

2016 State Damage Prevention Program Grant Final Report
CFDA Number: 20.720

Award Number: DTPH5616GSDP05

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

Date Submitted: *November 29, 2017*

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") used the 2016 State Damage Prevention ("SDP") Program Grant funds for personnel expenses to enforce its damage prevention laws and regulations. The SDP Grant funds were used to offset salary and fringe benefit expenses for a permanent damage prevention staff member 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 was concentrated on natural gas facility damages, although other utility damages were also reviewed, investigated, and considered for enforcement. The damage prevention compliance enforcement and complaint investigators funded by this SDP Grant conducted investigations 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 investigations and enforcement 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 excavation damages from 2009 through 2017. In addition, Chart 1 on page 2 shows a graphical representation of gas facility damages per 1,000 incoming ticket locate requests (Incoming Calls). This chart shows

an overall declining trend over the years from 2009 through 2017, with 2.68 damages per 1,000 during the 2017 SDP Grant period (September 1, 2017 through August 31, 2017).

Table 1 - Gas Facility Excavation 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 |
| 2016 | 652,396 | 1,878 | 2.88 |
| 2017 | 692,576 | 1,854 | 2.68 |

Overall

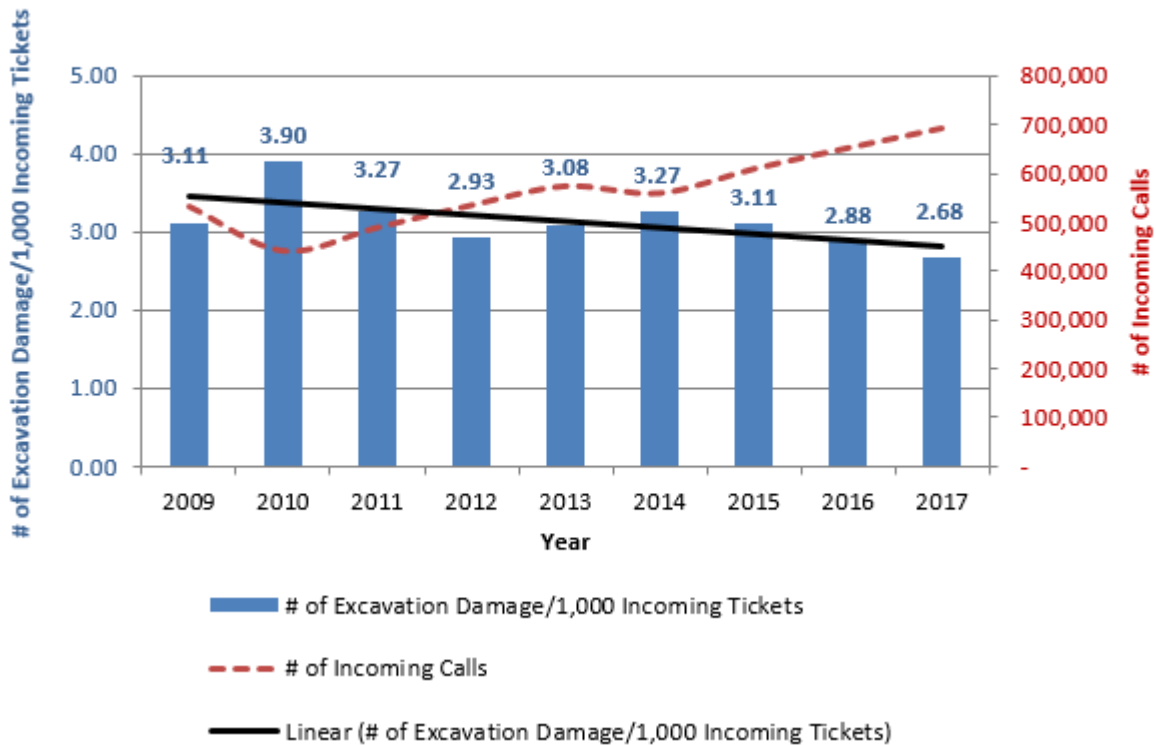


Chart 1 Gas Facility Damages and Damages/1000 Tickets in New Jersey (2009-2017)

