

2016 State Damage Prevention Program Grant Final Report
CFDA Number: 20.720

Award Number: *DTPH5616GSDP05*

Project Title: *New Jersey Board of Public Utilities State Damage Prevention Grant*

Date Submitted: *November 29, 2017*

Submitted by: *Michael Stonack*

Specific Objective(s) of the Agreement

Under this grant agreement, the NJBPU will enforce:

- *Laws and regulations of the damage prevention process*

Workscope

Under the terms of this grant agreement, the Recipient will address the following elements listed in the approved application as stated in 49 U.S.C. §60134 (b).

- **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.*

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 New Jersey Board of Public Utilities ("NJBPU") used the 2016 State Damage Prevention ("SDP") Program Grant funds for personnel expenses to enforce its damage prevention laws and regulations. The SDP Grant funds were used to offset salary and fringe benefit expenses for a permanent damage prevention staff member and salary for a temporary, contractual staff member to perform damage prevention compliance enforcement and related program activities. The NJBPU uses a Damage Prevention / One Call database to track underground facility damages, damage and non-compliance investigations, enforcement actions, and settlements of the enforcement actions. This Grant project was concentrated on natural gas facility damages, although other utility damages were also reviewed, investigated, and considered for enforcement. The damage prevention compliance enforcement and complaint investigators funded by this SDP Grant conducted investigations of probable non-compliance and complaints relative to the New Jersey Underground Facility Protection Act ("Act"), issued probable non-compliance enforcement actions, addressed responses to non-compliance enforcement actions, determined proposed enforcement penalties with other damage prevention staff for probable non-compliance with the Act, and tracked probable non-compliance and complaint investigations and enforcement actions through the NJBPU database. Utilizing the Grant funding, non-compliance investigations were increased, additional non-compliance enforcement actions were processed, and the NJBPU damage prevention program was strengthened. This project directly affects Element 7 (Enforcement) of the NJBPU Damage Prevention Program.

Table 1 on page 2 provides a multi-year review of total gas facility excavation damages from 2009 through 2017. In addition, Chart 1 on page 2 shows a graphical representation of gas facility damages per 1,000 incoming ticket locate requests (Incoming Calls). This chart shows

an overall declining trend over the years from 2009 through 2017, with 2.68 damages per 1,000 during the 2017 SDP Grant period (September 1, 2017 through August 31, 2017).

Table 1 - Gas Facility Excavation Damages in New Jersey

Year	Incoming Calls	Total Gas Damages	Damages per 1,000
2009	533,318	1,656	3.11
2010	442,860	1,727	3.90
2011	490,462	1,604	3.27
2012	535,856	1,569	2.93
2013	574,721	1,770	3.08
2014	560,379	1,832	3.27
2015	609,825	1,899	3.11
2016	652,396	1,878	2.88
2017	692,576	1,854	2.68

