

2015 State Damage Prevention Program Grant Mid-Term Progress Report
CFDA Number: 20.720

Award Number: *DTPH5615GPPS09*

Project Title: *New Jersey Board of Public Utilities State Damage Prevention Grant*

Date Submitted: *May 18, 2016*

Submitted by: *Michael Stonack*

Specific Objective(s) of the Agreement

Under this grant agreement, the NJBPU will enforce:

- *Laws and regulations of the damage prevention process*

Workscope

Under the terms of this grant agreement, the Recipient will address the following elements listed in the approved application as stated in 49 U.S.C. §60134 (b).

- ***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.*

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 New Jersey Board of Public Utilities ("NJBPU") is using the 2015 State Damage Prevention ("SDP") Program Grant funds for personnel expenses to enforce its damage prevention laws and regulations. The SDP Grant funds are being used to offset salary and fringe benefit expenses for a staff addition and salary for a temporary, contractual staff member to perform damage prevention compliance enforcement and related program activities. The NJBPU uses a Damage Prevention / One Call database to track underground facility damages, damage and non-compliance investigations, enforcement actions, and settlements of the enforcement actions. This Grant project is concentrated on natural gas facility damages, although other utility damages are also being reviewed. The damage prevention compliance enforcement and complaint investigators funded by this SDP Grant have conducted inspections of probable non-compliance and complaints relative to the New Jersey Underground Facility Protection Act ("Act"), issued probable non-compliance enforcement actions, addressed responses to non-compliance enforcement actions, determined proposed enforcement penalties with other damage prevention staff for probable non-compliance with the Act, and tracked probable non-compliance and complaint inspections and actions through the NJBPU database. Utilizing the Grant funding, non-compliance investigations were increased, additional non-compliance enforcement actions were processed, and the NJBPU damage prevention program was strengthened. This project directly affects Element 7 (Enforcement) of the NJBPU Damage Prevention Program.

Table 1 on page 2 provides a multi-year review of total gas facility damages from 2009 through 2015. In addition, Chart 1 on page 2 shows gas facility damages per 1,000 incoming ticket locate requests. This chart shows an overall declining trend over the years from 2009 through 2015.

Table 1 - Gas Facility Damages in New Jersey

Year	Incoming Calls	Total Gas Damages	Damages per 1,000
2009	533,318	1,656	3.11
2010	442,860	1,727	3.90
2011	490,462	1,604	3.27
2012	535,856	1,569	2.93
2013	574,721	1,770	3.08
2014	560,379	1,832	3.27
2015	609,825	1,899	3.11

