

**2019 State Damage Prevention Program Grant  
Final Report CFDA Number: 20.720**

**Award Number:** 693JK319NF0004

**Project Title:** “State Damage Prevention (SDP) Program Grants – 2019”

**Date Submitted:** 10/26/2020

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MD Underground Facilities Damage Prevention Authority

**Specific Objective(s) of the Agreement:**

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

**Workscope and Accomplishments for the grant period.**

- **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 1 Goals and Achievements:**

**Enhancement of Website, Development of Training Modules and Data-Management System Upgrades.**

- *The Authority’s new web site, which has been successfully launched has greatly enhanced the Authority’s internet profile (400 hit per day average). The new “Notice of Probable Violation” page provides useful information regarding the violation process and the new form is abundantly more user friendly. Complainants now receive immediate notifications regarding their filings. The website’s added resources include direct links to 811.com and Miss Utility, FAQs geared to homeowners and beginners, hot links to state, local and federal government agencies, legislative resources, as well as links to all the major stakeholders in Maryland and much more.*
- *The major part of this endeavor was to develop four (4) damage prevention training and continuing education modules. Through some strict budgeting and creativity, we were able to create six (6) videos, which are available for anyone accessing the website. The topics include an overview of the Authority and how it works; the definition of “Clear Evidence”; the*

*“Marks” and what they indicate; “Tolerance Zones” and how to work with them; the definition of “Excavation” in Maryland; and, how to start a project by using the “One-Call” system. The Vimeo platform we are using to support the videos, shows a majority of viewers watch the entire video, which is an excellent performance measure.*

- *The Case Management System (CMS) which was funded through previous PHMSA grants, has gone through beta testing, all historical files have been checked for accuracy. The Authority hired a part-time data manager to oversee the file migration process and debugging alongside the program developer. There was a slight delay, due to changes made to the NPV filing form on the new website but those issues have been worked out. Once the CMS has been migrated to the website, a portal will be available for stakeholders to follow the status of their complaints and to view trends. The CMS will be directly linked to the NPV form, so that when a complaint is filed a digital record will be automatically created. Each record will have prompts for status tracking and action requirements. The entire eleven- year history of violations reported to the Authority will be accessible in the CMS.*
  - *The Title XII re-write legislation (SB877) was introduced in 2020 and was passed with overwhelming support by both chambers of the Maryland legislature. Unfortunately, the Maryland Governor vetoed our bill because of budget considerations during the early days of the Covid-19 pandemic.*
  - *A sizable portion of the 2019 grant included the production of a number of training videos, that were necessitated by the Title XII overhaul, as the statute has undergone some significant changes that must be taught to all those stakeholders it will impact. Due to the veto, it was decided to hold off on producing the videos until 2021, since there is no guarantee, how long it will take for our efforts to over-ride the veto. There will be a sizable campaign via our website encouraging stakeholders to contact their legislators in support of the over-ride. Our consultants for the project have been contracted and put on retainer*
- **Element 5 (Public Education):** A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities for FY 2019:
    - **Element 5 Goals and Achievements:**

**Greater outreach to new audiences, cross branding with stakeholders and allied industry partners; and enhanced visibility.**

      - *The Authority, through its enhanced on-line presence has ramped up the advertising of conferences, seminars, articles, etc. and provide up-to-the minute news regarding trends, pipeline accidents, training opportunities and more.*

- *Sponsorship of the Greater Chesapeake Damage Prevention Training Conference; including a booth in the trade exhibit and a moot court trial of a probable violator by the Authority. Though denied by PHMSA in the 2019 grant application, the Authority was still obliged to sponsor and participate in the conference; however, to the pandemic, the conference was cancelled and will be held in 2021, our sponsorship will carry over to the next conference.*
- *Radio Advertising in the Baltimore and District of Columbia Metro Markets for the 811 Awareness Program. The Authority contributed \$25,000 from its Education and Outreach fund, which is derived from fines to support this effort.*
- *Enhanced educational and Promotional Material development and publication. Which included targeted handouts for Trade Shows, home and garden shows, schools and libraries and county/municipal permitting offices, which message “safe digging” and the importance of calling 811. In particular, materials were developed regarding the dangers of “Cross-bores”; informing Realtors of the hazards of installing “For Sale” signs without calling 811 (which has become a growing problem in our area); and an informational blitz targeted at candidates for elective office regarding the requirements for campaign sign installation on public and private right of ways.*
- *Participation in the Maryland Association of Counties (MACo) annual conference. This conference was cancelled for 2020 due to the pandemic, but our registration fees will roll over to the 2021 conference. Our travel expenses were credited back to the Authority and were reallocated to other parts of the project (i.e. underwrite costs for scriptwriting services).*
- *Participation in the Maryland Municipal League (MML) annual conference. This conference was also cancelled due to the pandemic. All registration fees will roll over to 2021 conference.*
- *Membership and participation in the Common Ground Alliance (CGA). The Authority renewed its membership to the CGA and registered for its 2020 conference, which was also cancelled because of the pandemic. Now, due to ongoing issues relating to the CGA and Infrastructure Resources each having their own conferences, the Authority stands to lose \$1,222 if it elects to participate in the CGA conference rather than IRI’s. Funds for the original 2020 combined conference registration came out of the 2019 PHMSA grant. The Authority hopes to sell the two IRI registrations to another entity which is permissible and attend the CGA conference instead.*
- *The Authority continues to partner with the Public Service Commission (PSC), stakeholders (facility owners/operators, locators, excavators), and government officials. The Authority works very closely with the MD/DC-Damage Prevention Committee which focuses on best practices and the need to utilize the One-Call System. The MD/DC-DPC currently provides all training for the Authority at no cost. Training is one of the requirements violators must participate in, in order to satisfy the findings of the Authority. The Authority anticipates it will have to create its own training programs in the future; which include costs which are not incurred at this point.*

