

2018 State Damage Prevention Program Grant Mid-Term Progress Report
CFDA Number: 20.720

Award Number: 693JK3140018PSDP

Project Title: State Damage Prevention (SDP) Program Grants - 2108

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Maryland Underground Facilities Damage Prevention Authority

Specific Objective(s) of the Agreement:

Provide continued operation and maintenance of its web-based Damage Reporting and Enforcement System, and bolster its violation investigation process, and develop an on-line education module to expand its outreach and education throughout the State of Maryland. (Elements 5, 7, 8, 9)

Workscope:

Under terms of this Grant Agreement, the Recipient will address the following applicable element listed in the approved application, pursuant to 44 U.S.C. § 601434 (a). (b).

- Element 5 (Public Education): A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- 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.
- Element 8 (Technology): A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.
- Element 9 (Damage Prevention Program Review): A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

Accomplishments for this period:

To-date 50% of the 2018 SDP Grant funding has been used to enhancement the Authority 's ongoing objectives as defined in: Element 5 – Public Education; Element 7 – Enforcement; Element 8 – Technology; and Element 9 – Damage Prevention Programs review. Since September 28, 2018, the Authority has contributed significantly to its objectives: The Authority's main focus is enforcement of the Maryland §12 – Damage Prevention laws. However, our other objective has been to colloquialize and expand our educational components and community outreach tools through technology and greater visibility.

For this grant period, emphasis has been placed on a complete overhaul of the Authority website; which will enhance and make available to industry professionals and the general public, a myriad of useful resources and a simplification of the current Notice of Probable Violation (NPV). The revamped website will marry up to the newly developed "Case Management System" (CSM), which was developed specifically for the Authority from previous SDP grants to assist in enforcement activities.

ELEMENT 5 – Public Education

- Gold sponsor for the Greater Chesapeake Damage Prevention Training Conference; including a booth in the trade exhibit and a "moot court" presentation by the Executive Director of the Authority.
- Provided \$35,000 for Radio Advertising in the Baltimore Metro Market for the April Safe Digging 811 awareness program.
- Funded new Educational and Promotional Materials which are shared with the Maryland Damage Prevention Committee for use at Trade Shows, home and garden shows, schools and libraries
- Continues to make substantial grants to the MD/DC-DPC promotional campaigns.
- Participation in Damage Prevention training for stake holders both on-site and off-site.
- Purchased a booth for the Maryland Association of Counties (MACo) annual conference.
- Purchased a booth for the Maryland Municipal League (MML) annual conference.
- Renewed membership in the Common Ground Alliance (CGA) and attended their annual meeting, as well as memberships on the CGA Best Practices and Stakeholder Outreach Committees
- Presented its eighth Annual Report to the Governor of Maryland and the Maryland General Assembly as required by statute; outlining the Authority's accomplishments over the previous calendar year.
- Honored Key Maryland legislators at the Authority's 1st Annual Recognition event, for their valued and consistent support of the Authority and underground safety.

ELEMENT 7 - Enforcement

- The Deputy Director has taken on the additional role of Program manager for the Authority website project and the Case Management System; allowing the Executive Director to focus exclusively on enforcement activities.
- Completed the overhaul of the Maryland Title 12 law in October of 2019. The draft legislation was ready for 2019 Introduction; however, the Maryland legislature had a 47% turnover in the September primaries and November General Elections. Many key legislators and supporters of underground safety either retired or lost re-election, which posed a challenge for the Authority and Stakeholders. Since this is a very complex piece of legislation, the Title XII steering committee elected, at the advice of the Authority, to postpone introduction until the 2020 legislative session.
- The Authority gained consensus on the removal of all exemptions in the current law; increasing civil penalties for repeat offenders; making damage prevention education mandatory; addressing legacy cross-bores; creating ease in compliance by creating a Temporary Excavator provision, which will allow an excavator to work under an existing ticket; and adopting language to stem the abuse of “Emergency Tickets”.
- With the cooperation of the Maryland stakeholders group, the Authority has gained support for a voluntary damage reporting program which will be integrated into the Authority’s CMS with a portal on the new website.
- During this grant period, the Authority has developed materials and demonstration models to highlight the issue of cross bores. In addition, the Authority has enlisted the assistance of a major Maryland suburban plumbing trade association to help with its “cross bore awareness” program.
- A major step forward was the agreement requiring all new and replacement storm water systems to be locatable or detectable after October 1, 2021. Language has also been added to the 2020 draft legislation which addresses “cross bores” and a pilot process for reporting suspected cross bores. The Authority regards the existence of legacy cross bores a major public safety issue in the State of Maryland, due to the age and complexity of its underground infrastructure.

