

PHMSA Damage Prevention Update

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Topics

- PHMSA damage prevention initiatives and related subjects
 - Strategies
 - Program updates
 - New publicly available information
 - New enforcement rule



PHMSA Damage Prevention Strategies

- Influencing change at State level
- Advocating change through transparency
- Serving as a resource to empower stakeholders
- Promoting broad awareness and understanding of 811 and the safe digging process



Influencing Change at State Level

- Legislative: State one call law/rulemaking activity
 - Letters to policy-makers
 - Participation in stakeholder meetings
 - Areas of focus: effective, fair and balanced enforcement; elimination of exemptions unless they can be supported with data; collection and analysis of data
- Analyzing PHMSA data/information to focus outreach
 - Potential risk factors: incidents; leak, damage rates; pipeline mileage; status of enforcement program; status of exemptions; State requests for assistance; legislative activity...



Advocating Change through Transparency

- <https://primis.phmsa.dot.gov/comm/states.htm>
 - National and State information about pipeline excavation damage from PHMSA annual reports
 - Causes
 - Damage rates
 - Trends over time



Advocating Change through Transparency

- More detailed State-level data is needed
 - CGA DIRT database or equivalent
 - State reports analyzing the data
 - Effects of exemptions
 - Publicly available



Serving as a Resource to Empower Stakeholders

- Grants to states
 - Base (for pipeline safety program)
 - One Call
 - State Damage Prevention
 - TAG (for communities, non-profits)
- <http://primis.phmsa.dot.gov/comm/DamagePreventionGrantsToStates.htm>
- PHMSA support through communication via letters, meetings, calls, briefings, etc.

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Promoting Broad Damage Prevention Awareness

- 811 outreach grows each year
 - Targeting resources when appropriate/necessary
- Looking for new ways to support damage prevention across the nation
 - National Conference of State Legislatures
 - Messaging (social media, YouTube, etc.)



Program Updates

- 811 Outreach
 - PHMSA supports CGA's many outreach efforts
 - Spring 2015 PHMSA poster contest for kids
 - Earth Day, DOT Take your Daughters and Sons to Work Day, Fire Department Instructors Conference
 - Letters to states/local officials, safety organizations
 - DC Metro advertising through PSA program
 - Social Media
 - PHMSA Regional outreach programs
 - Paid radio public service announcements
 - Other events/conferences/meetings



Program Updates

- Exemption Study: Complete, submitted to Congress in October, 2014. Key findings:
 - Available data insufficient to address requests of Congress
 - More data is needed at the State level, to include data about the impact of exemptions
 - More targeted education is needed for certain audiences (ex: farmers)
- 9-element characterization: 2014 results posted to PHMSA website
- Public Awareness: Working Group SWOT Analysis report to be published Summer 2015



Program Updates

- Cross Bore Safety Association Leading Practices participation
 - Seeking participation from broad array of stakeholders
 - ANSI guidelines used to allow for comments and participation/voting for all
 - Six committees, virtual meetings
 - Goal: document by end of CY 2015
 - www.crossboresafety.org
- PIPA: land use around transmission pipelines recommended practices -- seeking ways to promote awareness and use
- Enforcement Rulemaking: effective January 1, 2016

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The Enforcement Rule Creates...

- Part 198, Subpart D – **Criteria for adequate state DP enforcement programs and process for assessment**
- Administrative procedures for states to contest a notice of inadequacy
- New Part 196 – **Standards for excavators** digging near pipelines
- Adjudication process for excavators cited by PHMSA – **Same as for operators cited by PHMSA for violations of pipeline safety regulations**

