



NAPSR

National Association of Pipeline Safety Representatives

February 22, 2022

Infrastructure Protection Coalition
Continuum Capital
Attn: Mark Bridgers
PO BOX 31026
Raleigh, NC 27622
mbridgers@continuumcapital.net

Re: 811 Emergency Report on State Damage Prevention– NASPR Position

Dear Mr. Bridgers:

The National Association of Pipeline Safety Representatives (NAPSR), established in 1982, is an organization of state agency pipeline safety managers, directors and technical personnel who are responsible for the administration of their state's Pipeline Safety Programs. NAPSR provides an effective mechanism for fostering the federal/state partnership through 50 state agency programs (gas and hazardous liquids) whose mission is, "to strengthen state pipeline safety programs by promoting improved pipeline safety standards, education, training, and technology".

The States are responsible for pipeline safety oversight of approximately 12,000 miles of jurisdictional gas gathering pipelines (69% of U.S. total); 106,000 miles of gas transmission pipelines (35% of U.S. total); and 2,200,000 miles of gas distribution main and service pipelines (>99% of U.S. total).

The responsibility for oversight and legal jurisdiction of these pipelines is borne by all NAPSR members through formal agreements and certification by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration ("PHMSA").

In addition, many NAPSR members also may have jurisdiction and the ability to enforce underground facility damage prevention laws ("one call laws") although other member states may have other organizations that have this responsibility. In either case, NAPSR is highly focused on damage prevention issues including enforcement of 49 CFR Part 192, 192.614 and 49 CFR Part 195, 195.442, relative to required damage prevention programs for gas and hazardous liquid pipeline operators. NAPSR states may have enforcement authority over excavators as outlined in 49 CFR 196. Many NAPSR

member states also have unique and more stringent state rules that exceed the Federal requirements.

NASPR has promoted damage prevention enhancement including participation in the original Common Ground Report and Path Forward efforts by PHMSA. More recently, NAPSRS has sent a Resolution to PHMSA asking that there be a collaboration between PHMSA, OSHA, CGA and other entities to provide enhanced contractor web-based training related to the underground facilities laws and practices. That Resolution (Resolution 2019-01) can be found here [Resolutions \(napsr.org\)](https://www.napsr.org/Resolutions). This Resolution is currently in process.

NAPSRS had the opportunity to review the recent report entitled “811 Emergency Reports” (“Report”) as currently published on the Infrastructure Protection Coalition (IPC) website here: [Infrastructure Protection Coalition - Home \(ipcweb.org\)](https://www.ipcweb.org/). After a review of the Report, some additional internal NAPSRS discussion, and a meeting with IPC and Continuum on January 4, 2022, NAPSRS is providing commentary on the following items for your consideration:

- NAPSRS appreciate the efforts to identify common problems related to underground facility locating and to encourage the use of the “One Call” 811 systems, and to provide some suggestions for improvement.
- NAPSRS was not able to determine the exact methodology used to create the Report, the sample size and composition, and the rationale for drawing conclusions. Without this information it is difficult to accept the validity of the report and conclusions. Furthermore, NAPSRS was unable to identify the process for determining monetary conclusions as contained in the Report. The sampling group was kept confidential; thus, it was difficult for some states to identify who was surveyed and whether those persons were the correct point of contact for obtaining accurate information representative of the topic.
- NAPSRS noted a general “reduce damages” theme of the Report. However, there did not appear to be a discernable, specific scope and purpose of the survey that resulted in the Report. NAPSRS was left with the following questions which remained unanswered following our meeting with IPC. Other than a general “reduce damages” theme, it was difficult to understand the exact purpose of the survey:
 - Was it to map one call center processes?;
 - Was it to point out the opinion that contractors have to wait too long for locates thus resulting in contractor “down time” and added expenses to the contractor?;
 - Was it to point out perceived deficiencies in state underground facilities laws?; or
 - Was it to express dissatisfaction with having to work under underground facilities laws that differ between the states?
- During the meeting January 4th meeting, NAPSRS noted that many speakers who represented IPC or participated in the call opined to many of the topics listed in the bullet points above. The Report spoke to these items, but the absence of a clear scope describing the problem being studied and providing study results

without clear conclusions on how the metrics provided in the Report contribute to the scope leaves NAPSIR not fully understanding the purpose of the Report.

- NAPSIR and its members recognize many of the issues in the Report. However, those specific issues address the unique operating environment for excavation stakeholders and operators in each state. Relief to any perceived or actual process improvements remain particular to geographical, population, underground utility density, and other factors that are unique to each state. NAPSIR notes that changes depend on the state specific underground facility laws which are usually statutory, the authority having jurisdiction, and the enforcement process that is available in those states. Any proposed changes would be based on the state entity's data and experience and would require in many cases, state legislation or action by a One Call board/center, or additional funding for an authority that may be enforcing with limited resources, etc.
- In polling the NAPSIR membership, it was found that most of the state Pipeline Safety Program Managers felt that there were many inaccuracies in the Report which calls into question the validity of the Report. Because of the incorrect information, they disagree with the Report. In some cases, the individual state data was patently incorrect, out of date, or simply demonstrated a lack of thorough research and/or lack of communicating directly with NAPSIR members. NAPSIR also notes that many of the cited reference materials were either incorrect or out of date. In many instances, the Common Ground Alliance (CGA) DIRT report was referenced. DIRT is a voluntary reporting process. Although it tends to give a representation of what is happening with damages and related issues in each state or location, it is not an all-encompassing statistical resource. NAPSIR feels that drawing conclusions, then assigning monetary values to these conclusions, based wholly or in part on the DIRT report could be inaccurate and misleading. Several One Call centers interviewed by NAPSIR subsequent to the generation of the Report stated that the information was not completely correct and reported that no one consulted with them.
- NAPSIR also noted that in many instances NAPSIR members reported little to no advance notice of the Report publishing despite the Report directly addressing the performance of facilities, operators, and One-Call centers under their state inspection and enforcement authority.

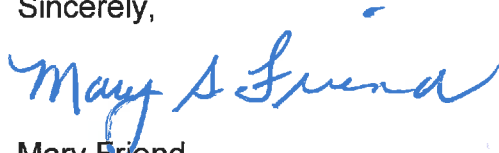
In conclusion, NAPSIR is dedicated to pipeline and public safety and to helping to ensure that pipeline operators and contractors (both excavation underground facility stakeholders and pipeline contractors) follow the underground facility damage prevention laws in each state. Once there is a better understanding of the purpose of the Report, NAPSIR remains willing to work with IPC and Continuum in improving the Report. This effort will require efforts to ensure that the correct entities, key contacts, and data are available to provide accurate information and to draw reasonable conclusions. In cases where a change to a One Call process or to the underground facilities laws is in order, NAPSIR suggests that the appropriate One Call Center Director or Board and authorities having jurisdiction be contacted first. This will help ensure that

the process to resolve any state specific issues produces focused and productive results.

NAPSR invites the IPC to present their information and findings at the 2022 NAPSR National Meeting that will be held in Charleston, West Virginia the week of September 19, 2022. NAPSR also looks forward to providing any additional information, if formally requested of the state Program Manager, and NAPSR looks forward to seeing Report corrections where there are inaccuracies.

Feel free to contact myself or Robert Clarillos, NAPSR Administrative Manager, if you have any questions or concerns. We look forward to our shared increased damage prevention efforts in the coming months.

Sincerely,



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