Overall

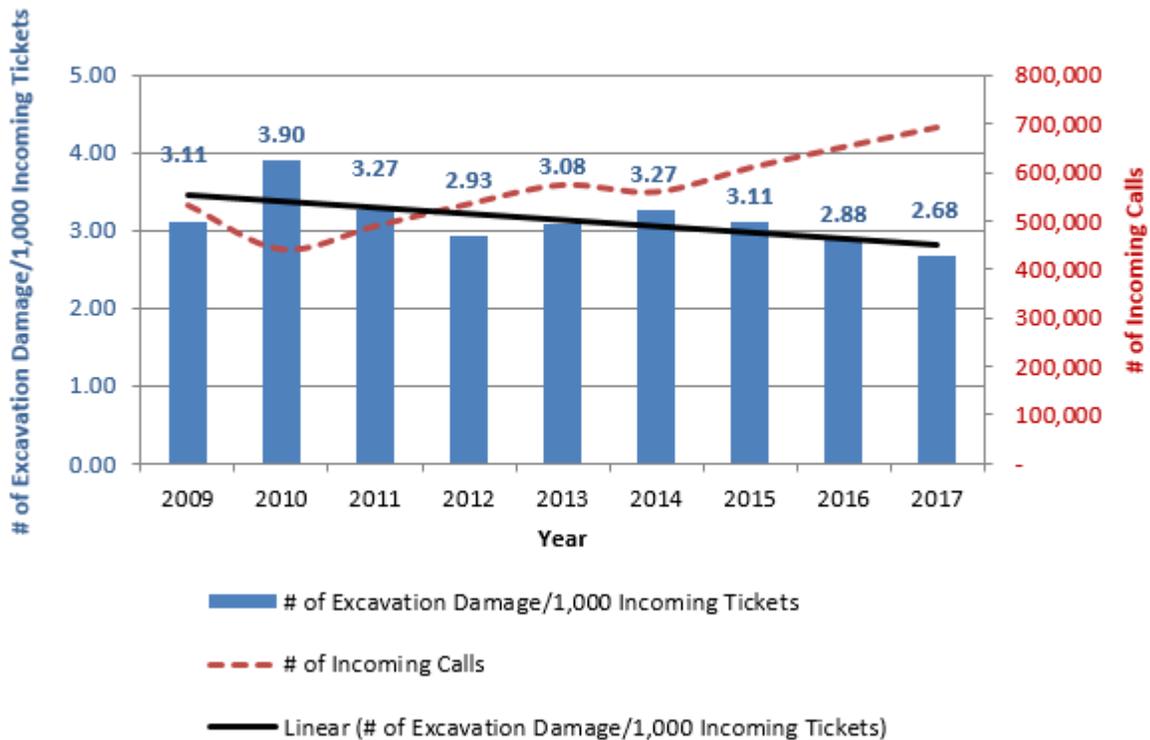


Chart 1 Gas Facility Damages and Damages/1000 Tickets in New Jersey (2009-2017)

Table 2 on page 3 illustrates total excavation damage cases by month for all underground facilities entered into the NJBPU database for review and those cases that were opened for investigation during the Grant period. The total cases entered for review also include locate not requested cases (no calls) that did not result in damages. These cases are ones where staff

investigation found excavators digging without calling NJ One Call for a locate request or where a complaint was submitted against an excavator who was digging without underground facilities being marked. The total cases opened for investigation during this Grant period exceeded the cases entered into the NJBPU database for review by 155 cases (2,638 – 2,483). This was a result of cases that were entered in the NJBPU database in the prior Grant period (2015 SDP Grant) being opened for investigation in the 2016 SDP Grant period.

Table 2 - Case Investigations (All Facilities) by Month

Year	Month	Entered for Review / Opened for Investigation
2016	September	256 / 271
2016	October	310 / 210
2016	November	224 / 141
2016	December	136 / 77
2017	January	143 / 267
2017	February	132 / 17
2017	March	152 / 611
2017	April	80 / 27
2017	May	238/451
2017	June	298/27
2017	July	252/164
2017	August	262/375
Total		2,483 / 2,638

Table 3 below illustrates total gas facility excavation damage cases entered into the database for review and those cases that have been opened for investigation during the Grant period. The total cases entered for review also include locate not requested cases (no calls) that did not result in damages. As indicated by the totals in Table 3, 94 percent (1,673 / 1,776) of all gas facility excavation damages cases entered for review into the database were opened for investigation during the Grant period.

Table 3 - Case Investigations (Gas Facilities) by Month

Year	Month	Entered for Review / Opened for Investigation
2016	September	181 / 258
2016	October	209 / 0
2016	November	160 / 76
2016	December	103 / 73
2017	January	94 / 238
2017	February	81 / 13
2017	March	113 / 354
2017	April	71 / 9
2017	May	160/273
2017	June	203/16
2017	July	188/92
2017	August	213/271
Total		1,776 / 1,673

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

The Non-Compliance Enforcement Status Report illustrated by Table 4 on page 5 shows an example page of a report from the NJBPU database showing the status and tracking of damaged gas facility cases being investigated for possible enforcement actions. The example page shows cases for damage dates of August 30, 2017 through August 31, 2017.

