

# ACT 50

## 2019 - A Year in Review

### STATISTICAL REPORT





# ACT 50: 2019 - A Year in Review

## Statistical Report

This report was prepared by the  
Damage Prevention Section of the  
Pennsylvania Public Utility Commission's  
Bureau of Investigation & Enforcement



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## Executive Summary

This Statistical Report tracks Alleged Violation Reports (AVRs) and the subsequent actions taken including the issuance of warning letters, administrative penalties and locator or excavator education. The information in this report is based on data derived from statistical software used to determine the number of alleged violations sent to the Public Utility Commission (PUC) from each county and by each affected stakeholder. This report also summarizes the number of penalties administered by the Damage Prevention Committee (DPC) during this initial period of April 2018 to December 2019, including the total dollar amount of the penalties administered as well as the amount the PUC has currently collected.

## Damage Prevention Committee Members

Ms. Terri Cooper-Smith <u>Chairman</u>		Pennsylvania Public Utility Commission
Mr. William Kiger		Pennsylvania One Call System
Mr. Jon Fleming		Pennsylvania Department of Transportation
Mr. Eric Swartley <u>Vice Chairman</u>	Gas Industry	UGI Utilities Inc.
Mr. Mark Santayana <u>Secretary</u>	Electric Industry	PPL Electric Utilities Inc.
Mr. James Dacey	Excavator	Doli Construction Corporation
Mr. Charles Dippo	Excavator	Utility Line Services Inc.
Mr. Armando Ferri	Excavator	Stefanik Next Generation Contracting
Mr. Kevin German	Municipal Authority	Lehigh County Authority
Mr. Thomas Clark	Municipal Government	Derry Township
Mr. Rick Moslen	Cable	Comcast Corp.
Mr. Charles Shaw	Telecommunications	Consolidated Communications of PA
Mr. Jeffrey Canfield	Water	Schuylkill County Municipal Authority

## Introduction

The Public Utility Commission (PUC) was authorized to enforce the provisions of Act 287, also referred to as the Underground Utility Line Protection Law or Act 50, on April 28, 2018. Since that time, stakeholders have worked in a partnership with the Damage Prevention Section to support the goals of the Act.

The PUC's goal is to reduce the number of underground utility line hits by 50% within five years of the PUC's acquisition of enforcement of Act 50. Education and communication are key components in accomplishing that goal. Tickets issued by the Pennsylvania One Call System have steadily increased reaching 1,037,463 in 2019. As a new requirement of Act 50, all underground facility damages are to be documented and submitted to the Pennsylvania One Call System (POCS), which in turn submits all Alleged Violation Reports (AVRs) to the PUC Damage Prevention Section for tracking purposes. Due to this mandated reporting, the number of reportable incidents has increased significantly over the past year.

This Statistical Report uses data from the beginning of the PUC enforcement in order to examine the current Act 50 violation trends. The PUC began collecting data on April 28, 2018.

## Report Background and Organization

### Report Background

On Oct. 30, 2017, the Governor signed Act 50 transferring enforcement of the Underground Utility Line Protection Act from the Bureau of Labor and Industry to the PUC. This report focuses on the activity covering the period of PUC responsibility.

### Report Organization

This report focuses on the activities of the DPC from the date of the transfer of enforcement responsibilities and will emphasize the impact the PUC has had on all aspects of Damage Prevention in Pennsylvania. In addition, the report will show how the Damage Prevention Section (DPS) has strived to educate all interested parties on their responsibilities with respect to adherence to Act 50. During the first year of enforcement, the PUC established an educational program which was presented to stakeholders in lieu of some of the warranted administrative penalties. The PUC also strived to provide education to more of the various stakeholders in Pennsylvania by attending numerous coordinating committees and addressing individual businesses. In 2018 and 2019, the PUC and Pennsylvania One Call liaisons have successfully educated 275 excavators and 160 locators on the Act 50 Law requirements. In addition,



the Commission has sent out 13,767 warning letters to homeowners and various stakeholders; opened 908 investigations and closed 457; and administered 1,343 penalties amounting to a total of \$812,508. Enforcement activities have resulted in the collection of penalties totaling \$448,345 as of the creation of this report.

