

This is Amendment #2 to SPECIAL NOTICE, Reference #: DPGP-03-01, titled DAMAGE PREVENTION GRANT PROGRAM, for the U.S. Department of Transportation, Research and Special Programs Administration (RSPA), Office of Contracts and Procurement (DMA-30), 400 - 7th Street, SW, Room 7104, Washington, DC 20590. AMENDMENT #2 IS HEREBY ISSUED TO INCORPORATE ADDITIONAL CRITERIA AND QUESTIONS THAT REQUIRE A RESPONSE WHICH SHOULD BE INCLUDED WITH YOUR APPLICATION SUBMISSION.

The questions in Amendment #2 will help applicants document and explain appropriate participation by all excavators and underground facility operators, including government and contract. Amendment #2 clarifies the Note in Amendment #1 which reads: **“NOTE: The U.S. Department of**

Transportation cannot award a damage prevention grant to a State unless the State’s one-call law provides for appropriate participation by all government excavators, which includes employees and contractors (Requirement added by Pub. L. 107-355).” Pub. L. 107-355 indicates the following **new additional language and requirements:**

Sec. 6103. Minimum standards for State one-call notification programs (A) Minimum Standards. - In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for - (1) appropriate participation by all underground facility operators, including all government operators; (2) appropriate participation by all excavators, including all government and contract excavators; and (3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems. (B) Appropriate Participation. - In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with - (1) damage to types of underground facilities; and (2) activities of types of excavators. (C) Implementation. - A State one-call notification program also shall, at a minimum, provide for and document - (1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions; (2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and (3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment. (D) Penalties. - To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for - (1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program; (2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system; (3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator; (4) equitable relief; and (5) citation of violations. The State applicant **must** show how its State’s One-Call notification system protects facilities. If exempt, please answer the following questions and provide copies of the supporting documentation for your replies. This documentation should include but not be limited to your state laws, legislative acts, and policies. The State applicant must document how State government and contract workers and excavators participate appropriately in a state’s one-call notification system. Answering these questions will help the applicant prepare the documentation and explanation. Question 1: Does your State one-

call notification system exempt participation by State workers or contractors? (Yes/No) If No, this indicates the desired level of participation. Proceed to the next topic. If Yes, please respond to these questions: (1) How do government and contract workers comply with State One-Call laws?; (2) Why are government workers and contractors exempt?; (3) What risks were considered when the law was written?; (4) Has your State assessed its one-call/damage prevention against the best practices in the Common Ground Report or Is your State adopting best practices in the Common Ground Report? If so, which ones? Give Details.; (5) Do State employees participate in your State's Common Ground Alliance?

Amendment #2 is also to extend the deadline date for Announcement DPGP-03-01 until June 27, 2003. Note that the basic announcement and Amendment #1 of this program were posted on FedBizOps and on the RSPA website: www.rspa.dot.gov/contracts.html on April 29, 2003 and May 1, 2003, respectively.