

2015 State Damage Prevention Program Grants Final Report
CFDA Number: 20.720

Award Number: DTPH5615GPPS08

Project Title: Indiana Utility Regulatory Commission State Damage Prevention Grant

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Specific Objective(s) of the Agreement

Under this grant agreement, Indiana Utility Regulatory Commission will enable continued enforcement of Indiana's "One-Call" statute (IC 8-1-26, "Damage to Underground Facilities") by the Indiana Utility Regulatory Commission (IURC) and its Pipeline Safety Division (PSD).

Work Scope

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 (Indiana Code 8-1-26) to investigate and track each alleged violation of the statute. These investigations include requesting information from both operators and excavators about excavation damages and alleged violations reported to it. Once responses to these information requests are received the PSD reviews all of the evidence submitted, determines whether a violation of the statute has occurred, identifies who is responsible and then creates and forwards an investigation summary report of the case to an advisory committee (Underground Plant Protection Advisory Committee – UPPAC) for penalty recommendations that it forwards to the Indiana Utility Regulatory Commission for its consideration.

The main objective of this review process is to enforce the requirements of the One-Call law and 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.

The PSD has effectively discharged its responsibilities under the law and has accomplished the enforcement objective of this grant.

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 grant period September 30, 2015 through September 29, 2016, the PSD completed and delivered 1,647 investigation summaries of excavation damage cases to the UPPAC. Of those cases, UPPAC made penalty recommendations for 1,613 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 663 warning letters (41%), 233 mandatory training sessions for violators (14%), and 722 monetary penalties (45%) totaling \$1,216,450. Excavator violations represented nearly 65% of the UPPAC recommendations.

The Indiana Utility Regulatory Commission (IURC) approved 1,456 UPPAC recommendations and \$1,074,950 in monetary penalties during the review period. In addition, the IURC received 99 payments during the period totaling \$741,416.65 related to excavation damage investigations. During the period the PSD also continued to provide the requested amount of cases to be heard at UPPAC on a monthly basis. Using monetary penalties collected the IURC held five (5) proactive Damage Prevention Training Seminars throughout the state which were free and well attended.

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 challenges are slowly being addressed and communications and coordination between operators and excavators continues to improve.

Year-End Financial Status Report

See attached.

Plans for Next Period (Remainder of Grant)

The PSD will continue investigating alleged violations of the state’s One-Call Law. A new database application for processing excavation damage cases was recently implemented. This new application will provide the PSD with expanded statistical analysis capabilities and will help streamline much of the back office demands of the overall investigation and tracking process for each case.

Requests of the AOR and/or PHMSA

No actions requested at this time.