

OCC Damage Prevention

Randy Snyder

Damage Prevention Program Manager



**Know what's below.
Call before you dig.**





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~~Jedediah “Jed” Davidson—West side of State~~

New person—West side of State

Shane Browning—East side of State



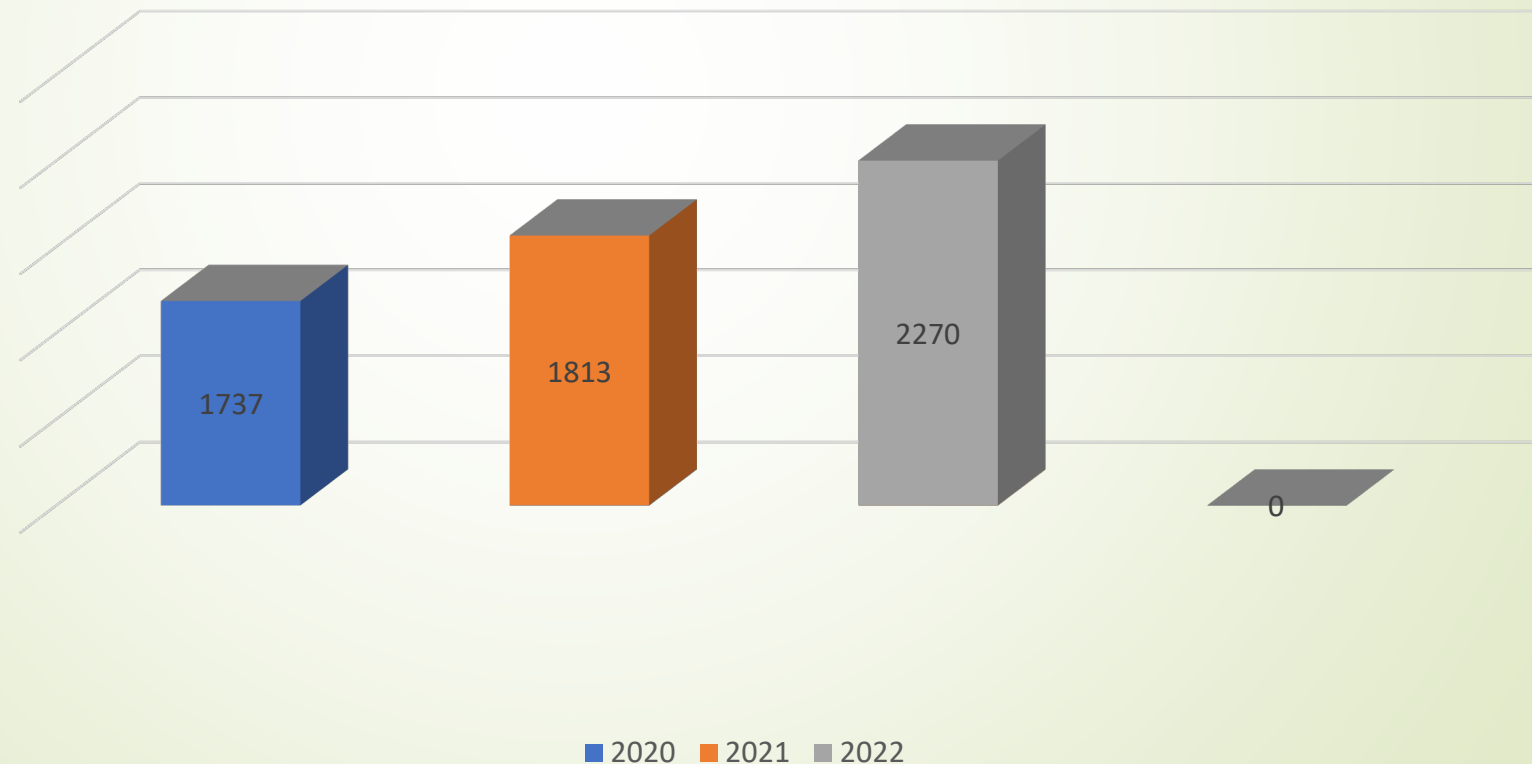
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Pipeline Safety will be hiring two more
Inspector for this Program. One for the East and
one for the West.

