

Brief Summaries of State Damage Prevention Program Characterizations

Alabama	<p>Alabama 811 has been the driving force for damage prevention since its inception in 1975. The Alabama Public Service Commission, Gas Pipeline Safety (GPS) Section, has also worked to educate and inform the public of the need to dig safely, to know what is below and to call 811 prior to any excavation. The framework of the current Alabama One-Call Law (1994) does not lend itself to education, civil penalties and enforcement. These shortcomings have long been recognized by many of the stakeholders within the state, but due to legislative roadblocks, no improvements have been possible. There is a new body of stakeholders, the Alabama Damage Prevention Alliance (ADPA), which is currently organizing and gaining membership. Committees are being formed for such areas as legislation, communications, membership and finances. Damage Prevention Information meetings, held in conjunction with GPS, are addressing the issues relating to damage prevention all over the state. The ADPA wants to work toward making Alabama a safer place to work, live and play by changing the environment that people work under. The ADPA wants to improve damage prevention within the state.</p>
Alaska	<p><i>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</i></p> <p>Alaska DigLine is the leader for the state damage prevention program. One-call membership is not currently mandatory. Juneau has a separate system for locate calls. Alaska DigLine would like to work collaboratively with stakeholders to make improvements that are appropriate for Alaska but is challenged in garnering stakeholder support. Damage prevention program characterization results are based on the knowledge of Alaska DigLine representatives. Element 4 could not be scored on a statewide basis for all stakeholders, but Alaska DigLine does have a strong training program for its staff. The uniqueness of Alaska may result in some program elements being impractical to implement. PHMSA representatives plan to work with Alaska stakeholders to assist in this effort.</p>

Arkansas	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>The biggest challenges for the Arkansas program are in the enforcement process and the perceived need to adopt a process model to improve enforcement and damage prevention overall. Having an elected official as the designated enforcement authority is not considered effective. A consistent, qualified enforcement staff is needed, along with a defined enforcement process and resources. Use of additional state resources and grant monies would be needed. Discussions about needed changes are ongoing among stakeholders. This will be a long process that will require input and effort from all stakeholders. A second area of need is to improve the use of the CGA Damage Information Reporting Tool (DIRT) or an equivalent damage reporting tool, on a consistent basis.</p>
Arizona	<p>Due to the long standing policies of a strong and fairly applied enforcement program of the Arizona Corporation Commission and with the cooperation of numerous other stake holders groups in Arizona including facility owners, excavators, municipalities and citizen groups we have been able to maintain a very successful damage prevention program since 1985. By having a strong enforceable law and stakeholder groups who understand the law Arizona has been able to consistently keep damages to a minimum. Education is still a top priority and a valuable tool to our enforcement actions along with state Damage Prevention Seminars held throughout the year across Arizona with over 2500 attendees annually.</p>
California	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>California is a large state and has two one-call organizations. The biggest challenge seems to be to get the damage prevention law revised to identify and establish a single entity, composed of a balanced committee of stakeholders, for enforcement and dispute resolution. The CA Regional Common Ground Alliance (CGA) is looking at this issue. Another major area for improvement could be the consolidation/unification of public education efforts to provide consistent messages and leverage resources to increase effectiveness and efficiency.</p>
Colorado	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Participants in the damage prevention characterization effort agree that there is effective damage prevention communication and support in the state. They agree that enforcement needs to be improved via legislative action. Training programs and public education are done by various stakeholder entities, as opposed to a “multi-stakeholder committee”, which are not always coordinated but seem to be adequate. Colorado has for many years collected and analyzed damage data, and utilizes this information to direct resources.</p>

