



1200 New Jersey Avenue SE
Washington DC 20590

U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

PIPELINE SAFETY
2017 One Call Application

for

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign the main application page, page 3.
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire package to the following:

ATTN: GWENDOLYN M. HILL
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Pipeline Safety, PHP-4
1200 New Jersey Avenue, SE Second Floor E22-321
Washington, D.C. 20590

FedSTAR Information

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2 **GS-16-664** Filed: 10/13/2016 Pages: 27
2017 Federal – Pipeline Safety One Call Application

DEPARTMENT OF TRANSPORTATION

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
2017 One Call Grant Applicant Eligibility

Changes to Section 6103 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2006, *effective 01/03/2014*, will affect States eligibility in applying for the One Call Grant. The State agency submitting the application is required to answer the following questions and provide data to clearly demonstrate compliance with these requirements. Failure to provide the requested information may void the application.

a) Does the State one-call notification program allow all underground facility operators, including all government operators, to participate as appropriate*? (list any pipeline exemptions) Yes

b) Does the State one-call notification program allow all excavators, including all government and contract excavators, to participate as appropriate*? Yes

c) Does the State one-call notification program provide for flexible and effective enforcement under State law? (Please provide citation to the state statute for enforcement and identify the enforcement authority.) Yes

North Dakota Century Code section 49-07-01.1 Enforcement authority: North Dakota Public Service Commission

d) Does the State one-call notification program require that the one-call notification system requirements of the program are applicable without exemptions to municipalities, State agencies, or their contractors? (If you are currently determined to be ineligible by PHMSA based on this requirement, you do not qualify for this grant!) Yes

e) Does the State one-call notification program provide for consideration of the gravity of the offense and risk to the public in determining appropriate enforcement? Yes

f) Does the State one-call notification program provide for no cost underground facilities locate requests, excluding design, for all individuals planning excavation activities? No

Excavators are charged \$1.10 per locate requested. Utilities are charged \$1.10 per locate request for their underground facilities.

g) Does the State one-call notification program provide for voluntary participation of underground facilities owners or an activity of a type of excavator which have been determined by the State to be de minimis risk to public safety? No

Items that pose a de minimis risk to the public or environment are listed under North Dakota Century Code section 49-23-01 paragraph 7.

h) To the extent the State has determined it to be appropriate and necessary; has the State provided for administrative or civil penalties commensurate with the seriousness of a violation of the State one-call notification program by an excavator or facility owner? Yes



Pipeline and Hazardous Materials Safety Administration
 1200 New Jersey Avenue, SE
 Washington DC 20590

DEPARTMENT OF TRANSPORTATION

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

2017 One Call Application

Office: NORTH DAKOTA PUBLIC SERVICE COMMISSION



Priority	Project Title	Request
1	2017 One-Call Enforcement Compliance Enforcement - Cost of enforcement and/or complaint investigations	\$50,000.00
3	2017-2018 Damage Prevention Awareness Billboard Advertising Development and/or conduct of damage prevention awareness campaigns - Advertisements	\$10,000.00
Project Totals		\$60,000.00

Patrick Zahn

Authorized Signature

October 13, 2016

Date

DIRECTOR, PUBLIC UTILITIES DIVISION

Title



Priority: 1 Project: 2017 One-Call Enforcement

Compliance Enforcement - Cost of enforcement and/or complaint investigations

Has this activity been performed previously? If yes, what were the results? Provide sufficient details about the effectiveness of this project in order to support the approval of this project for another year.

No

What do you plan to do with the 2017 requested funds for this project? If you have entered costs under the "Other" budget category, you must explain those costs here.

2017 One-Call Grant funds will be used to reimburse the State for expenses incurred in the enforcement of the ND One-Call law. Allegations of One-Call law violation are treated as administrative cases and are documented. Commission employees involved in the Commission's One-Call enforcement activities will record their time to support any cost reimbursement requested under the One-Call grant. Dollar amounts have been included for only the personnel, fringe benefits and indirect costs categories since these costs alone will likely exceed the \$50,000 amount requested. Commission employees are involved in the development and implementation of the Commission's damage prevention enforcement program, and participate in the Commission's administrative proceedings regarding such enforcement. Commission staff also participate in the North Dakota One-Call Board quarterly meetings and One-Call Stakeholder meetings to discuss improvements to One-Call law and enforcement activities.

