

Wyoming Public Service Commission State Damage Prevention Grant Program

In calendar year 2008 the Pipeline and Hazardous Materials Safety Administration (PHMSA) awarded the Wyoming Public Service Commission (WPSC) a grant of \$31,740 under the State Damage Prevention Program (SDPP) grant program to host a Stakeholders' Workshop (Workshop 1) in Casper, Wyoming. Workshop 1 was held on November 14, 2008, the day after the annual One-Call of Wyoming annual meeting. 93 people registered for Workshop 1 with 91 people attending. Workshop 1 focused on the current One-Call laws, how the current One-Call laws can be improved and how Wyoming's One Call laws compare to region One Call laws.

Panel discussions on the Current One Call System – Strengths, weaknesses and areas of concern, what can be done to improve the system, and what are the next steps, provided for frank and open discussion about the future of Damage Prevention in Wyoming. The panel members consisted of members of One-Call of Wyoming's Board of Directors moderated by key WPSC staff members. Individual presentations looked at PHMSA's perspective of an effective damage prevention program, how Wyoming's One Call Program compares to other states, South Dakota's One Call program, available locator training and what could possibly go wrong. All of these presentations led to lively debate about the status of the Wyoming's One Call laws.

The key takeaways from workshop 1 were:

1. That despite One-Call of Wyoming's best efforts, the general public still did not understand the One-Call program in Wyoming;
2. Various stakeholders groups were at odds with other stakeholder groups, and work is needed to improve this relationship;
3. There is a need to have changes in the current One-Call laws in Wyoming;
4. There is a need for more communication between the various stakeholder groups.

Total cost for Workshop 1 was \$8,543.12

With the feedback received from workshop 1 it was decided to request the WPSC be allowed to use the remaining money from the SDPP grant to host a second Workshop (Workshop 2) in Casper, Wyoming. PHMSA granted the WPSC permission to host Workshop 2 which was held on May 1, 2009. At Workshop 2, stakeholders were asked to bring specific ideas to the table to help improve the current Damage Prevention program in Wyoming.

As with Workshop 1, Workshop 2 used a combination of panel discussion and individual presentations to spur discussion by stakeholders. The first panel discussion (The Fallout ... Who pays?) brought together excavators, pipeline operators and municipal governments to discuss the real costs of underground damage—not just the

cost of repairs. Panel members discussed the other costs associated with third-party dig-ins to the excavator, the public and the facility owner. The second panel (The Future ... What's on the Horizon?) brought together equipment venders, the WPSC staff, the Wyoming Office of Homeland Security, and underground facility owners to look ahead at what the One-Call system of the future could look like and why there is a need to have accurate and timely notification of third-party damage incidents.

Individual presentations were given on “The Law, Money and the Right Thing to Do,” which dealt with law suits which have arisen from third-party damage; “We’re Lucky to be Alive,” which dealt with actual PHMSA investigations of pipeline accidents due to third-party damage; and “Key Underground Damage Prevention Initiatives,” which dealt with key initiatives from the Common Ground Alliance to help reduce the number of third-party dig-ins.

All the panel discussions and individual presentations led to further discussion about changes that could be made to Wyoming’s current One-Call laws to improve the enforcement for both owners who fail to locate facilities and excavators who fail to call for locates. Another major area of discussion was how to improve communication between excavators and facility owners to help improve the accuracy of facility locates and reduce the likelihood of third-party damage.

Key takeaways from Workshop 2 were:

1. A clear need for changes in Wyoming’s One Call laws;
2. Stakeholder groups started working together to help write new legislation to improve Wyoming’s One-Call laws and increase the civil penalties that can be brought about under the One-Call laws.
3. The need to provide for other means of enforcement of the One-Call laws.
4. A need to provide better training to the people performing locates in the field.

Total cost of Workshop 2 was \$11,117.88.

What did the two Damage Prevention Workshops actually produce?

1. The stakeholder groups got together to actually discuss areas of concern and ways to improve Wyoming’s One-Call laws. They formed a workgroup consisting of stakeholder groups to suggest changes in the One-Call laws.
2. They were able to find a sponsor within the Legislature for the new laws, which were introduced in a Budget Session of the Legislature, which requires a 2/3 vote by both Houses of the Legislature.
3. They were able to get the Legislature to pass the new laws with only one amendment which actually strengthened the law.
4. Governor Dave Freudenthal signed HEA 35, Damage to Underground Public Utilities, into law which became effective July 1, 2010.

