPUC is the agency in Maine that participates in the oversight of pipeline transportation pursuant to an annual 49 U.S.C. §60105 certification from the Pipeline and Hazardous Materials Safety Administration (PHMSA). Therefore, I designate the MPUC as the State authority eligible to receive the State Damage Prevention Grants (Funding Opportunity Number DTPH56-10-SN-0001 for Calendar Year 2010) that is offered by PHMSA.

Sincerely,



John E. Baldacci
Governor



PRINTED ON RECYCLED PAPER
888-577-6690 (TTY)
www.maine.gov

PHONE: (207) 287-3531 (Voice)

FAX: (207) 287-1034

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8.	State Damage Prevention Program	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
9.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
10.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
11.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
12. TOTAL (sum of lines 8-11)		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ <input type="text"/>				
14. Non-Federal	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
15. TOTAL (sum of lines 13 and 14)	\$ <input type="text"/>				

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)			
		(b)First	(c) Second	(d) Third	(e) Fourth
16.	State Damage Prevention Program	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
17.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
18.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
19.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
20. TOTAL (sum of lines 16 - 19)		\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: <input type="text"/>	22. Indirect Charges: <input type="text"/>
23. Remarks: <input type="text"/>	

Application for Federal Assistance SF-424

Version 02

* 1. Type of Submission:

- Preapplication
 Application
 Changed/Corrected Application

* 2. Type of Application:

- New
 Continuation
 Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

* 3. Date Received:

08/31/2009

4. Applicant Identifier:

5a. Federal Entity Identifier:

* 5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

MAINE PUBLIC UTILITIES COMMISSION

* b. Employer/Taxpayer Identification Number (EIN/TIN):

01-6000001

* c. Organizational DUNS:

002235294

d. Address:

* Street1:

18 State House Station

Street2:

* City:

Augusta

County:

* State:

ME: Maine

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

04333-0018

e. Organizational Unit:

Department Name:

MAINE PUBLIC UTILITIES COMMIS

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

* First Name:

Amy

Middle Name:

* Last Name:

Spelke

Suffix:

Title:

Director, Safety and Security

Organizational Affiliation:

* Telephone Number:

207.287.5945

Fax Number:

207.287.1039

* Email:

amy.spelke@maine.gov

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type:

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Pipeline & Hazardous Material Safety Administration

11. Catalog of Federal Domestic Assistance Number:

20.720

CFDA Title:

Pipeline Safety

*** 12. Funding Opportunity Number:**

DTPH56-10-SN-0001

* Title:

State Damage Prevention Grants

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*** 15. Descriptive Title of Applicant's Project:**

MAINE PUBLIC UTILITIES COMMISSION State Damage Prevention

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

Version 02

*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION	
<input style="width: 100%;" type="text" value="MAINE PUBLIC UTILITIES COMMISSION"/>	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Prefix: <input style="width: 100px;" type="text" value="Ms."/>	* First Name: <input style="width: 200px;" type="text" value="Amy"/> Middle Name: <input style="width: 150px;" type="text"/>
* Last Name: <input style="width: 300px;" type="text" value="Spelke"/>	Suffix: <input style="width: 80px;" type="text"/>
* Title: <input style="width: 250px;" type="text" value="Director, Safety and Security"/>	
* SIGNATURE: <input style="width: 300px;" type="text" value="amy spelke"/>	* DATE: <input style="width: 150px;" type="text" value="08/31/2009"/>