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ROLL NUMBER

DESCRIPTION

3026

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

HCR 3026

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3026

House Industry, Business and Labor

Check here for Conference Committee

Hearing Date: **6 February 2007**

Recorder Job Number: **2967**

Committee Clerk Signature



Minutes:

Vice Chairman Johnson opened the hearing of HCR 3026.

The testimony of Thomas Barrett, US Dept of Transportation, was distributed. It is attached.

Representative Phil Mueller, District 24, introduced the resolution. This resolution started out being a bill and those responsible for the drafting of the bill decided it was better done as a study resolution. The issue involves underground facilities—gas lines, pipelines, electrical lines, and telephone lines. The Alliance Pipeline Company brought this issue to my attention. They are part of what is the “one call board” which is that group of folks that you call when you poke around in your back yard or bulldozer through a field. Those are the folks that come out and talk to you about whether you ought not to be doing that for your own well being. Complications on the bill arose from not being able to determine how to carry out a penalty phase and who would be responsible for administering the penalty. That’s why we ask for a study. The point is simply safety for the citizens of ND.

Todd Kranda, Alliance Pipeline, introduced Mark Burke and Leighton Smith. He deferred his testimony to them.

Representative Thorpe: In the pipe line commission bill, is there anything there that is covered here?

Kranda: No, that's a completely different topic. This is the 'call before you dig.'

Leighton Smith, ND area manger for Alliance Pipeline, testified in favor of the bill.

(Testimony Attached.) (He also distributed attachment A & B.)

Mark Burke, technician for Alliance Pipeline, testified in favor of the bill. He presented the written testimony of **Robert Kipp. (Attached.)**

Representative Amerman: Do you have any idea or examples of penalties for other states.

Burke: Yes, MN, SD, IA have penalties in laws. Those penalties vary.

Kevin Cramer, ND Public Service Commission, testified in favor of the bill. (Testimony Attached.)

Don Nett, ND OneCall testified in favor of the bill. (He presented the written testimony of Mark Bittner--attached.)

Kevin Alicehouse, geographical information system manager for MDU, testified in favor of the resolution. We're dealing with the field workers who are the front line of damage prevention program in ND. We are made up of a cross section of the utilities within the state. This isn't just a pipeline issue. It is electricity and communications as well. Alarm and monitoring circuits, home medical monitoring and life support are critical also. Sometimes the damage to the facility isn't just a hazard to the public or the utility. It's also a hazard to the excavators themselves.

Vice Chairman Johnson: I just had a message from Senator O'Connell. He is in favor of the bill but could not come testify because he got caught up in a meeting.

J. Morrison, ___? ___ pipeline company, introduced himself and said he was in favor of the resolution.

Representative Kasper: I move Do Pass.

Representative Thorpe: I second.

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House Industry, Business and Labor

Bill/Resolution No **HCR 3026**

Hearing Date: **6 Feb 06**

A roll call vote was taken: Yes: 12, No: 0, Absent: 2 (Boe and Zaiser).

Representative Amerman will carry the bill.

Date: 2-6-07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCL 3026

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep Kasper Seconded By Rep Thorpe

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep. Amerman	X	
Vice Chairman Johnson	X		Rep. Boe		
Rep. Clark	X		Rep. Gruchalla	X	
Rep. Dietrich	X		Rep. Thorpe	X	
Rep. Dosch	X		Rep. Zaiser		
Rep. Kasper	X				
Rep. Nottestad	X				
Rep. Ruby	X				
Rep. Vigesaa	X				

Total Yes 12 No 0

Absent 2

Floor Assignment Rep Amerman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3026: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS,
0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3026 was placed on the Tenth order
on the calendar.

2007 SENATE JUDICIARY

HCR 3026

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3026

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4593

Committee Clerk Signature *Mona L. Solby*

Minutes: Relating to study legislation for the enforcement and assessment of civil penalties for violation of the one-call excavation notice system.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present except for Sen. Olafson. The hearing opened with the following hearing:

Testimony in Favor of the Bill:

Rep. Phillip Mueller, Dist #24 introduce the bill and spoke to the bill that was to be proposed but was turned into this study addressing the penalty phase for a one-call excavation (asking that you call before digging new lines) The reason it was turned into a study was the issue of how to implement the penalty phase? He spoke to page 2, line 4-5 public safety; this is what the bill is all about.

Sen. David O'Connell, Dist. #6 (meter 4:00) spoke in support of the bill – Att. #1

Sen Lyson stated that there are currently no penalties? Sen. O'Connell was not sure and to ask one of the experts.

Todd D. Kranda, Alliance Pipeline spoke of "call before you dig" the one call system, has no civil enforcements penalties and we are looking for the best way to put "teeth" into the law. He referred to the different types of utility lines affected and (meter 5:27) introduce

Mark Burke, Technician for Alliance Pipeline, and he gave his testimony – Att. #2 Spoke to the statistics (meter 11:05) of people being hurt due to hitting pipelines and how it effects every one; health, safety, cost. He referred to "cut and pay", US D.O.T. findings that the enforcement of the one-call results in improved public safety. He also stated that one-call may qualify for additional Federal funding if it contains an enforcement penalty.