Element 8 – Technology

- The Authority engaged a software Development firm in 2017 to develop a customized Case Management System to streamline and semi-automate the violation filing process, progress tracking of cases which will facilitate better management of the time sensitive aspects of cases and quantify progress on program effectiveness through a report module.
- The new software began Beta testing during the early part of the 2018 SDP grant period, however there were some software issues that delayed launching the system.
- The Authority's new web site, which is under construction, will enhance the Authority's internet profile and allow for the ease in reporting NPV's.
- The second phase of the website overhaul will include video content which will allow navigation through the Title XII statute, the Authority complaint process, best practices and eventually continuing education modules in both Spanish and English.

Element 9 – Program Review

- The Authority plans to go live in late 2019 with a damage reporting portal; which is intended to be utilized by facility owners to upload their voluntary data on an anonymous basis. The Authority will utilize this state-wide data to evaluate the effectiveness of its programs and the expenditure of its resources derived from the fines collected from violators.
- It should be noted that Maryland continues to lead the nation in the lowest number of damages per 1000 tickets in the latest CGA evaluation (2017 Dirt Report).

Quantifiable Metrics/Measures of Effectiveness

- There were fifty-seven (57) NPV's filed during the 2018 SDP Grant period. During that period, NPV's came from five (5) stakeholder companies and one (1) excavator.
- The Authority has assessed utilizing the court mandated "Standardized Fining Matrix" (SFM) \$114,115 in fines during the period of September 28, 2018 through September 27, 2019. The Authority gave further discounts for training in the amount of \$39,177.

- The Authority continues to see gains in fine payment and participation in Title XII training; which will become mandatory upon the passage of the Authority's draft legislation in 2020.

Issues, Problems or Challenges:

- The serious illness of the Deputy Director and her subsequent leave of absence, delayed the implementation of the two key projects undertaken by the Authority. Since her return, production schedules have been ramped up to keep pace with planned launches.
- The Maryland Damage Prevention program is not a state-run agency and therefore does not benefit from tax revenue for its operational expenses. Statutorily, the Authority relies on a five (5) cent surcharge on each outgoing ticket from the one-call system paid by participating facility owners, to underwrite its activities.

The anticipated revenues from the surcharge have been substantially compromised by the initiation of a polygon mapping system, which replaced the traditional grid system for facility locating and notification. This change to the mapping system was made at the behest of stakeholders in an effort to reduce locating costs. As a result, over the past two budget cycles, the Authority has seen a \$90,000 loss in operating capital and anticipates further reductions when a newer generation mapping system, launches in 2020.

In addition, all fines collected from violators goes to a dedicated fund that supports the Authorities Education and Outreach activities. Under current statute, the Authority may not use funds to offset their operations. As a result, staffing has been cut back, which has delayed any current plans to expand the Authority's enforcement activities beyond currently planned automation projects.

Grants (Federal & local) are the only other permissible source of revenue the Authority may utilize for its endeavors at this time.

Mid-Term Financial Status Report:

(Please see attached)

Plans for Next Period

The Authority plans to continue on with the two (2) programs mentioned previously in this report; the website re-vamp and the data gathering tool. In addition, the Authority will be providing support to the various education and outreach programs that arise during the remainder of the 2018 grant period.

Request of the AOR and/or PHMSA:

There are no requests at this time.