North Dakota Century Code Chapter 49-23: One-Call Excavation Notice System law was enacted to avoid damage to and minimize interference with underground facilities including underground lines, pipelines, cables, facilities, systems, and their appurtenances used to produce, store, convey, gather, transmit, or distribute communications, data, electricity, power, television signals, heat, gas, oil, petroleum products, carbon dioxide. Under North Dakota Century Code section 49-07-01.1, the North Dakota Public Service Commission was given authority to issue a civil penalty not to exceed twenty-five thousand dollars to any person who violates the One-Call law.

Please indicate the One Call Enforcement Authority for your State and/or Agency:

North Dakota Century Code Chapter 49-23: One-Call Excavation Notice System law took effect on August 1, 1995.

North Dakota Century Code section 49-07-01.1 titled "Violation of statute, commission order, or commission rule ? Assessment of civil penalty," gives the North Dakota Public Service Commission authority to issue a civil penalty to any person who violates the One-Call law. The provision states that "A violation occurring under chapter 49-23, in addition to any other penalty, is subject to a civil penalty not to exceed twenty-five thousand dollars. The commission shall develop policies for the assessment of penalties under chapter 49-23 which will take into consideration the severity of damages and the conduct of the offender."

Estimated Budget for this Project:

Personnel	\$28,000.00
Fringe Benefits	\$11,000.00
Travel	\$0.00
Equipment	\$0.00

Supplies	\$0.00
Contractual	\$0.00
Other	\$0.00
Indirect	\$11,000.00

Total Requested Cost for this Activity: **\$50,000.00**



Are the One Call Application Funds to be transferred to other than "NORTH DAKOTA PUBLIC SERVICE COMMISSION"? No

Is there Equipment and/or Items associated with this activity? No



Priority: 3 Project: 2017-2018 Damage Prevention Awareness Billboard Advertising

Development and/or conduct of damage prevention awareness campaigns - Advertisements

Has this activity been performed previously? If yes, what were the results? Provide sufficient details about the effectiveness of this project in order to support the approval of this project for another year.

All previous grant awards have been used for damage prevention awareness including 811 awareness advertising campaigns in the State of North Dakota. Grant funds have been used to procure advertising for approximately 16 to 20 billboards per year. Billboards have been placed in or near the following cities: Beulah, Bismarck, Bowman, Carrington, Devils Lake, Dickinson, Fargo, Garrison, Glen Ullin, Grand Forks, Jamestown, Killdeer, Linton, Mandan, Minot, New Town, Rugby, Towner, Valley City, Wahpeton, Washburn, West Fargo, and Williston. Using CY2016 grant funds, billboards are to be placed in or near Bismarck, Beulah, Bowman, Devils Lake, Dickinson, Fargo/West Fargo (2), Grand Forks (2), Glen Ullin, Mandan, Jamestown, Linton, Minot (2), New Town, Wahpeton, Washburn, and Williston. The advertising will be placed to coincide with the next North Dakota "Safe Digging Month" campaign, which is April 2017.

The effectiveness and results are difficult to judge as we are not aware of a reliable method to quantify the impact of this specific activity. Ryan Schmaltz, representative from North Dakota One Call, has stated on numerous occasions that the billboards have indeed produced a noticeable effect. The billboards that have been placed around the state are very well done, very visual and attract attention while presenting the desired message. Ryan receives very positive feedback from individuals who have seen the billboards and taken the time to express their thoughts by sharing their opinions of the effectiveness of the signs, and also that the layout and design of the new billboards is very well done. It would be advantageous if additional funding was made available to intensify and further increase the advertising campaign in northwestern North Dakota, especially in the Williston Basin region of North Dakota, without reducing the campaign level in other parts of the state that are also vital. The Williston Basin region, especially in and around the Bakken formation, is expected to continue to experience energy infrastructure construction well into the foreseeable future.

What do you plan to do with the 2017 requested funds for this project? If you have entered costs under the "Other" budget category, you must explain those costs here.

2017 Grant funds will again be used for a billboard advertising campaign throughout the state of North Dakota. Funds will be used to procure advertising on approximately 16 to 20 billboards during the North Dakota "Safe Digging Month" campaign, which will be in April 2018. Billboards are strategically placed to attract the attention of excavators, including residents and businesses, utilities and motorists. The billboards are placed in or near the major markets, with emphasis on the areas of elevated activity in construction and traffic, to better relay this message to the general public. The billboards are designed to communicate the important message of calling 811 or contacting One-Call at NDONECALL.com prior to digging. Billboard advertising continues to be an efficient, effective, high-impact way of getting an important advertising message to the residents and businesses throughout the State of North Dakota.