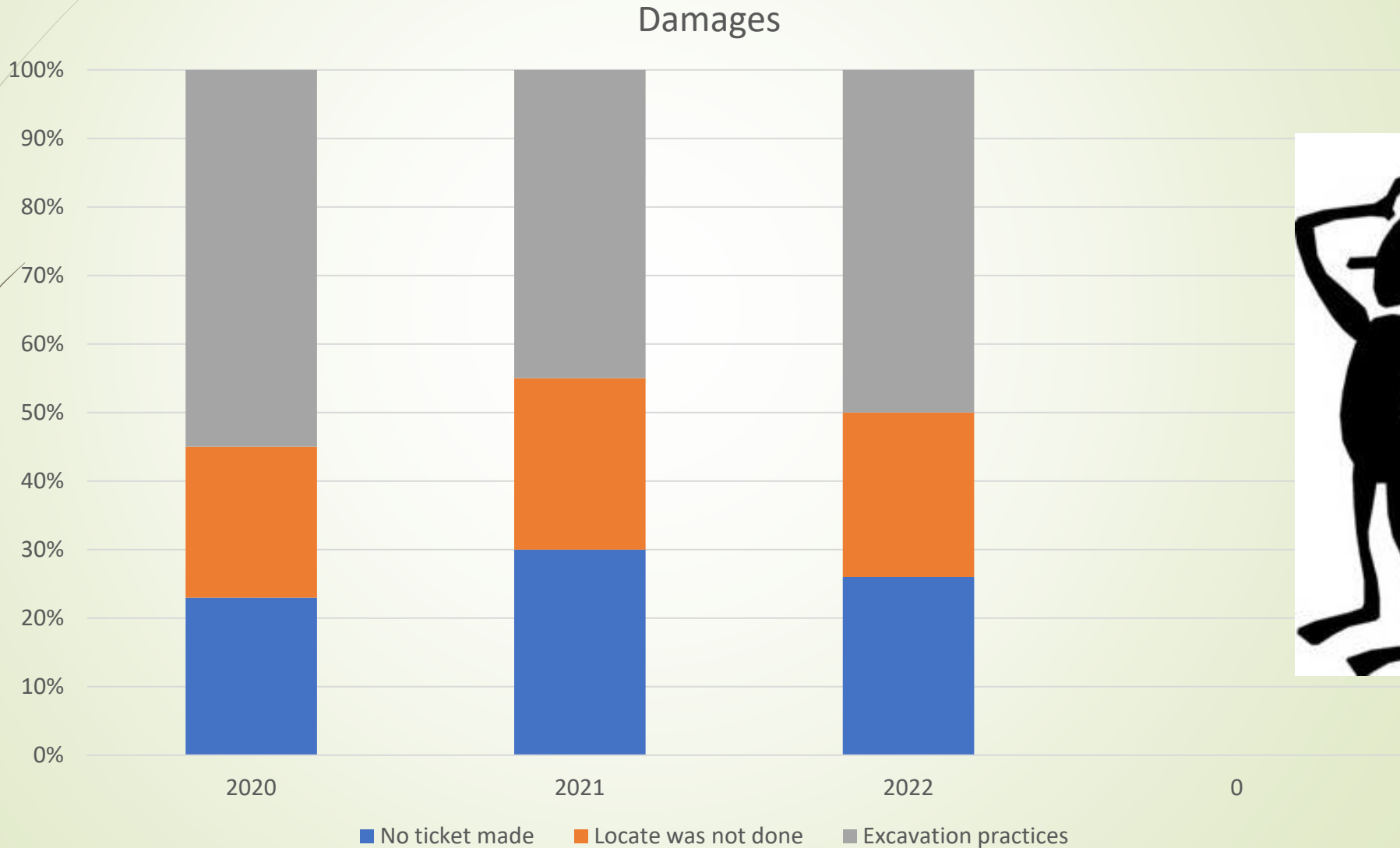
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We are averaging about 1900 damages a year.

Damages per year



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§63-142.13. Enforcement authority – Corporation Commission.

The Corporation Commission is hereby designated as the agency to enforce the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Section 142.1 et seq. of Title 63 of the Oklahoma Statutes, over excavation or demolition on or near or directly over the location of, and notice of damage to, oil and natural gas physical facilities which are described by the currently effective definition of "pipeline" in 49 CFR Part 192.3 and "pipeline" and "pipeline system" in 49 CFR Part 195.2. Enforcement authority granted in this section shall be concurrent with and shall not be construed to modify or limit any private right of action, including those available pursuant to Section 142.9a of Title 63 of the Oklahoma Statutes. Terms used in this section shall be as defined in the Oklahoma Underground Facilities Damage Prevention Act.

