

# 2021 MITA Annual Conference

January 21, 2021

Michigan Public Service Commission

Gas Operations

David Chislea

# Agenda

- Authority
- Damage Prevention Statistics
- Incidents
- Complaints
- Investigation Process
- Evidence and Documentation
- Field Presence

# Authority

- State
  - Public Act 174 of 2013
  - Michigan Underground Facility Owners and Operators (Rule 460.11 *et seq.*)
  - Public Act 165 of 1969
  - Michigan Gas Safety Standards (Rules 460.20101 *et seq.*)
- Federal
  - Protecting our Infrastructure of Pipelines Enhancing Safety (PIPES) Act of 2020
  - 49 CFR Part 196
  - No Exemptions

# Damage Prevention Statistics

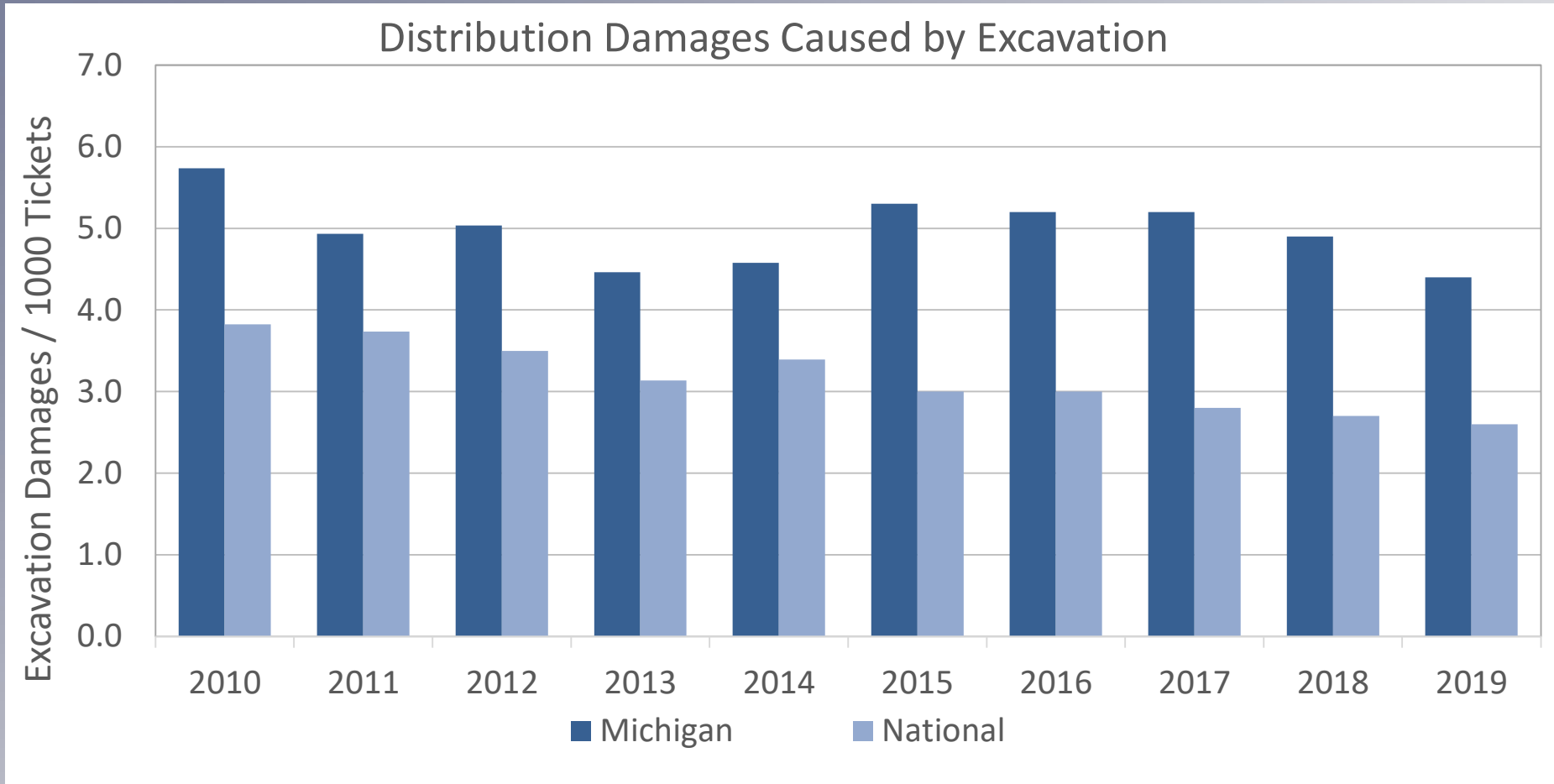
## (Gas Distribution)