Connecticut	Connecticut has had a long standing, effective damage prevention program. The program was established in 1977, and meaningful enforcement authority established in 1985. Some key points that constitute our effective program are mandatory membership, mandatory reporting, effective enforcement, and productive working relationship between PURA and the CBYD Board of Directors. The current largest challenge is improving mark-out quality. Currently, approximately 30% of damages are being caused by mark-out errors, up from an all-time low of 20% only a few years ago.
Delaware	Overall, the stakeholders feel the statistics portray a relatively good picture for the damage prevention efforts in Delaware. However, while Delaware law is adequate for damage prevention purposes, under the current framework, the responsibility for pursuing action against violators often falls on the owner of the damaged facility. Therefore, the USPCD is working towards changes to expand the law in an effort to further reduce underground facility damages by facilitating the assessment of penalties and improving enforcement overall. The main challenge to this effort is achieving this goal without adding unreasonable costs to the taxpayers (i.e., increasing the size of state government) or the ratepayers.
D.C.	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>The District of Columbia damage prevention program is quite similar to Maryland’s program. The DC Public Utilities Commission (PUC) enforces compliance for pipeline operators through its pipeline safety program. Enforcement for other parties would be through action brought by Corporation Counsel for DC in Superior Court, but this is not practiced. DC and Maryland recently began collecting high-level damage data on a voluntary basis. This data is not as granular as that collected by the CGA Damage Information Reporting Tool (DIRT) but will be used to target education activities as much as possible. Operators report damage data to DIRT.</p>
Florida	Sunshine State One-Call of Florida (SSOCOF) is in the process of drafting legislation to change the entire enforcement scheme, and SSOCOF hopes to sponsor such legislation in the 2014 legislative session. Such legislation would provide for an advisory committee made up of stakeholders and would no longer be dependent upon law enforcement by local and state police and code enforcement officers.
Georgia	The Georgia commitment to damage prevention has led to a very success program which has led to significant decreases in damages for our stakeholders. The major challenges are education and participation which is continually being addressed through efforts of the UPC and the PSC. The UPC is an industry leader in education and promotion of damage prevention initiatives. The PSC routinely partner with the UPC in these efforts.
Hawaii	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>A summary of the Hawaii SDPPC is pending.</p>

Idaho	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Idaho has two call centers serving the state – one for northern five counties and the other for the rest of the state. They have defined territories. Idaho’s damage prevention program is in its early stages and not fully developed; however, organized efforts are underway to align the program with the nine elements on a statewide basis. There exists a network of Utility Coordinating Councils, and representatives from each of these councils serve on the statewide Damage Prevention Council. All stakeholders are invited and encouraged to participate.</p>
Indiana	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Indiana passed legislation in 2009 incorporating many changes to help align the state damage prevention program with the nine elements. Rules, processes and procedures are under development to implement the law and program changes. Indiana anticipates to be fully aligned with the nine elements upon completion of this process.</p>
Illinois	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Illinois has two one-call centers. Digger is for locates within the city limits of Chicago and JULIE for the rest of the state. The two centers appear to have some inconsistencies in their approach to the nine elements. Illinois also has a split enforcement system. In the outstate enforcement utilizes the Illinois Commerce Commission (ICC) enforcement agency, and appeals are made to an advisory board-type system and then to the ICC. In the Chicago city limits Digger follows the municipal code and transportation ordinance, with the city doing enforcement according to the administrative code of the city. This leads to some inconsistent actions within the City of Chicago. ICC data indicates damages to gas facilities per 1000 locates are much higher in Chicago than for rest of state. Elements 6 and 7 in particular need to be addressed to bring consistency to the Illinois state damage prevention program. Call Centers are beginning to take steps to address some inconsistencies. If the results were completed separately for the two call centers rather than at a statewide level, the JULIE results would reflect a stronger alignment with the nine elements. A new one-call law went into effect January 1, 2010. Illinois is also working on statewide marking standard. Several “Noteworthy Changes to the Illinois Underground Utility Facilities Damage Prevention Act” were appended to state damage prevention program characterization worksheet.</p>

