



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

1200 New Jersey Avenue SE
Washington DC 20590

PIPELINE SAFETY
2019 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. Scan the signed document to your computer and email to Carrie.Winslow@dot.gov.

FedSTAR Information

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2019 Federal – Pipeline Safety One Call Application

Public Service Commission

DEPARTMENT OF TRANSPORTATION

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
2019 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

North Dakota

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

North Dakota

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

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

North Dakota

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

North Dakota

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

North Dakota: excavators are charged \$1.10 per locate request. 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?** Yes

North Dakota

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

North Dakota



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DEPARTMENT OF TRANSPORTATION

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

2019 One Call Application

Office: NORTH DAKOTA PUBLIC SERVICE COMMISSION

| Priority | Project Title | Request |
|-----------------------|--|--------------------|
| 1 | 2019 One-Call Enforcement 1.2 Compliance Enforcement - Cost of enforcement and/or complaint investigations | \$50,000.00 |
| 3 | 2019 Damage Prevention Awareness Campaign 3.6 Development and/or conduct of damage prevention awareness campaigns - Advertisements | \$10,000.00 |
| Project Totals | | \$60,000.00 |

Patrick John

Authorized Signature

4/15/2019

Date

Director, Public Utilities Division

Title

Priority: 1 Project: 2019 One-Call Enforcement

1.2 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.

Yes.

2018 One-Call Grant Priority 1 funds were used to reimburse the State for expenses incurred in the enforcement of North Dakota Century Code Chapter 49-23: "One-Call Excavation Notice System" law.

In calendar year 2018, the Commission received 46 complaints alleging violation of the One-Call law. In calendar year 2018, the Commission closed 17 complaint cases, assessed penalties in 12 complaint cases totaling \$38,750, and received \$22,750 in penalty payments that have been deposited to the State's general fund.

What do you plan to do with the 2019 requested funds for this project? If you have entered costs under the "Other" budget category, you must explain those costs here.

2019 One-Call Grant Priority 1 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.

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 | \$29,900.00 |
| Fringe Benefits | \$11,800.00 |
| Travel | \$0.00 |
| Equipment | \$0.00 |
| Supplies | \$0.00 |
| Contractual | \$0.00 |
| Other | \$0.00 |
| Indirect | \$8,300.00 |

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

Will any of the grant funds be used to pay for services and/or goods through a contract or service agreement? No

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

Priority: 3 Project: 2019 Damage Prevention Awareness Campaign

3.6 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 Priority 3 grant awards were used to procure billboard advertising at approximately 16 to 20 locations each year. In previous years, billboards were 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.

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.

What do you plan to do with the 2019 requested funds for this project? If you have entered costs under the "Other" budget category, you must explain those costs here.

2019 Priority 3 Grant funds will be used for a statewide educational campaign promoting 811 and damage prevention. The campaign will include billboard advertising throughout the state of North Dakota, informational materials and items utilizing the 811 logo. The items will be distributed at events such as the North Dakota State Fair, Common Ground Alliance Safety Summit and Pipeline Safety Operator Training. The items will assist in educating the public and other stakeholders about damage prevention and the importance of calling before you dig.

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 | \$0.00 |
| Fringe Benefits | \$0.00 |
| Travel | \$0.00 |
| Equipment | \$0.00 |
| Supplies | \$0.00 |
| Contractual | \$7,500.00 |

Other \$2,500.00
Indirect \$0.00

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

Will any of the grant funds be used to pay for services and/or goods through a contract or service agreement? **Yes**

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

