



Committee Members

Richard Kuprewicz, Chair • Bob Archey, Vice Chair
• Duane Henderson • George Hills • Grant Jensen • Pete Kmet
• David Knoelke • Shirley Olson • Bill Rickard • Carl Weimer

State of Washington Citizens Committee On Pipeline Safety

PO Box 47250 Olympia, WA 98504-7250 • www.wutc.wa.gov/pipeline/ccops

March 4, 2009

To: Representative Deborah Eddy
132D Legislative Building
PO Box 40600
Olympia, WA 98504-0600
eddy.deborah@leg.wa.gov

Representative Mike Armstrong
426A Legislative Building
PO Box 40600
Olympia, WA 98504-0600
armstrong.mike@leg.wa.gov

Regarding: SHB 1996 or Possible Changes to Washington State “Call Before You Dig,” or One-Call, Legislation (RCW19.122)

The Washington State Citizens Committee on Pipeline Safety was formed by an act of the Washington state legislature following the Bellingham pipeline tragedy. The Committee’s function is to advise on all matters related to hydrocarbon pipelines, both liquid and gas. The Committee has been made aware of recent Bills (HB 1996, AHB 1996, and SB 5955) concerning possible changes to the “Call Before You Dig,” one-call, or one-number locator regulation (RCW 19.122), and offers the following advice in this important matter. The Committee clearly supports positive improvements in the Washington state one-call regulation.

Various forms of the bills that have now resulted in SHB 1996 have proposed changes to RCW 19.122 in basically three major areas that call the attention of the Committee: 1) Addition of the definition for “service laterals,” 2) One-number locator, or one-call, subscriber liabilities and penalties for not subscribing to this service, and 3) Positive response.

Service Laterals – SHB includes “service laterals that are part of a right of way easement” into the definition of underground facilities to be covered by one-call. While the new definition goes well beyond pipelines, for hydrocarbon pipelines service laterals are usually the smaller diameter lower pressure natural gas distribution pipelines in these complex systems that service individual customers to one or more groups of buildings. The vast majority of distribution pipeline failures are associated with “third party activities” causing pipeline failure. It should also be noted that the substantial majority of new service laterals are now plastic, raising the risks of catastrophic failure from third party damage if the one-call process is not adequate.

The Committee supports the inclusion of service laterals into the regulation and sees this definition as a positive step to deal with the risk from natural gas distribution systems. The Committee does advise that further work may be needed to deal with service laterals that are on private property.

New Liability Clause and Penalty for Not Subscribing to One-Call Locator Service

(One-Call) – SHB 1996 modifies existing legislation to hold an underground facility owner who is required to subscribe to a one-number locator service and fails to do so, guilty of a misdemeanor and liable for all damages to the owner's underground facility, and for any other damages that occur as a result of proper notice of a scheduled evacuation through the one-number locator service.

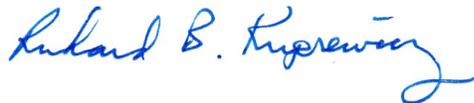
The Committee supports efforts encouraging or broadening the application of one-call service for appropriate underground facilities. RCW 19.122 includes a number of requirements and penalties for non-compliance but designates no entity within State government as responsible for education and enforcement of these requirements, historically a serious weakness in the one-call regulation. We would hope that the current legislation would also address enforcement of the penalties for failing to follow regulations that are designed to protect pipelines and other underground facilities.

Positive Response – is a definitive response required by the owner/operator of an underground facility after receipt of a locate request utilizing one-call. In the U.S., the majority of the states have some form of positive response in their one-call programs. The Committee believes that cost effective incorporation of properly designed positive response, such as that utilizing modern communication or electronic technology to communicate to the stakeholders, can increase protection of the public, contractors, and workers. While positive response has not been carried forward into SHB 1996, we understand that the parties have agreed to work toward a consensus on this issue in 2009.

The Washington State Citizens Committee on Pipeline Safety takes very seriously its charge to provide advice on all matters regarding the safety of hydrocarbon pipelines within Washington. Our work plans and meeting agendas are designed to include all points of view on pipeline safety issues. We will continue to inform parties regarding legislative initiatives in support of positive changes to RCW 19.122, as well as to Federal pipeline initiatives that impact the state of Washington.

Sincerely,

Richard B. Kuprewicz, Chairman



cc: Anne F. Soiza, Director, Pipeline Safety, Washington Utilities and Transportation
Commission
Jeff Wiese, Associate Administrator for DOT Pipeline Hazardous Materials Safety
Administration