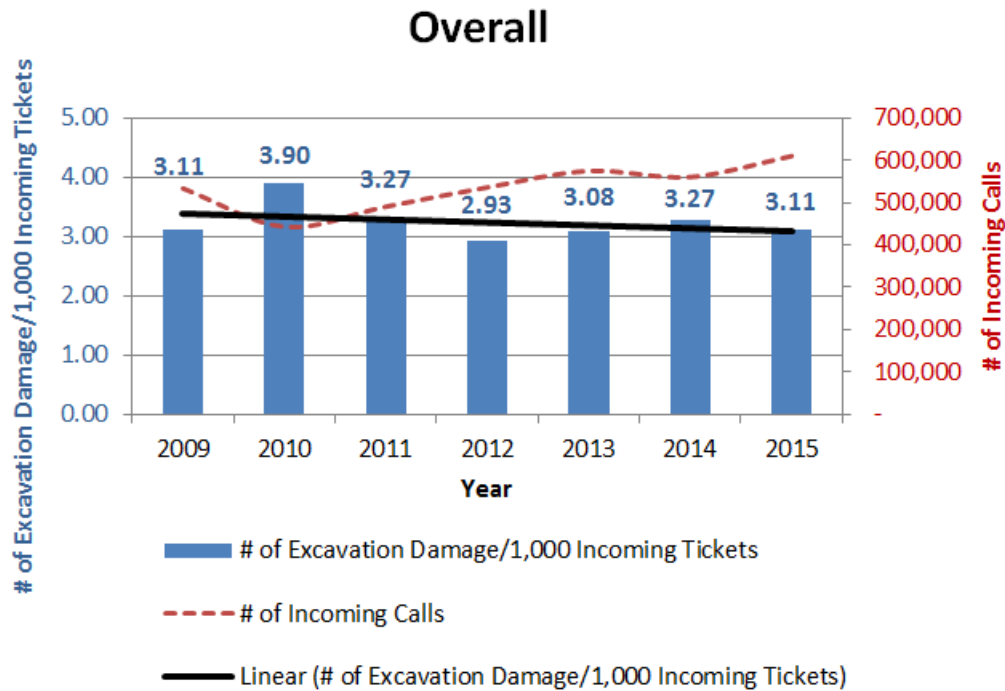


Chart 1 Gas Facility Damages and Damages/1000 Tickets in New Jersey (2009-2015)

Table 2 on page 3 illustrates total gas facility damage cases entered into the database for review and those cases that have been opened for investigation (entitled Handled by Staff) from October 2015 through March 2016. The total cases entered for review also include locate not requested cases (no calls) that did not result in damages. These cases are ones

where staff investigations found excavators digging without calling NJ One Call for a locate request or where a complaint was submitted against an excavator who was digging without underground facilities being marked.

Table 2 - Case Investigations by Month

Year	Month	Entered for Review / Handled by Staff
2015	October	180 / 113
2015	November	148 / 104
2015	December	129 / 56
2016	January	81 / 155
2016	February	82 / 1
2016	March	126 / 69

Total 746 / 498

The Non-Compliance Enforcement Status Report illustrated by Table 3 on page 4 shows an example page of a report from the NJBPU database showing the status and tracking of damaged gas facility cases being investigated for possible enforcement actions. The example page shows cases for damage dates of March 29, 2016 through April 1, 2016.

Table 3 - Non-Compliance Enforcement Status Report

Damage Date	OC #	Industry	Location	Operator	Excavator	Staff Assignment	One Call Status	Posted Date
04/01/16	GOC2016-0297	GAS	202 19th Ave, Irvington, NJ 07111	PSE&G (G)	IRVINGTON DEPT PUBLIC WORKS		PENDING	04/14/16
04/01/16	GOC2016-0298	GAS	414 Plainsboro Rd, Plainsboro Center, NJ 08536	PSE&G (G)	TOP LINE CONSTRUCTION		PENDING	04/14/16
04/01/16	GOC2016-0321	GAS	229 Laurman Ave, Brick, NJ 08724	NJ NATURAL GAS	Homeowner		PENDING	04/21/16
03/31/16	GOC2016-0236	GAS	84 Vermont Ave, Franklin Township, NJ 08823	PSE&G (G)	P&M GONGALEZ LANDSCAPING	KVARTA, ANDREW	OPEN	04/04/16
03/31/16	GOC2016-0241	GAS	214 Clements Bridge Rd, Barrington, NJ 08007	PSE&G (G)	SOUTH STATE INC	KVARTA, ANDREW	OPEN	04/06/16
03/31/16	GOC2016-0246	GAS	101 Fox Hedge Rd, Saddle River, NJ 07458	PSE&G (G)	MATINA & SON INC.	KVARTA, ANDREW	OPEN	04/07/16
03/31/16	GOC2016-0266	GAS	815 Main St, Toms River, NJ 08753	NJ NATURAL GAS	New Prince Concrete Construction	BUBBA, JR., JOE	OPEN	04/07/16
03/30/16	GOC2016-0235	GAS	21 Iris Rd, Summit, NJ 07901	PSE&G (G)	JO-MED CONSTRUCTION	KVARTA, ANDREW	OPEN	04/04/16
03/30/16	GOC2016-0265	GAS	55 Hill Hollow Rd, Jefferson Township, NJ 07849	NJ NATURAL GAS	Atlantic Pool & Spa	BUBBA, JR., JOE	OPEN	04/07/16
03/30/16	GOC2016-0288	GAS	657 Town Bank Rd, North Cape May, NJ 08204	SOUTH JERSEY GAS	Seaboard Construction		PENDING	04/08/16
03/30/16	GOC2016-0289	GAS	15 N White Horse Pike, Somerdale, NJ 08083	SOUTH JERSEY GAS	NJ American Water Co.	KVARTA, ANDREW	OPEN	04/08/16
03/30/16	GOC2016-0290	GAS	6212 Landis Ave, Sea Isle City, NJ 08243	SOUTH JERSEY GAS	Pineland Construction	KVARTA, ANDREW	OPEN	04/08/16
03/29/16	GOC2016-0234	GAS	336 Maple St, Haworth, NJ 07641	PSE&G (G)	J FLETCHER CREAMER	KVARTA, ANDREW	OPEN	04/04/16
03/29/16	GOC2016-0238	GAS	2 Evergreen St, Waldwick, NJ	PSE&G (G)	ROMAN E&G CORP	KVARTA, ANDREW	OPEN	04/06/16

