ALLIANCE FOR INNOVATION AND INFRASTRUCTURE

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*Via Electronic Delivery*

May 1, 2019

The Honorable Bobby L. Rush
Chairman, Subcommittee on Energy
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Fred Upton
Ranking Member, Subcommittee on Energy
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Rush and Ranking Member Upton:

It is my distinct honor and privilege to submit this written testimony for the record on the critically important issue of pipeline safety, a topic which has been the focus of my professional career.

As the former head of the Pipeline and Hazardous Materials Safety Administration, better known as PHMSA, I served as the federal government's top energy and dangerous goods transportation safety regulator. PHMSA, an operating subsidiary of the United States Department of Transportation is responsible for overseeing the safety of the nearly 2.5 million daily shipments of hazardous materials traveling across our great nation by air, land, rail, sea, and our 2.8 million miles of pipelines. These products account for nearly two-thirds of all energy resources used by our country on a daily basis.

While I am proud to acknowledge our energy transportation infrastructure is extremely safe and efficient, there is more work to be done. My former boss and mentor, Secretary Norman Y. Mineta, once equated pipelines to our own arteries through which flows the lifeblood of our economy. These products are not optional, they are necessary for our economy and way of life, and while pipelines are the safest way to transport large volumes of energy supplies, more needs to be done.

Pipelines provide us with the fuel we need to heat our homes and factories, the fuel we require to make electricity, and to power every form of transportation. Pipelines are extremely efficient and safe, and that safety has continued to improve during the last two decades, all while energy transported through pipelines has also increased substantially.

That said, excavation damage continues to pose a serious threat to natural gas distribution lines. I am proud to have been at the helm of PHMSA when the 811 One Call system was introduced, a large step in creating a nationwide system that has significantly helped lower the risk of damage and incidents to all of our underground utilities. Despite all of these advances, challenges remain and that system which we activated all so many years ago, is in need of an overhaul. The recent incident in Durham, North Carolina on April 10, which killed two to date and injured more than 20 others serves as a stark reminder of the severe consequences of mistakes made during the excavation process.

It's too early to determine exactly what went wrong in Durham, but unfortunately these incidents occur more often than they should all over the country. According to PHMSA, the five years prior to 2019 accounted for 336 reported excavation damage incidents that caused 10 fatalities, 65 serious injuries, and more than $205 million in economic damages. On the positive side, in an August 2017 report to Congress, "A Study on Improving Damage Prevention Technology," PHMSA points Congress to a number of relatively simple measures that can significantly improve Damage Prevention programs – the state programs designed to protects against excavation damage. We must follow-up on PHMSA's report and translate these findings into action.

Many of PHMSA's recommendations zeroed in on better stakeholder communications practices and techniques, including ongoing communications throughout the entire excavation process enhanced by sharing of worksite information, images, and GPS locations through portable electronic devices, i.e., cell phones and tablets, that can be used for reference on the worksite. One process cited multiple times in PHMSA's report is "Enhanced Positive Response" (EPR). These disruptive technologies have the ability to change the ecosystem today because they exist, in the field, today. Maintaining the status quo however, will not result in the safety enhancements which are within our reach.

PHMSA describes EPR in the report as follows:[1]

> *"Enhanced positive response. After an underground facility locate has been completed, the excavator receives comprehensive information about the site, including the locate request information, facility maps, photos, and virtual manifests."*

In a later section of the report, PHMSA expands on EPR and how the process has performed in the field:[2]

> *"Enhanced positive response allows for completed ticket information, including photos and manifests of the dig site, to be provided to the excavator in advance of the digging project. This is often provided through the one-call centers. According to information submitted to the CGA by Utiliquest, users of enhanced positive response report up to a 67 percent decrease in damage rates."*

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[1] U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, "A Study on Improving Damage Prevention Technology," August 2017.
[2] *Id.*

Finally, PHMSA recommends adoption of enhanced positive response on its own and as part of its top recommendation for Congress to consider:[3]

> *"Enhanced positive response coordinated through one-call centers needs wider implementation; it can vastly improve communication among all involved in the digging process and has been shown to reduce damage rates."*
>
> *"1. Collaboration/communication tools: Communicating complete and accurate information about the proposed excavation, the locate-and-mark process, and project status minimizes damage incidents. A critical element to a successful excavation project is full communication among involved parties; this is generally not a requirement in state one- call laws and is not available in all states, but should be considered for more widespread implementation. Technology affords several ways to facilitate stakeholder communication, such as* ***enhanced positive response*** *(emphasis added) utilizing mobile devices."*

Based on my extensive experience in pipeline safety and PHMSA's recommendations, I strongly support Congress adopting Enhanced Positive Response as a required component of all state damage prevention programs in order to be certified by PHMSA under 49 USC 60105.

We all strive for the ultimate goal of zero pipeline incidents. Nationwide implementation of Enhanced Positive Response would be a very strong step towards reaching that goal and avoiding disastrous incidents that occur in highly populated areas when gas distribution lines are breached during the excavation process. Moreover, the deployment of such innovative technology will substantially reduce accidents and will also simultaneously cut economic damages associated with underground utility damage. A true win-win that improves safety, economic productivity, all while lowering ultimate costs for society, consumers, and regulated communities alike.

Thank you again for the opportunity to submit written testimony on this important topic. I would be pleased to answer any questions you may have. Please reach out to me at any time.

Sincerely,

Brigham A. McCown
Founder and Chairman

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[3] *Id.*