Additional Testimony Submitted:

Att. #3 **Mark Bittner** Chairman ND One Call

Att. #3b One Call Board of Directors.

Att. #4 Letter to Rep. Keiser from:

Thomas Barrett, US Dept. of Transportation, Pipeline and Hazardous Materials Safety Admin.

Robert Kipp, President, Common Ground Alliance

Kevin Kramer, ND Public Safety Commissioner (meter 14:55) spoke in support of the resolution – Att. #6 **Sen. Lyson** questioned (meter 15:45) there being no civil or criminal penalty? No.

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3026

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4896

Committee Clerk Signature *Mona L. Solby*

Minutes: Relating to study legislation for the enforcement and assessment of civil penalties for violation of the one-call excavation notice system.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Nething made the statement that he remembers when this legislation was passed and not much has been done to it since. **Sen. Olafson** spoke of how in the construction business he uses this, and how well it has worked. He referred to the times before the process and the confession that it was. The process puts the responsibility on the "one-call" and not the digger.

Sen. Olafson made the motion to Do Pass HCR 3026 and **Sen. Fiebiger** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Olafson**

Senator David Nething, Chairman closed the hearing.

REPORT OF STANDING COMMITTEE (410)
March 12, 2007 1:58 p.m.

Module No: SR-46-5001
Carrier: Olafson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3026: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3026 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HCR 3026

#1



U.S. Department
of Transportation

Administrator

400 Seventh St. S.W.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

FEB 06 2007

The Honorable George J. Keiser
Chairman
Industry, Business and Labor Committee
North Dakota Legislative Assembly
422 Toronto Drive
Bismark, ND 58503

*same given
to Senate*

Dear Chairman Keiser:

I would like to commend you and the North Dakota State Legislature in your efforts to protect North Dakota's underground utilities, including pipelines. Unfortunately we could not provide a witness during the State Legislature's February 6, 2007 hearing to provide testimony on this important subject.

At PHMSA, preventing damage to pipelines is our top priority. Secretary Peters, PHMSA, our state partners and stakeholders have worked diligently to strengthen the ability and authority of the states to address pipeline safety issues. The passage by Congress of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (PIPES Act), signed by the President in December, is an example of our collective commitment to achieving a common goal of zero incidents.

The PIPES Act focuses on the importance of damage prevention enforcement in every state. As embodied in House Concurrent Resolution No. 3026, it is important to study the need for effective enforcement to further protect the people of North Dakota from the potential harm caused by damages to underground facilities.

In the past few years, PHMSA has taken a hard look at incidents, their causes and what can be done to prevent them. Issue number one is crystal clear -- the leading cause of incidents in which people are hurt or killed is construction-related activities that cause an immediate rupture or damage which later grows to failure. We are working to help our state partners share responsibility with us for getting this important job done. With the help of the Common Ground Alliance (CGA) we've been working to educate states on the benefits of identifying and enforcing the elements of an effective damage prevention program which, in certain states, have led to a 50 percent decrease in damages in just a few years.

As important as your draft resolution will be for the enhancement of pipeline safety in North Dakota, especially natural gas distribution lines, benefits of a final resolution would extend far beyond pipelines. Indirectly, additional customers of strengthened 'One-Call' laws include other stakeholders in America's underground infrastructure, the electric, telecommunications, water and sewer and other industries.

The Honorable George Keiser

2

The draft resolution contains key concepts for the legislative council to study legislation to enforce and assess civil penalties for violating the one-call excavation notice system. Such a change in North Dakota law would be consistent with PHMSA's goal of eliminating pipeline safety incidents.

Therefore, I encourage you to pass a resolution and move another step closer to the establishment of an effective damage prevention program as outlined in the PIPES Act, the CGA Best Practices guidelines, and PHMSA Distribution Integrity Management Program recommendations as delivered to Congress.

Although we were not able to participate in the hearing, PHMSA would be pleased to provide answers to any questions of the State Legislature concerning pipeline safety or damage prevention.

Sincerely,


Thomas J. Barrett



Alliance Pipeline Inc.
1520 8th Street SE
Valley City, ND
58072

#2

**Legislative Assembly of North Dakota
House Industry, Business and Labor Committee
HCR 3026
Testimony of Leighton Smith
North Dakota Area Manager; and
Mark Burke, Technician, Alliance Pipeline Inc.**

February 6, 2007

Mr. Chairman and members of the Committee:

My name is Leighton Smith and I serve as the North Dakota Area Manager for Alliance Pipeline. Our corporate headquarters are housed in Calgary, Alberta, while the U.S. headquarters are located in Minnesota. We have an area management office in Valley City, North Dakota. Across North Dakota, Alliance Pipeline employs 14 highly skilled, dedicated employees focused on the safe and efficient operation of our system.

