

2018 State Damage Prevention Program Grant Final Report
CFDA Number: 20.720

Award Number: 693JK3140018PSDP

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

Date Submitted: April 15, 2019

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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 449 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 (Item 1 under Article IX, Section 9.02 Final Report: "A comparison of actual accomplishments to the objectives established for the period!")

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. Despite the 43% reduction to the 2018 SDP Grant for the state of Maryland, the Authority has been able to successfully enhance its ongoing objectives as defined in: Element 5 – Public Education; Element 7 – Enforcement; Element 8 – Technology; and Element 9 – Damage Prevention Programs review. The emphasis of the 2018 SDP Grant was placed on a complete overhaul of the Authority website; which will enhance and make available to industry professionals and the general public; which includes many useful resources and a simplification of the current Notice of Probable Violation (NPV) reporting process. 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

- Provide a grant for the Greater Chesapeake Damage Prevention Training Conference; including a "moot court" presentation with audience participation, facilitated 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, and Honored Key Maryland legislators at the Authority's 1st Annual Recognition event, for their valued and consistent support of the Authority and underground safety.
- Participation in the MD Realtors Association annual Conference to focus on a current problem with realty sign installers not calling the one-call system. Special brochures were designed specifically for real estate professionals. Outreach will continue, due to the receptiveness of the Realtors on the issue.
- The Authority has put together a campaign targeting candidates for office, since state-wide and national elections are on the horizon. Kits including brochures on the topic of placing campaign signs in the public right-of-way and other locations and the need to call the one-call system and counter display are being sent to the MD State Board of Elections and all 24 county election offices.

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 2018 primaries and November General Elections. Many key legislators and supporters of the Authority and underground safety either retired or lost their re-election efforts. This posed a serious challenge for the Authority and Stakeholders. Since this was a very complex piece of legislation, the Title XII steering committee decided, with 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 the 2018 grant period, the Authority 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 and goal for 2018 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; which is slated to go live in January 2020 with the launch of the new website.
- The Authority’s new web site, which is scheduled to launch in January 2020, will enhance the Authority’s internet profile and allow for the ease in reporting NPV’s.
- The new website will include five (5) video tutorials hosted by the Executive Director, which were filmed during this grant period. The topics include: How to File for a Miss Utility ticket; What is “Clear Evidence”; What the “marks” Mean; Working in the Tolerance Zone(s); What is an Excavation. There will also be a video welcome to the website, with a brief overview about the Authority and its role in underground damage prevention in Maryland.
- The second phase of the website overhaul funded by the 2019 SDP grant will include more video content which will allow visual navigation around the Title XII statute, the Authority complaint process, best practices and eventually continuing education modules in both Spanish and English.
- 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.

Element 9 – Program Review

- The Authority plans to go live in early 2020 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, with one of the lowest number of damages per 1000 tickets.
- The Authority has consistently received an “adequate” rating during their annual evaluations.
- The Authority has been able to determine that the incidence of no calls to the one-call system has slightly declined, however, operator error has seen an uptick recently. As a result, adjustments to the Authority messaging and training modules will be made to address this issue.

Quantifiable Metrics/Measures of Effectiveness (Item 2 under Article IX, Section 9.02 Final Report: "Where the output of the project can be quantified, a computation of the cost per unit of output.")

- 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, Challenges (Item 3 under Article IX, Section 9.02

Final Report: "The reasons for slippage if established objectives were not met. ")

The delay of the CMS system launch, which was caused by programing issues, pushed back our plans by almost a year. Additionally, during the same period, the Deputy Director/Project Manager took a leave of absence for a serious health problem. It was decided that going live with the system would be more appropriate to coincide with the new web site launch in January of 2020. The Authority is satisfied with the decision to wait, since the delayed Title XII re-write project was also delayed for a year. The new website will provide an excellent platform to showcase changes to the law.

The Maryland Damage Prevention program is not a state funded 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. Grants (Federal & local) are the only other permissible source of revenue the Authority may utilize for its endeavors at this time.

Final Financial Status Report

(please see attached)

Requests of the AOR and/or PHMSA

No action requested at this time.