- **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 7 Goals and Achievements:**

**Utilization of website to highlight consequences of non-compliance with the Title XII, training to the revised statute videos and hardware/software upgrades and replacements.**

- *The Authority now publishes on its website a list of companies who are not in good standing with Authority, and their violations, in order to inform potential clients about how these companies observe the 811 laws in Maryland. The public has access to all Authority resources offered on the website and are encouraged to contact the staff through our on-line “Contact Form” about any questions they have about the Maryland “Dig” law.*
- *The Authority was able to replace its current computers, screens and printers and repurpose the older slower equipment. The Authority has gone to an exclusively cloud based system of file management and communication. The Case Management System (CMS) is run off an Amazon platform and Google is used for all other functions. The added costs of these systems were defrayed by the 2019 SDP grant.*
- *Completion of Training Module #1- Maryland’s Title XII Law and Module # 3 – “The Maryland 811 System” tutorial and are now up on the new website. The MD 811 law underwent a massive overhaul in 2020 and was passed resoundingly by the Maryland legislature, however the bill (SB 877) was vetoed by the Governor for fiscal reasons. The additional modules meant to highlight the changes and nuances of the new Title XII were set to go into production have been put on hold until the Authority can secure an override of the veto in the 2021 session of the legislature. As a result of this delay, funds for this element have been reassigned to the creation of a mobile app for the Authority which will have both Apple and Android applications. The mobile apps, an extension of our website will allow individuals to access the statute on their phones, report violations in the field, pay fines and access vital resources without delay.*

- **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:

- **Element 9 Goals and Achievements:**

**The Continued enhancement of the Case Management System (CMS) to include a gated portal for stakeholders and the PSC to download damage data directly in the CMS. This data will help offset the trend assumptions made with the Authority’s complaint derived data.**

- *The issues and difficulties 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. Plans for the implementation of the reporting/sharing feature were put on hold in 2018 due to a lack of funding.*

### **Quantifiable Metrics/Measures of Effectiveness:**

- *The State of Maryland's Damage Prevention Program since it's 2010 creation, by the state legislature has seen a decade of achievements. Our state has consistently experienced one of the lowest “hit rates” in the country; which can be directly correlated to the combined efforts of the Authority, our Stakeholders, the Public Service Commission and the One-Call Center. This coalition has provided the infrastructure necessary to provide training, outreach, and enforcement.*
- *Maryland’s Damage Prevention Program is unique, in that it is not a state government agency and receives no funding from the taxpayers of Maryland. As a hybrid, unlike any other SDP in the country, we work very closely with our strategic partners to provide all those involved in the installation and maintenance of our underground infrastructure as well as the construction and development sectors.*
- *The Authority uses every case presented to them as an opportunity to analyze trends and examine inconsistencies in compliance and react accordingly. This, in the Authority’s opinion, is the benefit of being a small autonomous entity, that is “light on its feet”. In other words, the Authority is not bound by a large bureaucracy when changes to the scope and direction of our enforcement and education efforts are required.*

*In all of these efforts, the funds provided through the PHMSA SPD program have allowed the Authority to keep with the times via technology; providing the funds to have a prominent presence around the state of Maryland; and, provide the ability to produce and distribute customized informational materials when needed.*

## Issues, Problems:

- *Obviously, our state was not immune to the Covid-19 pandemic, which has created a myriad of issues for the entire United States as you well know. The Authority has been working remotely since March of this year and has held its regular monthly meetings via Zoom. All training is currently conducted via Zoom, which while better than nothing, does not have the same impact at the classroom setting. The Authority has also, suspended its judicial activities and now has a large backlog of hearings to address. The Maryland court system just recently reopened on an abbreviated basis, so the Authority is exploring conducting its hearings remotely, as the courts are now doing.*
- *Tickets numbers are up over last year, but our case numbers have declined. The Authority believes there are a number of reasons for this, for example: companies are short staffed and have had to redirect their recourses to other activities; the largest stakeholder in the state virtually stopped filing cases, due to a changeover in management and the retirement of key damage prevention personnel. We are however seeing an increase in the filing of complaints by contractors. These complaints are primarily locating issues, which the Authority recognizes as an emerging problem. We did notice a marked increase over 2018 in the number of damages caused by marking violations. The Authority has been looking at ways to address this issue, however the pandemic and high-ticket volumes seem to be playing a major role in this current situation. In addition, the current Maryland statute does not allow the contract locator to be directly cited as the violator. The facility owner must be the entity named as the violator. This is due to the internal contractual agreements between the owners and their locators. As a result, getting to the root cause of the violation and the training standards of these companies becomes proprietary information and therefore not available to the Authority without a FOIA.*
- *Much of our 2019 SDP grant was directed to the production of training videos which were to address the changes to the Title XII law. This was put on hold for two reason: 1) The 2020 Title XII re-write legislation, which passed in 2020 was vetoed by the Governor due to fiscal considerations, this of course delayed the planning and production of the training modules which were to be made available on the Authority website. 2) the production company the Authority has engaged for this project is located in Nashville, Tennessee, which created a logistical problem due to the pandemic. We were able to redirect some of those contracted grant funds to underwrite the development of the Authority's mobile apps (apple and android) which will provide quick access to our many website assets, including the ability to file complaints, pay fines, refer to the Title XII statute and much more.*