The Alliance Pipeline system covers a lot of ground – running from northeastern British Columbia and Alberta to Chicago, and crossing through North Dakota, Minnesota, Iowa and Illinois along the way. Alliance Pipeline is dedicated to transporting much-needed natural gas safely and reliably to U.S. Midwest markets. Pipelines, the energy highways of the nation, are the safest and most efficient means of transporting natural gas, which is used everyday to heat and power our homes and businesses.

This infrastructure is critical to our nation's economy and its maintenance and safe operation are paramount. The Alliance Pipeline system, we are proud to say, is among the safest and most technologically advanced pipeline systems in North America. However, pipeline integrity depends on more than technology and a commitment to maintaining the highest safety standards. The greatest threat to all underground facilities / utilities and the greatest danger to the public are those who dig without first finding out if there is an underground facility nearby. One statistic you may not be aware of is that there are over 7000 miles of buried pipelines in North Dakota¹, a number that is sure to grow.

I am here today to testify to the committee on the importance of passing a Feasibility Study, House Concurrent Resolution No. 3026, with the hope that in 2009 we may be able to establish and pass legislation in North Dakota that implements a One-Call excavation notice system by creating more effective enforcement for One-Call systems. This study will address many questions the North Dakota One Call Board has related to their role in enforcing and ensuring compliance with our One Call statutes. Excavation damage is the greatest threat to natural gas systems safety, reliability and integrity according to American Gas Foundation, Safety Performance and Integrity of the Natural Gas Distribution Infrastructure².

¹ http://primis.phmsa.dot.gov/comm/reports/ND_detail1.html#_OuterPanel_tab_2

² <http://www.gasfoundation.org/ResearchStudies/SafetyReport.pdf>

**Legislative Assembly of North Dakota
House Industry, Business and Labor Committee
HCR 3026
Testimony of Leighton Smith
North Dakota Area Manager; and
Mark Burke, Technician, Alliance Pipeline Inc.**

I strongly encourage the North Dakota Legislature to sanction this Study Resolution that will result in stronger the North Dakota One-Call statutes which include fair enforcement and penalty provisions. It is our belief, supported by nationwide statistics from the U.S. Department of Transportation, Pipeline and Hazardous Material Safety Administration (PHMSA) and Common Ground Alliance, that effective enforcement and penalty provisions will lead to better compliance with One-Call regulations – resulting in improved protection of public safety and underground utilities.

Today, a utility company crew, an excavation contractor or any citizen in North Dakota can dig anywhere without facing penalties for not notifying the ND One Call Center before excavating. This is a major concern to the pipeline industry, emergency and public safety officials, and all those who play a role in keeping our communities safe.

Digging without knowing what underground facilities are nearby or disregarding the One-Call rule can lead to injury or even death. Between 1986 through 2005, there have been over 5800 incidents in the United States with most resulting in injury and many in fatality³. Most of these incidents were avoidable just by picking up the phone. It is the right of North Dakota citizens to have effective programs that protect them from harm. We cannot compromise the safety of our citizens. Without this legislative study, North Dakota One Call laws will remain “toothless” and will potentially compromise public safety.

Another compelling statistic is that the total cost of property damage caused by gas pipeline incidents in the nation for 2005 was \$856,953,604², nearly nine hundred million dollars. Over the past decade alone, the state of North Dakota has had over four million dollars worth of private and public property damage resulting from all pipeline incidents. As a result, we must tap into state or local resources to clean up and repair the damage, which is a burden on our ratepayers. One call, and in most cases these unnecessary costs could have been avoided.

Statistics also strongly show that without enforcement damage reports skyrocket. For example, a new study by Common Ground Alliance (December 2006, enclosed)⁴ has reaffirmed that ongoing damage prevention awareness programs are essential to reducing and hopefully avoiding damage to underground facilities.

The Common Ground Alliance, an association dedicated to ensuring public safety, environmental protection, and the integrity of services by promoting effective damage prevention practices, in December 2006 released the Damage Information Reporting Tool for 2005, the "DIRT Report." The DIRT report showed that nationwide, of the 51,600 reports received by DIRT in 2005 (more than double the number from the previous year), the leading root cause (16,098 events, or 31.2 percent)⁴ of underground facility damage or “near-miss”

³ http://primis.phmsa.dot.gov/comm/reports/SigPSI.html#_PipeTypePanel_tab_1

⁴ [Common Ground Alliance, New DIRT Report is Out: Failure to Notify Is Still the Biggest Culprit, Press Release, December 19, 2006](#)

Legislative Assembly of North Dakota
House Industry, Business and Labor Committee
HCR 3026
Testimony of Leighton Smith
North Dakota Area Manager; and
Mark Burke, Technician, Alliance Pipeline Inc.

events most frequently reported by stakeholders was due to “no notification made to the One-Call notification center.”

A federal review of various states’ damage prevention programs **concluded that effective enforcement was by far the most significant difference** between the various state One-Call laws and damage prevention program results. The Excavation Damage Prevention Group, formed by the U.S. Department of Transportation (DOT), was tasked with considering action, approaches and opportunities to help significantly reduce excavation damage to pipeline facilities. States that enforce damage prevention laws have shown considerable reductions in damages to pipelines and other underground utilities.

