

2011 State Damage Prevention Program Grants Progress Report
Funding Opportunity Number: DTPH56-11-SN-0001
CFDA Number: 20.720

Award Number: DTPH56-11-G-PHPS15
Project Title: Railroad Commission of Texas State Damage Prevention
Date Submitted: October 31, 2011
Submitted by: Kendall Smith

Specific Objective(s) of the Agreement

Under this grant agreement, the Railroad Commission of Texas will address:

- Laws and regulations of the damage prevention progress.

Workscope

Under the terms of this grant agreement, the Grantee will address the following elements listed in 49 USC §60134 through the actions it has specified in its Application.

- 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.

Accomplishments for this period (Item 1 under Article IX, Section 9.01 Progress Report: “A comparison of actual accomplishments to the objectives established for the period.”)

The Railroad Commission’s Pipeline Safety Division through its Damage Prevention Section began enforcing State rules for the movement of earth in the vicinity of pipelines in September 2007. During the first twelve months of the program there were approximately 16,715 reports of damages submitted via the Commission’s online damage reporting system. Damage reporting for year two resulted in 19,555 reports of damage from September 2008 to August 2009. During year three from September 2009 to August 2010 there were 14,536 reports of damage received. In year four from September 2010 to August 2011 there were 15,026 reports of damage submitted. 8,207 reports of damage were received from April 8, 2011 thru September 30, 2011.

From April 8, 2011 thru September 30, 2011, the Commission reports the following activity levels:

9,434 on-line damage reports were filed with 5,471 for operators and 3,963 for excavators.

- 1,893 alleged violation dockets went to Commissioners’ Conference, including 792 for operators and 1,101 for excavators, with total penalties collected of about \$802,212.00.

The following non-compliance complaints were received:

- 48 for no damage alleged violations.
- 6 for requiring a second notice to mark.
- 6 for false emergency calls.

Quantifiable Metrics/Measures of Effectiveness (Item 2 under Article IX, Section 9.01 Project Report: “Where the output of the project can be quantified, a computation of the cost per unit of output.”)

During the grant period of April 8, 2011 thru September 30, 2011, the Commission’s Information Technology Services division developed and deployed a new module for the Texas Pipeline Damage Prevention reporting application. This new module provides excavators, pipeline operators and the general public the ability to report alleged violations of State damage

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prevention rules for digging related activities where no damage to the underground facility occurred. This new damage prevention reporting system area went live on September 19, 2011.

The new no-damage and non-compliance reporting features include resources for:

- Filing a non-compliance report or complaint on observed no-damage violation of rules.
- Submitting an excavator second notice report as specified in rules.
- Supporting workflow categories for staff technical and compliance review.
- Tracking of both reported alleged and final assessed violations.
- Auto generation of correspondence for compliance and enforcement actions.
- Enforcement routing, docket assignment, agreed orders and legal referral process.
- Public external query of non-compliance reports with summary of enforcement status.

Issues, Problems or Challenges (Item 3 under Article IX, Section 9.01 Project Report: “The reasons for slippage if established objectives were not met.”)

No issues at this time.

Mid-term Financial Status Report

Please see separate attachment.

From April 8, 2011 thru September 30, 2011:

Personnel/Salaries	\$17,070.90
Fringe Benefits	\$ 4,502.12
Other	\$ 47.00
Indirect	<u>\$ 4,314.61</u>
Total	\$25,934.63

Plans for Next Period (Remainder of Grant)

Continue with Information Technology adjustment, enhancement and upgrade projects.

Requests of the AOTR and/or PHMSA

No actions requested at this time.