



May 10, 2022

Pipeline and Hazardous Materials Administration  
U.S. Department of Transportation (DOT)  
1200 New Jersey Avenue SE, West Building  
Room W12-140  
Washington, DC 20590-0001

**RE: Docket PHMSA-2021-0054**  
**Pipeline Safety: Information Collection Activities**

To Whom It May Concern:

Thank you for the opportunity to provide comments regarding proposed changes to the annual reports required of both liquid and gas operators.

The comments herein reflect feedback from clients, as well as consultants with whom we work and coordinate on activities of this nature. We have found working in this manner both provides diverse perspectives and assists with identifying effective solutions to common issues.

We have outlined several comments and general concerns below for PHMSA's consideration. Our comments focus on the damage prevention aspect of the proposed changes. We are aware other associations and operators are filing comments related to other aspects of the proposed changes and we are supportive of those comments, especially with respect to the "earliest time" of which consequences occurred.

Damage prevention activities remain critical for all pipeline operators. Never has it been more important to ensure the safety and protection of our underground infrastructure. The proposal to require operators to provide PHMSA data that aligns with the Common Ground Alliance DIRT Report does not increase pipeline safety. Collecting the information to submit into CGA does little to improve the quality or completeness of data which is currently being collected by CGA.

Collecting operator damages and submitting the data to CGA will have the exact opposite effect and result in increased cost and greater

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administrative burden with no real benefit to operators, regulators and other stakeholders within the damage prevention space.

By design, data collected through the DIRT process, is a consensus effort. This means it is not a "highest and best" standard as it is currently anonymous and doesn't meet a high-quality standard. Instead, the collection of data is the least objectionable standard as a group of nearly two dozen people could collectively agree to submit data which may not be accurate. As a result, basing information and outcomes off of the standard will result in flawed data, ultimately lead to conclusions that are erroneously derived.

Consider the following:

- More than 30 states collect data on excavation damage. Most of these states do not use the DIRT report as the basis for their data collection. In many cases, the data collected provides a more detailed account of the incident that occurred from both the operators' and excavators' perspectives, and in some cases the locators' as well. This allows for a more accurate account of the event, as well as a better, less biased, root cause determination.
- Because the states require very different reporting information on excavation damage, operators will be forced to collect additional, different information than they are already required to collect. This places a greater burden on operators at a time in which they are already under incredible pressure due to all of the new and pending regulatory changes with little benefit.
- When operators are required to report information based on the DIRT report, the root causes cited are overwhelmingly excavator-focused. If the report remains this way, it will lead to excavators being found responsible for inaccurately high number of the events reported. Root causes need to be expanded to accurately reflect other causes of damage caused by all kinds of events -- or lack thereof -- by operators themselves, as well as other stakeholders.
- Requiring operators to report the data to PHMSA may result in duplicate reporting, or even a mixing of statistics as. It is unclear what PHMSA intends to do with the data collected. As proposed, an operator can provide the data directly to DIRT or PHMSA. However, it is unclear whether the data will be manipulated (also referred to as "normalized" by PHMSA and/or CGA as it is currently done with the data provided through the DIRT process. At no time in history are we aware of PHMSA ever "normalizing" data provided by operators. The data has always been summarized based on the actual data provided, not with the intent of expanding it an attempt to account for differences in data like it is with the DIRT program.



- One of the core principals of providing information to DIRT is that it is done anonymously. If this information is provided to PHMSA, operators lose the anonymity that they expect. The question becomes, is it important to be anonymous when reporting or does that assist in validation of true events.
- Maybe most importantly, requiring operators to only provide data regarding excavation damage that meets the reporting thresholds for incidents or accidents skews the entire discussion regarding damage prevention. Examining only damage that rises to the level of a reportable event completely misrepresents the actual scope and overall impact of the excavation damage occurring in our industry. If PHMSA wants to truly capture the impact of excavation damage to the industry it must adjust the threshold downward significantly, as well as capture information on first and second party damage in addition to third party damage outlined by DIRT.

The addition of this information to the annual reports does nothing to advance safety. Instead, it only adds another burdensome data collection exercise that detracts from both the time, resources and funds available to materially advance safety. It is not clear if PHMSA expects that DIRT will take the place of all state reporting requirements, or if this will be in addition to the already vigorous reporting requirements.

If PHMSA is serious about collecting meaningful data, the agency would be better off working with the states to align the data being collected by all agencies in order to determine the information that will provide the most accurate picture of the damage prevention environment in which operators are operating.

We appreciate the opportunity to file these comments. Please do not hesitate to contact me if you have any questions or if we can be of additional assistance. I can be reached by telephone at (713) 208-0273 or by email at [LNS@SanderResources.com](mailto:LNS@SanderResources.com).

Sincerely,

Lindsay Sander