

2009 State Damage Prevention Program Grants Progress Report
Funding Opportunity Number: DTPH56-09-SN-0001
CFDA Number: 20.720

Award Number: DTPH56-09-G-PHPS11

Project Title: Tennessee Regulatory Authority State Damage Prevention

Date Submitted: July 31, 2009

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Specific Objective(s) of the Agreement

The initial grant application objectives were revised based on information previously submitted. The objectives for the second year of damage prevention program improvement initiative are as follows:

- Provide support as requested to the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) study group.
- Build support for the revised Tennessee Underground Utility Damage Prevention Act (TUUDPA) through interaction with stakeholder groups.
- Prepare and disseminate a step-by-step description of the process and procedures associated with an enforcement section as established under the TRA.
- After completing the first three objectives, meet with stakeholders who oppose the revised TUUDPA and come to an agreement on the elements of a revised law that all stakeholders can support.

Workscope

Under the terms of this agreement, the Grantee will address, the following elements listed in 49 USC §60134 through the actions it has specified in its Application.

- *Element (7):* 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.

The initial grant application tasks were revised based on information previously submitted. In summary, the tasks identified for accomplishing the above objectives are as follows:

- Continue efforts meeting with stakeholders to increase support base.
- Provide a Damage Prevention Initiative Coordinator (DPIC) to function as the liaison between the Tennessee Regulatory Authority and the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) study group.
- The responsibilities of the DPIC will include the development of a program for meeting with the appropriate representatives of utility districts, municipalities, private operators and other stakeholder groups to explain details of the revisions

record comments and answer questions in an effort to build support for the revised TUUDPA.

- The Coordinator will develop presentations and establish schedules for meeting with stakeholders. This task will include preparation of a step-by-step description of the process and procedures associated with an enforcement section as established under the TRA.
- Comments gleaned as a result of completion of the above tasks will be reviewed for possible revisions to the proposed legislation

Accomplishments for this period (Item 1 under Agreement Section 9.01 Progress Report: “A comparison of actual accomplishments to the objectives established for the period.”)

The revised Tennessee Underground Utility Damage Prevention Act (TUUDPA) as introduced to the Tennessee Legislature was a major overhaul of the existing law and included mandatory one-call membership for all underground utility operators, civil penalties, maximum penalty amounts and establishment of an enforcement section within the TRA. The new legislation was introduced to the Tennessee House and Senate as House Bill 0852 (HB0852) and Senate Bill 0818 (SB0818) on February 12, 2009. The bill passed the Senate on April 23, 2009 as amended Ayes 30, Nays 0 with the amendment that the bill be studied by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR).

Based on the events described above, the objectives set forth in the initial application for a 2009 SDPP Grant were revised and approval for the revised grant was received from PHMSA on June 25, 2009. Actual accomplishments are as follows:

- Discussions with stakeholders to increase support base have continued since May 1, 2009.
- Conferred with members of the Tennessee Damage Prevention Committee to determine the appropriate person to fill the position of Damage Prevention Initiative Coordinator.
- Proceeding with negotiations to fill the position.

Quantifiable Metrics/Measures of Effectiveness (Item 2 under Agreement Section 9.01 Project Report: (Where the output of the project can be quantified, a computation of the cost per output.”)

Under the present TUUDPA there is virtually no enforcement activity. Before improvement can be realized in enforcement the current act must be amended. The purpose of this initiative is to lay the foundation for fair and consistent enforcement of the damage prevention law. What is being accomplished relative to improving the damage prevention program at this stage is somewhat similar to the construction of a natural gas main extension, quantifiable benefits from our present effort or a pipeline will not be realized until all parts are in place and functional. There are no quantifiable metrics at this stage of our improvement program. Although not quantifiable, the nature

of the legislative process will undoubtedly result in additional exposure for the topic of underground utility damage prevention.

Issues, Problems or Challenges (Item 3 under Agreement Section 9.01 Project Report: “The reasons for slippage if established objectives were not met.”)

- Some time was lost due to revisions to the initial grant objectives as described above.
- DPIC position vacated as of July 15, 2009.

Mid-term Financial Status Report

The mid-term financial report has been sent as a separate attachment to the AA.

Plans for next period (remainder of grant)

Fill DPIC position and proceed with tasks outlined in the Work Scope section.

Requests of the AOTR and/or PHMSA

No requests at this time.