5. The new One-Call law allows excavators, facility owners, One-Call of Wyoming, the District or County Attorney, the Attorney General, or any aggrieved party to seek enforcement of the increased Civil Penalties.
6. Changed the Civil Penalty from \$5,000 for any offense to a graduated penalty system of \$5,000 for the first offense, \$25,000 for the second offense and \$75,000 for the third offense within a 12-month penalty for violators of the One-Call Laws.
7. Allows excavators to recover damages for down time caused by inaccurate locates of underground facilities.
8. Allows operators (underground facility owners) to recover expenses when damage is done because of no locate request.
9. Allows the general public to seek damages, including attorney fees and Civil Penalty enforcement, when damage is done to private property due to failure to follow the One-Call laws.

After the two workshops were held, the WPSC had \$12,079.00 of grant money remaining, and it was decided to request this money be utilized to fund a scholarship program for the Locator Training Program at Casper College in Casper, Wyoming. This would meet one of the key takeaway goals from both workshops. Casper College offers two programs for locators to receive certification through Staking University. The first program is a classroom program where students attend three days of classroom training followed by two days laboratory training. On the second day of laboratory training they would take the certification test. The second option is a hybrid version of the classroom program where students complete the classroom portion of the program on-line and then come to Casper College to complete the laboratory portion of the training with the certification test being given on the second day. PHMSA approved this program for the Fall 2009 Semester at Casper College.

The scholarship was a reimbursement-type scholarship for those students who applied for the scholarship and successfully completed the training. The criteria were the student had to be a resident of Wyoming or working for a company which operates in Wyoming and they would be working in Wyoming. Upon completion of the training the applicant would then submit to the WPSC a certificate of completion or letter from the instructor that they had successfully completed the training and a copy of the receipt from Casper College that they had paid for the training. The tuition for the training was \$154.00 which would then be reimbursed to the student. During the Fall 2009 semester 10 people met the criterion and were awarded scholarships with 8 people claiming their scholarships. Casper College indicated the program was a success and requested that it be continued if money were still available. The WPSC also recognized the benefits of the program and requested PHMSA allow use of the remaining money for the Spring 2010 semester.

The cost of the Fall 2009 Scholarship program was \$3,033.34

PHMSA granted the WPSC permission to do the same program for the Spring 2010 Program and to include scholarships for advanced training in locating which

Casper College had developed with Staking University. The Advanced course was set up for people who had been performing locates for several years and would provide refresher training and updated training on new locating techniques. The tuition for the Advanced Course was \$115.00. The criteria for acceptance were the same as for Fall 2009. The budget for the Spring 2010 program included \$2,000 for advertising which was not spent due to the high number of initial applications and a decision that it was better to spend the money on scholarships rather than advertising. The Spring 2010 scholarship program had 38 applicants who met the criteria and of these, 17 claimed their scholarships. Eight of the 17 scholarships were for people completing the advanced training program.

The cost for the Spring 2010 Scholarship program was \$4,631.10.

The two scholarship programs provided funding for 25 people to receive locator training. Many of the people who were awarded scholarships but did not claim their scholarships also completed the training but for reasons unknown to the WPSC did not claim their scholarships. Thus, a true measurement was hard to do, except to say the WPSC provided financial aid for 25 people to improve their locating skills. The recipients were employees of local gas and electric distribution companies, interstate and intrastate pipeline operators, municipal utility providers, telecommunications providers and contract locators. Casper College is continuing to offer the training and has thus far trained over 100 people in locating underground facilities.

The SDPP grant led to changes in Wyoming's One Call statute that strengthen enforcement of the one call laws. The Wyoming Public Service Commission will continue to monitor the enforcement actions of all regulated utilities. The Scholarship program provided locator training and certification to 25 individuals performing locates in the state. This will help to improve the accuracy and help reduce the number of third party damage incidents in Wyoming. The full break down of expenses is provided in the attached spreadsheets. The WPSC made every effort to keep costs as low as possible for the workshops with all of the presenters, with the exception of two panelists, covering their own expenses to attend and participate in the Workshops. Due to the high number of initial applications for the Spring 2010 the decision was made to not advertise the scholarship program outside of Casper College and the WPSC. If all scholarships would have been claimed all funds for this grant would have been expended.