Iowa	<p>The Iowa One Call law is fundamental but the authority it gives to the One Call Center to set policy provides a strong foundation for meeting many of the 9 Elements. Iowa has an active Attorney General enforcement process with a full-time investigator and attorney, which has taken actions including fines, injunctions and increased penalties for second offenses, although a limitation is that an action requires filing a complaint. Iowa also has an active CGA Regional Partner, CGI. IUB Staff review pipeline operator damage prevention performance during inspections, and additional documentation of this review is on the inspection forms. Iowa's program does not provide for a dispute resolution outside of enforcement but Iowa stakeholders believe the existing enforcement program effective.</p>
Kansas	<p><i>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</i></p> <p>Kansas has implemented mandatory reporting to its Virtual Private Damage Information Reporting Tool (DIRT) for operators who receive 2000 or more locate tickets per year. Kansas also has an active enforcement program in the two largest metropolitan areas. As more data is gathered, Kansas will be able to continue to target improvements in its damage prevention efforts.</p>
Kentucky	<p><i>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</i></p> <p>Kentucky is taking steps to align its damage prevention program with the nine elements. Recently-passed legislation provides for enforcement of the state damage prevention law by state and local law enforcement. The one-call operator, KY 811, is working to educate law enforcement agencies about this new authority. A legislative bill introduced in 2010 addressed membership requirements, data reporting requirements and installation of locatable facilities; however, those legislative efforts were unsuccessful. Kentucky plans to review its enforcement authority and enforcement program to determine if changes are needed for improvement.</p>
Louisiana	<p>In Louisiana, the Damage Prevention Program is being enforced by the State Police. The Regional CGA is relatively new in LA and is/will be taking a greater role in Damage Prevention 9 Elements. The DNR/Pipeline Division has actively pursued getting regulated inTRAsate pipeline operators to become members of LA One Call.</p>
Maine	<p><i>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</i></p> <p>Maine's state Managing Underground Safety Training (MUST) group is an organization largely focused on damage prevention training. The Regional MUST group is similar to a regional Common Ground Alliance (CGA) partner and involves a wide spectrum of stakeholders. Key program elements of Maine's damage prevention program include mandatory reporting of violations, enforcement, education, data collection and reporting. A current area of focus is on improving educational materials for notification requirements.</p>

Maryland	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Maryland’s one-call organization, Miss Utility, has a Subscriber Committee which is open to all facility owners to participate. Decisions are made by vote of this committee. The Maryland/District of Columbia Damage Prevention Committee is an active stakeholder group that meets monthly to address damage prevention matters. Current damage prevention enforcement authority in Maryland lies with the attorney general, but the Public Utility Commission and Miss Utility representatives are not aware of any enforcement activity, policies or procedures through the attorney general’s office. Legislation was passed in January 2010 that established an advisory committee for enforcement and made other needed changes.</p>
Massachusetts	<p>The Dig Safe Enforcement Officers at the MA DPU, in addition to their enforcement efforts participate in various outreach activities with excavators and operators. With respect to excavators, the Dig Safe Enforcement officers work closely with a stakeholder group, Managing Underground Safety Training (“MUST”) that conducts periodic scheduled training programs on safe excavation practices at various locations in the state. The Dig Safe Enforcement Officers also requires certain excavators that may have violated the Dig Safe Law to participate in this training.</p> <p>With respect to operators, the Dig Safe Enforcement officers have scheduled presentations with operators on best practices on reporting Dig Safe Violations to the Department. Topics include how to gather and present substantial evidence that would support a finding by the Department of a miscalculation, or failure to exercise reasonable precaution.</p> <p>Finally, the MA DPU has hired an additional Dig Safe officer.</p>
Michigan	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>In lieu of changing the law, Michigan established damage prevention best practices and it is anticipated that these will be incorporated into a new damage prevention law. A legislative team is working to review options and develop legislative language that would meet the needs of the Michigan stakeholders. An education committee is working to close holes in the state damage prevention associations. Michigan’s program faces challenges in that participants can only spend a certain amount of time on the damage prevention program as resources are limited.</p>

