

# 2016 State Damage Prevention Program Grants Final Report

**CFDA Number: 20.720**

**Award Number: DTPH5616GSDP13**

**Project Title: Railroad Commission of Texas State Damage Prevention Grant**

**Date Submitted: November 2, 2017**

**Submitted by: James Osterhaus**

## **Specific Objective(s) of the Agreement**

Under this grant agreement, the Railroad Commission of Texas will strengthen Element 5: Public Education of its Damage Prevention program. Based on approval from PHMSA via email on May 8, 2017, the Commission modified its objectives to also include Element 7: Enforcement and Element 8: Technology. As the enforcement authority for all damage to pipeline facilities caused by excavation, or any other movement of earth, near intrastate pipeline facilities, the Commission plans to use this grant funding to enhance its capabilities through targeted outreach activities aimed at licensed plumbers and electricians across the state.

## **Work Scope**

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 5 (Public Education): A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- Element 7 (Enforcement): Enforcement of State damage prevention law 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.
- 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.

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

***Element 5 (Public Education)***

The Railroad Commission of Texas is recognized throughout the state as the organization leading the state’s damage prevention efforts through compliance and enforcement activities, public awareness, and stakeholder education. The RRC aims to reduce the number of pipeline damage incidents through compliance and education. The RRC developed electrician and plumber specific materials for distribution in partnership with the Texas Department of Licensing and Regulation (electrical licenses) and the Texas State Board of Plumbing Examiners (plumbing licensees).

The Commission developed and printed “flipbooks,” which serve as a handy reference guide to the Commission's Damage Prevention rules. The books were handed out at various tradeshow and public outreach events, with demand often exceeding supply. Damage prevention staff gave presentations at the Concho Valley Damage Prevention Council meeting and at the Permian Basin Damage Prevention Council meeting about the Commission’s Pipeline Damage Prevention Program.

Railroad Commission staff also educated contractors and the public on the importance of having underground natural gas lines marked before digging at the 2017 Texas811 Damage Prevention Summit, the largest gathering of industry professionals dedicated to excavation safety and damage prevention in Texas.

***Element 7 (Enforcement)***

To further Element 7, the Commission plans to engage the services of a process server as these operators will not accept certified mail, which is the first step in pursuing administrative enforcement activity. The Commission identified several operators with multiple high dollar pending enforcement actions. The Commission successfully served two of three Respondents that had a combined total of approximately \$132,000.00 in penalties. One of the Respondents was involved in a major incident and the other has had a history of violations in the past therefore the Respondents penalties were enhanced. There will be Notice Hearings for the served Respondents in the upcoming months.

***Element 8 (Technology)***

To further Element 8, the Commission’s Damage Prevention program contracted with an IT professional to enhance its online Pipeline Damage Reporting System, working to address defects in the system. Recent updates include the addition of a personal queue system to make processing and tracking incidents easier and more efficient. A new docket system was also implemented to simplify processing and tracking of issued dockets.

The system was initiated in 2007 to allow both excavators and pipeline operators to file reports of damage into an online system. Modifications and updates to the online system provide a more transparent reporting system for all system users, including public users. All activities regarding underground pipeline facilities and the movement of earth near those facilities will be recorded into the system, and tools were developed to monitor compliance and detail any actions taken related to the reports.

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

***Element 5 (Public Education)***

As the regulatory agency with jurisdiction over pipeline safety in Texas, the Railroad Commission helps educate industry operators, contractors, and the public about the agency's pipeline damage prevention rules so accidents—and accompanying violations and penalties—can be avoided.

Since the grant’s effective date of 09/01/2016, the RRC has:

- Mailed 2,000 flyers/brochures to attendees from the August 2016 Sunbelt Builders Show
- Mailed 1,500 flyers/brochures to attendees from the August 2016 Texas Nursery/Landscape Expo
- Printed 10,000 English and 4,000 Spanish APWA Uniform Color Code wallet cards to hand out to stakeholders
- Printed 5,000 English and 2,000 Spanish Chapter 18 rule flipbooks to hand out to stakeholders
- Printed 28,000 brochures to be mailed to all licensed electricians in Texas
- Printed 60,000 brochures that will be distributed to all licensed plumbers in Texas in the annual license renewal packets each plumber receives. This activity occurred in partnership with the Texas State Board of Plumbing Examiners

The Commission staffed display booths at several events to distribute safety rule flipbooks and provide pipeline damage prevention safety information:

- Austin County Market—Austin
- Earth Day Texas 2017—Dallas
- Sunbelt Builders Show Dallas
- Damage Prevention Summit 2017—San Marcos
- Building Professionals Institute Conference—Arlington
- Texas Municipal League Annual Conference and Exhibition—Austin

The Commission attended several mock line strike demonstrations:

- Entertech Mock Dig Demonstration—Bastrop
- Permian Basin Safety Day—Midland
- Central Texas Safety Day—Austin
- South Texas Safety Day—Kerrville

The Commission also attended eight other public outreach events including Damage Prevention Council Meetings, One Call Board meetings, and continuing education meetings.

### ***Element 7 (Enforcement)***

The Commission successfully served two Respondents, with assessed penalties of approximately \$132,000. A Commission attorney created complaints, settlement offers, and will have a noticed hearing for the served Respondents. One of the Respondents was involved in a major incident, while the second Respondent has a history of violations.

### ***Element 8 (Technology)***

The Commission's efforts to improve its technology capacity allowed for improved accuracy and efficiency in processing over 800 incident reports during each month of the project period. The newly added personal queue eliminated a manual process of entering and keeping track of incidents across multiple systems. This queue makes transitioning incidents from one reviewer to another seamless, especially when a reviewer leaves and another needs to take over incidents that were not closed prior to the reviewer leaving. All notes and follow up information are transferred to the new reviewer. Previously, this process was complicated with determining who gets the incidents and how to incorporate the incidents logged into a follow-up spreadsheet into the new reviewer's follow-up spreadsheet.

The personal queue also makes inquiries easier. Each incident will show to which reviewer it is assigned, which makes it easier to get more information regarding the incident. Before the queue, the only way to see whose incident it was would be to find out which date the incident occurred, then look on a calendar to see who was assigned to that day.

A new docket process was also created in the online system to simplify tracking and processing penalties that are issued for violations. The new process gives all the pertinent dates and penalty amounts immediately for follow-up purposes, so no calculations are necessary.

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

As noted in the mid-year report, the principal investigator, Mr. David Ferguson, terminated his employment with the Commission as of February 3, 2017. As such, Mr.

James (Jim) Osterhaus assumed Mr. Ferguson's role as principal investigator. The transition was smooth, and communicated to PHMSA on February 2, 2017.

### **Year-end Financial Status Report**

Please see the attached SF 270 and SF 425.

The Commission's award notification limited expenditures on postage to \$20,350. At the conclusion of the project the Commission had postage expenses totaling \$11,827.06.

### **Requests of the AOTR and/or PHMSA**

The Railroad Commission has no request for action.