# The Public Utility Commission

From the beginning of the PUC’s enforcement responsibilities, the DPC has issued 1,343 violations to stakeholders with a total amount of \$812,508 in penalties.

Since undertaking enforcement, the PUC has received a total of 12,117 Alleged Violation Reports (AVRs) from POCS via the data exchange service. Figure A below presents the monthly breakdown of the total number of AVRs received during the period that enforcement became the responsibility of the PUC.

Figure A

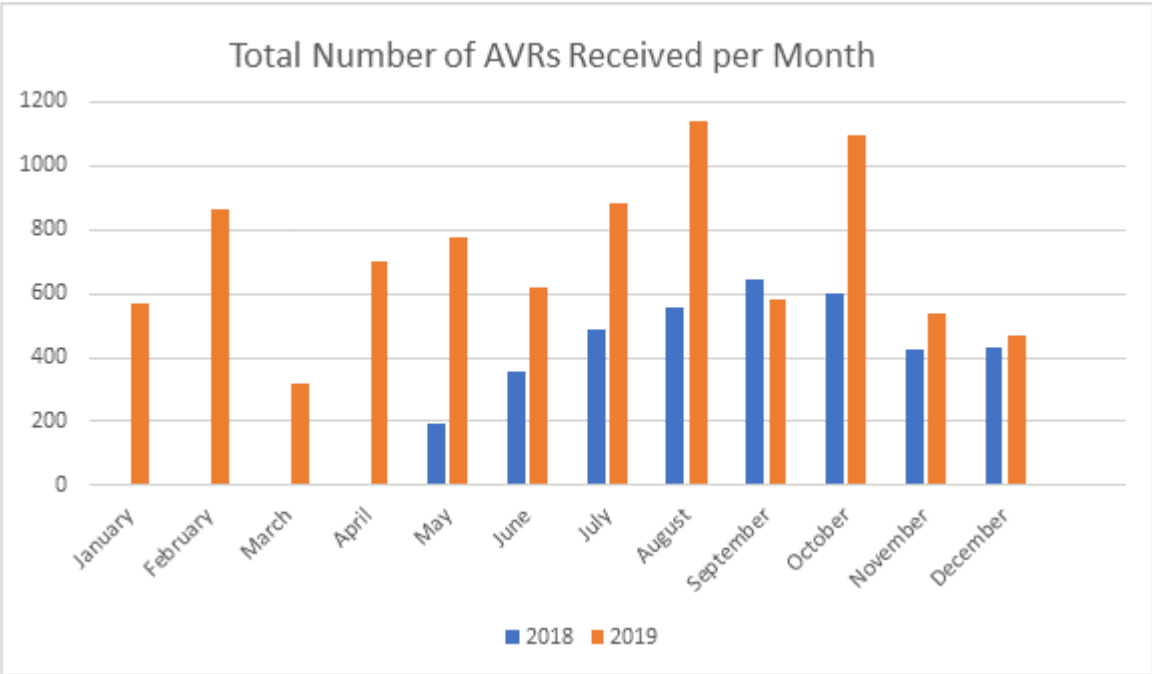
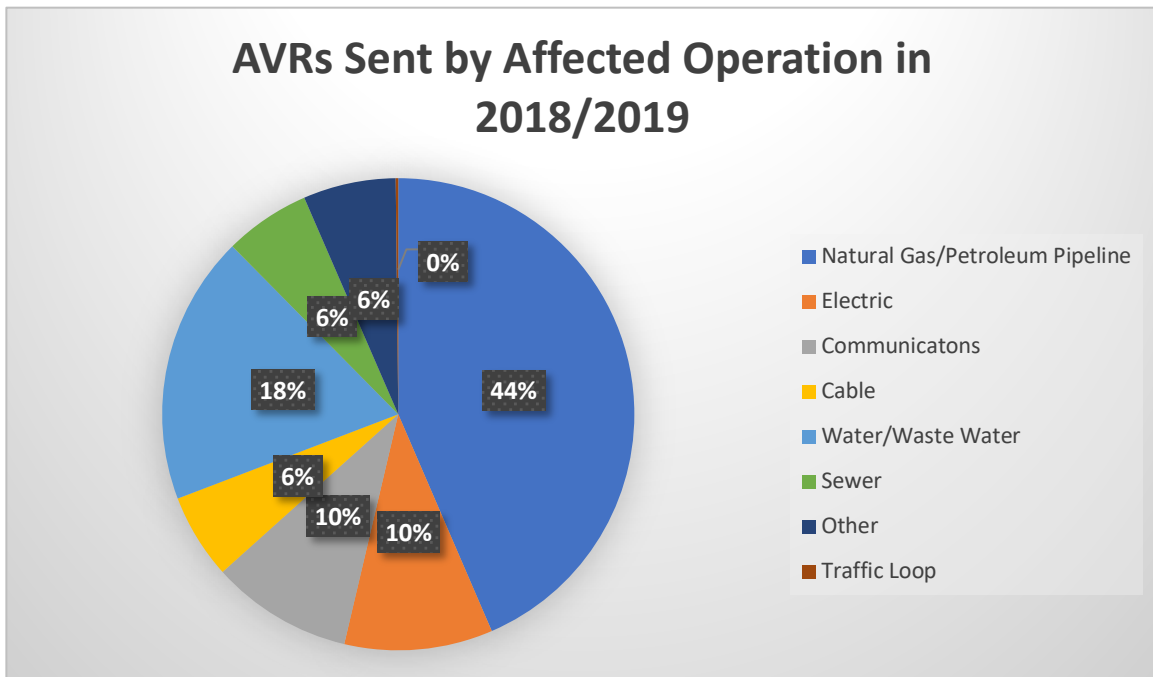
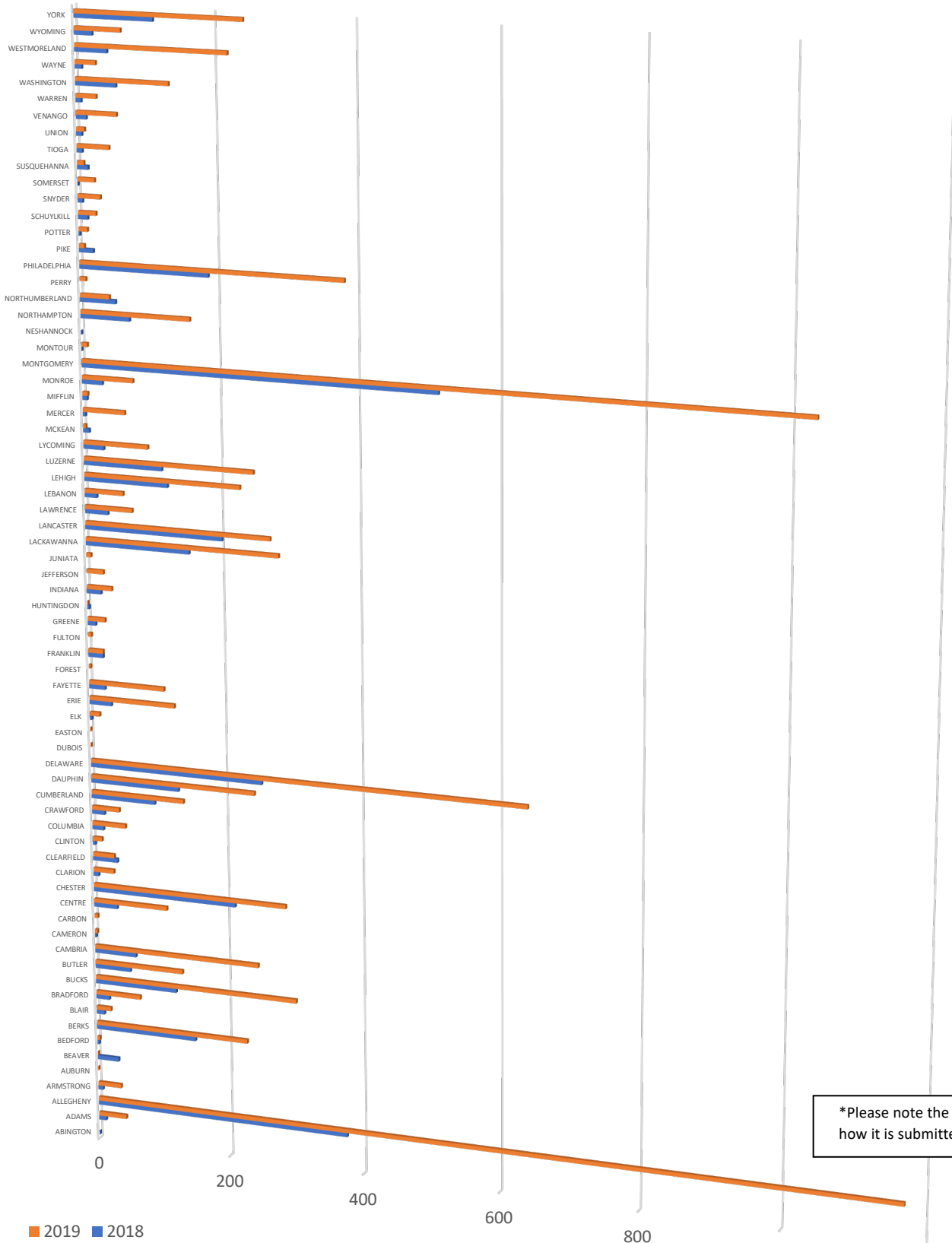