Table 2 on page 3 illustrates total excavation damage cases by month for all underground facilities entered into the NJBPU database for review and those cases that were opened for investigation during the Grant period. 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

investigation 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. The total cases opened for investigation during this Grant period exceeded the cases entered into the NJBPU database for review by 155 cases (2,638 – 2,483). This was a result of cases that were entered in the NJBPU database in the prior Grant period (2015 SDP Grant) being opened for investigation in the 2016 SDP Grant period.

Table 2 - Case Investigations (All Facilities) by Month

| Year | Month | Entered for Review / Opened for Investigation |
|--------------|--------------|--|
| 2016 | September | 256 / 271 |
| 2016 | October | 310 / 210 |
| 2016 | November | 224 / 141 |
| 2016 | December | 136 / 77 |
| 2017 | January | 143 / 267 |
| 2017 | February | 132 / 17 |
| 2017 | March | 152 / 611 |
| 2017 | April | 80 / 27 |
| 2017 | May | 238/451 |
| 2017 | June | 298/27 |
| 2017 | July | 252/164 |
| 2017 | August | 262/375 |
| Total | | 2,483 / 2,638 |

Table 3 below illustrates total gas facility excavation damage cases entered into the database for review and those cases that have been opened for investigation during the Grant period. The total cases entered for review also include locate not requested cases (no calls) that did not result in damages. As indicated by the totals in Table 3, 94 percent (1,673 / 1,776) of all gas facility excavation damages cases entered for review into the database were opened for investigation during the Grant period.

Table 3 - Case Investigations (Gas Facilities) by Month

| Year | Month | Entered for Review / Opened for Investigation |
|--------------|--------------|--|
| 2016 | September | 181 / 258 |
| 2016 | October | 209 / 0 |
| 2016 | November | 160 / 76 |
| 2016 | December | 103 / 73 |
| 2017 | January | 94 / 238 |
| 2017 | February | 81 / 13 |
| 2017 | March | 113 / 354 |
| 2017 | April | 71 / 9 |
| 2017 | May | 160/273 |
| 2017 | June | 203/16 |
| 2017 | July | 188/92 |
| 2017 | August | 213/271 |
| Total | | 1,776 / 1,673 |

The Non-Compliance Enforcement Status Report illustrated by Table 4 on page 5 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 August 30, 2017 through August 31, 2017.

