

One Call and the Damage Prevention Committee

Where We Are Headed

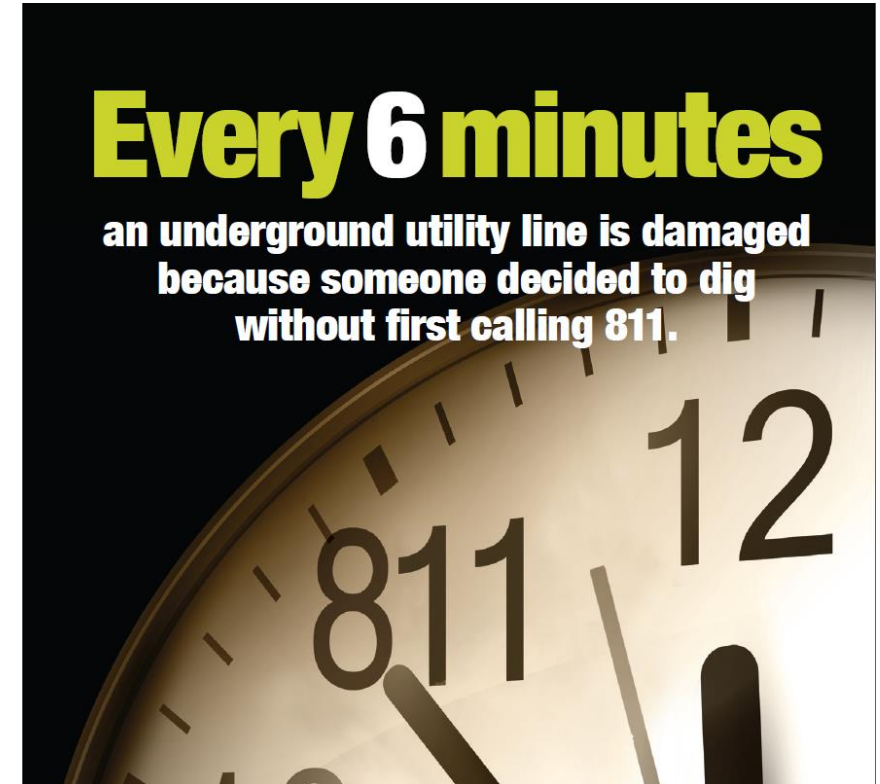
September 8-9, 2021

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



CGATM
Common Ground Alliance

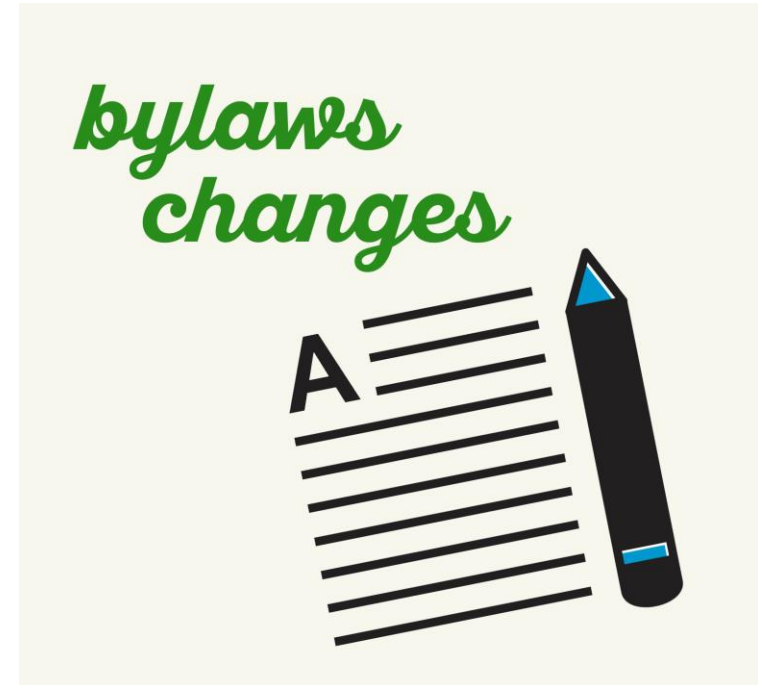
Administrative Process

- 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

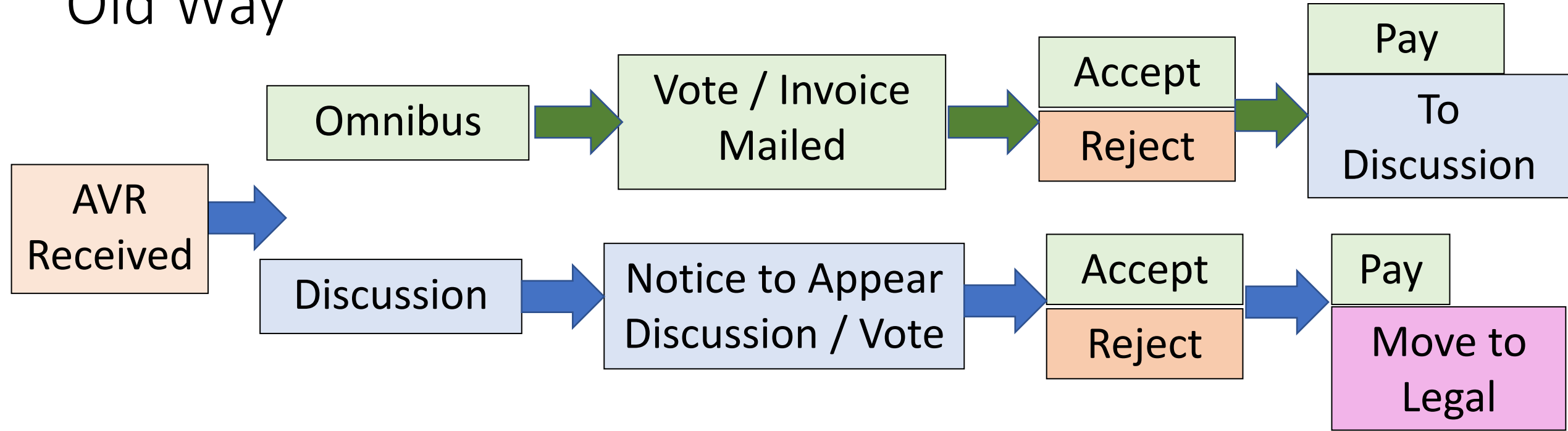