### 2019 Excavation Damages

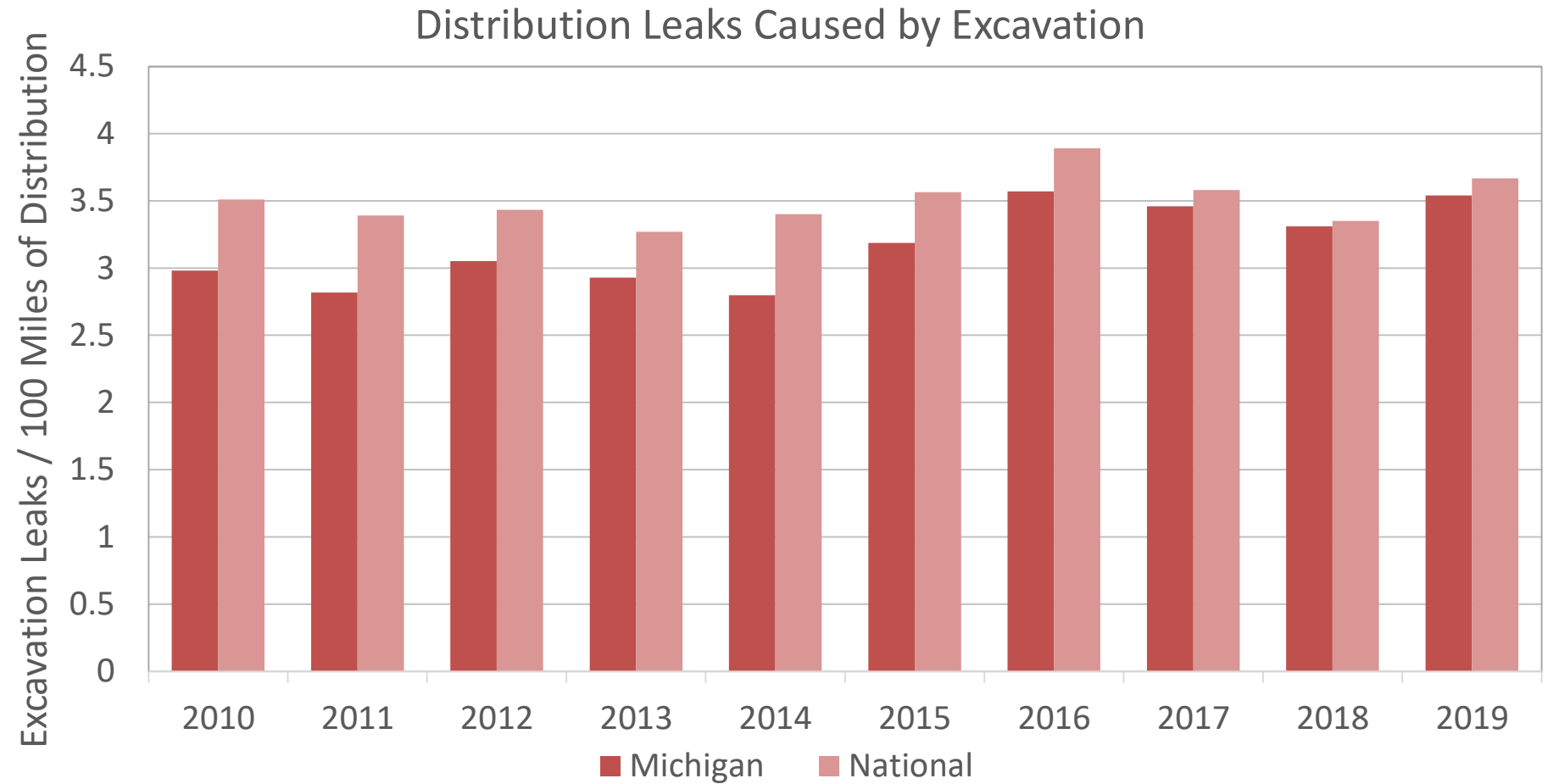
<b>Michigan</b>	
Total Excavation Damages	4,117
Total Excavation Tickets	928,529
Excavation Damages / 1000 Tickets	4.4