Minnesota	<p>In Minnesota gas operators are required to report facility damages resulting in product release. In addition, all other utility operators are encouraged to complete and submit a report of their damages. The reports contain specific information on the cause of the damage. Based on this information, in 2010 there were 1.49 damages per 1000 locates which continues to be a downward year to year trend. Based on reporting from all utilities, no locate ticket resulted in 16% of these damages. In an effort to lower this number, MNOPS is reviewing all mandatory and voluntary reporting and taking actions including enforcement on damages due to no excavation notice.</p> <p>In MN the highest aspect of Damage Prevention leading to damage is failure to hand dig. This accounted for 37% of the damages. MNOPS is making an effort in its damage prevention presentations to address the importance of hand digging and methods to perform an adequate hand dig.</p> <p>Finally MNOPS has held 2 public meetings and is reviewing the definition of “excavation” in Minnesota. Currently the definition excludes hand digging. This has led to documented damages relating to concrete forms, pins, and such devices that can be hammered into the ground. The aim of the public meetings was to determine if this issue is more suitable to be handled through the Rules process or by seeking to change the Statute. This issue is currently being reviewed.</p>
Mississippi	<p>Mississippi Public Service Commission in conjunction with Miss 811 and the MDPC continues to work to strengthen Mississippi’s damage prevention statute.</p>
Missouri	<p>MO PSC Staff has conducted 3 Damage Prevention Roundtables over the last 2 years to engage stakeholders to draft proposed revisions to Missouri’s Damage Prevention Statute to include all the elements of the 9 Elements, but proposed draft revisions have not been proposed in the Legislature. Also, there have been no civil penalties issued by the AGO for violations of Chapter 319 (DP Statute), and there has been more communications with the AGO to utilize the enforcement process to enhance the overall effectiveness of Missouri’s damage prevention program.</p>
Montana	<p>Elements 6 & 7 are the main areas of concern in Montana and have been for many years. The Montana Utility Coordinating Council members have been working to strengthen the one call law to address these deficiencies since 2009. In 2011, the Energy and Telecom Interim Committee (ETIC) of the Montana Legislature commissioned a study to evaluate the issues. As a result of that study, ETIC has asked stakeholders to work together to draft a consensus bill for committee review. The major stakeholders are presently working on the draft and anticipate further action with a desired outcome of passing a revised bill in 2013 to strengthen our performance on Elements 6 & 7.</p>

Nebraska	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Nebraska’s damage prevention program is considered robust by the representatives involved in the characterization discussion. The damage prevention statute has been in effect since 1994. Enforcement and dispute resolution are complaint-driven through the attorney general’s office, and this process is considered to work. Efforts are underway to collect damage data and use this information to help direct damage prevention efforts. A regional Common Ground Alliance (CGA) is very active and brings stakeholders together to address the statewide program.</p>
Nevada	<p>Nevada has been working on Damage Prevention since 2003. Dig-ins are down from 1550 in 2004 to 273 in 2010. The focus was valid ticket but now mis-marks are becoming a larger percentage of the cause of dig-ins. The NRCGA has developed a procedure for reviewing all operator locating procedures. The locating procedures of the LDC’s have been reviewed.</p>
New Hampshire	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>In New Hampshire the state Managing Underground Safety Training (MUST) group is used mostly for training. A regional MUST group is similar to a regional Common Ground Alliance (CGA) partner and involves a wide-spectrum of stakeholders. A current area of focus for New Hampshire is addressing exemptions for municipalities. They are also looking at making enforcement data more publicly available.</p>
New Jersey	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>The one-call center in New Jersey is operated by a vendor under contract with the state. The call center operator recently changed, with the new operator, One Call Concepts, assuming the operation on February 17, 2010. The New Jersey damage prevention program is defined in New Jersey statute N.J.S.A. 48:2-73, et seq. and enabling rules N.J.A.C. 14:2 (Title 48, Chapter 2, Article 9 “Emergencies and Damage Prevention”. The Bureau of Public Utilities is the designated state agency to designate the operator of, and provide policy oversight to, the one-call damage prevention system and enforce the provisions of the act.</p>
New Mexico	<p>Current initiative under way is the new damage reporting and enforcement tracking system. Every damage occurrence is required by law to be reported, investigated and root cause determined. Data will be analyzed for trends and target educational and promotional efforts and other changes as necessary. Data will be automatically uploaded to DIRT. It is difficult to show how effective the NM damage prevention program has been.</p>
New York	<p>The NY PSC adopted a consensus rulemaking, to become effective in January 2012, which will permit the One Call Centers to implement automated positive response systems. The rule change also requires notification to 911 in the event of emergencies, and makes other minor revisions. Key challenges for the One Call centers going forward will be continued funding of existing programs with limited budgets.</p>

