

**2014 State Damage Prevention Program Grants Final Report
CFDA Number: 20.720**

Award Number: DTPH5614GPPS06

Project Title: Indiana Utility Regulatory Commission State Damage Prevention Grant

Date Submitted: December 18, 2015

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Specific Objective(s) of the Agreement

Under this grant agreement, the IURC 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 Pipeline Safety Division (PSD) is required by the Indiana One-Call Law (IC 8-1-26) to investigate and track each alleged violation of the statute. This investigation includes requesting information from both operators and excavators about damages and alleged violations reported to it. Once responses have been received PSD reviews all of the evidence submitted, determines whether a violation of the statute has occurred, creates a summary report of the case and forwards it to the Indiana Underground Plant Protection Advisory Committee (UPPAC) for review and for penalty recommendations.

The objective for this review process is to help enforce the requirements of the One-Call law and in doing so, reduce the number of excavation damages and potential incidents. While reported allegations of violations are trending upward, actual violations and damages are trending downward. This is due to changes in behavior of all stakeholders toward better, more complete reporting and improvements in operator and excavator performance.

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.”)

For the reporting period September 22, 2014 through September 21, 2015, PSD prepared a total of 1765 excavation damage cases to be heard at the monthly UPPAC meetings. Of

those cases, UPPAC made penalty recommendations for 1682 damages investigated by the PSD. The other cases were either returned to PSD to obtain additional information, or closed as no violation due to the submittal of other evidence. During the reporting period, UPPAC held 13 meetings and recommended 801 warning letters (48%), 251 mandatory training sessions for violators (15%), and 619 monetary penalties (37%) totaling \$889,200. Excavator violations represented nearly 70% of the UPPAC recommendations.

The Indiana Utility Regulatory Commission (IURC) approved 1945 UPPAC recommendations and \$824,200 in monetary penalties during the review period. In addition, the IURC received 63 payments during the period totaling \$539,450 related to excavation damage investigations.

PSD continues to provide the requested amount of cases to be heard at UPPAC on a monthly basis. The IURC has recently hired an Underground Plant Protection Program Manager to oversee administration of the funds generated from the civil penalties levied. The IURC also held a public workshop in August 2015 to solicit ideas for use of the funds generated from the civil penalties. Several members of PSD are assisting in the development of a free online training portal to be used by all damage prevention stakeholders.

An RFP for the training program is expected to be released in early 2016 to interested contractors. The IURC held a free excavation damage training session in Indianapolis on April 29, 2015 and has scheduled five additional Damage Prevention Training Days to be held at various locations throughout the state in early 2016. This training will be free of charge and funded through the UPP account.

**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 primary challenge associated with the state’s One-Call law is that operators have not been able to keep up with the demand for line locates, especially during the busy seasons for excavating. These are being addressed and communications and coordination between operators and excavators continues to improve.

Year-End Financial Status Report

See attached

Continuing Plans

The PSD will continue its investigations of alleged violations of the state’s One-Call law and will be working in calendar 2016 toward the implementation of a new computer system that will assist in processing and tracking cases and hopefully enhance the PSD’s

ability to analyze excavation damage cases and develop additional damage prevention programs.

Requests of the AOR and/or PHMSA

No Actions requested at this time.