<b>National</b>	
Excavation Damages / 1000 Tickets	2.6

# Damage Prevention Statistics (Gas Distribution)

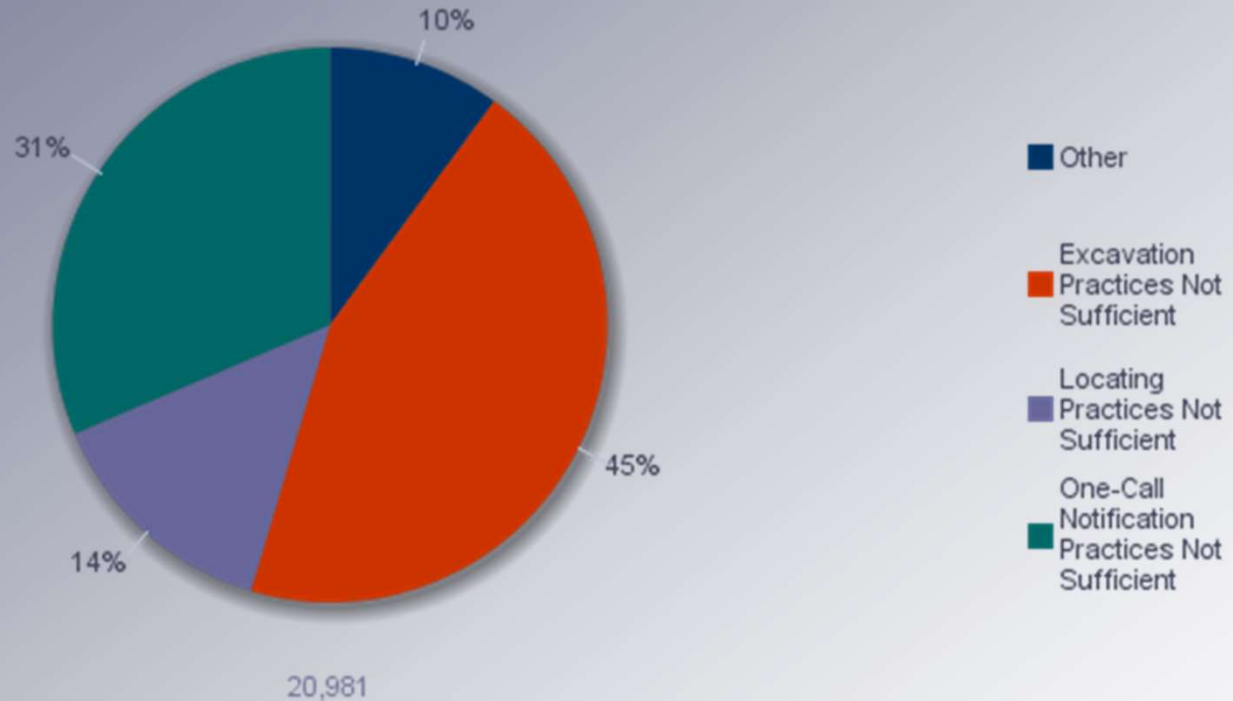


# Damage Prevention Statistics (Gas Distribution)



# Damage Prevention Statistics

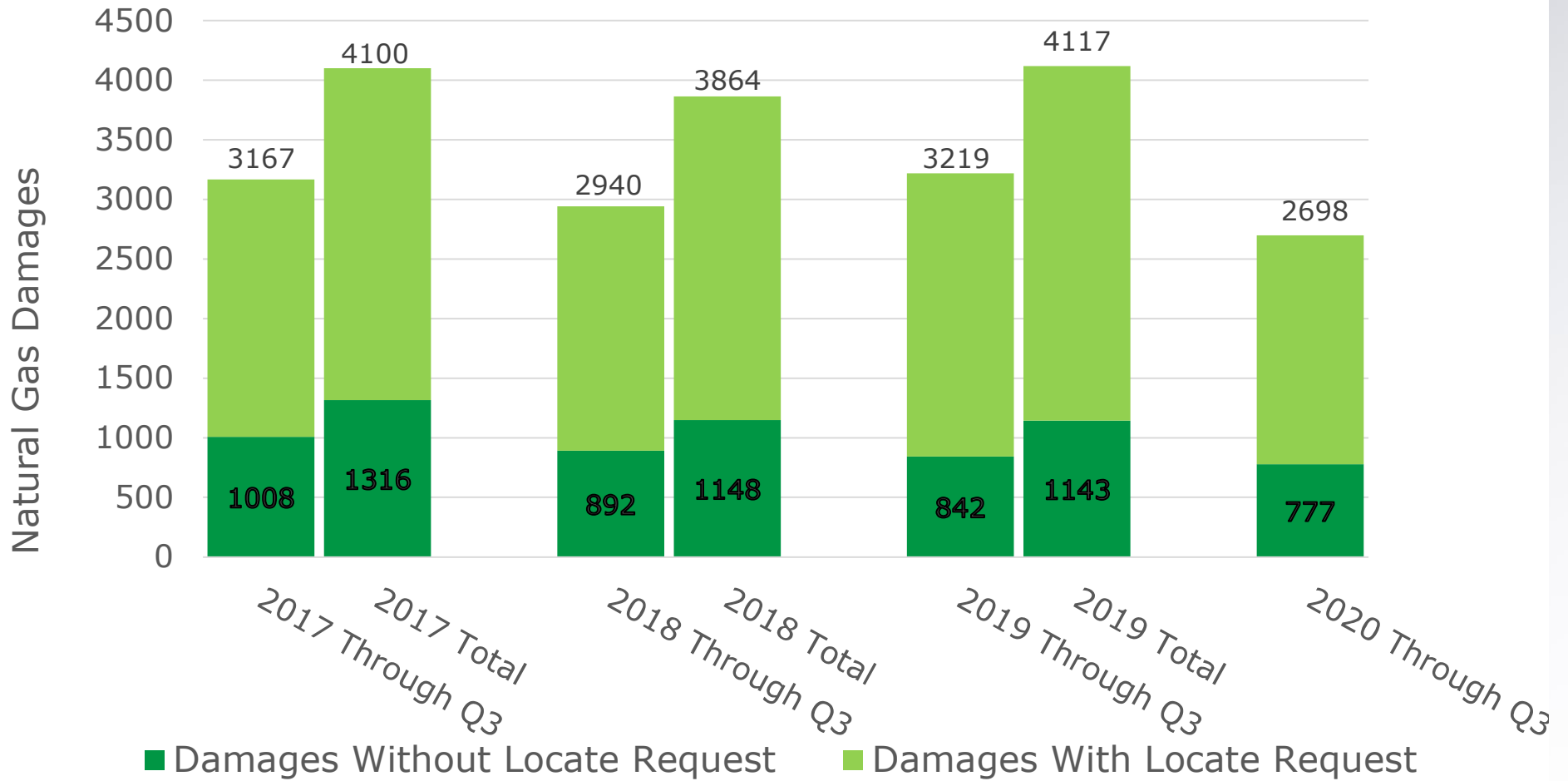
(Gas Distribution Pipeline Excavation Damages by Root Cause 2017 – Present)



