PHMSA
Damage Prevention & Excavation Enforcement

Pipeline Safety Trust Conference
November 2017

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Community Liaison

“U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration

To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives.”
PHMSA Damage Prevention Program

- Rulemaking and Policies
- Promote prevention and safe digging practices among stakeholders
- Outreach - Training and Education
- Data collection and tracking
- Grants:
  - State Damage Prevention Grants
  - One Call Grants
- State program evaluations
- State assistance
- Enforcement – Operators and Excavators
PHMSA FY 2016/2017 Accomplishments

• "A Study on Improving Damage Prevention Technology" submitted to Congress
  • Location
  • Mapping
  • Excavation practices
  • Communications
• Completed 52 State evaluations and enforcement determinations
• Supported State stakeholder education and regulation development
• Completed refresh of State evaluation form
PHMSA 2016/2017 Accomplishments

• Engaged in the following major nationwide events:
  • National Safe Digging Month (April)
  • National Safety Month (June)
  • National 811 Day (8/11)
  • National Emergency Preparedness Month (September)
• 811 poster/video contest:
  • 18,074 teachers, 289,184 students
• Major events included:
  • Washington Nationals: 6,614,279 impressions
  • NCSL: 17,000 legislators, staff members and other interested parties reached through briefs
  • FDIC (Firefighters Instructors Conference): 3,000 emergency responders
PHMSA FY 2016/2017 Accomplishments

• Transit campaigns in Chicago, Philadelphia, San Francisco: 64,766,685 impressions
• Washington Metro Transit Authority (bus signage, bike shares, digital metro): 15,090,904 impressions
• Radio and web campaign: 66,825,674 impressions via radio and web, television campaign ongoing for several months
• Digital billboards nationwide: projected impressions 91,230,198
PHMSA FY 2017 Accomplishments
Pipeline Incidents By Cause

Causes of Pipeline Incidents - 2005 - Present
Time run: 10/30/2017 12:30:23 PM

Data Source: US DOT Pipeline and Hazardous Materials Safety Administration
Portal Data as of 10/27/2017 11:58:45 PM
STATE: ALL INCIDENT TYPE: All

ALL OTHER CAUSES: 773
CORROSION: 761
EXCAVATION DAMAGE: 552
INCORRECT OPERATION: 570
MATERIAL/WELD/ EQUIP. FAILURE: 912
NATURAL FORCE DAMAGE: 3,114
OTHER OUTSIDE FORCE DAMAGE: 1,457

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."
Pipeline Excavation Damage Trend

Pipeline Incidents Caused by Excavation Damage
Time run: 10/30/2017 12:30:23 PM

Data Source: US DOT Pipeline and Hazardous Materials Safety Administration
Portal Data as of 10/27/2017 11:58:45 PM
STATE: ALL INCIDENT TYPE: All

Since 2005, pipeline operators have reported excavation damage as the cause of incidents, resulting in fatalities, injuries requiring in-patient hospitalization, and of property damage.
Excavation Damage Root Cause

Gas Distribution Pipeline Excavation Damages by Root Cause 2015 - Present
Time run: 10/30/2017 12:30:23 PM

Data Source: US DOT Pipeline and Hazardous Materials Safety Administration
Portal Data as of 10/27/2017 11:58:45 PM
State: ALL
Excavation Enforcement Background

• Excavation Enforcement Final Rule effective January 1, 2016
• PHMSA developed form to conduct state one call law enforcement evaluations
• PHMSA developed initial framework to review, investigate, and possibly take enforcement actions for violation of Part 196 in states with inadequate enforcement of their one call law
Adequacy of One-Call Law Enforcement Programs
As of July 19, 2017

Map produced July 19, 2017 by the U.S. Department of Transportation (U.S. DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA)
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Federal Penalties For Excavation Damage

- You may be subject to federal penalties of up to $200k for each violation for each day the violation continues.

- Maximum penalty up to $2M for a related series of violations.
PHMSA’s Approach to Federal Enforcement

• General philosophy:
  – Strategic and targeted enforcement on a limited basis; federal authority should be considered “backstop”
  – Primary goal: encourage change in State behavior (states should enforce their own laws)
  – PHMSA will enforce 49 CFR 196 (PHMSA cannot enforce state laws)
  – PHMSA cannot enforce in states with adequate programs
What Can PHMSA Enforce (Part 196)?

- Failure to use one-call system before excavating. [196.103(a)]
- Failure to wait for the pipeline operator to arrive at the excavation site and establish and mark the location. [196.103(b)]
- Failure to excavate with proper regard for the marked location of pipelines. [196.103(c)]
- Failure to make additional use of one-call as necessary. [196.103(d)]
- Failure to promptly report any damage of a pipeline due to excavation activity to the pipeline operator. [196.107]
- Failure to promptly report any release of any PHMSA-regulated natural and other gas or hazardous liquid by calling the 911 emergency telephone number. [196.109]

Note: Pipeline operators and their contractors are subject to the excavation damage prevention requirements of 49 CFR Parts 192 and 195.
Resources for Excavation Enforcement


• Links under public website include:
  • PHMSA excavation enforcement rule language
  • State determinations
  • State pipeline excavation damage data
  • PHMSA Evaluation checklist
  • State Program Manager contact info