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

Table 4 - Non-Compliance Enforcement Status Report

Excavation Damage Date	OC #	Industry	Location	Operator	Excavator	Posted Date
08/31/2017	GOC2017-1095	GAS	14 Midwood Ave, Edison, NJ 08820	ELIZABETHTOWN GAS	Henkels & McCoy	08/31/17
08/31/2017	GOC2017-1116	GAS	371 Old Forks Rd, Hammonton, NJ 08037	SOUTH JERSEY GAS	Homeowner	09/05/17
08/31/2017	GOC2017-1149	GAS	29 Oxford Rd, Manalapan Township, NJ 07726	NJ NATURAL GAS	S. Batata Construction	09/06/17
08/31/2017	GOC2017-1150	GAS	54 Madison Ave, Red Bank, NJ 07701	NJ NATURAL GAS	Paul Allwell Contractor	09/06/17
08/31/2017	GOC2017-1151	GAS	169 Long Beach Blvd, Long Beach Township, NJ 08008	NJ NATURAL GAS	Flores & Sons	09/07/17
08/31/2017	GOC2017-1182	GAS	213 Joan St, South Plainfield, NJ 07080	PSE&G (G)	JF Kiely Construction	09/07/17
08/31/2017	GOC2017-1183	GAS	19 Parkwood Ln, Bernards Township, NJ 07920	PSE&G (G)	P & A construction Inc.	09/07/17
08/31/2017	GOC2017-1184	GAS	1210 Thurman St, Camden, NJ 08104	PSE&G (G)	R E Pierson Construction	09/07/17
08/31/2017	GOC2017-1185	GAS	350 6th St, Jersey City, NJ 07302	PSE&G (G)	J Fletcher Creamer	09/07/17
08/31/2017	GOC2017-1186	GAS	204 Greylock Pkwy, Belleville, NJ 07109	PSE&G (G)	Belleville Department of Public Works	09/07/17
08/31/2017	GOC2017-1187	GAS	347 Cleveland St, Orange, NJ 07050	PSE&G (G)	Yannuzzi Group, Inc.	09/07/17
08/31/2017	GOC2017-1188	GAS	114 Van Keuren Ave, Bound Brook, NJ 08805	PSE&G (G)	Ernest Renda Contracting	09/07/17
08/31/2017	GOC2017-1192	GAS	70 Phillips Rd, Hainesport, NJ 08036	PSE&G (G)	Impact Irrigation	09/08/17
08/31/2017	GOC2017-1197	GAS	47 Island Rd, Mahwah, NJ 07430	PSE&G (G)	Bedford Group Inc.	09/12/17

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

08/31/2017	GOC2017-1201	GAS	165 Hobart Ave, Summit, NJ 07901	PSE&G (G)	Iannella Inc.	08/31/17
08/30/2017	GOC2017-1096	GAS	32 Sinclair Rd, Edison, NJ 08820	ELIZABETHTOWN GAS	Brothers Landscaping LLC	09/06/17
08/30/2017	GOC2017-1147	GAS	556 Brookside Dr, Toms River, NJ 08753	NJ NATURAL GAS	Contracting Services LLC	09/06/17
08/30/2017	GOC2017-1148	GAS	10 N Peak St, Highlands, NJ 07732	NJ NATURAL GAS	Reginald Sears	09/07/17
08/30/2017	GOC2017-1180	GAS	66 Kendall Blvd, Oaklyn, NJ 08107	PSE&G (G)	Pioneer Pipe Contractors	09/07/17

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.”)

