

2017 State Damage Prevention Grants Final Report
CFDA Number: 20.720

Award Number: 693JK31741006

Project Title: State Damage Prevention (SDP) Program Grants - 2017

Date Submitted: January 20, 2017

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Specific Objectives of the Agreement

Under this grant agreement, the recipient will:

Assist in the continued operation and maintenance of its web-based Damage Reporting and Enforcement System; bolster its violation investigation process, as well as the development of an on-line education module and expand its outreach and education throughout the State of Maryland.

Workscope

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 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 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.

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.

Element 9 (Damage Prevention Program Review): A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

Accomplishments for the 2017 Grant period

This funding has been used to enhance and continue the Authority's original objectives for Element 5 – Public Education; Element 7 – Enforcement; Element 8 – Technology; and Element 9 – Damage Prevention Program Review:

The Authority's chief objective for the 2017 grant was to modernize and expand its educational components and community outreach tools through technology and greater visibility. Also, a portion of the grant was to be used to underwrite an investigator to assist with the research and review of NPV's.

From September 25, 2017 through September 30, 2018 the Authority has contributed significantly to and met its projected objectives:

ELEMENT 5 – Public Education

- Sponsored of the Greater Chesapeake Damage Prevention Training Conference; including a booth in the trade exhibit and a presentation by the Executive Director of the Authority.
- Provided significant funding for Radio Advertising in the Baltimore Metro Market for the April Safe Digging 811 awareness program.
- Developed new Educational and Promotional Materials which are shared with the Maryland Damage Prevention Committee for use at Trade Shows, home and garden shows, schools and libraries
- Continued to make financial contributions to the MD/DC-DPC promotional campaigns.
- Participated in Damage Prevention training for stake holders both; on and off site.
- Purchased booth space for the Maryland Association of Counties (MACo) annual conference.
- Purchased booth space for the Maryland Municipal League (MML) annual conference.
- Renewed the Authority's membership in the Common Ground Alliance (CGA) and attended their annual meeting Phoenix, Arizona.
- Gave multiple presentations regarding the role of the Authority and the Maryland Title XII program.

- Presented its Seventh Annual Report to the Governor of Maryland and the Maryland General Assembly as required by statute; outlining the Authority's accomplishments over the previous calendar year. All production for the report was conducted in-house as a cost saving measure. The Annual report is available on the Authority web-site (www.mddpa.org) and through the State of Maryland website (<https://msa.maryland.gov/msa/mdmanual/html/mmtoc.html>)
- During this grant period, the Authority has developed materials and demonstration models to highlight the issue of cross bores. In addition, the Authority has enlisted the assistance of a major Maryland suburban plumbing trade association to help with its "cross bore awareness" program.

ELEMENT 7 - Enforcement

- Promoted the "Assistant to the Executive Director" to Deputy Director with an increase of hours and enhanced duties which included the investigation of violations as well as policy development, and process streamlining and oversight of the Case Management System and website revamp.
- Developed the protocols for the Title XII – Miss Utility law Re-write, coordinated the organization of the steering committee and created the consensus process and facilitated 27 meetings as of October 17, 2018.
- The Title XII re-write project is 99.05% completed and will be introduced in the 2019 session of the Maryland General Assembly.
- The Authority has worked toward gaining consensus on the removal of many exemptions in the current law. Most importantly, the "homeowner exemption" has been removed and the draft legislation; new definitions for locatable and detectable facilities have been agreed upon by the group which will strengthen the Authority's goal to avoid "cross bore" damages in the future. Civil penalties have increased for repeat offenders, making damage prevention education mandatory; and by creating a Temporary Excavator provision, excavator's will be able to work temporarily under an existing ticket; which will have a verification system with the One-call center. Also, language has been agreed upon in the hopes to stem the abuse of "Emergency Tickets".

Element 8 – Technology

- The Authority engaged a software Development firm to develop a customized Case Management System to streamline and semi-automate the violation filing process, progress tracking of cases which will facilitate better management of the time sensitive aspects of cases and quantify progress on program effectiveness through a report module.
- The new software has begun Beta testing and will be fully operational during the early part of the 2018 SDP grant period.
- The Authority's new web site, which is under construction, will enhance the Authority's internet profile and allow for the ease in reporting NPV's.
- The second phase of the website overhaul will include video content which allow navigation through the Title XII statute, the Authority complaint process, best practices and eventually continuing education modules.

Element 9 – Program Review

- The Authority plans to live in early 2019 with a damage reporting portal which will be utilized by facility owners to upload their voluntary data on an anonymous. The Authority will utilize this state-wide data to evaluate the effectiveness of its programs and the expenditure of its resources derived from the fines collected from violators.
- The work on Elements 8 & 9 will greatly enhance the Authority's ability to quantify it's effective. Although it should be noted that Maryland still leads the nation in the lowest number of damages per 1000 tickets.

Quantifiable Metrics/Measures of Effectiveness

- There were ninety-two (92) NPV's filed during the 2017 SDP Grant period. Thirteen (13) of those NPV's were dismissed by the Authority for insufficient evidence. During that period, NPV's came from four (4) stakeholder companies and one (1) excavator company.
- The Authority has assessed utilizing the court mandated "Standardized Fining Matrix" (SFM) \$74,315.00 in fines during the period of September 25, 2017 through September 30, 2018.
- The Authority gave further discounts for training in the amount of \$36,564.25.

- The total discounted fines for the 2017 grant period were \$37,801.75 of which to date \$27,944.25 have been remitted by violator companies.
- The Authority continues to see gains in fine payment and participation in Title XII training; which will become mandatory if the draft statute passes in 2019.

Issues, Problems or Challenges

- The Maryland damage prevention program remains complaint driven; which affects its ability to report quantifiable metrics; however, the access to stakeholder damage data will assist substantially in assessing the program's effectiveness.
- The removal of the Storm sewer exemption from the Title XII statute was unsuccessful during the re-write process. Maryland counties and municipalities continue to balk at the cost of locating their facilities, despite their ability to charge for the service. A major step forward was the agreement require all new and replacement storm water systems to be locatable or detectable after October 1, 2020. Language has also been added to the draft legislation which addresses "cross bores" and a pilot process for reporting suspected cross bores. The Authority regards the existence of legacy cross bores a major public safety issues in the State of Maryland.

Final Financial Status Report

(Please see attached)

Request of the AOR and/or PHMSA

There are no requests.