North Carolina	<p>NC 811 is undergoing significant changes to better reflect the partnership effort in protecting lives and property. We are expanding our PIPE presentation program to include electric, telecommunications, locating and contractors. This expanded PIPES Plus program will target excavators throughout the state and document participation in the program. In addition we are creating a tailgate style video with all stakeholders that will be burned to DVD and provided to stakeholders through the web site.</p> <p>NC 811 contributes to the national DIRT program and also operates a Virtual Private DIRT. We recently established ourselves as an entity to be granted access by other reporting agencies within NC. DIRT data is being used to direct education efforts to specific locations and stakeholder groups. Our main challenge continues to be legislation which we acknowledge needs to be changed to reflect the nine elements as described in this assessment. In my assessment, relationships throughout the state need to be cultivated to generate the widespread support of a strong damage prevention program. We are working to build those relationships and believe that through the UCCs, the PIPES Plus program and the Regional CGA we will achieve our goal.</p>
North Dakota	<p>In Western North Dakota the challenge has been trying to keep all the new contractors and excavators informed about our State One-Call laws, there have been a lot of out of state workers coming to ND for work because of the oil boom. The State does put on Contractor/Excavator dinners to inform them about the one-call laws but if they have not registered with the state or if utility operators do not have them on their list of contacts we are not sure if we are getting to them all. The State has put up bill board, placed TV ads and radio ads to inform the public along with any new and old contractor/excavators to call 811 before they dig. The State has had legislative bills presented to them addressing white marking and positive response initiatives which have not passed. During the Gas Pipeline Safety audits, the gas pipeline operators are encouraged to report their damages to DIRT, but at this time it is not mandated by our laws.</p>
Ohio	<p>Ohio does many things right with regard to underground damage prevention – communication among stakeholders, implementing new technologies, and public education efforts by virtually all stakeholder groups. However, two areas that Ohio continues to struggle with are improvements to its law i.e., positive response, extending the 48-hour notice prior to excavation, etc., and the complete lack of enforcement. Two years ago legislation (S.B.152) that addressed enforcement, among other things, was introduced in the Senate, it died in Committee.</p> <p>On December 19, 2011 a multi-stakeholder legislative coalition decided to reintroduce the same legislation (noted above) without the enforcement, liability, and 48 hour timeframe language. This was done with the understanding that the group will continue to try to craft changes (including the inclusion of enforcement) as the bill works its way through the Legislature. Additionally, there is no process for resolving disputes that defines the State authority’s role as a partner and facilitator to resolve issues. Ohioans are engaged in the process of improving excavation laws, establishing a dispute resolution process, and defining enforcement measures, which is the most important element, considering the work that lies ahead.</p>