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165:20-17-4. Compliance with the Act required

- (a) Compliance with the provisions of the Act applicable to a pipeline or pipeline system is required.
- (b) The Commission may enforce any violation of the Act against any person to the extent:
 - (1) the violation occurs with respect to a pipeline or pipeline system; and
 - (2) the person against whom enforcement action is taken is subject to the provisions of the Act, including without limitation operators and excavators.

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Is there a One-Call ticket made?



§63-142.6. Notice of proposed demolition, explosion or excavation

Before an excavator shall demolish a structure, discharge any explosive or commence to excavate in a highway, street, alley or other public ground or way, on or near the location of an operator's underground facilities, or a private easement, such excavator shall first notify all operators in the geographic area defined by the notification center who have on file with the notification center a notice pursuant to Section 142.3 of this title to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition.

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Notice shall be given no less than forty-eight (48) hours, excluding the date of notification, Saturdays, Sundays and legal holidays, prior to the commencement of the excavation or demolition. Notice shall expire fourteen (14) calendar days from the excavation start date. No excavation may continue after the fourteenth day unless subsequent notice has been submitted pursuant to notice requirements.



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An excavator must check for positive response at the notification center prior to excavating or demolishing to ensure that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked.



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When an excavator has actual knowledge that an operator **has unmarked hydrocarbon and hazardous liquid underground facilities** within the area of proposed excavation, the excavator **shall not** commence excavation or demolition until notice has been given and such facilities have been marked. For purposes of this section, "actual knowledge" shall mean direct and clear knowledge; provided, however, actual knowledge may be demonstrated through circumstantial evidence and if the circumstances are such that a defendant must have known, an inference of actual knowledge is permitted.

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The excavator shall maintain and preserve all hydrocarbon and hazardous liquid markings for the duration of the excavation or demolition and shall notify the notification center if such marks are no longer visible or are removed and underground facilities have not been exposed.



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165:20-17-6. Positive notification of size and material

In addition to the provisions of Title 63, O.S. § 142.6, each operator served with a notice in accordance with subsection A of Title 63, O.S. § 142.6, shall notify the excavator of the size and material of an active underground facility.





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Each operator served with notice in accordance with subsection A of this section either directly or by notice to the notification center shall, prior to the date and time work is scheduled to begin, unless otherwise agreed to between the excavator and operator, locate and mark or otherwise provide the approximate location of the underground facilities of the operator in a manner as to **enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavation.**



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“unless otherwise agreed to between the excavator and operator”

