

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

Award Number: DTPH56-09-G-PHPS12

Project Title: Railroad Commission of Texas - State Damage Prevention

Date Submitted: March 31, 2010

Submitted by: Mary L. McDaniel. P.E.

Specific Objective(s) of the Agreement

Under this 2009 grant award, the Railroad Commission of Texas will continue to digitize documents associated with enforcement and compliance activities stemming from excavation damage to underground pipeline facilities. As a result, the Commission will enhance its online data reporting system by providing open access to documents associated with enforcement activity.

Work Scope

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 (6): A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.
- 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.

Accomplishments for the grant period (Item 1 under Agreement Section 9.02 Final Report: "A comparison of actual accomplishments to the objectives established for the period.")

The Railroad Commission's Pipeline Safety Division through its Damage Prevention Section began enforcing State rules for the movement of earth in the vicinity of pipelines in September 2007. During the first twelve months of the program there were approximately 16,715 reports of damages submitted via the Commission's online damage reporting system. Damage reporting for year two appears to follow a similar trend, with 19,098 reported from September 2008 to August 2009. So far for year three of the state's program from September 2009 to the conclusion of the grant period in December 2009 there were 2,847 reports of damage received.

Actual accomplishments for approximately half of the 2009 grant period are reported on the final report for the 2008 grant DTPH56-08-G-PHPS11, as the performance periods for the two grants overlapped for five of the twelve months covered by this year end final report. The Railroad Commission began work on the 2009 grant DTPH56-09-G-PHPS12 in June 2009. The Commission seeks to improve the transparency of enforcement activities by making such actions available to stakeholders with the goal of fostering the support, education, and partnership of all interested parties. The Commission continues to enhance its online data reporting system by

providing open access to all document associated with excavation related damage enforcement actions related to underground pipeline facilities.

Quantifiable metrics/measures of effectiveness (Item 2 under Agreement Section 9.02 Final Report: “Where the output of the project can be quantified, a computation of the cost per unit of output.”)

From June 2009 to December 2009, the Commission reports the following activity levels for Element 6 and Element 7:

- 8,196 on-line damage reports, with 5,217 by filed operators and 2,979 filed by excavators.
- 1,928 alleged violation dockets went to Commissioners’ Conference, including 748 for operators and 1,180 for excavators, with a total penalty amount collected of \$766,070.
- The following non-compliance complaints were received; 37 for no damage alleged violations, 28 for requiring a second notice to mark, and one for a false emergency call.

During the seven-month period from June 2009 to December 2009, utilizing the 2009 grant funds, the Commission scanned 7,909 documents, with a total page count of 37,616 at a cost of \$54,402.45, with a per page cost of \$1.45. Scanned documents include: closed incident reports, closed enforcement dockets, pipeline safety compliance responses, returned mail, agreed settlement orders, release notices, supporting documents, and no damage complaint reports.

Issues, problems or challenges (Item 3 under Agreement Section 9.02 Final Report: “The reasons for slippage if established objectives were not met. ”)

The Commission did not begin work on the 2009 grant until June 2009 due to overlapping grant periods with the 2008 grant DTPH56-08-G-PHPS11. Objectives were met during the period January to December 2009, but five months of the twelve months are applicable to the previous 2008 grant for the 2009 year-end final report. Despite the shortened performance period, the Commission achieved its grant objectives during the performance period.

This 2009 grant funding allowed the Commission to continue scanning all of the documents associated with each damage report that is filed into an online system and in paper copy form. The files were scanned and loaded as attachments to each of the individual submitted reports that are online. All additional paper documents that are filed by excavators and operators in order to supplement their online report are scanned and attached to each report. The technical reviewer is able to view all of the documents at his or her workstation online.

Three temporary administrative employees participated in this project from June 2009 to October 2009 and one for November 2009 to December 2009. In addition to their primary tasks to prep, scan, index, link and upload data for damage report technical review, they also assisted with various duties in support of expanding pipeline damage prevention enforcement and compliance transparency. The Commission expended \$54,401.45 of the estimated twelve-month project total of \$78,000, during the limited seven-month available time period in 2009.

Other pertinent information including, when appropriate, actions taken to address the recommendations PHMSA provided in correspondence dated [Different for each agreement] (Item 4 under Agreement Section 9.02).

There are no known requested recommendations to be addressed with the 2009 Executed Grant Agreement DTPH56-09-G-PHPS12 dated May 11, 2009, from PHMSA correspondence or any additional items listed in Section 9.02 of the 2009 Grant Agreement requiring action.

Final Financial Status Report

The Final Financial Status Report was sent to the AA as a separate attachment.

Requests of the AOTR and/or PHMSA

No actions requested at this time.