Damage Prevention Legislation
SB 1083

Senate Committee on Energy and Technology

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5/8/12

Damages

- Excavation Damage is #1 Cause of Pipeline Incidents
  - PHMSA Reportable Incidents form 1988 to 2010
    - 1613 Incidents
    - 185 Fatalities
    - 697 Injuries
    - $438,785,552 Estimated Property Damage
- Excavation Damage in Michigan
  - 3567 Distribution Leaks Caused by Excavation (2010)

Federal Legislation

- Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act of 2006
  - Gives the Secretary of Transportation ability to take civil enforcement action against excavators
  - Limits the Secretary's ability to enforce if a State has the authority to impose penalties
- Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011
- Notice of Proposed Rulemaking – April 2, 2012
  - 49 CFR Part 196–Protection of Underground Pipelines From Excavation Activity
  - 49 CFR Part 198–Regulations For Grants to Aid State Pipeline Safety Programs

Senate Bill 1083

- Establishes Civil Enforcement Authority with MPSC
  - Triggered by Complaints or Commission's own motion
  - Hearings required
  - Penalties include additional training and/or issuing fines
- Alternative Dispute Resolution
  - Required before bringing a complaint to the MPSC

Questions?