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

As of this 2015 SDP Grant Mid-Term Progress Report, the work being performed by the investigators has been very effective in accomplishing the Grant objectives of enhancing compliance and complaint investigations, and enforcement actions where appropriate. In 2016, from January 1 through May 15, a total of 134 settlements have been received totaling \$383,000. Table 4 below shows the settlements by week and the amounts received.

Table 4 - 2016 Settlements

Week Ending	Settlements Received	Total Settlement -Received for Week
10-Jan-16	0	\$0
17-Jan-16	18	\$50,000
24-Jan-16	5	\$13,000
31-Jan-16	6	\$16,000
07-Feb-16	1	\$3,000
14-Feb-16	6	\$18,000
21-Feb-16	4	\$10,000
28-Feb-16	14	\$38,000
06-Mar-16	4	\$12,000
13-Mar-16	13	\$39,000
20-Mar-16	22	\$66,000
27-Mar-16	8	\$21,000
03-Apr-16	6	\$20,000
10-Apr-16	8	\$24,000
17-Apr-16	0	\$0
24-Apr-16	11	\$32,000
01-May-16	2	\$6,000
08-May-16	4	\$9,000
15-May-16	2	\$6,000
Totals for Year	134	\$383,000

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As indicated in Table 5 – 2015 Settlement Report on page 7, enforcement settlements for calendar year 2015 totaled \$928,500 in comparison with \$823,000 for calendar year 2014. This represents an increase of 12.8%, which is directly attributable to the work being performed by the damage prevention compliance and complaint investigators funded by this SDP Grant.

The 2015 settlement report also shows the number of letters of inquiry (LOI) and number of notices of violation (NOV) sent to excavators and operators by damage prevention staff.

