



April 10, 2024

The Honorable Maria Cantwell
Chair, Committee on Commerce, Science and
Transportation
U.S. Senate
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member, Committee on Commerce,
Science and Transportation
U.S. Senate
Washington, DC 20510

Dear Chairman Cantwell and Ranking Member Cruz,

The Distribution Contractors Association (DCA) represents contractors, suppliers and manufacturers who provide construction services including installation, replacement and rehabilitation of natural gas distribution systems as well as gas transmission pipelines in communities across the country. DCA has a vested interest in legislation that would reauthorize the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the nation's pipeline safety program. DCA encourages the committee to introduce and advance a pipeline safety bill in the interest of enacting a bill into law this year. We appreciate the opportunity to weigh in with you on a few provisions currently under consideration.

Bolstering State Damage Prevention Programs

The House Transportation and Infrastructure (T&I) Committee and Energy and Commerce (E&C) Committee have approved their respective pipeline safety bills, both of which address the enduring problem with damages to underground facilities during excavation activity. DCA has long advocated for policy that supports shared responsibility in damage prevention, a fundamental responsibility of which is ensuring for accurate and timely locating and marking of subsurface facilities prior to excavation. The legislation includes language that would take significant steps toward improved pipeline mapping, underground facility locating, and ensuring all stakeholders are required to participate in the 811 process.

Specifically, both House bills would require states to demonstrate that they have adopted or can show progress toward adoptions of several leading practices in their damage prevention programs as part of the criteria considered when states apply for PHMSA damage prevention grant dollars. These leading practices include (but are not limited to):

- Examining and limiting exemptions, including municipal exemptions;
- Requiring a "positive response" from the facility owner prior to excavation;
- Requiring marking of all lines and laterals, including sewer lines and laterals;
- Encouraging robust training for locate professionals;
- Encouraging the use of technologies to locate underground facilities, such as geographic information systems (GIS), which offer the most detailed and prolific pipeline mapping available.

At a time when we are in the midst of the largest infrastructure build out in American history, and some \$550 billion in *new* infrastructure investments coming into a range of subsurface infrastructure markets, damage prevention to underground facilities is more important than ever. DCA believes these provisions will undoubtedly improve the damage prevention process, and we encourage the committee to include the damage prevention language in the Senate Commerce Committee bill when it is introduced.

(continued)

Combatting Pipeline Sabotage

The bill also includes language that would hold those who engage in physical attacks on pipeline infrastructure accountable. Specifically, the legislation would establish a criminal penalty of up to 10 years in prison for those who cause “a defect in a pipe, pump, compressor, or valve in the possession of a pipeline operator to be used in construction of any pipeline facility... that would affect the integrity or safe operation of any such facility.”

Importantly, the provision includes pipeline facilities under construction. DCA supports this language because pipeline contractors are often at risk, as unlawful and dangerous protesting activities can potentially result in catastrophic pipeline incidents.

Ensuring for Critical Pipeline Infrastructure

The E&C pipeline safety measure also includes language that would prohibit a State or municipality from banning the transportation of any energy source, including natural gas or liquid fuels, using a pipeline regulated by PHSMA. The E&C bill would also update and streamline the process of issuing any federal permits required for constructing, repairing, modifying or maintaining an existing or new pipeline within an existing right-of-way. Because these are two critical provisions that will contribute to an effective and safe pipeline network, DCA supports this language as well.

DCA looks forward to working with you to advance and approve Senate pipeline safety reauthorization legislation, and we encourage the committee to include language that would improve state damage prevention programs, and hold accountable those who sabotage natural gas and liquid energy pipelines.

We thank you for your leadership.

Best Regards,

A handwritten signature in black ink, appearing to read 'Rob Darden', with a long, sweeping underline.

Rob Darden
Executive Vice President