Another study shows that states that were identified as having comprehensive damage prevention initiatives / programs had over a 20 percent lower damage rate in 2000, and a 26 percent lower damage rate in 2004 than those states without these comprehensive programs.⁵

Currently, in North Dakota the provisions of the One-Call excavation notice system **do not include formal enforcement and related penalties for those who fail to abide by the law.** The purpose of the One-Call system is for the protection, health, safety and welfare of the general public; excavation contractors; and the owners and operators of underground facilities. Upholding the intent of this system is not only something we encourage, it is also something we believe should be mandated for the safety of our citizens. But first and foremost is the resolution study presented today. Enforcement and penalty provisions must hold both underground facility operators and excavators to the same standard of duty.

For the safety and protection of our state’s citizens, it is Alliance Pipeline’s belief – backed by the North Dakota Pipeline Association – that a feasibility study be conducted so we can learn how to improve our One-Call process here in North Dakota.

Today, our only request to the legislature is that the Legislative Council studies the feasibility and necessity of establishing legislation that would enforce penalties for violation of the one-call excavation notice system. A One-Call enforcement penalty would prevent many infractions in the future. State dollars can be used wisely and not wasted on unnecessary damage control, and the pipeline can deliver its service accordingly while keeping public safety paramount.

There is no cost to prevention. There are federal grants available from the United States Department of Transportation's Pipeline and Hazardous Material Safety Administration that may be used to develop or carry out state damage prevention programs in support of public safety. The federal government recognizes the importance of having effective enforcement provisions in place; administered by state One Call programs. North Dakota should capitalize on this opportunity.

⁵ http://www.cycla.com/opsiswc/docs/s8/p0068/DIMP_Phase1Report_Final.pdf

**Legislative Assembly of North Dakota
House Industry, Business and Labor Committee
HCR 3026
Testimony of Leighton Smith
North Dakota Area Manager; and
Mark Burke, Technician, Alliance Pipeline Inc.**

Pipeline operators are regulated and governed by stringent laws to ensure their safe operations. There are severe fines and penalties for non-compliance. There is little or no enforcement for other stakeholders who hit or miss underground utilities (knowingly or not). This is an inconsistency in the law, and it needs to be addressed and mended.

Alliance Pipeline's highest priority is the safety of those citizens that live and work near our facilities, our employees, our families and the communities in which we operate. As a whole, the North Dakota pipeline industry wishes to help you and North Dakota citizens prevent avoidable disasters.

Alliance Pipeline supports this Resolution and strongly encourages each and every one of you to support it as well. The safety of North Dakota citizens depends on it.

Mr. Chairman, I thank the Committee for the opportunity to testify today. I'd be happy to answer any questions.

Stakeholder Communications PHMSA Pipeline Safety Program

Home | General Public | Local Officials | State Regulators | Federal Agencies | Emergency Officials | Pipeline

Home / Safety Statistics / Pipeline Safety Incident Reports / North Dakota Significant Incident and Mileage Overview

PHMSA Pipeline Safety Program: North Dakota Significant Incident and Mileage Overview

- [Pipeline Basics](#)
- [Safety Regulations](#)
- [Inspection and Enforcement](#)
- [Safety Statistics](#)
- [Community Assistance and Technical Services](#)
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Select a state from this list for state-specific information and regulatory contacts.

Choose One

The report below provides details and incident history for the pipeline systems in the state of North Dakota.

The incidents reported below are limited to Significant Incidents ^(A) over the period 1996 to 2005 only. Each year and selected column totals provide links to focused reports showing the causes of the corresponding incidents.

The data sources for this report are the PHMSA Filtered Incident Files ⁽¹⁾ ⁽²⁾ ⁽³⁾ and several pipeline mileage data sources as described below.

- Hazardous Liquid - National Pipeline Mapping System ⁽⁴⁾
- Gas Transmission - National Pipeline Mapping System ⁽⁴⁾
- Gas Gathering - Calendar Year 2005 Annual Reports ⁽⁵⁾
- Gas Distribution - Calendar Year 2005 Annual Reports ⁽⁶⁾

All mileages are for the year 2005 and are approximate as some data sources may not contain a complete record of state pipeline mileage for the year 2005.

See State Significant Incident Details for more information about each Significant Incident in North Dakota

Where appropriate, the table columns can be sorted by clicking the corresponding column header.

North Dakota Pipeline Safety Regulatory Fact Sheet

More Pipeline Safety Incident Reports are available.