Oklahoma	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Oklahoma stakeholders are working to build support for legislation to make changes to the Oklahoma one-call law to include the establishment of an advisory board-type process for enforcement. Support for the bill is currently lacking. Oklahoma has an active training and education program and the Public Service Commission and one-call center both are engaged in the damage prevention process.</p>																																										
Oregon	<p>The Oregon Utility Notification Center Board of Directors have worked very hard to educate professional and weekend excavators about the advantages of digging safe for many year, using all kinds of different approaches to get the message out. The true success has been in the development of good open communications between excavators and UG facility operators. Where there was once an adversarial relationship, we now have some really strong partnerships in damage prevention. The following is just the raw data and outcome of this work within the natural gas pipeline operators group.</p> <p>Oregon Natural Gas Damages Enforcement Statistics</p> <table border="1" data-bbox="443 688 1453 956"> <thead> <tr> <th>YEAR</th> <th>Damages/1000 Locate Tickets</th> </tr> </thead> <tbody> <tr> <td>2005</td> <td>11.1</td> </tr> <tr> <td>2006</td> <td>11.4</td> </tr> <tr> <td>2007</td> <td>8.4</td> </tr> <tr> <td>2008</td> <td>8.15</td> </tr> <tr> <td>2009</td> <td>6.04</td> </tr> <tr> <td>2010</td> <td>3.98</td> </tr> </tbody> </table> <p>•</p> <table border="1" data-bbox="443 997 1453 1265"> <thead> <tr> <th>YEAR</th> <th>Citations Issued</th> <th>Fines</th> <th>Damages to Gas Facilities</th> </tr> </thead> <tbody> <tr> <td>2005</td> <td>67</td> <td>\$69,000.00</td> <td>2040</td> </tr> <tr> <td>2006</td> <td>53</td> <td>\$68,500.00</td> <td>2176</td> </tr> <tr> <td>2007</td> <td>74</td> <td>\$63,800.00</td> <td>1973</td> </tr> <tr> <td>2008</td> <td>54</td> <td>\$46,557.00</td> <td>1308</td> </tr> <tr> <td>2009</td> <td>21</td> <td>\$22,000.00</td> <td>847</td> </tr> <tr> <td>2010</td> <td>19</td> <td>\$34,000.00</td> <td>827</td> </tr> </tbody> </table>	YEAR	Damages/1000 Locate Tickets	2005	11.1	2006	11.4	2007	8.4	2008	8.15	2009	6.04	2010	3.98	YEAR	Citations Issued	Fines	Damages to Gas Facilities	2005	67	\$69,000.00	2040	2006	53	\$68,500.00	2176	2007	74	\$63,800.00	1973	2008	54	\$46,557.00	1308	2009	21	\$22,000.00	847	2010	19	\$34,000.00	827
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Pennsylvania	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Pennsylvania One Call System (PA One Call) is a progressive one-call center, currently working to streamline data collection efforts so reporting is consistent. Existing statewide damage prevention program current challenges relate to Elements 6 and 7. Dispute resolution processes are under development. The level of confidence in the existing enforcement program is not consistent among respondents, and it appears that the process could be improved. Pennsylvania has applied for state damage prevention grant from PHMSA.</p>
Rhode Island	<p>The biggest challenge in RI is getting legislation passed that the lobbying contractors can agree on.</p>
South Carolina	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>The South Carolina Office of Regulatory Staff is responsible for utility regulation, including gas pipeline safety, in South Carolina. The state's damage prevention program is challenged with respect to Elements 6 and 7, and there are no plans in place for legislative changes to address those areas. South Carolina does have a Regional Common Ground Alliance (CGA) as of 2009 with stakeholder participation.</p>
South Dakota	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>The South Dakota One Call Board has a key role in South Dakota's damage prevention program. The Board has statutory authority to resolve complaints and issue civil penalties. Not all of the nine elements have been fully implemented, and in some cases it is considered by stakeholders that no changes need to be implemented, based on cost or lack of value for South Dakota.</p>

Tennessee	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Tennessee is currently working on legislation to incorporate mandatory one-call membership and damage prevention enforcement utilizing an advisory board-type system and is working to build stakeholder support for the bill. Enforcement responsibility currently lies with local law enforcement and enforcement is not regularly practiced. Tennessee One-Call, tn811, has an active damage prevention committee that involves all stakeholders as well as utility coordinating councils at grass roots level. Tennessee law requires positive response and white-lining. Tennessee encourages participation in the Common Ground Alliance (CGA) Damage Information Reporting Tool (DIRT) and plans to improve its processes for making program decisions and revisions based on reviews of appropriate data as the program develops. Regarding Element 3, the characterization is based on the Tennessee Regulatory Authority’s knowledge of some jurisdictional pipeline operators. Interstate pipeline policies are not known, nor are small operators’ policies. Regarding Element 4, training activities are generally done within each stakeholder group, but there is some crossover, and Tennessee hopes to improve coordination as its damage prevention program evolves.</p>
Texas	<p>Texas has two one-call organizations and both are governed by a state governing board, the Texas One-Call Board (TX OCB). The TX OCB is composed of various stakeholder representatives appointed by the Governor. There are 6 industry and 6 public stakeholder members. Texas Utility Code Chapter 251 and Title 16 Texas Administrative Code Chapter 18 are referred to as “TUC 251” and “TAC 18”, address damage prevention requirements in Texas. TAC 18 specifically applies when excavating near pipelines, but effectively applies to all excavators. Damage prevention for gas and hazardous liquids pipelines is administered by the Texas Railroad Commission (TX RRC) under TAC 18. Other enforcement is by county or district attorneys. Current areas of focus include making data enhancements and reviewing possible rule enhancements to TAC 18.</p>
Utah	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>Within the past two years Utah has passed legislation to strengthen its damage prevention program. The new legislation covered the areas of markings, roles and responsibilities, and requirement for contacting 911, and put in place the Damage Dispute Board. The state pipeline safety office has enforcement authority over operators. Other enforcement would be through the attorney general’s office and it does not appear that this authority is being used. However, a dispute resolution board was established (see Element 6) to address violations. Utah reports seeing a reduction in gas pipeline damages as a result of the new initiatives and legislation.</p>

