# One Call and the Damage Prevention Committee

Where We Are Headed

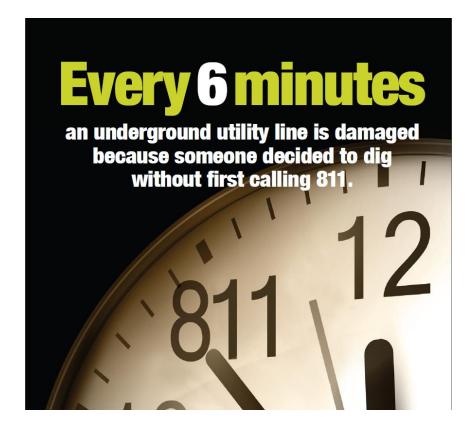
September 8-9, 2021

Terri Cooper-Smith, DPC Chairperson



## **Commission Goals in Enforcement**

- ➤ Promote public safety
- Reduce damage to underground lines and facilities that can result in property damage, injury, and/or death
- > Reduce number of "near-miss" events
- ➤ Heighten stakeholder awareness
- Develop a peer-based group of professional facility owners, excavators, and municipalities that will aid in the state-wide effort to minimize damage to underground utilities





# **DPC Composition**

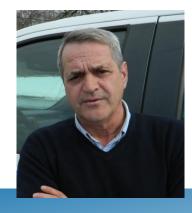
- Comprised of 13 members representing the Commission, PA One Call System, PennDOT, facility owners, excavators, municipalities, and municipal authorities
- Members nominated by peers, approved by the Commission



Terri Cooper Smith, Chair



**Eric Swartley, Vice Chair** 



Mark Santayana, Secretary



**DPC Duties and Responsibilities** 

- ➤ Section 7.8(b) of Act 50
- Review reports of alleged violations of Act 50
  - Violations resulting in injury or death are referred directly to I&E-Legal for formal prosecution
- ➤ Issue warning letters
- ➤ Issue informal determinations
  - Impose administrative penalties
  - Require the attendance of educational programs







#### **DPC Goals**

- To promote and participate in education and training programs related to the prevention of damage to facilities to increase public safety
- Facilitate communication, cooperation, and coordination among stakeholders
- Heighten stakeholder awareness to the requirements of Act 50
- Reduce line hits and service interruptions









## **DPC Goals**

- ➤ Work in conjunction with other damage prevention efforts
  - Common Ground Alliance (CGA), other damage prevention committees/councils, PA One Call Board, etc.
- ➤ Promote CGA Best Practices
  - Potholing, vacuum excavation, etc.
- ➤ Provide information and/or updates to legislative actions and maintain a consistent, state-wide damage prevention message







## **Administrative Process**

- $\triangleright$  Section 7.8(c) of Act 50
- ➤DPC informal determination modifies, adopts, or dismisses recommendation of Damage Prevention Investigator (DPI)
- >DPC may assess administrative penalty of up to \$2,500 per violation
- ➤ Alleged violator may accept or reject DPC informal determination
  - Accept: pay administrative penalty and/or attend educational program
  - ➤ Reject: matter referred to DPI for further action, if appropriate, matter is referred to I&E-Legal for prosecution

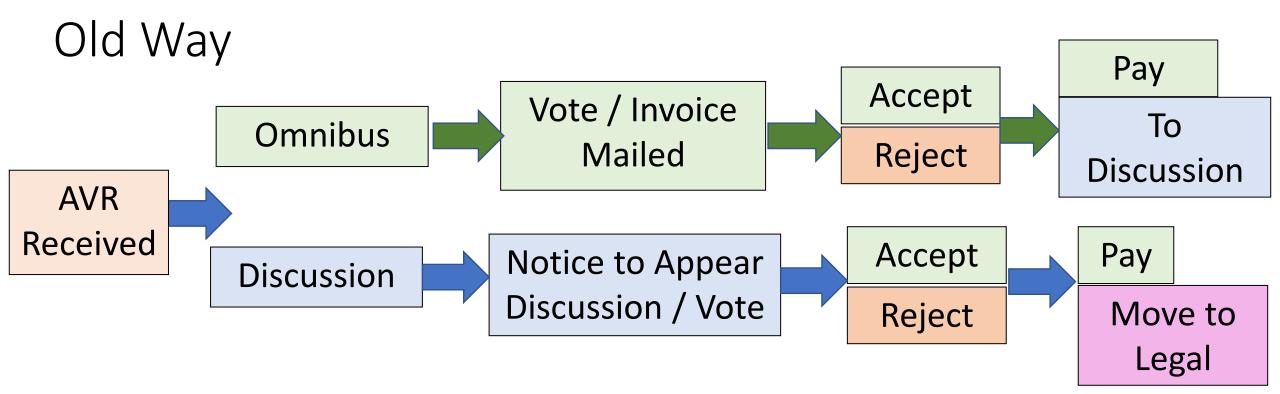


# **DPC ByLaws**

- ➤ Amended August 2020
- ➤ Effective January 1, 2021
- ➤ Modifies process
- **►** Implementation

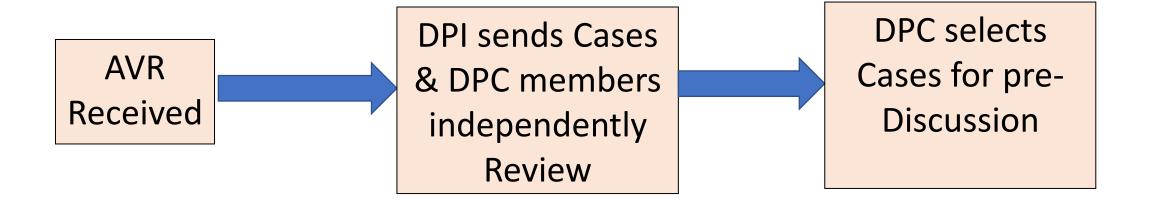








#### New Elements to the Process





#### 2021 DPC Bylaw Change

- Some cases are pre-discussed before final determination of fines and violations
- Stakeholder receives a copy of the DPI Report
- Committee Members independently review cases
- Recommendations Made
- Why these steps are important

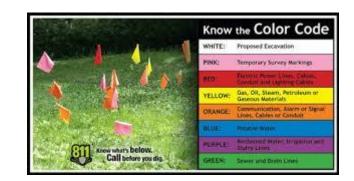


# DPC – What we're seeing



➤ No one calls

Late mark outs/ No Response to mark outs



**▶**Communication issues



## **DPC Focus**

- **≻**EDUCATION!!!!
- **≻**Complex Projects
- Clear and documented communication amongst stakeholders.



# **DPC Friendly Reminders**

➤ Photos, Photos!!

Time is of the Essence

➤ Documentation must be added prior to appearing before the DPC



#### **DPC Statistics**

- Since its initial meeting in November 2018:
  - Held 29 meetings
  - Reviewed 814 cases
  - Cited nearly 3005 violations of Act 50
  - Levied \$1,612,085 in administrative penalties



## Thank You!!

Terri C. Cooper Smith
Chairman, Damage Prevention
Committee