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Table 5 - 2015 Settlement Report													
Week Ending	LOI Excavator Non Gas	LOI Excavator Gas	Late Excavator Non Gas	Late Excavator LOI Gas	LOI Excavator Sent this week	LOI Operator Non Gas	LOI Operators Gas	LOI Operators Sent this week	Nov Non Gas	NOV Gas	NOV Sent this week	Settlements Received	Total Settlement Received
10-Jan-15	7	2			9	2	5	7	1	7	8	10	\$18,000
17-Jan-15	11	4	1	13	29		2	2	4	4	8	6	\$12,000
24-Jan-15	10	10	3	1	24	2	7	9		1	1	9	\$27,000
30-Jan-15	1	4			5			0	4	15	19	9	\$23,000
06-Feb-15	6	20			26	1	4	5	2	4	6	8	\$21,000
07-Feb-15		10			10	8	18	26	3	8	11	4	\$11,000
20-Feb-15	2	8	4	12	26			0	6	15	21	3	\$9,000
27-Feb-15		10			10	1	8	9		11	11	11	\$26,000
06-Mar-15	5	2			7			0			0	7	\$21,000
13-Mar-15	1	10			11	3	15	18		13	13	13	\$36,000
20-Mar-15	1	19			20	4	14	18	3	3	6	11	\$30,000
27-Mar-15	1	1			2	1	15	16	5	11	16	8	\$46,000
03-Apr-15					0			0			0	4	\$12,000
10-Apr-15	1	19			20		10	10		3	3	12	\$32,000
17-Apr-15		15			15	12	12	24	4	3	7	2	\$6,000
24-Apr-15	3	29			32			0	5	2	7	5	\$12,000
01-May-15	1	2			3	9	7	16	13	10	23	0	\$0
08-May-15	18	3			21	2	6	8	2	1	3	7	\$27,000
15-May-15	7				7	1	11	12		9	9	6	\$11,000
22-May-15	10		15		25			0	1	8	9	10	\$26,000
29-May-15					0			0	1	15	16	10	\$24,500
06-Jun-15	20	4	1	3	28			0	1		1	3	\$22,000
12-Jun-15	15	31			46		7	7			0	2	\$4,000
19-Jun-15	6	12		16	34		7	7			0	12	\$32,000
26-Jun-15	4	8		8	20		4	4	1	11	12	12	\$36,000
03-Jul-15	1				1	1	8	9	2		2	2	\$1,000
10-Jul-15	4	32			36	1	12	13			0	11	\$30,000
17-Jul-15	1	1			2		7	7	2	8	10	1	\$3,000
24-Jul-15	4	2		14	20		4	4	2	3	5	4	\$10,000
31-Jul-15	1	25		8	34			0		8	8	7	\$19,000
07-Aug-15		10			10			0	1	7	8	1	\$3,000
14-Aug-15		11			11		2	2	1		1	3	\$9,000
21-Aug-15	1	29			30	2	5	7		8	8	6	\$16,000
28-Aug-15		13			13	4	12	16	2	12	14	7	\$23,000
29-Aug-15	5	12			17	4	11	15	9	6	15	4	\$12,000
04-Sep-15													\$0
11-Sep-15		17			17		6	6			0	9	\$25,000
18-Sep-15	2	1			3	1	15	16	4	4	8	14	\$36,000
25-Sep-15	2				2	2	12	14		1	1	9	\$20,000
02-Oct-15		25			25	1	5	6	5	11	16		\$0
09-Oct-15		22			22		5	5			0	14	\$37,000
16-Oct-15	5	35			40	1		1	3	5	8	3	\$9,000
23-Oct-15	2	23			25		3	3		7	7	8	\$21,000
30-Oct-15	2	19			21	2	16	18	1	6	7	4	\$11,000
06-Nov-15	2	2			4	3	13	16	3	5	8	6	\$14,000
13-Nov-15	1	21			22	2	10	12	5	11	16	6	\$17,000
20-Nov-15	35	32			67	3	5	8	4	4	8	8	\$24,000
27-Nov-15		1			1	1	10	11	2	5	7	5	\$13,000
04-Dec-15		27			27		2	2	1	6	7	6	\$18,000
11-Dec-15					0	10	17	27			0		\$2,000
18-Dec-15					0			0	3	5	8	9	\$22,000
25-Dec-15					0			0			0	2	\$4,000
01-Jan-16					0	10	27	37	2	10	12	1	\$3,000
Totals for Year	198	503	24	75	880	94	369	463	108	286	394	333	\$920,500

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

The established objectives for the Grant project are being achieved. However, the project costs as of this report are lower than anticipated due to a delay in the NJBPU assigning the Damage Prevention Investigator to a permanent position. This issue is being addressed with the NJBPU Human Resources office and it is anticipated that it will be resolved within a short period of time.

Mid-term Financial Status Report

The Mid-Term financial report has been sent as a separate attachment to the AA. See Form SF-425, Federal Financial Report, submitted by PI on March 18, 2016.

Project Costs

Personnel	35,672.19
Permanent Staff Addition.....910.06 Hours @ \$26.70 / Hour = \$24,298.69	
.....Temporary Staff Addition.....575.00 Hours @ \$19.78 / Hour = \$11,373.50	
 Fringe Benefits.....Permanent Staff Addition\$24,298.69 x 40.15%.....	9,755.92
Travel.....	0.00
Equipment.....	0.00
Supplies.....	0.00
Contractual.....	0.00
Other.....	0.00
Indirect.....	0.00
 Total Project Costs.....	\$45,428.11

Plans for Next Period (Remainder of Grant)

The NJBPU will continue to build on the mid-term progress relative to non-compliance investigations, processing non-compliance enforcement actions where appropriate, and strengthening the NJBPU damage prevention program.

Requests of the AOR and/or PHMSA

No actions requested at this time.