

November 30, 2021



Infrastructure Protection Coalition
Attn: Continuum Capital – Mark Bridgers
P.O. Box 31026
Raleigh, NC 27622
Email: ContinuumCapital@continuumcapital.net
mbridgers@continuumcapital.net

RE: Recently Published 811 Emergency Report ([OK-RPT.pdf \(ipcweb.org\)](#))

Dear Mr. Bridgers,

OKIE811 has reviewed the IPC report specific to the State of Oklahoma and take issue with some of the information in the report. Outlined below is information that will offset some of the erroneous findings in this report. Also, these findings state they are from 2018-2019 and many changes to the Oklahoma Underground Damage Prevention Act (OUDPA) have taken place before, during and since this time period.

1. Exhibit 3 – History. Revisions to the OUDPA have taken place every year from 2014 to 2021.
 - a. 2014 – HB 2533, Enforcement Authority of the Corporation Commission was added and covers enforcement of pipeline and pipeline systems
 - b. 2016 – HB 1951 removes some exemptions for Municipalities under the Act
 - c. 2017 – HB 1376 removes remaining exemptions for Municipalities & Homeowners under the Act
 - d. 2018 – SB 997 adds “intrastate and interstate gas pipelines” as Underground Facilities
 - e. 2019 – HB 2097 removes exemptions in private or public easements / right-of-way; date of notification no longer included in the 48-hours for operators to locate lines; adds the ability for excavator to set a future start date
 - f. 2020 – SB 1225 limits the scope of what can be included on a ticket
 - g. 2021 – HB 2028 adds mandatory positive response; sets the life of a ticket to 14 calendar days; enables declaration for state of emergencies; requires damage reporting to OKIE811 as well as the facility operator; better defines safe excavation practices around volatile pipeline systems; enables the facility operator to transfer cost of line locating to excavator if misusing Emergency Ticket and/or excavator is submitting excessive and unreasonable Update Tickets. (See page 16 of this report).
2. In 2019 we did process 969,774 inbound locates which resulted in 5,994,189 (not 8,245,027) outbound notices for a ratio of 6.37 (not 8.5)
3. Enforcement Authority for the State of Oklahoma is with the Oklahoma Corporation Commission (OCC).

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4. Oklahoma One-Call System (OKIE811) is not a state governmental agency and therefore the board composition does not need to be in the law. As a 501(c)6 non-profit organization, our board composition is outlined in our By-Laws which is where it should be outlined. Additionally, the Board has a standing Operating Committee that is made up of 16 representatives from most stakeholder groups in Oklahoma and each member of the committee has a voice when it comes to Oklahoma's notification system operations. The committee makes recommendations to the board and the voting board members take their recommendations into consideration. So, though the board does not have seats for non-voting members from the Excavator or Locator industries, these areas are represented very well on the Board appointed Operating Committee. We believe this structure works very effectively for Oklahoma and take exception to your findings in this report relative to our Board Composition.
5. Without knowing which Stakeholders were interviewed as a part of these findings, it is difficult to understand the ratings relative to satisfaction with the 811 system. No one from OKIE811 was interviewed nor were we asked to provide information for this report.

Recommendation Summary

- No Exemptions – (2) Bills were passed in 2016 and 2017 that removed all operator exemptions except for State Agencies (ODOT) and Agriculture.
- Mandatory Damage Reporting – Bill was passed in 2021 requiring damage reporting to OKIE811 and the underground facility operator.
- Balanced Enforcement – Please provide more details on what the complaints are regarding OCC's handling of enforcements.
- Third-Party Enforcement Board – To my knowledge, the need for this type of bureaucratic process/system is not needed or warranted. Additionally, there will be costs associated with setting up a process like this and there are no appropriated funds to cover the costs.
- Excavation Site Accuracy - 52% of the operators with registered assets at OKIE811 are Municipalities, Rural Districts or Master Meters. Many of these entities do not have appropriated funding to setup GIS systems for asset mapping. Funding will have to be made available in order for them to comply with this recommendation by 2030.
- Standardize Ticket Size, Distance, Duration, and Life – All of these have been addressed in recent legislation. We also reduced the dig site buffer by 150' in an effort to reduce outbound notices so locators could better handle their workload and to reduce any potential for over notification.
- Inefficient 811 Process – The scope limit on a ticket is up to 500 feet in incorporated areas and 1 mile in unincorporated areas. The issue that needs to be resolved here is for excavators to do a better job of planning their work and only submit tickets for the areas they are actively excavating in. When they submit tickets for areas they have "planned" to work in, they in turn are contributing to the excessive locates that cannot be completed timely and therefore result

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in wait times for other contractors. Excavators need to have some skin in the game when it comes to the cost and expense associated with timely locates.

- Many improvements have been put in place since the 2014 PHMSA assessment.

We would also like to see the data or know where it came from related to the following findings:

- Approximately \$350 million in annual out-of-pocket cost to the system
- 13% in Locators wasted time due to poor instructions
- An additional \$800 million in waste and inefficiency
- A savings of \$900 million over 3-5 years
- The number of Steps and Functions outlined under 811 System Characteristics
- Stakeholder feedback relative to setting up third-party review board.

We can all agree that there is still work to be done as it relates to improvements in the system. We all continue to work together to make improvements for the safety and prevention of damages. Reports that are not accurate and only seem to point out things that aren't working can send the wrong message and even derail progress.

We offer our services and look forward to continued conversations as it relates to the continued improvements we can work together to achieve. Please feel free to contact me with questions.

Sincerely,

A handwritten signature in black ink that reads "Susan Bohl".

Susan Bohl
Executive Director

cc OKIE811 Board
OCC Pipeline Safety

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