**2019 State Damage Prevention Program Grant Final Report**

**CFDA Number: 20.720**

**Award Number:**  693JK31940016PSDP

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

**Date Submitted:** 1/8/2021

**Submitted by:** Juan Urena & Joseph Costa

**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 1-9)

**Workscope**

Under the terms of this grant agreement, the New Jersey Board of Public utilities (NJBPU) 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*. (****Not Applicable****)*

Element 2 (Comprehensive Stakeholder Support): A process for fostering and ensuring the

support and partnership of stakeholders, including excavators, operators, locators, designers, and

local government in all phases of the program. (***Applicable)***

Element 3 (Operator Internal Performance Measurement): A process for reviewing the adequacy

of a pipeline operator's internal performance measures regarding persons performing locating

services and quality assurance programs. (***Not Applicable)***

Element 4 (Effective Employee Training): Participation by operators, excavators, and other

stakeholders in the development and implementation of effective employee training programs to

ensure that operators, the one call center, the enforcing agency, and the excavators have partnered

to design and implement training for the employees of operators, excavators, and locators.

***(Applicable)***

Element 5 (Public Education): A process for fostering and ensuring active participation by all

stakeholders in public education for damage prevention activities. ***(Not Applicable***)

Element 6 (Dispute Resolution): A process for resolving disputes that defines the State authority's

role as a partner and facilitator to resolve issues. ***(Applicable)***

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***. (Applicable)***

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. ***(Not Applicable)***

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. ***(Not Applicable)***

**Accomplishments for the grant period (Item 1 under Agreement Article IX, Section 9.02**

**Final Report: “A comparison of actual accomplishments to the objectives established for**

**the period.”)**

This Final Report covers all activities through 9/27/2020.

Project Overview

The 2019 SDP Grant funds were used to offset salary and fringe benefit expenses for a staff member of the NJBPU who performed damage prevention investigations, inspections, compliance enforcement and related underground damage prevention program activities.

Project Activities

Damage prevention activities conducted during the project performance period included:

* investigating complaints related to the New Jersey Underground Facility Protection Act (UFPA or “Act”);
* inspecting excavation activities for compliance with the Act;
* issuing probable non-compliance enforcement actions;
* assisting with case preparation for proposed enforcement penalties for probable non-compliance with the Act; and
* tracking probable non-compliance through the NJBPU damage prevention program database.

Project Accomplishments

During the project performance period, the NJBPU’s underground damage prevention program experienced limited success in achieving the SDP Grant project objectives. Specifically, while SDP project activities were conducted throughout the performance period, the quantity/volume of overall work was reduced due to a number of factors as discussed below.

Staffing shortages in both damage prevention personnel and pipeline safety personnel, as well as COVID – 19 related work restrictions, limited the ability of the NJBPU to dedicate the project assigned staff member on a full time basis to SDP Grant project related activities. This resulted in a reduction in the overall number of project related activities. In addition, from the first quarter of 2020 through the end of the project performance period, the quantity of underground damage prevention related activities were further reduced due to the NJBPU work from home policy, limited access to workplace resources, and State of Emergency Executive Orders issued by the Governor in response to the COVID-19 pandemic.

**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.”)**

During the project performance period, the NJBPU opened 544 reported damages for investigation out of 2,335 total damages entered into the damage prevention database. A breakdown of the investigations and cases reviewed are as follows:

* 2,335 total damages reported.
* 544 cases opened, representing 23% of all damages reported.
* A total of 78 cases were pursued for enforcement and settled with monetary penalties.
* Total fines collected from settlements were $228,000.

Of the 2,335 total excavation damages reported, the natural gas specific incidents included:

* 1,846 damages entered into the damage prevention database.
* 440 cases handled.
* 103 cases closed.
* Total gas related fines collected were $162,000.

**Issues, Problems or Challenges (Item 3 under Article IX, Section 9.02 Final Report: “The**

**reasons for slippage if established objectives were not met.”)**

The NJBPU continues to face a number of staffing challenges that have directly impacted the agency’s ability to fully achieve the investigation, inspection, enforcement and overall damage prevention objectives of the 2019 SDP Grant project. Specifically, as discussed above, the NJBPU has experienced staffing shortages and was unable to hire a temporary contractor for the project as originally planned. Because of the reduced workforce, the quantity/volume of damage prevention work performed, number of incidents investigated and enforcement actions pursued related to the 2019 SDP Grant project were reduced when compared to prior years.

The reduction in personnel hours dedicated to the 2019 SDP Grant project was further compounded by the COVID-19 pandemic and stay-at-home Executive Orders issued by New Jersey Governor Murphy which extended from early 2020 through the end of the project performance period. NJBPU staff, including the staff member assigned to the SDP Grant project, have been working from home with limited access to workplace resources and limited access to the damage prevention database. As a result, the 2019 SDP Grant funds awarded to New Jersey were not fully expended.

**Final Financial Status Report**

The Final financial report has been submitted as a separate attachment. See Form SF-425, Federal Financial Report, submitted with this Final report.

An amount of $31,761 is being requested with this Final Report for work performed from 3/28/20 – 9/27/20. A breakdown of the Project costs are as follows:

***2019 SDP Grant Award …………………………………………………………………….. $100,000***

***Cost Breakdown for 3/28/20 – 9/27/20***

|  |
| --- |
| Personnel ……………………………………………………………………………. $20,801.00 |
| Fringe Benefits ……………………………………………………………………… $10,960.00 |
| Travel ……………………………………………………………………………………… 0.00 |
| Equipment ………………………………………………………………………………….. 0.00 |
| Supplies ……………………………………………………………………………………. 0.00 |
| Contractual ………………………………………………………………………………… 0.00 |
| Other………………………………………………………………………………………… 0.00 |
| Indirect….…………………………………………………………………………………… 0.00 |
| Total…………………………………………………………………………………. $31,761.00 |

***Project Cost Summary***

Project Costs paid with Mid-Term Progress Report (9/28/19 - 3/27/20)........................... $25,626.00

Project Costs requested with this Final Report (3/28/20 - 9/27/20)…………………..…. $31,761.00

Total Project Costs ……………………………………………………………………... $57,387.00