

Compliance Task Team
Report
June 30, 1999

Safe and Livable Communities

The Challenge

- How can states encourage all stakeholders to comply with damage prevention laws & regulations?
 - Only 9 states currently have any means for enforcing state laws & regulations, **but**
 - Most have means of educating stakeholders about the law.

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Team Composition 20 Members

- Pipeline Operators
- Federal Government
- One Call Centers
- Railroads
- Telecommunication
- Contractors
- Municipalities
- State Government

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Best Practices

Best Practices fall into 3 areas:

- Education & incentives to prevent violations:
 - Educate stakeholders on what the law requires before an accident occurs.
 - Give 1st-time offenders the benefit of the doubt & a refresher course.
 - Provide positive & negative incentives to encourage compliance.

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Best Practices, cont.

- Structured, impartial & equitable process for dealing with alleged violations & assessing penalties. Review & investigation process includes:
 - A process for accepting reports of violations from any stakeholder;
 - An operating budget source other than fine revenue;

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Best Practices, cont.

- Review & investigation process includes
 - Stakeholder involvement in periodic review & modification of review processes;
 - Resources to respond to allegations in a timely manner;
 - A method for investigating alleged violations prior to issuing a notice of probable violation;

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Best Practices, cont.

- Review & investigation process includes:
 - An impartial authority adjudicating violation
 - An initial informal means of contesting a notice of violation; and
 - A published violation review process & violation assessment considerations.

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Best Practices, cont.

- Assessment of penalties includes:
 - Offering education as an alternative to a penalty;
 - Distinguishing between violations based on level of severity;
 - Considering mitigating & aggravating circumstances; and
 - Treating all stakeholders equally & equitably

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Best Practices, cont.

- Recovery of damages:
 - Recognition by state laws of the rights of al stakeholders to recover damages resulting from another stakeholder's non-compliance and
 - Endorsement by state laws of a means for swift resolution of such claims (e.g., A.D.R.).

Lessons Learned

- Communication is the key to any successful damage prevention program. Free-flowing communication allows all stakeholders to focus on their common goal: safety & damage prevention.

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Path Forward

- Use additional tools to evaluate the effectiveness of state damage prevention programs.
- Continue to monitor call volume, damage & worker and & public safety, but also consider:
 - Changes to state one-call laws to reflect more equitable principles;

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Path Forward, cont.

- Changes in one-call center structure to include input from all stakeholders;
- Stakeholder impressions of the fairness & equitability of the state enforcement practices; and,
- Voluntary communication & initiatives among stakeholders resulting from this study.

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