Table 4 - Non-Compliance Enforcement Status Report

| Excavation Damage Date | OC # | Industry | Location | Operator | Excavator | Posted Date |
|---------------------------------------|--------------|-----------------|--|-------------------|---------------------------------------|------------------------|
| 08/31/2017 | GOC2017-1095 | GAS | 14 Midwood Ave, Edison, NJ 08820 | ELIZABETHTOWN GAS | Henkels & McCoy | 08/31/17 |
| 08/31/2017 | GOC2017-1116 | GAS | 371 Old Forks Rd, Hammonton, NJ 08037 | SOUTH JERSEY GAS | Homeowner | 09/05/17 |
| 08/31/2017 | GOC2017-1149 | GAS | 29 Oxford Rd, Manalapan Township, NJ 07726 | NJ NATURAL GAS | S. Batata Construction | 09/06/17 |
| 08/31/2017 | GOC2017-1150 | GAS | 54 Madison Ave, Red Bank, NJ 07701 | NJ NATURAL GAS | Paul Allwell Contractor | 09/06/17 |
| 08/31/2017 | GOC2017-1151 | GAS | 169 Long Beach Blvd, Long Beach Township, NJ 08008 | NJ NATURAL GAS | Flores & Sons | 09/07/17 |
| 08/31/2017 | GOC2017-1182 | GAS | 213 Joan St, South Plainfield, NJ 07080 | PSE&G (G) | JF Kiely Construction | 09/07/17 |
| 08/31/2017 | GOC2017-1183 | GAS | 19 Parkwood Ln, Bernards Township, NJ 07920 | PSE&G (G) | P & A construction Inc. | 09/07/17 |
| 08/31/2017 | GOC2017-1184 | GAS | 1210 Thurman St, Camden, NJ 08104 | PSE&G (G) | R E Pierson Construction | 09/07/17 |
| 08/31/2017 | GOC2017-1185 | GAS | 350 6th St, Jersey City, NJ 07302 | PSE&G (G) | J Fletcher Creamer | 09/07/17 |
| 08/31/2017 | GOC2017-1186 | GAS | 204 Greylock Pkwy, Belleville, NJ 07109 | PSE&G (G) | Belleville Department of Public Works | 09/07/17 |
| 08/31/2017 | GOC2017-1187 | GAS | 347 Cleveland St, Orange, NJ 07050 | PSE&G (G) | Yannuzzi Group, Inc. | 09/07/17 |
| 08/31/2017 | GOC2017-1188 | GAS | 114 Van Keuren Ave, Bound Brook, NJ 08805 | PSE&G (G) | Ernest Renda Contracting | 09/07/17 |
| 08/31/2017 | GOC2017-1192 | GAS | 70 Phillips Rd, Hainesport, NJ 08036 | PSE&G (G) | Impact Irrigation | 09/08/17 |
| 08/31/2017 | GOC2017-1197 | GAS | 47 Island Rd, Mahwah, NJ 07430 | PSE&G (G) | Bedford Group Inc. | 09/12/17 |

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

| | | | | | | |
|------------|--------------|-----|--|-------------------|--------------------------|----------|
| 08/31/2017 | GOC2017-1201 | GAS | 165 Hobart Ave, Summit, NJ 07901 | PSE&G (G) | Iannella Inc. | 08/31/17 |
| 08/30/2017 | GOC2017-1096 | GAS | 32 Sinclair Rd, Edison, NJ 08820 | ELIZABETHTOWN GAS | Brothers Landscaping LLC | 09/06/17 |
| 08/30/2017 | GOC2017-1147 | GAS | 556 Brookside Dr, Toms River, NJ 08753 | NJ NATURAL GAS | Contracting Services LLC | 09/06/17 |
| 08/30/2017 | GOC2017-1148 | GAS | 10 N Peak St, Highlands, NJ 07732 | NJ NATURAL GAS | Reginald Sears | 09/07/17 |
| 08/30/2017 | GOC2017-1180 | GAS | 66 Kendall Blvd, Oaklyn, NJ 08107 | PSE&G (G) | Pioneer Pipe Contractors | 09/07/17 |

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.”)

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. As indicated in the enforcement settlement report for all underground facility damages, Table 5 below, there were 451 enforcement settlements during the Grant period totaling \$1,317,500. Table 5 shows the number of settlements by week and the settlement amounts received.

Table 5 - Enforcement Settlement Report

| Week Ending | Settlements Received | Settlement Amounts | Week Ending | Settlements Received | Settlement Amounts |
|-------------|----------------------|--------------------|-------------|----------------------|--------------------|
| 09/02/16 | 4 | 11,000 | 03/10/17 | 4 | 12,000 |
| 09/09/16 | 0 | 0 | 03/17/17 | 11 | 33,000 |
| 09/16/16 | 1 | 3,000 | 03/24/17 | 4 | 12,000 |
| 09/23/16 | 7 | 21,000 | 03/31/17 | 3 | 9,000 |
| 09/30/16 | 5 | 15,000 | 04/07/17 | 6 | 18,000 |
| 10/07/16 | 7 | 21,000 | 04/14/17 | 9 | 24,000 |
| 10/14/16 | 8 | 24,000 | 04/21/17 | 8 | 24,000 |
| 10/21/16 | 12 | 34,000 | 04/28/17 | 5 | 15,000 |
| 10/28/16 | 3 | 9,000 | 05/05/17 | 7 | 20,000 |
| 11/04/16 | 17 | 51,000 | 05/12/17 | 8 | 24,000 |
| 11/11/16 | 0 | 0 | 05/19/17 | 20 | 60,000 |
| 11/18/16 | 21 | 63,000 | 05/26/17 | 46 | 133,000 |
| 11/25/16 | 4 | 12,000 | 06/02/17 | 10 | 30,000 |
| 12/02/16 | 9 | 27,000 | 06/09/17 | 11 | 32,000 |