Please indicate the One Call Enforcement Authority for your State and/or Agency:

North Dakota Public Service Commission

Estimated Budget for this Project:

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$10,000.00
Other	\$0.00
Indirect	\$0.00

Total Requested Cost for this Activity: **\$10,000.00**

Are the One Call Application Funds to be transferred to other than "NORTH DAKOTA PUBLIC SERVICE COMMISSION"?

Yes, A Contractor; to be determined

What is the amount to be contracted? \$10,000.00

Is there Equipment and/or Items associated with this activity?

Yes
No

Qty	% use for pipeline damage prevention (min 50%)	Total Cost	Associated with Contract?	Description
0	100	\$0.00	<input type="checkbox"/>	



One Call Application Attachments

Title VI Assurance_w-signature.pdf



The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The *North Dakota Public Service Commission* (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Pipeline and Hazardous Materials Safety Administration*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Pipeline and Hazardous Materials Safety Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above General Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *PHMSA One Call Grant*:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the *PHMSA One Call Grant* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The North Dakota Public Service Commission in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that with respect to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the *North Dakota Public Service Commission* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *Pipeline and Hazardous Materials Safety Administration* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Pipeline and Hazardous Materials Safety Administration*. You must keep records, reports, and submit the material for review upon request to *Pipeline and Hazardous Materials Safety Administration*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The *North Dakota Public Service Commission* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *PHMSA One Call Grant*. This ASSURANCE is binding on *North Dakota*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *PHMSA One Call Grant*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____ *North Dakota Public Service Commission* _____
 (Name of Recipient)

by _____
 (Signature of Authorized Official)

DATED Oct 12, 2016



APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. *[Include Modal Operating Administration specific program requirements.]*
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. *[Include Modal Operating Administration specific program requirements.]*
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Pipeline and Hazardous Materials Safety Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Pipeline and Hazardous Materials Safety Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Pipeline and Hazardous Materials Safety Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Pipeline and Hazardous Materials Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the (Title of Recipient) will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program), and the policies and procedures prescribed by the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Title of Recipient) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (Title of Recipient) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (Title of Recipient), its successors and assigns.

The (Title of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the (Title of Recipient) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)



APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (Title of Recipient) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (Title of Recipient) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (Title of Recipient) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (Title of Recipient) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (Title of Recipient) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (Title of Recipient) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (Title of Recipient) will there upon revert to and vest in and become the absolute property of (Title of Recipient) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Grant Application Package

Opportunity Title:	DOT PHMSA 2017 ONE CALL GRANT
Offering Agency:	Pipeline & Hazardous Material Safety Administration
CFDA Number:	20.721
CFDA Description:	PHMSA Pipeline Safety Program One Call Grant
Opportunity Number:	DOT-PH-PHP-17-OC
Competition ID:	
Opportunity Open Date:	09/15/2016
Opportunity Close Date:	10/19/2016
Agency Contact:	Carrie Winslow PHMSA Grant Team E-mail: carrie.winslow@dot.gov Phone: 757-689-3168

This opportunity is only open to organizations, applicants who are submitting grant applications on behalf of a company, state, local or tribal government, academia, or other type of organization.

Application Filing Name: North Dakota Public Service Commission 2017 One Call

Select Forms to Complete

Mandatory

Application for Federal Assistance (SF-424)	Complete
Budget Information for Non-Construction Programs (SF-424A)	Complete

Optional

Instructions

[Show Instructions >>](#)

This electronic grants application is intended to be used to apply for the specific Federal funding opportunity referenced here. If the Federal funding opportunity listed is not the opportunity for which you want to apply, close this application package by clicking on the "Cancel" button at the top of this screen. You will then need to locate the correct Federal funding opportunity, download its application and then apply.

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: Completed by Grants.gov upon submission.	4. Applicant Identifier: <input type="text"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: North Dakota Public Service Commission		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 45-0309764	* c. Organizational DUNS: 8027449460000	
d. Address:		
* Street1: 600 E Boulevard 12th Fl	Street2: <input type="text"/>	
* City: Bismarck	County/Parish: <input type="text"/>	
* State: ND: North Dakota	Province: <input type="text"/>	
* Country: USA: UNITED STATES	* Zip / Postal Code: 58505-0480	
e. Organizational Unit:		
Department Name: <input type="text"/>	Division Name: <input type="text"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr.	* First Name: Patrick	
Middle Name: <input type="text"/>	* Last Name: Fahn	
Suffix: <input type="text"/>	Title: Director, Public Utilities Division	
Organizational Affiliation: <input type="text"/>		
* Telephone Number: 701-328-4077	Fax Number: <input type="text"/>	
* Email: pfahn@end.gov		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Pipeline & Hazardous Material Safety Administration