Print

North Dakota State Pipeline Mileage	North Dakota State Significant Incident Summary	
North Dakota Mileage by Commodity	North Dakota Mileage by County	
Pipeline Mileage Overview		
Pipeline System	Interstate Mileage	Intrastate Mileage
Hazardous liquid line mileage	1,593	674
Gas transmission line mileage	1,993	109
Gas Gathering line mileage	0	8
Gas distribution mileage (131,150 total services (B))	0	2,644
Total pipeline mileage	3,585	3,435

Notes

A. Significant Incidents are those incidents reported by pipeline

- operators with any of the following conditions are met: 1) fatality or injury requiring in-patient hospitalization. 2) \$50,000 or more in total costs, measured in 1984 dollars. 3) highly volatile liquid releases of 5 barrels or more or other liquid releases of 50 barrels or more. 4) liquid releases resulting in an unintentional fire or explosion
- B. Gas distribution service lines (the connection between the distribution line and the end user) are not included in the Gas distribution mileage. The total number of such services is provided.
 - C. The costs shown in the tables are in 2005 dollars. Cost of Natural Gas lost is indexed via the Energy Information Administration, Natural Gas City Gate Prices. All other costs are adjusted via the Bureau of Economic Analysis, Government Printing Office inflation values.
 - D. For years 2002 and later, property damage is estimated as the sum of all public and private costs reported in the 30-day incident report, adjusted to 2005 dollars. For years prior to 2002, accident report forms did not include a breakdown of public and private costs so property damage for these years is the reported total property damage field in the report, adjusted to 2005 dollars.

Sources

1. PHMSA Hazardous Liquid Filtered Incidents File - January 16, 2007
2. PHMSA Natural Gas Transmission Filtered Incidents File - January 16, 2007
3. PHMSA Natural Gas Distribution Filtered Incidents File - January 16, 2007
4. Pipeline transmission mileage derived from the National Pipeline Mapping System - July 20, 2006
5. Calendar year 2005 Gas Transmission Annual Report from pipeline operators. - January 16, 2007
6. Calendar year 2005 Gas Distribution Annual Report from pipeline operators. - January 16, 2007

See Pipeline Safety Incident Reports for more pipeline safety reports.

B[Print this page](#)[Home](#) / [Safety Statistics](#) / [Pipeline Safety Incident Reports](#) / [Significant Pipeline Safety Incidents](#)

PHMSA Pipeline Safety Program: Significant Pipeline Safety Incidents

PHMSA uses specific criterion to identify which incidents are significant from a pipeline safety viewpoint.

PHMSA defines Significant Incidents as those incidents reported by pipeline operators when any of the following conditions are met:

1. fatality or injury requiring in-patient hospitalization
2. \$50,000 or more in total costs, measured in 1984 dollars
3. highly volatile liquid releases of 5 barrels or more or other liquid releases of 50 barrels or more
4. liquid releases resulting in an unintentional fire or explosion

PHMSA established a cost reporting threshold of \$50,000 for gas pipeline incidents in 1984. Since then, inflation and the rapid rise in the cost of natural gas have caused the cost of incidents to rise significantly along with an increase in the number of incidents reported. To account for the cost increases, PHMSA now considers incidents significant from a cost perspective if they exceed a total cost of \$50,000 in 1984 dollars.

We have converted the cost of gas lost during a pipeline incident using the Energy Information Administration, Natural Gas City Gate Prices.^{(A) (1)} For all other costs, we applied the Bureau of Economic Analysis, Government Printing Office inflation values.^{(A) (2)} The costs shown in the tables are in 2005 dollars.

The tables below show the number of Significant Incidents in a year for each type of pipeline operator. Each year and selected column totals provide links to focused reports showing the causes of the corresponding incidents.

The data source for this table is the PHMSA Filtered Incident Files.^{(3) (4) (5)}

Where appropriate, the table columns can be sorted by clicking the corresponding column header.

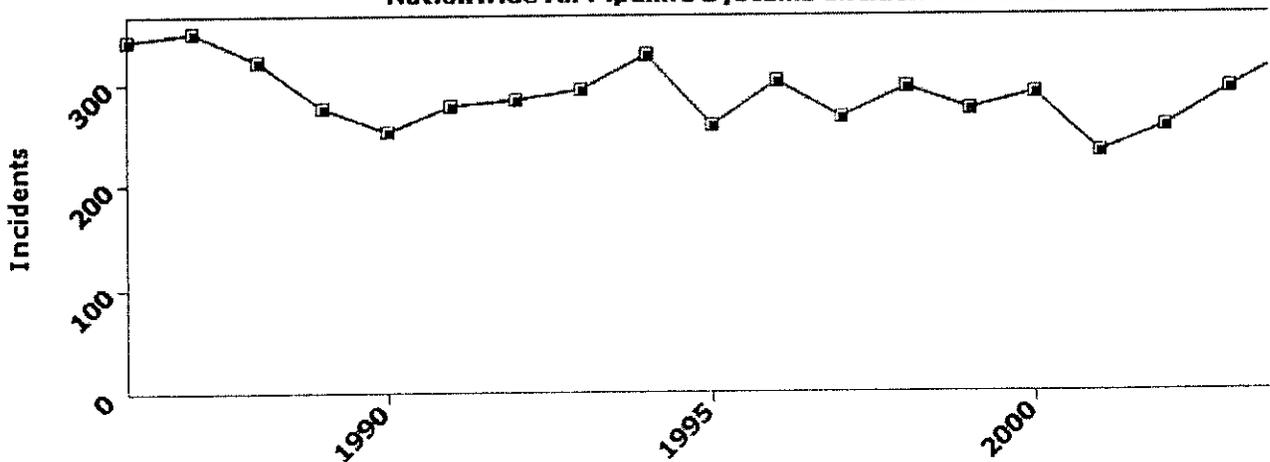
There is also a designation for **Serious Incident** which counts only incidents involving a fatality or injury. See Serious Pipeline Safety Incidents for information on this smaller subset of incidents.