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

| | | | | | |
|---------------|----|--------|----------|------------|---------------------|
| 12/09/16 | 4 | 10,000 | 06/16/17 | 2 | 6,000 |
| 12/16/16 | 5 | 15,000 | 06/23/17 | 12 | 31,000 |
| 12/23/16 | 10 | 30,000 | 06/30/17 | 8 | 20,000 |
| 12/30/17 | 0 | 0 | 07/07/17 | 5 | 15,000 |
| 01/06/17 | 4 | 12,000 | 07/14/17 | 7 | 21,000 |
| 01/13/17 | 2 | 5,000 | 07/21/17 | 3 | 9,000 |
| 01/20/17 | 16 | 47,500 | 07/28/17 | 8 | 18,000 |
| 01/27/17 | 8 | 24,000 | 08/04/17 | 8 | 24,000 |
| 02/03/17 | 29 | 87,000 | 08/11/17 | 7 | 21,000 |
| 02/10/17 | 2 | 6,000 | 08/18/17 | 2 | 4,000 |
| 02/17/17 | 25 | 75,000 | 08/25/17 | 10 | 30,000 |
| 02/24/17 | 10 | 30,000 | 09/01/17 | 5 | 13,000 |
| 03/03/17 | 9 | 27,000 | | | |
| Totals | | | | 451 | \$ 1,317,500 |

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 were achieved. The project costs were \$12,311 lower than anticipated as a result of a temporary, contractual staff member resigning in November 2016 and not being replaced until March 2017.

Final Financial Status Report

The final financial report has been sent as a separate attachment to the AA. See Form SF-425, Federal Financial Report, submitted by the PI on November 29, 2017.

Project Costs

| | | |
|---|---|-------------------------|
| <i>Personnel</i> | 63,914.00 | |
| <i>Permanent Staff Member</i> | \$45,963.00 | |
| | | |
| <i>Temporary Staff Member</i> | \$17,951.00 | |
| | | |
| <i>Fringe Benefits (9/1/16 – 6/30/17)</i> | <i>Permanent Staff Member</i>\$38,052. x 51.95%..... | 19,768.00 |
| <i>Fringe Benefits (7/1/17 – 8/31/17)</i> | <i>Permanent Staff Member</i>\$7,911 x 50.65%..... | 4,007.00 |
| <i>Travel</i> | | 0.00 |
| <i>Equipment</i> | | 0.00 |
| <i>Supplies</i> | | 0.00 |
| <i>Contractual</i> | | 0.00 |
| <i>Other</i> | | 0.00 |
| <i>Indirect</i> | | 0.00 |
| | | |
| <i>Total Project Costs</i>..... | | \$87,689.00 |
| <i>Project Costs paid with Mid-Term Progress Report</i> | | <u>50,833.00</u> |
| <i>Project Costs requested with Final Progress Report</i>..... | | \$36,856.00 |

The fringe benefits rate was 51.95% for the period 9/1/16 through 6/30/17 and 50.65% for the period 7/1/17 through 8/31/17, as indicated in the separate attachments included with this Final Report – Fringe Benefits Rate for September 2016 to June 2017 and Fringe Benefits Rate for July 2017 to August 2017. The rate is determined by taking the first column (labeled PERS) and adding the total on page 1 to the total on page 2.

Requests of the AOR and/or PHMSA

No actions requested at this time.