Figure B

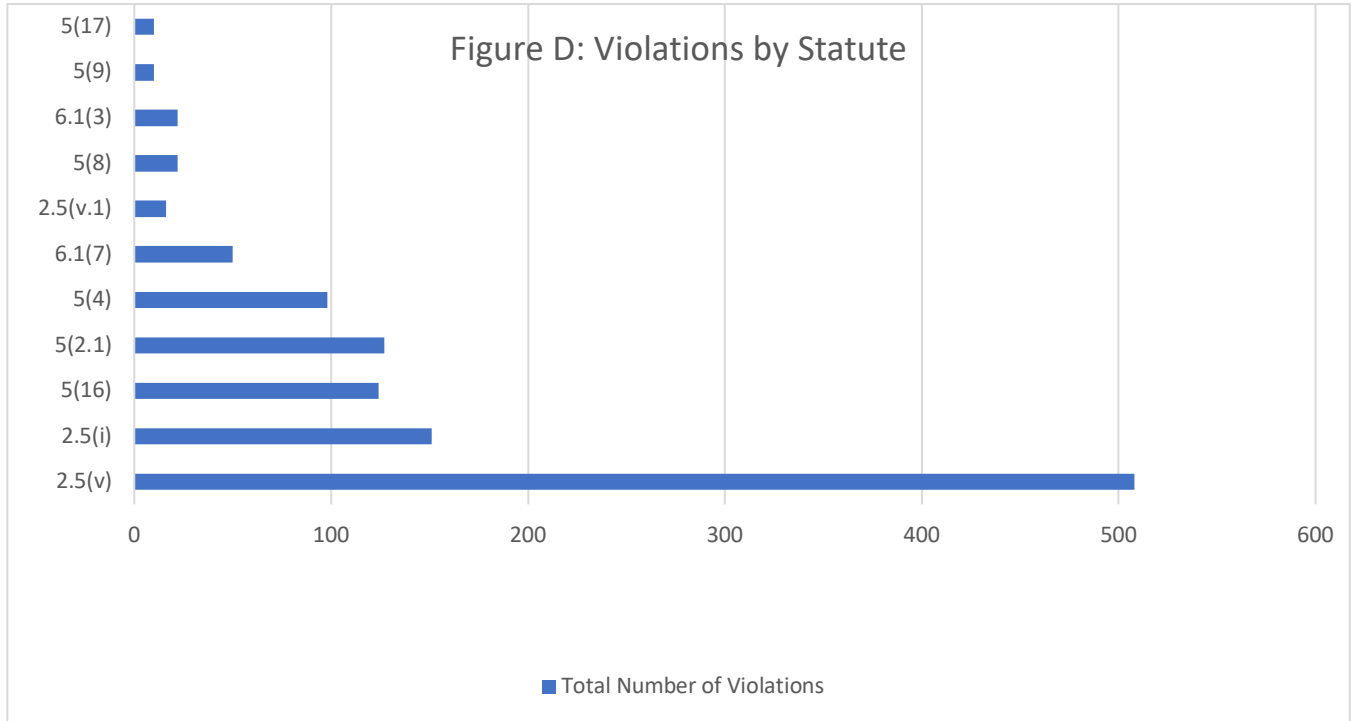


Most of the AVRs received by the PUC came from Allegheny, Delaware and Montgomery counties with Natural Gas/Petroleum Pipeline being reported as the most damaged facility type. The administrative penalty the DPC sanctioned the most frequently was Section 2(5)(v) of the statute, which is directed towards facility owners for failing to respond to One Call Ticket notifications. When situations like the facility owner not responding to notifications occur, the Damage Prevention Section makes every effort to assist excavators with getting the lines located within their scope of the excavation.