More Pipeline Safety Incident Reports are available.

[Print](#)

1987	346	14	150	\$41,760,246	395,649	82,955	312,694
1988	320	27	144	\$75,266,988	198,111	83,701	114,410
1989	277	45	157	\$49,673,804	201,504	78,759	122,745
1990	253	9	76	\$43,425,431	123,827	69,384	54,443
1991	279	14	98	\$70,979,377	200,210	144,635	55,575
1992	284	15	118	\$85,412,681	136,769	68,122	68,647
1993	293	17	111	\$78,395,198	116,132	58,914	57,218
1994	326	22	(c) 120	\$189,396,334	163,920	50,135	113,785
1995	259	21	64	\$60,130,763	109,931	56,968	52,963
1996	301	53	127	\$129,555,638	160,188	59,334	100,854
1997	267	10	77	\$87,723,582	195,421	92,307	103,114
1998	295	21	81	\$138,725,206	149,348	88,623	60,725
1999	275	22	108	\$141,520,723	167,082	62,637	104,445
2000	290	38	81	\$236,961,652	108,614	51,669	56,945
2001	233	7	61	\$62,916,493	98,046	20,717	77,329
2002	258	12	49	\$106,593,042	95,663	18,395	77,268
2003	293	12	71	\$125,231,666	80,041	29,587	50,454
2004	325	23	60	\$252,597,539	88,124	19,615	68,508
2005	352	16	47	(d) \$856,983,604	135,758	90,311	45,447
Totals	5,866	437	1,956	\$2,889,681,897	3,206,950	1,289,196	1,917,754
5 Year Average (2001-2005)	292	14	58	\$280,864,469	99,527	35,725	63,802
10 Year Average (1996-2005)	289	21	76	\$213,880,915	127,829	53,320	74,509
20 Year Average (1986-2005)	293	22	98	\$144,484,095	160,348	64,460	95,888

Nationwide All Pipeline Systems Incidents 1986-2005



PHMSA Significant Incidents Files January



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- J.P. MORGAN INC.
- KOCH PIPELINE COMPANY LP
- MAGELLAN MIDSTREAM PARTNERS
- NAPS
- NRSOURCE
- PACIFIC GAS & ELECTRIC COMPANY
- PUBLIC SERVICE ELECTRIC & GAS
- UNITED STATES PIPELINE GROUP

February 2, 2007

The Honorable George J. Keiser - Chairman
Industry, Business and Labor
North Dakota House of Representatives

Reference: HCR 3026

On behalf of the Board of Directors of the Common Ground Alliance (CGA) and more than 1,400 members represented by CGA, we congratulate you and members of the Legislature of North Dakota on the recommendation that the Legislative Council study the feasibility and desirability of establishing legislation for the enforcement of and assessment of civil penalties for violation of the one-call excavation notice system.

The Common Ground Alliance Best Practices, Version 3.0, includes 5 practices dedicated to Compliance and the enforcement of state one call laws. These practices have been in existence since the initial Common Ground Study report of 1999. All 15 stakeholders of the CGA concur with these practices and support their implementation. They are as follows:

Compliance Practices

7-1: Public and Enforcement Education

Public education programs are used to promote compliance. Mandatory education is considered as an alternative or supplement to penalties for offenders of the damage prevention laws and regulations.

7-2: Incentives

Damage prevention programs include incentives to promote compliance with laws and regulations.

7-3: Penalties

Compliance programs include penalties for violations of the damage prevention laws or regulations.

7-4: Damage Recovery

State/provincial damage prevention laws and regulations recognize the right to recover damages and costs resulting from non-compliance.

7-5: Enforcement

An authority is specified through state/provincial statutes and given the resources to enforce the law. A structured review process is used to impartially adjudicate alleged violations.



SPONSORS

A description and examples of each of these practices are included in the Best Practices and can be found on our website at www.commongroundalliance.com.

GOLD

- AMERICAN GAS ASSOCIATION
- EL PASO CORPORATION
- PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION
- SHELL PIPELINE COMPANY

The CGA is an Association of 15 different stakeholder groups representing all parties that are dedicated to a "Shared Responsibility in Damage Prevention to our Underground Infrastructure".

Please do not hesitate to have your staff contact me with any questions regarding the CGA.