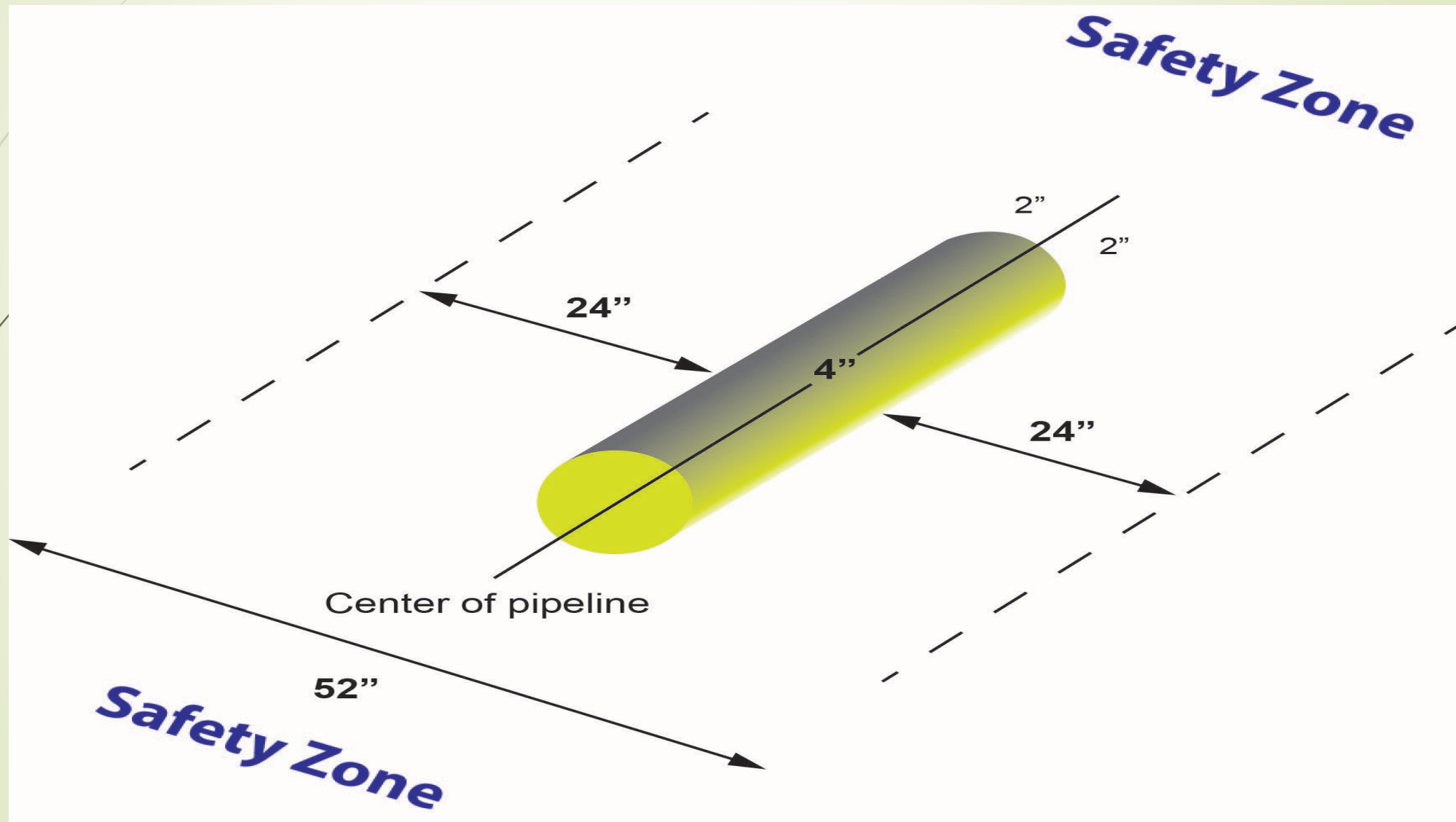




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For the purpose of the Oklahoma Underground Facilities Damage Prevention Act, the approximate location of the underground facilities shall be defined as a strip of land two (2) feet on either side of such underground facilities. Whenever an operator is served with notice of an excavation or demolition and determines that the operator does not have underground facilities located within the proposed area of excavation or demolition, the operator shall communicate this information to the excavator originating the notice prior to the commencement of such excavation or demolition.

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§63-142.7. Use of powered or mechanized equipment - Exemptions.

A. Except as provided in subsection B of this section, powered or mechanized equipment shall not be used directly over marked routes of underground facilities until the precise location of the underground facilities has been determined by the excavator, and then only after the facilities have been exposed and properly protected to avoid damage to them. If the precise location of the underground facilities cannot be determined by the excavator, the operator thereof shall be notified by the excavator so that the operator can determine the precise location of the underground facilities prior to continuing excavation or demolition.

B. The only exception to the prohibition of the use of powered or mechanized equipment directly over marked routes of underground facilities shall be for the removal of pavement or masonry, and then only to the depth of such pavement or masonry.

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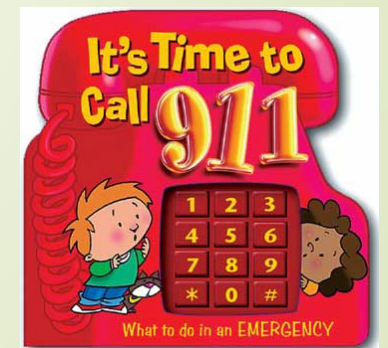


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165:20-17-5. Emergencies

An excavator shall immediately call the local 911 emergency telephone number and report any incident that results in an unintentional and uncontrolled release of flammable, toxic or corrosive gas or liquid from a pipeline or pipeline system. In this context, intentional acts refer to operator maintenance or repairs and not vandalism or other similar acts.



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§63-142.9a. Damage to underground facilities – Liability - Injunction

B. Any excavator who damages or cuts an underground facility, as a result of negligently failing to comply with the provisions of the Oklahoma Underground Facilities Damage Prevention Act or as a result of failing to take measures for the protection of an underground facility shall be liable to the operator of the underground facility for the repair of the damaged underground facility.