11. Catalog of Federal Domestic Assistance Number:

20.721

CFDA Title:

PHMSA Pipeline Safety Program One Call Grant

*** 12. Funding Opportunity Number:**

DOT-PH-PHP-17-OC

* Title:

DOT PHMSA 2017 ONE CALL GRANT

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

North Dakota Public Service Commission 2017 One Call Program

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="60,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="60,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Priority 1		\$	\$	50,000.00	\$	50,000.00
2. Priority 2				0.00		0.00
3. Priority 3				10,000.00		10,000.00
4.						
5. Totals		\$	\$	60,000.00	\$	60,000.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Priority 1	(2) Priority 2	(3) Priority 3	(4)	
a. Personnel	\$ 28,000.00				\$ 28,000.00
b. Fringe Benefits	11,000.00				11,000.00
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual			10,000.00		10,000.00
g. Construction	0.00	0.00			
h. Other					
i. Total Direct Charges (sum of 6a-6h)	39,000.00	0.00	10,000.00		\$ 49,000.00
j. Indirect Charges	11,000.00				\$ 11,000.00
k. TOTALS (sum of 6i and 6j)	\$ 50,000.00	\$ 0.00	\$ 10,000.00		\$ 60,000.00
7. Program Income					

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Priority 1	\$	\$	\$	\$
9. Priority 2				
10. Priority 3				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$
14. Non-Federal	\$			
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. Priority 1	\$	\$	\$	\$
17. Priority 2				
18. Priority 3				
19.				
20. TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:		22. Indirect Charges:	
23. Remarks:			

Fahn, Patrick J.

From: system@fedstar.phmsa.dot.gov
Sent: Thursday, October 13, 2016 10:06 AM
To: Fahn, Patrick J.
Subject: NORTH DAKOTA:2017-One Call Application-Submitted:10/13/2016 11:06:07 AM

Patrick Fahn has electronically signed and submitted the One Call Application
FedSTAR has received your document electronically.
If you have any questions , Please call 757 689 3168.

Program : 2017 One Call Application

This is an automatic Email. Please do not reply to this Email.



[Home](#) > [Apply for Grants](#) > Confirmation

Confirmation

Thank you for submitting your grant application package via Grants.gov. Your application is currently being processed by the Grants.gov system. Once your submission has been processed, Grants.gov will send email messages to advise you of the progress of your application through the system. Over the next 24 to 48 hours, you should receive two emails. The first will confirm receipt of your application by the Grants.gov system, and the second will indicate that the application has either been successfully validated by the system prior to transmission to the grantor agency or has been rejected due to errors.

Please do not hit the back button on your browser.

If your application is successfully validated and subsequently retrieved by the grantor agency from the Grants.gov system, you will receive an additional email. This email may be delivered several days or weeks from the date of submission, depending on when the grantor agency retrieves it.

You may also monitor the processing status of your submission within the Grants.gov system by clicking on the "Track My Application" link listed at the end of this form.

Note: Once the grantor agency has retrieved your application from Grants.gov, you will need to contact them directly for any subsequent status updates. Grants.gov does not participate in making any award decisions.

IMPORTANT NOTICE: If you do not receive a receipt confirmation and either a validation confirmation or a rejection email message within 48 hours, please contact us. The Grants.gov Contact Center can be reached by email at support@grants.gov, or by telephone at 1-800-518-4726. Always include your Grants.gov tracking number in all correspondence. The tracking numbers issued by Grants.gov look like GRANTXXXXXXXXX.

If you have questions please contact the Grants.gov Contact Center: support@grants.gov
1-800-518-4726 24 hours a day, 7 days a week. Closed on federal holidays.

The following application tracking information was generated by the system:

Grants.gov Tracking Number: GRANT12267353

Applicant DUNS: 80-274-4946

Submitter's Name: Patrick Fahn

CFDA Number: 20.721

CFDA Description: PHMSA Pipeline Safety Program One Call Grant

Funding Opportunity Number: DOT-PH-PHP-17-OC

Funding Opportunity Description: DOT PHMSA 2017 ONE CALL GRANT

Agency Name: Pipeline & Hazardous Material Safety Administration

Application Name of this Submission: North Dakota Public Service Commission 2017 One Call

Date/Time of Receipt: Oct 13, 2016 11:44:35 AM EDT

TRACK MY APPLICATION – To check the status of this application, please click the link below:
http://www.grants.gov/web/grants/applicants/track-my-application.html?tracking_num=GRANT12267353

It is suggested you Save and/or Print this response for your records.