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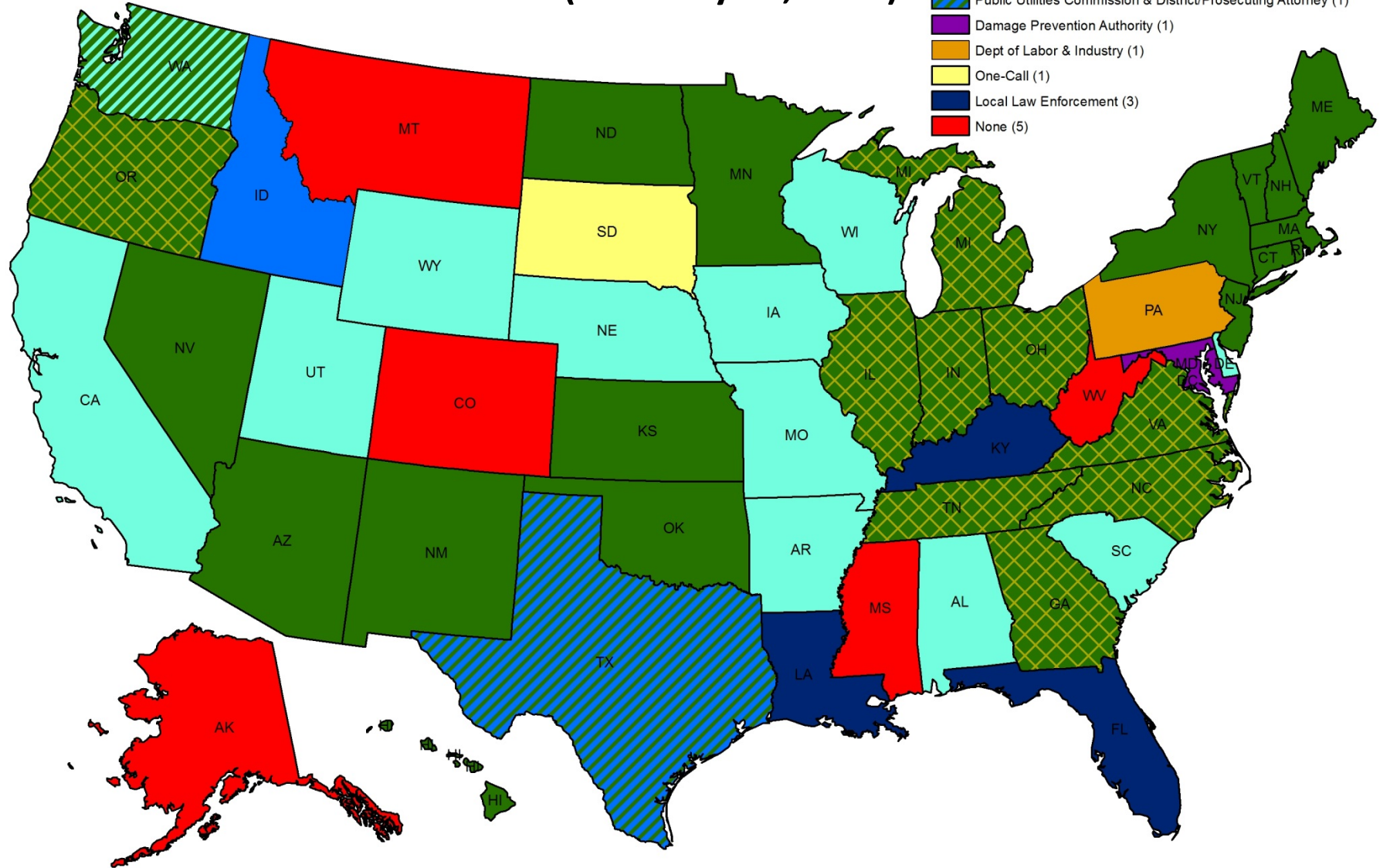
Next Steps on the Enforcement Rule

- PHMSA implementation planning
 - Developing checklist, guidance that expands on policy document. Goal: consistency in evaluations
 - Developing FAQ's, other resources for web posting
 - Developing timeline
 - Developing training



Organizations with Enforcement Authority for State Excavation Damage Prevention Laws (as of July 15, 2015)

- Public Utilities Commission or Equivalent without Advisory Board(16)
- Public Utilities Commission or Equivalent with Advisory Board (9)
- Attorney General (12)
- Public Utilities Commission & Attorney General (1)
- District/Prosecuting Attorney (1)
- Public Utilities Commission & District/Prosecuting Attorney (1)
- Damage Prevention Authority (1)
- Dept of Labor & Industry (1)
- One-Call (1)
- Local Law Enforcement (3)
- None (5)



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Contact Information

- Sam Hall
sam.hall@dot.gov
- Annmarie Robertson
annmarie.robertson@dot.gov