Vermont	<p>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</p> <p>An important event for Vermont’s damage prevention program was the receipt of a 2008 state damage prevention program grant from PHMSA. The grant provided the funds for contracting the University of Vermont to analyze Vermont’s program, compare it to other states, and make recommendations for improvements. The University of Vermont report was issued in August 2009. Vermont was able to develop a better understanding of the successes and challenges of its damage prevention program with respect to the nine elements and begin to plan a path forward. Vermont Department of Public Service is hoping to receive a 2010 grant to fund the recommendations for improvements from the University of Vermont report.</p>
Virginia	<p>Virginia’s education, partnership and enforcement program to significantly reduce excavation damage to underground utility lines was established in 1995. Through this focused program, damage to pipelines has been reduced by 67% over the last 20 years. The program had implemented the 9 elements, now in the PIPES Act, before the Act became effective. The Virginia stakeholders, under the Commission’s leadership, are continuously looking for ways to further improve the program. Several of the efforts underway are: how to best deal with abandoned lines, creating a manifest of every locate, technology to allow excavators to see electronic manifests in the field and OQ issues for locators.</p> <p>With respect to “Dispute Resolution”, the Commission’s Damage Prevention Advisory Committee, which is made up of representatives from all stakeholder groups, meets monthly. Any issues can be brought before this Committee for resolution.</p>
Washington	<p>Washington State’s damage prevention law was updated during the 2011 legislative session and the new requirements will become effective in January 2013. Key issues addressed by the new law include:</p> <ul style="list-style-type: none"> • Failure by an underground facility operator to subscribe to a one-number locator service constitutes a willful intent to avoid compliance with underground utilities damage prevention law. • Damage to underground utilities is required to be reported to the Utilities and Transportation Commission (WUTC), and for the WUTC to evaluate damage data. • Establishing the Damage Prevention Account (Account), funded by penalties, and specifies that expenditures from the Account by the WUTC must be used to educate excavators and operators to improve safety and compliance. • Establishing a Safety Committee of stakeholder representatives to advise on underground utility safety and to review complaints of alleged underground utility violations. • Establishing enforcement procedures for the WUTC to address violations involving WUTC regulated entities or facilities of WUTC regulated entities and for the Attorney General to address violations by non-WUTC regulated entities. <p>Staff from WUTC have planned and carried out a number of damage prevention training seminars for stakeholders over the past two years. In 2010 two seminars were held and more than 50 people attended these seminars. In 2011 six seminars were held and almost 300 people attended the seminars.</p>

West Virginia	No damage prevention legislation is proposed for the 2012 Regular Session by either Miss Utility of West Virginia or the Public Service Commission of West Virginia. Other entities have discussed running a bill in the 2012 Regular Session to require universal (mandatory) membership for all underground facility owners. These organizations include UTEC of WV (Utilities, Telecommunications, and Energy Coalition of West Virginia), IOGA WV (the Independent Oil and Gas Association of West Virginia), and WVONGA (the West Virginia Oil and Natural Gas Association).
Wisconsin	The PSC is in the process of adopting rule that would require all gas operators to participate in project DIRT. In addition most gas pipeline damages would have to be reported to the PSC under these proposed rules.
Wyoming	<p><i>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</i></p> <p>Wyoming enacted legislation in 2010 to incorporate enforcement into its damage prevention law. Items addressed include: civil penalties for damages to underground public utilities (through district or county court); notification requirements for excavations and damages; definitions; mitigation of damages; safety training programs; and membership requirements for operators. Wyoming has a strong locator training program and works in partnership with Casper College. The state is actively seeking stakeholder participation and working on developing a program that aligns with the nine elements.</p>
Puerto Rico	<p><i>This summary reflects the initiatives, challenges and successes submitted by the state in 2010; an update has not yet been provided for 2011/2012.</i></p> <p>A summary of the Puerto Rico SDPPC is pending.</p>