Calendar Year	Number of Excavation Tickets	Number of Excavation Damages	Damages per Thousand Tickets	One-Call Notification Practices Not Sufficient	Locating Practices Not Sufficient	Excavation Practices Not Sufficient	Other	One-Call Notification Practices Not Sufficient	Locating Practices Not Sufficient	Excavation Practices Not Sufficient	Other
2019	928,529	4,117	4.4	1,362	716	1,556	483	33%	17%	38%	12%
2018	819,538	4,054	4.9	1,177	633	1,954	290	29%	16%	48%	7%
2017	822,578	4,271	5.2	1,238	636	2,108	289	29%	15%	49%	7%

# Damage Prevention Statistics

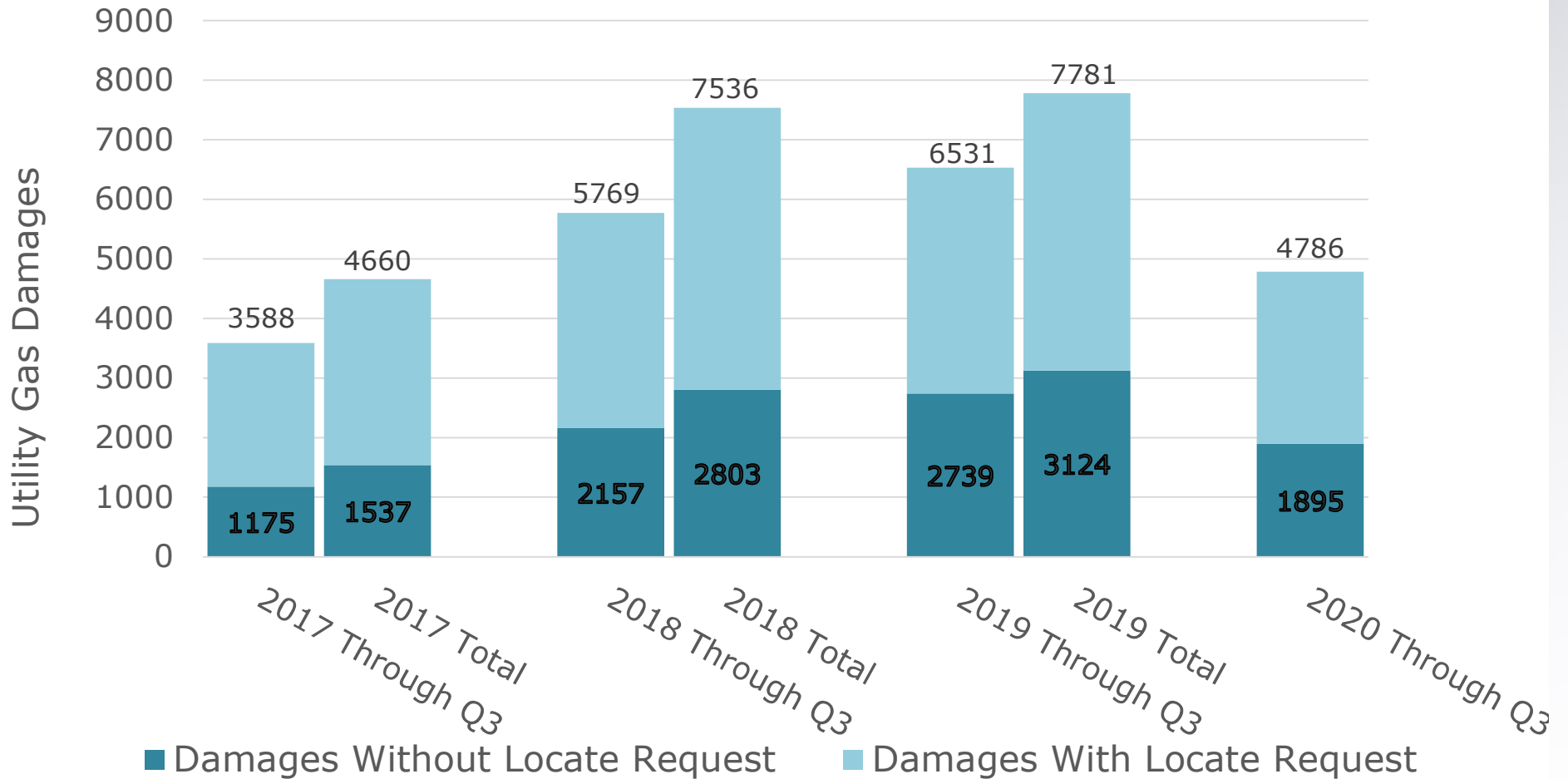
## Natural Gas Damage Data





# Damage Prevention Statistics

All Utility Damage Data



# Incidents

- September 15, 2020
- 20-inch steel transmission line, 630 psig
- Directional drilling to install cable
- Operator enforcement
  - 192.614: Failure to mark facility
- Excavator enforcement
  - MCL 460.725(9): Failure to stop excavation when positive response indicates presence of a facility with no marks visible



# Incidents

(Continued from previous slide)

- Directional drilling parallel to distribution main
- No damage
- MCL 460.725(5): “For excavations in a caution zone parallel to a facility, an excavator shall use soft excavation at intervals as often as reasonably necessary...”
- Recommendation to establish a set interval to hand expose



# Incidents

- October 8, 2020
- Four-inch distribution main
- Road reconstruction
- One-way feed
- Ongoing investigation



# Incidents

- December 8, 2020
- Six-inch plastic distribution main
- Road reconstruction
- Excavator hand exposed marked main and was digging outside the caution zone when unmarked main was hit
- Estimated property damage \$213,274
- 1,314 customer outages
- Ongoing investigation



# Incidents

- September 21, 2020
- Four-inch steel distribution main
- Water main project
- Estimated property damage \$21,370
- 93 customer outages
- Ongoing investigation



# Incidents

- September 18, 2020
- Four-inch plastic distribution main
- Large construction project
- Equipment was moved after the damage occurred
- Insufficient evidence to cite any damage prevention rules
- Operator enforcement
  - 192.615: Inadequate emergency response