The work being performed by the investigators has been very effective in accomplishing the Grant objectives of enhancing compliance and complaint investigations, and enforcement actions. As indicated in the enforcement settlement report for all underground facility damages, Table 5 below, there were 451 enforcement settlements during the Grant period totaling \$1,317,500. Table 5 shows the number of settlements by week and the settlement amounts received.

Table 5 - Enforcement Settlement Report

Week Ending	Settlements Received	Settlement Amounts	Week Ending	Settlements Received	Settlement Amounts
09/02/16	4	11,000	03/10/17	4	12,000
09/09/16	0	0	03/17/17	11	33,000
09/16/16	1	3,000	03/24/17	4	12,000
09/23/16	7	21,000	03/31/17	3	9,000
09/30/16	5	15,000	04/07/17	6	18,000
10/07/16	7	21,000	04/14/17	9	24,000
10/14/16	8	24,000	04/21/17	8	24,000
10/21/16	12	34,000	04/28/17	5	15,000
10/28/16	3	9,000	05/05/17	7	20,000
11/04/16	17	51,000	05/12/17	8	24,000
11/11/16	0	0	05/19/17	20	60,000
11/18/16	21	63,000	05/26/17	46	133,000
11/25/16	4	12,000	06/02/17	10	30,000
12/02/16	9	27,000	06/09/17	11	32,000

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

12/09/16	4	10,000	06/16/17	2	6,000
12/16/16	5	15,000	06/23/17	12	31,000
12/23/16	10	30,000	06/30/17	8	20,000
12/30/17	0	0	07/07/17	5	15,000
01/06/17	4	12,000	07/14/17	7	21,000
01/13/17	2	5,000	07/21/17	3	9,000
01/20/17	16	47,500	07/28/17	8	18,000
01/27/17	8	24,000	08/04/17	8	24,000
02/03/17	29	87,000	08/11/17	7	21,000
02/10/17	2	6,000	08/18/17	2	4,000
02/17/17	25	75,000	08/25/17	10	30,000
02/24/17	10	30,000	09/01/17	5	13,000
03/03/17	9	27,000			
Totals				451	\$ 1,317,500

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 established objectives for the Grant project were achieved. The project costs were \$12,311 lower than anticipated as a result of a temporary, contractual staff member resigning in November 2016 and not being replaced until March 2017.

Final Financial Status Report

The final financial report has been sent as a separate attachment to the AA. See Form SF-425, Federal Financial Report, submitted by the PI on November 29, 2017.

Project Costs

<i>Personnel</i>	63,914.00
<i>Permanent Staff Member</i>	\$45,963.00
..... <i>Temporary Staff Member</i>	\$17,951.00
<i>Fringe Benefits (9/1/16 – 6/30/17)</i>	<i>Permanent Staff Member</i>\$38,052. x 51.95%.....19,768.00
<i>Fringe Benefits (7/1/17 – 8/31/17)</i>	<i>Permanent Staff Member</i>\$7,911 x 50.65%.....4,007.00
<i>Travel</i>	0.00
<i>Equipment</i>	0.00
<i>Supplies</i>	0.00
<i>Contractual</i>	0.00
<i>Other</i>	0.00
<i>Indirect</i>	0.00
<i>Total Project Costs</i>	\$87,689.00
<i>Project Costs paid with Mid-Term Progress Report</i>	<u>50,833.00</u>
<i>Project Costs requested with Final Progress Report</i>	\$36,856.00

**AGREEMENT #DTPH5616GSDP05
ATTACHMENT 2A**

The fringe benefits rate was 51.95% for the period 9/1/16 through 6/30/17 and 50.65% for the period 7/1/17 through 8/31/17, as indicated in the separate attachments included with this Final Report – Fringe Benefits Rate for September 2016 to June 2017 and Fringe Benefits Rate for July 2017 to August 2017. The rate is determined by taking the first column (labeled PERS) and adding the total on page 1 to the total on page 2.

Requests of the AOR and/or PHMSA

No actions requested at this time.