Figure C: Total Number of AVR's Sent by County



\*Please note the data is presented how it is submitted to PA One Call.

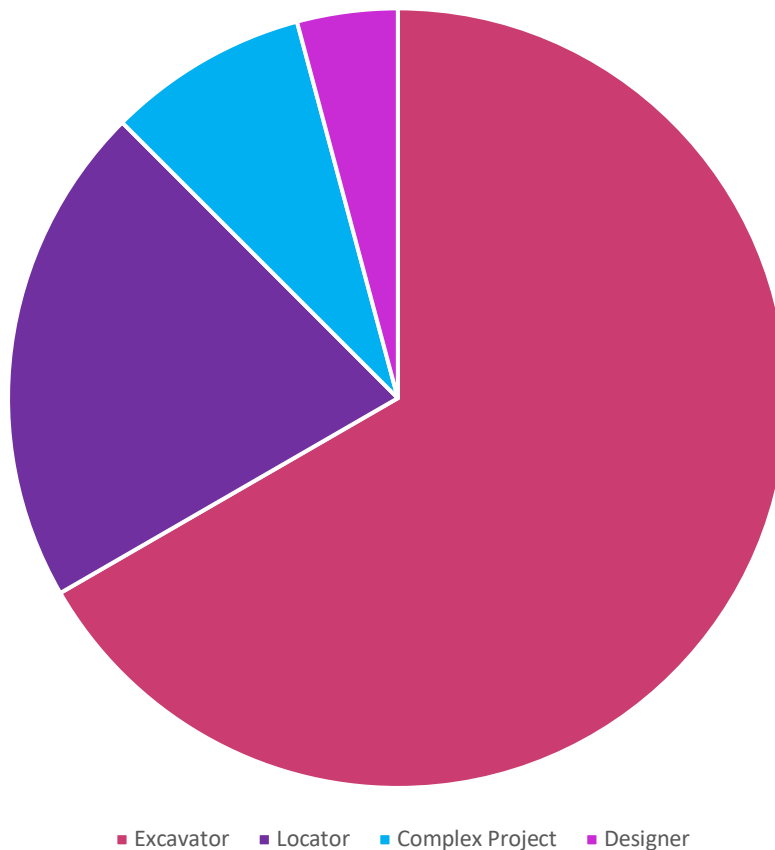


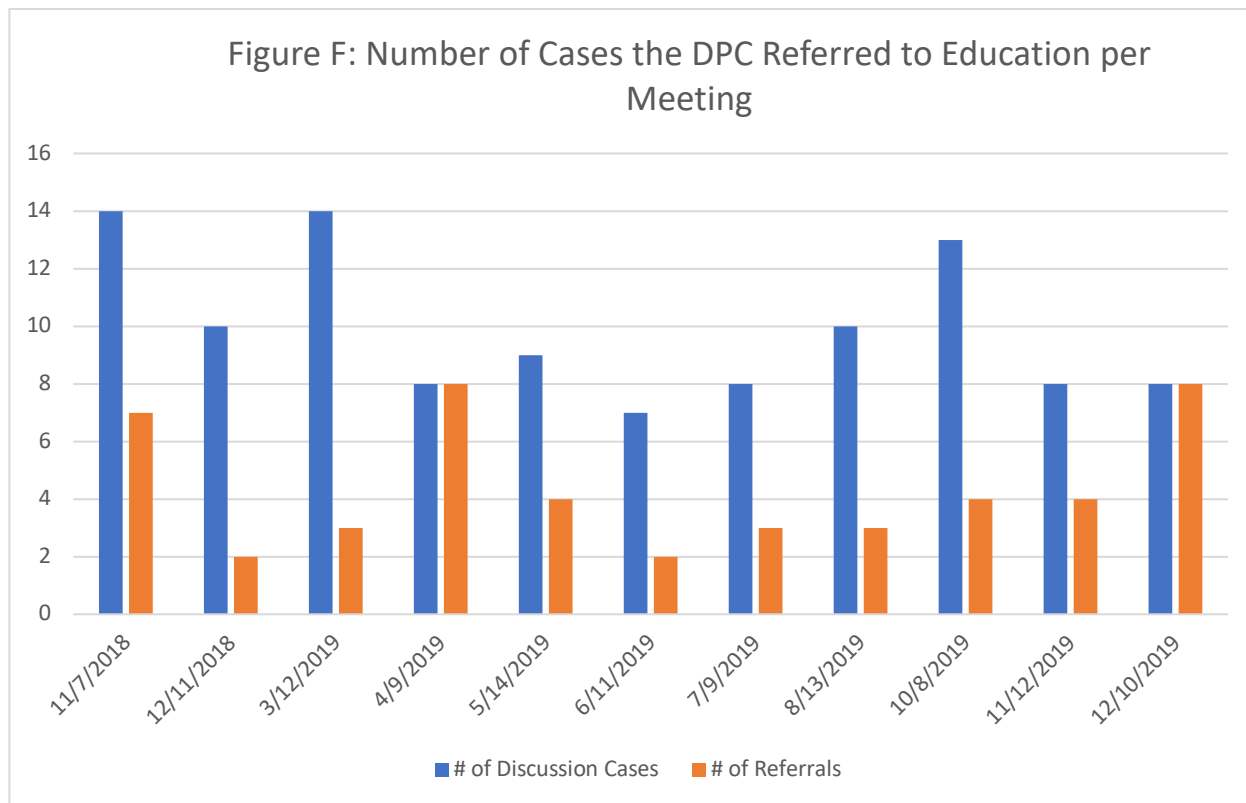
Section	Description	Count
2(5)(v)	Failed to respond to a routine One Call Ticket	508
2(5)(i)	Failed to locate underground lines within 18 inches horizontally of the outside wall of the line	151
5(16)	Failed to submit an Alleged Violation Report within 10 business days of striking a line	124
5(4)	Failed to exercise due care and employ prudent techniques	98
5(2.1)	Excavator failed to submit a location request to One Call within the correct timeframe	97
6.1(7)	Project Owner failed to submit an Alleged Violation Report within 10 business days of a line strike	50
5(2.1)	Homeowner failed to submit a location request to One Call within the correct timeframe	30
5(8)	Failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	22
2(5)(v.1)	Failed to communicate directly with the excavator within 2 hours of a renotification	16
5(9)	Emergency notification does not meet the requirements of an emergency as defined in Section 1	10
6.1(3)	Released a project to bid or construction before final design was complete	22
5(17)	Failed to comply with all request for information from PUC staff within 30 days of the receipt of the request	10