SILVER

- ATMOS ENERGY CORPORATION
- BP PIPELINES
- COLORED PIPELINE COMPANY
- EXXONMOBIL PIPELINE COMPANY
- MARATHON PIPE LINE

R. R. Kipp

Robert Kipp
President - CGA

BRONZE

- AMERICAN PUBLIC GAS ASSOCIATION
- ASSOCIATION OF AMERICAN PIPELINE OWNERS AND OPERATORS (AAPO)
- ASSOCIATION OF GENERAL CONTRACTORS OF AMERICA (AGC)
- AMERICAN PETROLEUM INSTITUTE
- ASSOCIATION OF OIL PIPELINES
- CENTERPOINT ENERGY
- CHEVRON PIPE LINE COMPANY
- CONSUMERS ENERGY
- COHOCOPHILLIPS
- DTE ENERGY
- DUKE ENERGY GAS TRANSMISSION
- ENBRIDGE
- EXPLORER PIPELINE COMPANY
- INTERSTATE NATURAL GAS ASSOCIATION
- KINDER MORGAN INC.
- KOCH PIPELINE COMPANY LP
- MAGELLAN MIDSTREAM PARTNERS
- NAFSA
- NTSOURCE
- PACIFIC GAS & ELECTRIC COMPANY
- PUBLIC SERVICE ELECTRIC & GAS
- SPRINT
- TELECOM GROUP



H. C. R. No. 3026

Presented by: Kevin Cramer
Public Service Commission

Before: Industry, Business and Labor Committee
Honorable George J. Keiser, Chairman

Date: February 6, 2007

*Same
sent to
Senate*

TESTIMONY

Chairman Keiser and committee members, my name is Kevin Cramer. I am a member of the Public Service Commission. I hold the portfolio for the gas pipeline safety program and appear here today on behalf of the Commission to testify in support of House Concurrent Resolution 3026.

One of the Commission's legislative mandates is gas pipeline safety. Through a federal/state agreement, we enforce the federal gas pipeline safety laws for the U.S. Department of Transportation. Federal law requires all gas operators to follow certain damage prevention requirements in order to protect their buried pipelines, one of which is to belong to an effective one call damage prevention program. One of the federal requirements is that it contains adequate civil penalty provisions.

The Commission supports the purpose of the North Dakota one-call excavation notice program in its goal to protect the health, safety, and welfare of the public, the owners and operators of underground facilities, and the preservation of all underground facilities. The provisions of the North Dakota one-call law do not include a civil process for enforcement, or provisions for the assessment of any civil penalty. In the interest of public safety and to enhance the effectiveness of this program we believe it is worthwhile to study the feasibility and desirability of establishing such a process.

This completes my testimony.

House Concurrent Resolution 3026 Summary

Senator David P. O'Connell

A resolution proposing Legislative Council to study the feasibility and desirability of establishing legislation for the enforcement of and assessment of civil penalties for violation of the one-call excavation notice system.

According to a report in 2005 (DIRT Report), 16,089 reports of damage or "near-miss" events were due to not notifying the one-call notification center.

The purpose of the system is for the protection of health, safety and welfare of the public, the owners and operators of underground facilities and for the preservation of the underground facilities.

Enforcement of the one-call system would give citizens a "heads up" and would make for safer communities across the state.



Alliance Pipeline Inc.
1520 8th Street SE
Valley City, ND
58072

**Legislative Assembly of North Dakota
Senate Industry, Business and Labor Committee
HCR 3026
Testimony of Leighton Smith
North Dakota Area Manager; and
Mark Burke, Technician, Alliance Pipeline Inc.**

March 7, 2007

Mr. Chairman and members of the Committee:

My name is Leighton Smith and I serve as the North Dakota Area Manager for Alliance Pipeline. Our corporate headquarters are housed in Calgary, Alberta, while the U.S. headquarters are located in Minnesota. We have an area management office in Valley City, North Dakota. Across North Dakota, Alliance Pipeline employs 14 highly skilled, dedicated employees focused on the safe and efficient operation of our system.

The Alliance Pipeline system covers a lot of ground -- running from northeastern British Columbia and Alberta to Chicago, and crossing through North Dakota, Minnesota, Iowa and Illinois along the way. Alliance Pipeline is dedicated to transporting much-needed natural gas safely and reliably to U.S. Midwest markets. Pipelines, the energy highways of the nation, are the safest and most efficient means of transporting natural gas, which is used everyday to heat and power our homes and businesses.

This infrastructure is critical to our nation's economy and its maintenance and safe operation are paramount. The Alliance Pipeline system, we are proud to say, is among the safest and most technologically advanced pipeline systems in North America. However, pipeline integrity depends on more than technology and a commitment to maintaining the highest safety standards. The greatest threat to all underground facilities / utilities and the greatest danger to the public are those who dig without first finding out if there is an underground facility nearby. One statistic you may not be aware of is that there are over 7000 miles of buried pipelines in North Dakota¹, a number that is sure to grow.

I want to stress to the committee on the importance of passing a Feasibility Study, House Concurrent Resolution No. 3026, with the hope that in 2009 we may be able to establish and pass legislation in North Dakota that implements a One-Call excavation notice system by creating more effective enforcement for One-Call systems. This study will address many questions the North Dakota One Call Board has related to their role in enforcing and ensuring compliance with our One Call statutes. Excavation damage is the greatest threat to natural gas systems safety, reliability and integrity according to American Gas Foundation, Safety Performance and Integrity of the Natural Gas Distribution Infrastructure².

