

**AGREEMENT 693JK31940010PSDP
NOFO 693JK319NF0004**

**2019 State Damage Prevention Program Grant
Mid-Term Progress Report
CFDA Number: 20.720**

Award Number: 693JK31940010PSDP

Project Title: State Damage Prevention (SDP) Program Grants - 2019

Date Submitted: April 15, 2020

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Maryland Underground Facilities Damage Prevention Authority

Section 2.03 Specific Objective(s) of the Agreement

Under this grant agreement, the recipient will:

Fund enforcement, education, training, communication, support, analysis, partnership, and mediation activities associated with its damage prevention program. (Elements 1,5,7,9)

Article III. Work Scope

Under the terms of this grant agreement, the Recipient will address the following applicable elements listed in the approved application, pursuant to 49 U.S.C. §60134 (a), (b).

Element 1 (Effective Communications): Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.

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 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, approximately one-third of the 2019 SDP Grant funding has been used to enhance the Authority 's ongoing objectives as defined in: Element 1 - Effective Communications; Element 5 – Public Education; Element 7 – Enforcement; and Element 9 – Damage Prevention Programs review. Since September 28, 2019, the Authority has made progress on these objectives.

The Maryland Authority's chief objective is the enforcement of the Maryland Title 12: Public Utilities - Underground Damage Prevention laws. However, focus has been placed on the colloquialization and expansion of our educational assets and community outreach tools. This is being accomplished by the use of technology and brand enhancement.

A substantial portion of the 2019 SDP grant is being used to development of on-line bi-lingual education modules. The Authority's training modules along with a testing component will be available on the Authority's new website, which will launch in late summer of 2020. It should be noted that some of the Authority's project launch targets have changed due to a number of factors which will require some major editing to our program materials and the new website.

The Authority did replace its computers, screens and software during the first half of the reporting period as part of the 2019 grant. We continue to make plans to underwrite and participate in our usual outreach activities. However, we believe some of the summer conferences may very well be cancelled or postponed due to the pandemic.

Element 1 – Effective Communications

- An RFP was let for the production of the Authority's training modules and testing platform. The resulting contract was awarded to Flywheel of Hixson, Tennessee, a firm that the Authority has used for previous projects. The first installment of the contract has been paid and we are now in the planning stages for two (2) of four (4) planned training videos. The number of lessons within the four (4) sections is fluid depending on budget.
- To save resources, the scripts for the modules are being developed in-house by the Deputy Director. Existing testing platforms (off the shelf) are being evaluated will be utilized.
- In addition, Miss Utility of Maryland has elected to their own training videos and have reached out to the Authority to see if a collaboration may be possible. Some initial meetings have taken place, and talks will continue The Authority sees this as a positive and will ensure that there is consistency in the information and messaging made available to all who utilize the training videos.

ELEMENT 5 – Public Education

- The Authority has developed new educational and promotional materials. Topics addressed in the new materials include: cross-bores and their dangers, political sign installations and the 811 law, and materials developed specifically for the real estate industry regarding proper “For Sale” sign installation requirements; which was precipitated by an increased number of damages, caused by sign installers who fail to call 811.
- The Authority continues to participate in damage prevention training for stake holders both on-site and off-site. All Authority materials are made available to the MD Prevention Committee for use at their numerous public outreach activities, such as: trade shows, home and garden shows, schools and libraries.
- We are again participating in the Maryland Association of Counties (MACo) annual conference and the Maryland Municipal League (MML) annual conference. The Authority has made great strides with these organizations, which was extremely helpful during our legislative efforts this winter.
- We have renewed our membership in the Common Ground Alliance (CGA) and participate on the CGA Best Practices and Stakeholder Outreach Committees.
- The Authority agreed to send the Executive Director and the Deputy Director to attend the 2020 CGA Conference in Palm Springs, CA. The event was cancelled due to travel restrictions instated by the Governor of California in response to the novel corona virus. Registration fees were non-refundable and will be rolled over to the 2021 conference in Tampa, Florida. In addition, the travel insurance company used to insure the American Airlines round trip flights purchased for the conference, is refusing to honor the policy. They have stated that the Covid-19 pandemic is a *force majeure* and therefore not covered by the policy. The Authority has flight credits with American Airlines which will be used before they expire in 2021.
- The Authority presented its *Ninth Annual Report to the Governor of Maryland* as required by statute. The report outlines the Authority’s accomplishments over the previous calendar year. Copies of the report are made available to the entire Maryland General Assembly, stake holders, the general public and to anyone else when requested. The report is also available on the Authority website and the Maryland Legislative Services Website,