## Education

In some cases, in lieu of substantiated administrative penalties, the DPC designates education as an alternative method of enforcement. The Bureau of Investigation and Enforcement has 24 certified trainers who teach the specified trainings and return each participant's standardized test to the PUC for evaluation. In 2019, the DPC heard 109 Discussion Cases. Out of those 109 cases, 48 of them included an educational component as part of the recommendations from the DPC.

Figure E: Types of Education Recommended by DPC





**\*The PUC did not conduct a DPC Meeting on 1/1/2019, 2/1/2019 or 9/1/2019.**

*Figure F shows the total number of cases discussed by the Damage Prevention Committee at the identified meetings as well as the number of cases where the resolution included a recommendation of further education to the interested party.*

## Summary

This Report examined statistics for the initial time period of enforcement of Act 50 under the PUC's jurisdiction encompassing the period of April 2018 to December 2019. Attending One Call Safety Days, numerous conferences, speaking engagements and being readily available to answer questions on Act 50 has enabled the Commission's Damage Prevention Section to assume the role as a key resource to the excavating community as the goal of reducing line hits and the resulting damage in Pennsylvania remains the priority.

We hope to expand the information provided in the upcoming year based on the development of statistical software and the improvement of submitted AVR's to POCSS as stakeholders have become more familiar with the process. Future reports also anticipate a statistical analysis as additional information becomes available.

## References

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