¹ http://primis.phmsa.dot.gov/comm/reports/ND_detail1.html#_OuterPanel_tab_2

² <http://www.gasfoundation.org/ResearchStudies/SafetyReport.pdf>

AA #3 3/7/07

North Dakota One-Call, Inc.

C/O Mark H. Bittner
200 North 3rd Street
Fargo, North Dakota 58102

Phone: (701) 241-1545
Fax: (701) 241-8101

Testimony of Support

To: Labor & Industry Committee

From: Mark H. Bittner, Chairman, North Dakota One Call *Mark H. Bittner*

Re: House Concurrent Resolution No. 3026
ND One Call Study Resolution

I, Mark Bittner, Chairman, on behalf of the eight member Board of Directors of North Dakota One Call (NDOC), offer this testimony in support of House Concurrent Resolution No. 3026 to study the feasibility and desirability of establishing legislation for the enforcement & assessment of civil penalties for violation of the one-call excavation notice system.

NDOC has been studying penalties and enforcement provisions specific to the ND one-call excavation notice system for the past two years in response to the following:

1. The ND Public Service Commission (PSC) has encouraged NDOC to initiate enforcement legislation. The PSC encounters federal grant fund reductions due to the absence of state one-call enforcement provisions.
2. Northern Border Pipeline and Alliance Pipeline have also requested such legislation in response to "near miss" excavations adjacent to their buried facilities.
3. The Federal government through the office of Pipeline and Hazard Materials Safety Administration has recently passed their reauthorization bill, which includes language to encourage state one-call systems to provide enforcement of their statutes to protect pipelines and other utilities.

In response to these requests, NDOC has initiated the following actions:

1. In 2005 a consultant was retained to research and report on legislative enforcement and penalty provisions in other states. The consultant's report identified a growing awareness of the need for one-call enforcement and models for implementation. Of particular significance was the recommendation to involve all stakeholders in a collaborative and consensus building process for enacting legislation on enforcement. This collaborative process was common in states that had recently enacted such legislation. Implementation time frames of two years were generally observed.
2. In 2006 NDOC started to prepare draft enforcement statutes, which were then distributed for comment among member groups. Unfortunately, the short review period has resulted in limited responses. In addition, a number of implementation questions remain unanswered, particularly regarding enforcement authority and responsibility. In an effort to gain membership support and address outstanding questions, the Board voted, at their November 9, 2006 meeting, to continue to study the issues with all members with the intended desire to achieve consensus for legislative action in 2009.

NDOC supports HCR 3026 for One Call Study Resolution and offers the assistance and expertise of Board members and Call Center officials in the completion of the study. Thank you for your consideration of our testimony. Don Nett will represent the Board and Call Center at the hearing and will respond to any questions.

MHB/bem

#3

NORTH DAKOTA ONE-CALL BOARD OF DIRECTORS

CITIES OVER 5000

Mark Bittner-Chairman (2007)
City Engineer's Office
200 N. 3rd St.
Fargo, ND 58102
Phone (701) 241-1545 Cell (701) 730-8650
Fax (701) 241-8101
E Mail mhbittner@ci.fargo.nd.us

CITIES UNDER 5000

Perry Oberg-Vice Chairman (2008)
1237 Riverside Lane
Washburn, ND 58577
Phone (701) 734-6159 Cell 471-7020
Home (701)222-0504 Cell 388-5044
1032 Pleasant St. 58504
E Mail pro@bis.midco.net

RURAL WATER

Jerry Blomeke-Treasurer (2010)
Cass Rural Water Users
PO Box 98, 131 Maple Street
Kindred, ND 58051
Phone (701) 428-3139 Cell (218) 790-1299
Fax (701) 428-3130
E Mail crwd@rrt.coop

ELECTRIC

Ron Ness (2010)
Cass County Electric Cooperative
4100 32nd Ave. Southwest
Fargo, ND 58104
Phone (701) 356-4463 Cell 238-8653
Fax (701) 356-4503
E Mail rness@kwh.com

TELECOMMUNICATIONS

Dennis Kellar (2007)
Reservation Telephone Cooperative
24 Main Street N PO Box 68
Parshall, ND 58770
Phone (701) 862-3115 Cell (701) 898-1902
Fax (701) 862-3805
E Mail dkrestel@RTC.coop

GAS/PIPELINES

Ed Williams (2009)
Montana-Dakota Utilities
1133 West Broadway P.O. Box 1407
Dickinson, ND 58602-1407
Phone (701) 456-7103 Cell 290-2457
Fax (701) 456-7100
E Mail ed.williams@mdu.com

EXCAVATORS/CONTRACTORS

Mark Dougherty-Secretary (2009)
AGC of North Dakota
PO Box 1624
Bismarck, ND 58502
Phone (701) 223-2770 Cell (701) 391-4655
Fax (701) 223-6719
E Mail doort@agcnd.org

CABLE TELEVISION

Dale Robbins (2008)
Midcontinent Communications
P.O. Box 310
Devils Lake, ND 58301
Phone (701) 662-8766 cell 351-0796
Fax (701) 662-8767
E Mail dalerobbins@mimi.net

(Date) term expires at the February annual Board meeting