ELEMENT 7 - Enforcement

- NPVs and other demands associated with increased enforcement endeavors, it is necessary to update staff computers. New hardware, and software were purchased during this period. In addition, the new Case Management System (CMS) glitches have necessitated the need for additional technical support. Also, during the integration of the Authority's data base, into the CMS, a large portion of the information was corrupted. The Authority has hired a temporary staff person to manually correct the files. The CMS is vital to the Authority's ability to track and measure its enforcement activities.
- We in the midst of planning of two (2) of the four (4) training modules: Training Module# 1- Maryland's Title XII Law and Module# 3 - "The Maryland 811 System" tutorial. These modules will familiarize all stakeholders to the nuances of the MD law as well as highlight the changes to the statute.
- The 2020 introduction of the Title XII re-write was successful. The bill has gone to the Governor for signature and will go into effect in the fall of this year. The Authority gained consensus on the removal of most exemptions in the current law; increased civil penalties for repeat offenders; making damage prevention education mandatory; addressed 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 stake-holders 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 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 9 – Damage Prevention Program Review

- Despite an uptick nationwide in underground facility damages, Maryland remains one of the states with the lowest “hit rate.” – .54%; 2 percent damages per 1000 Miss Utility tickets last reporting period (2018); which is a -3.5% decrease over the last reporting period in 2017. This success can be directly attributed to the aggressive education and outreach programs of the Authority and other stakeholders in the Damage Prevention community.
- The Authority is continually reviewing and analyzing its processes to look for better ways to reach its audience and prevent violators from reappearing before the Authority through assessments, training and educational programs as described in the Authority’s Mission Statement.
- In addition, the Authority is required by statute to report annually their measurables, accomplishments and long-term goals to the Governor of Maryland and Members of the Maryland General Assembly at the beginning of each new Legislative Session.
- The Authority has just delivered its Ninth Annual Report to the Executive and Legislative branches of Maryland Government.
- The issues of being a “complaint based” program, affects how the Maryland can obtain hard data to assess its effectiveness. To better assess the program’s success and effectiveness, the Authority is developing a web-based portal to collect data derived from the CGA Dirt Report and the voluntary reporting of damage incidents to the Call Center and the Maryland Public Service Commission (PSC). This effort will establish benchmarks for the Authority and serve as a guide. Stakeholders will be able to voluntarily download their damage data into the system, as well as query elements from the Authority’s Case Management System for their own reporting purposes.

Quantifiable Metrics/Measures of Effectiveness

- Once again, the Authority achieved an “Adequate” rating for year 2018 of its State Damage Prevention Program. This review was the fourth annual evaluation for the Authority. Once again, the Authority received an “Adequate” rating (highest level) for its program, scoring 252 out of 258 points.
- The Authority met twelve (11) times during the 2019 calendar year and reviewed one hundred twenty-eight (128) probable violations during this period. Of those 128 violations, seventy-one (71) were carried over from 2018. The total fines assessed in 2019 were \$88,374.00. The Authority also recommended Title XII Damage Prevention Safety training to all companies in violation of the statute or required written policy statements in order to mitigate internal shortfalls to their damage prevention programs.
- Damage Prevention Training will become mandatory with the passage of the Authority’s Title XII overhaul legislation in 2020.

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Issues, Problems or Challenges:

- The Authority planned to go live in late 2019 with a “Damage Reporting Portal”; which is intended to be utilized by facility owners to voluntarily upload their damage information 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.
- Problems with the Case Management System (CSM) created further delays to the portal’s launch and the web-site launch; which necessitated hiring a part-time person (off-budget) to validate our data in the Case Management System (CSM) and correct any of the corrupted data in our archives.
- The CSM problems also created issues with the web-based complaint function. In order for everything to be integrated onto the new website, we must be assured that all functions will sync properly.
- The passage of the Maryland Title XII – Underground Facilities law during the 2020 legislative session, which was cut short by the Covid-19 issue, came a year later than expected. We are awaiting the Governor’s signature on the bill so that we can make the necessary changes to the website, outlines for the instructional videos and revamp our promotional materials.
- In Maryland, like the rest of the U.S., our operations have been heavily affected by the current health crisis. Our offices have been closed for three weeks and will remain so until the “stay at home” orders have been rescinded by state officials. We continue to work remotely, but our ability to interact with subcontractors in any meaningful way has been hindered.

Mid-Term Financial Status Report:

(Please see attached)

Plans for Next Period:

The Authority plans to continue with the two (2) programs mentioned previously in this report; the website re-vamp and the production of the training modules with a testing platform, in two languages. We will continue to de-bug the Case Management System and validate the Authority's data base. In addition, the Authority will continue to support the various education and outreach programs that are planned for the remainder of the 2019 grant period; as well as responding to any unique outreach opportunities that may arise.

Request of the AOR and/or PHMSA:

The original 2019 SDP grant request included a \$3000-line item for sponsorship of the annual Greater Chesapeake Damage Prevention Conference. This conference is the largest regional damage prevention meeting on the east coast. The Authority regularly attends this meeting, contributes materials, participates in presentations and supports the event monetarily. This event has been disapproved as not meeting the mission of the SDP grant program. We are requesting that the AOR reconsider this \$3000 expenditure and allow us to redirect some of our grant funds to its support. With so many programs being cancelled in the wake of the pandemic, this conference which is held in the fall will be vital to those industry members who have been deprived damage prevention updates and continuing education.