C. Except for public agencies, any excavator who by willful act or by reckless disregard of the rights of others, repeatedly violates the provisions of the Oklahoma Underground Facilities Damage Prevention Act and **repeatedly damages underground facilities**, thereby threatening the public health, safety, and welfare, may be enjoined by a court of competent jurisdiction **from further excavation**.

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- Is there a One-Call ticket made?
- Did the operator locate their pipeline?
- Is the excavator working within the scope of the ticket?
- Did the excavator pot-hole to determine the precise location of facilities?
- Is the excavator using mechanized equipment in the tolerance zone (2 feet either side of pipe)?

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165:20-17-7. Immediate notice of excavation damages caused by excavator to ~~gas distribution mains, gas transmission pipelines, gas gathering pipelines, and all hazardous liquid pipelines~~

- (a) At the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, each operator must give notice in accordance with paragraph (b) of this section of excavation damage ~~occurring to gas distribution mains, gas transmission pipelines, gas gathering pipelines and hazardous liquid pipelines~~ **that exceeds Ten Thousand dollars (\$10,000) in property damage. Property damage shall include cost to excavator, operator, property owner and lost product.** as defined in the Oklahoma Underground Facilities Damage Prevention Act (Title 63 O.S. § 142.2).

Each notice required by paragraph (a) of the section must be made to the Commission's Pipeline Safety Department either by telephone to 405-521-2258 or electronically at TRPipelinesafety@occ.ok.gov

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- (1) Names of operator and person making report and their telephone numbers.
- (2) The location of the excavation damage.
- (3) The time operator confirmed the excavation damage.
- (4) The number of fatalities and personal injuries, if any.
- (5) Name, contact number, and address of party causing excavation damage, if known at the time of notification.
- (6) All other significant facts that are known by the operator that are relevant to the cause of the excavation damage.



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165:20-17-8. Written report of all excavation damages

- (a) Each operator shall submit a semiannual damage summary report to the Commission's Pipeline Safety Department. The report shall contain the following information on all damage resulting from excavation activity:
 - (1) Name and address of operator;
 - (2) Name, contact number, and address of party causing excavation damage;
 - (3) The type of excavator equipment;
 - (4) The location in which the damage occurred;
 - (5) The type of facility damaged;
 - (6) The date of the damage (day, month and year);
 - (7) The primary cause of the damage.
- (b) The semiannual damage summary reports shall be due on March 1 and September 1. For semiannual damage summary reports due on September 1, the reporting period shall be from January 1 through June 30. For semiannual damage summary reports due on March 1, the reporting period shall be from July 1 through December 31.



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The report referenced in paragraph (b) can be submitted on a spreadsheet, single pages for each occurrence of excavation damage, or if the operator participates in the Common Ground Alliance's Damage Reporting Tool (DIRT) they may submit a copy of the report which reflects their data.

If no damages have occurred during the reporting period, a report is still required indicating "No Damages Occurred".

Reports can be submitted via TRPipelinesafety@occ.ok.gov.

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165:20-17-9. Submitting a complaint about failure to follow the Oklahoma Underground Facilities Damage Prevention Act

Anyone can submit a complaint against an excavator or pipeline operator for failing to comply with any portion of the Oklahoma Underground Facilities Damage Prevention Act by calling the Commission's Pipeline Safety Department at 405-521-2258 or submit the complaint online at the trplscomplaint@occ.ok.gov.

The complaint must include at a minimum the following information:

First Name and last Name

E-mail address;

Contact Phone Number and Alternate Phone number

Mailing address; City, State, and Zip Code

Date of Complaint or excavation damage;

Name of Pipeline Company or Excavating Company;

Location of Complaint



2022 Excavation Damage Breakdown

J-J	J-D	Total	
18	11	29	Abandoned Facility
26	54	80	Facility could not be found or located
81	100	181	Facility marking or locating not sufficient
127	148	275	Facility was not marked or located
184	339	523	Failure to maintain clearance
15	10	25	Failure to maintain marks
8	7	15	Failure to support exposed facilities
79	93	172	Failure to test-hole (pot-hole)
4	1	5	Improper backfilling practices
60	66	126	Incorrect records/maps
253	271	524	No locate ticket was made
53	74	127	One-Call made, but not sufficient
38	47	85	Other insufficient excavation practices
4	4	8	Previous damage
4	6	10	Wrong information to One-Call
25	53	78	Failure to use hand tools where required
4	3	7	Other
983	1287	2270	



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Any Questions?

The End