DPC ByLaws

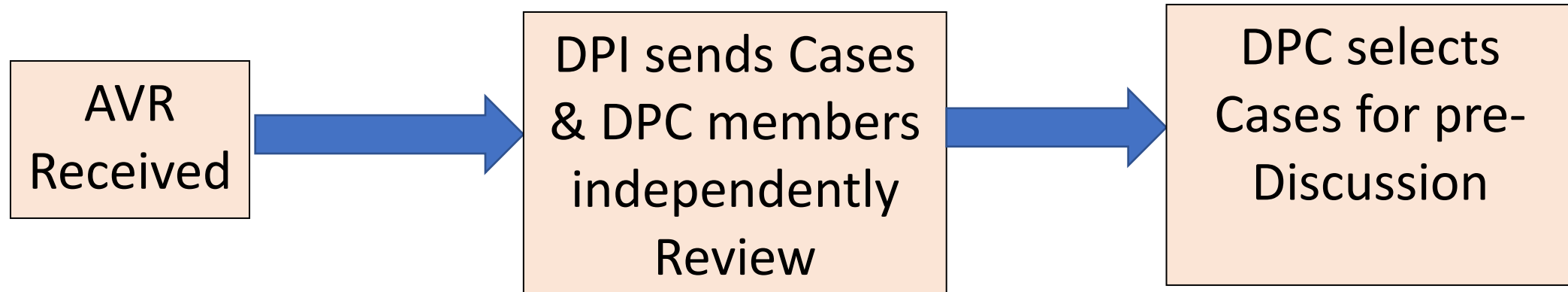
- Amended August 2020
- Effective January 1, 2021
- Modifies process
- Implementation



Old Way



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



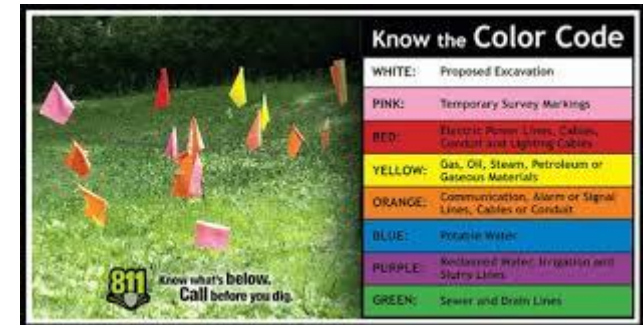
DPC – What we’re seeing



➤ 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, 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

