

# 2020 One Call Grant Application

The North Dakota Public Service Commission hereby applies to the Department of Transportation for Federal funds appropriated for the support of Programs established under 49 U.S.C. Section 60134 et seq.

The State agency plans to carry out the Program, as described in the "Priority Project Requests". To accomplish the program, the state agency proposes to expend funds as set forth in the "One Call Grant Estimated Budget."

Authorized Signature: Patrick John

Title: DIRECTOR - PUBLIC UTILITIES DIVISION

Date: 3/2/2020

**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."

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## 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

**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

**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?**

Yes

North Dakota: Excavators are charged \$1.10 per locate request (homeowners or landowners are not charged for locate requests on their own property). Underground facility operators are charged \$1.10 per locate request for tickets pertaining to 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

**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

**Priority 1 Request:**

**1.1 Enter the title of this project: 2020 One-Call Enforcement**

**1.2 Enter the Priority/SubCategory number from Appendix B: 1.2**

**1.3 Is this project in a Qualified Opportunity zone?:**

**No. This project is statewide and may involve some of the qualified opportunity zones, however the program does not specifically target those zones.**

**1.4 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.

2019 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 2019, the Commission received 19 complaints alleging violation of the One-Call law. In calendar year 2019, the Commission closed 60 complaint cases, assessed penalties in 31 complaint cases totaling \$59,000, and received \$49,150 in penalty payments that have been deposited to the State's general fund.

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

2020 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 OneCall 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 OneCall law.

**1.6 Estimated budget for this element:**

a. Personnel:	\$27,208.00
b. Fringe Benefits:	\$10,730.00
c. Travel:	
d. Equipment:	
e. Supplies:	
f. Contractual:	
g. Construction:	
h. Other:	
<b>i. Total Direct Charges (sum of a through h):</b>	<b>\$37,938.00</b>
j. Indirect Charges:	\$12,062.00
<b>k. TOTAL (sum of i and j):</b>	<b>\$50,000.00</b>

**1.7 Budget Description – Provide as detailed a description as possible of each of the “a” through “k” items budgeted above:**

A – Hourly personnel cost

Adam Renfandt, Public Utility Analyst, \$34.82/hr times 83 hours

Brian Johnson, Attorney II, \$38.09/hr times 75 hours

Victor Schock, Public Utility Analyst, \$38.84/hr times 380 hours

Patrick Fahn, Director of Public Utilities, \$43.57/hr times 155 hours

B – Fringe benefit costs for personnel is calculated as the hours times rate for each person times an average fringe rate of 39.37%.

J – Indirect cost rate per the attached approved indirect cost rate agreement is total salary and fringe times 31.75%.

**Priority 3 Request:**

**1.1 Enter the title of this project: 2020 Damage Prevention Awareness Campaign**

**1.2 Enter the Priority/SubCategory number from Appendix B: 3.6**

**1.3 Is this project in a Qualified Opportunity zone?:**

**No. This project is statewide and may involve some of the qualified opportunity zones, however the program does not specifically target those zones.**

**1.4 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:**

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. In addition to billboard advertising, educational materials utilizing the 811 logo were purchased and distributed at events such as the North Dakota State Fair, Common Ground Alliance Safety Summit and Pipeline Safety Operator Training. Similar to billboard advertising, it is difficult to ascertain the effectiveness of the educational items. However, we believe that increasing everyone's exposure to the 811 logo or message increases the awareness and effectiveness of the safety program.

**1.5 What do you plan to do with the 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, educational 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.

**1.6 Estimated budget for this element:**

a. Personnel:	\$
b. Fringe Benefits:	\$
c. Travel:	\$
d. Equipment:	\$
e. Supplies:	\$

f. Contractual:	\$7,500.00
g. Construction:	\$
h. Other:	\$2,500.00
<b>i. Total Direct Charges (sum of a through h):</b>	<b>\$10,000.00</b>
j. Indirect Charges:	\$
<b>k. TOTAL (sum of i and j):</b>	<b>\$10,000.00</b>

**1.7 Budget Description – Provide as detailed a description as possible of each of the “a” through “k” items budgeted above:**

f. Contractual. We estimate that we will spend approximately \$7,500 on contracted billboard advertising.

h. Other. We estimate that we will spend approximately \$2,500 on educational items and materials.

**Total Budget Request:**

**DIRECT COSTS**

Personnel .....	\$27,208.00
Fringe Benefits .....	\$10,730.00
Travel .....	
Equipment .....	
Supplies .....	
Contractual .....	\$7,500.00
Construction .....	
Other .....	\$2,500.00
<b>Total Direct .....</b>	<b>\$47,938.00</b>

**INDIRECT COSTS**

Indirect Charges .....	\$12,062.00
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**TOTAL COSTS FOR THIS REQUEST.....\$60,000.00**