

Preventing Damage to Pipeline Facilities
Advisory Committee Action: Information
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Damage to underground pipelines during excavation has historically been a leading cause of serious incidents involving fatalities and injuries. Concentrated efforts are underway to address this threat to public safety and pipeline integrity. Across the country, there is considerable variability among state damage prevention laws and related damage prevention programs. Damage prevention stakeholders include excavators, contract locators, facility owners/operators, one-call centers, local government officials, emergency response organizations, insurers, railroads, road builders, developers, regulatory and enforcement entities, the public and others that have a stake in preventing excavation damage. PHMSA's focus is on preventing damage to gas and hazardous liquid pipelines, though all underground facilities are subject to excavation. The key damage prevention theme among all stakeholders is partnership.

Background:

The Pipeline Safety Improvement Act (PSIA) passed in December 2002 provided for the establishment of a nationwide, three-digit toll-free number for excavators to call to have underground facilities marked before digging. 811, the designated three-digit number, was launched in May 2007. PHMSA works with its stakeholder partners to promote the use of this number by providing funding for promotion and by including 811 information in PHMSA outreach efforts.

PHMSA also provides financial support to the Common Ground Alliance (CGA) and actively participates in that organization. The CGA is a nonprofit organization comprised of 1400 members from across the country and across industries who join forces to improve damage prevention. Working with its partners, PHMSA has also funded a number of damage prevention R&D projects, including a program currently underway in Virginia which makes use of GPS technology to improve safety in the excavation process. PHMSA supports state efforts to improve damage prevention programs by awarding State Damage Prevention (SDP) grants. Launched in 2008, the SDP Grant program awards funds to state partners who use the funding to implement the nine elements of effective damage prevention programs outlined in the PIPES Act of 2006. From 2008-2010, PHMSA has awarded 49 State Damage Prevention Grants totaling approximately \$4.3 million.

The PIPES Act authorizes PHMSA to conduct enforcement against third-party excavators who unlawfully damage underground pipelines during excavation activity if State enforcement is deemed inadequate. To act on this direction from Congress, PHMSA must establish procedures for declaring State enforcement inadequate through a rulemaking proceeding, and then find a given State to be inadequate using those procedures, before resorting to Federal enforcement in that State. PHMSA published an Advance Notice of Proposed Rulemaking on this subject at the end of calendar year 2009 and intends to publish a Notice of Proposed Rulemaking during calendar year 2011.

The PIPES Act of 2006 reinforced nine specific elements that make up the components of an effective damage prevention program. PHMSA published the Damage Prevention Assistance

Program (DPAP) guidance to assist all states and stakeholders who wish to improve damage prevention programs (<http://primis.phmsa.dot.gov/comm/publications/DPAP-Guide-FirstEdition-20080911.pdf>). PHMSA has also assessed the extent to which each state is taking steps to incorporate the nine elements into its damage prevention program by developing a Characterization Tool. By working with State Program Managers and One-Call Centers, PHMSA has gained a better understanding of the successes and challenges existing in state damage prevention programs and to better understand where we should focus our assistance. More information about the Characterization and tool and the results of the Characterization Tool are available at <http://primis.phmsa.dot.gov/comm/SDPPCDiscussion.htm>.

Each state has established laws, regulations, and procedures shaping the state damage prevention program. All states have One Call laws that require excavators to call before digging. In 2010, PHMSA enlisted the help of the North American Telecommunications Damage Prevention Council (NTDPC) to survey and summarize state damage prevention laws relative to specific characteristics, such as requirements applicable to excavators and utility operators. This information is based on a review of state excavation damage prevention laws and regulations. Results, in a spreadsheet format, are publicly available on our web site at <http://primis.phmsa.dot.gov/comm/DamagePrevention>.

PHMSA also speaks at national, regional and state conferences on damage prevention and related topics, meets regularly with stakeholder trade associations, and actively seeks out new opportunities and partnerships to advance damage prevention initiatives. Other PHMSA-supported programs that affect damage prevention include our public awareness and distribution integrity management regulations, and the Community Assistance and Technical Services, usually referred to as the CATS program. The mission of the CATS program is to *facilitate clear communications among all pipeline stakeholders, including the public, operators and government officials*. The Pipelines and Informed Planning Alliance report addresses land use around pipelines and also incorporates damage prevention messages, and is described in a separate brief.