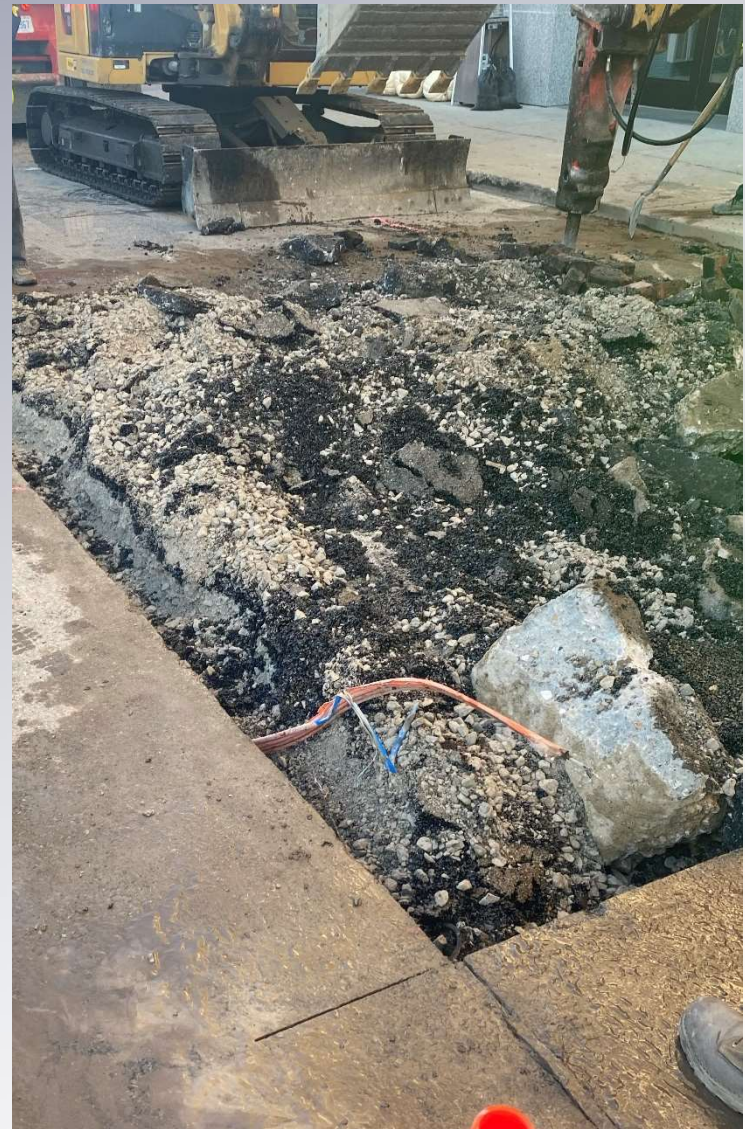






# Incidents

- November 4, 2020
- Saw cutting pavement
- No ticket
- MCL 460.723(m): “Excavation” means moving, removing, or otherwise displacing earth, rock, or other material below existing surface grade with power tools or power equipment...”
- Ongoing investigation



# Incidents

## Lessons Learned

- Contact MISS DIG for additional assistance
  - Destroyed markings; unmarked facility; facility owner contact information
- Ensure soft excavation is adequate
  - Parallel excavations; if facility becomes covered hand expose again
- When a facility is damaged protect self and others
  - If it is safe, shut down equipment; do not move equipment; evacuate the area; contact 911 and the facility owner
- If in doubt, place a ticket
  - Saw cutting, milling, landscaping, driving stakes

# Complaints

## Frequent Issues

- In 2020, 9 complaints were received against contract locators
  - Public Act 174 pertains to facility owners and excavators
  - Complaint must be against the facility owner(s) the issue is with
- All complaints must have an attempt at resolution prior to filing
  - 460.17(2): “Before filing a complaint, the complainant shall make a good faith attempt to settle the dispute with the respondent using any reasonable means of resolution acceptable to the involved parties.”
  - If facility owner contact information is unknown can contact MISS DIG

# Complaints

Damage Prevention Complaint Form

[www.michigan.gov/mpsc](http://www.michigan.gov/mpsc)

➔ Consumer Information

➔ File a Complaint

➔ Inquiries and Complaints

➔ File a Damage Prevention Complaint

- Form User Instructions and a copy of PA 174 are available on the website

# Investigation Process

- Complaints
  - Formal
  - Informal
- Onsite Damage Investigations
  - Reported incidents under Public Act 165 of 1969
  - Staff initiated/real time damage notifications
- Data Analysis
  - Late or no positive response
  - Quarterly damage reporting

# Investigation Process

- Evidence typically requested
  - Damage report or field notes
  - Correspondence between the complainant/respondent
  - Facility operator staking records or maps
  - Photographs: before and after the damage, timestamped
  - Any other pertinent information

# Investigation Process

- Compliance Actions
  - What was the probable violation is
  - How the violation was determined
  - If a penalty has been assessed
  - Methods of response
    - Informal meeting
    - Contest the violation
    - No contest and pay penalty
  - Timing
    - 30 days to pay penalty
    - 60 days for the written response

# Evidence and Documentation

- Photographs
  - Pre-job walk through, staking and re-stakes, post-damage
  - Ensure a complete picture is painted
  - Timestamped and location shown, preferably
- Correspondence
  - Phone calls with facility owners, stakers
- Damage reports
  - Describe what occurred and why
  - Take measurements



# Field Presence

- In 2020, the MPSC hired a damage prevention engineer with the goal to have a greater field presence
  - Provide education to excavators
  - Site visits to ensure compliance with PA 174 for excavators and facility owners
  - Investigate damages as they occur

# Questions?

