

2020 State Damage Prevention Program Grant

Mid-Term Progress Report

CFDA Number: 20.720

Award Number: 693JK32040010PSDP

Project Title: State Damage Prevention (SDP) Program Grants – FY2020

Date Submitted: April 13, 2021

Submitted by: Kaylee E. Sloan, Assistant Attorney General, State of Missouri

Specific Objective(s) of the Agreement

Pay for the hiring of a full-time attorney and legal assistant, dedicated to enforcement of State law (Element 7, Priority 1). State acknowledges that requested amount exceeds max award, commits to covering remainder.

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 (Enhanced Communication Between Operators and Excavators): Participation by operators, excavators, and other stakeholders in developing and implementing methods for establishing and maintaining effective communications between stakeholders – from receipt of an excavation notification to successful completion of the excavation, as appropriate. (Not Applicable)
- Element 2 (Fostering Support and Partnership of All Stakeholders): 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. (Not Applicable)
- Element 3 (Operator's Use of Performance Measures for Locators): 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 (Partnership in Employee Training): Participation by operators, excavators, and other stakeholders in developing and implementing 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. (Not Applicable)

- Element 5 (Partnership in Public Education): A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities. (Not Applicable)
- Element 6 (Enforcement Agencies' Role to Help Resolve Issues): A process for resolving disputes that defines the state authority's role as a partner and facilitator to resolve issues. (Not Applicable)
- Element 7 (Fair and Consistent Enforcement of the Law): 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 (Use of Technology to Improve the Locating Process): 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 (Data Analysis to Continually Improve Program Effectiveness): 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 this period (Item 1 under Article IX, Section 9.01 Progress Report: "A comparison of actual accomplishments to the objectives established for the period.")

The Missouri Attorney General's Office ("AGO")'s specific objective for this grant period was to hire a full-time attorney and legal assistant dedicated solely to the enforcement of Missouri's One Call Law. Once the AGO received confirmation of receipt of this grant award on August 17, 2020, the AGO immediately began the hiring process for a new full-time attorney and part-time legal assistant. Interviews for these positions were conducted throughout September of 2020. Following the interview process, the AGO hired a full-time attorney and part-time legal assistant, both of whom began work at the AGO on October 19, 2020.

Since beginning their employment, the attorney and legal assistant have conducted an in-depth review and overhaul of the entire Missouri One Call enforcement system within the Missouri Attorney General's Office. These employees have compiled and organized the AGO's case load of enforcement matters, and also took uniform enforcement action in all cases to ensure matters were all moving through the same process. These employees have also spent substantial time editing and improving all templates, forms, and documents used in the AGO's enforcement

proceedings, including making all correspondence and documents more specialized, specific, and educational for each unique area of the Missouri One Call Law.

These employees, having met the enforcement objective, have also worked beyond the enforcement objective and have begun increasing and strengthening the AGO's education and agency relationships. These employees have met and collaborated several times with Missouri One Call System, Inc., to improve working relationships and to improve the trainings provided by Missouri One Call System, Inc., and have also met with the executive committee of SITE STL, an industry organization, based in St. Louis, focused on excavator safety. These employees also participated as panelists at Missouri One Call System, Inc.'s annual excavator safety convention on December 9, 2020, presenting to more than 80 organizations regarding the importance of excavation safety and compliance with the law.

Quantifiable Metrics/Measures of Effectiveness (Item 2 under Article IX, Section 9.01 Progress Report: "Where the output of the project can be quantified, a computation of the cost per unit of output.")

When the AGO created these specific One Call enforcement positions, the office had more than 100 open matters regarding enforcement of the Missouri One Call Law spread between 6 attorneys and 4 legal assistants. In the 6 month prior to the implementation of the grant, from April 18, 2020, to October 18, 2020, the AGO opened 42 One Call enforcement matters, closed 46 One Call enforcement matters, settled 22 One Call complaints, filed 3 One Call cases, and obtained \$19,300.00 in civil monetary penalties. Attorneys and legal assistants worked on One Call enforcement as they had room in their general caseloads.

Since hiring the dedicated attorney and legal assistant, the AGO has resolved 77 enforcement matters, which is an increase of 60% over the matters that were closed in the 6 months prior to the start of the grant. Furthermore, these employees have been able to accomplish this while actively managing more than 35 new violation referrals and complaints between October 19, 2020, and March 27, 2021. These employees are currently working on approximately 55 open enforcement matters, as of March 27, 2021, with 3 matters in active litigation and 10 matters preparing for litigation. Because these employees are solely dedicated to enforcement of the Missouri One Call Law, the AGO has been able to collect \$37,750.00 in civil monetary penalties, and enter into 50 settlement agreements, since October 19, 2020.

Issues, Problems or Challenges (Item 3 under Article IX, Section 9.01 Progress Report: "The reasons for slippage if established objectives were not met.")

The AGO has no particular issues, problems, or challenges to report at this time. The AGO has been pleased with these new employees' ability to meet all the

proposed objectives at the 6-month mark of the current grant period. The AGO looks forward to continuing to meet its objectives and to expand its enforcement of the Missouri One Call Law into larger projects as these employees continue to dedicate themselves to improving Missouri's One Call enforcement.

Mid-Term Financial Status Report

Please see the attached breakdown of costs for each object class category, along with the Standard Form 425.

Plans for Next Period (Remainder of Grant)

For the remainder of the Grant, the AGO plans to continue the progress made thus far, and begin turning its attention to its larger enforcement goals such as tailoring enforcement action and public education toward targeted areas of repeated violations. Other larger projects the AGO will begin during this portion of the grant period includes analyzing data collected regarding the millions of locate tickets generated in Missouri over the past several years to pinpoint and address trends in violations, based on geography, violation type, frequency, and educational opportunities.

Requests of the AOR and/or PHMSA

No actions requested at this time.