



Pennsylvania One Call System, Inc.

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Testimony of

William G. Kiger, President & CEO

Gerald McInaw, Board Chair

Pennsylvania One Call System, Inc.

Before the House Consumer Protection, Technology & Utilities Committee

On House Bill 2189

Harrisburg, Pennsylvania

September 17, 2024

Good morning, Chairman Matzie, Chairman Marshall, and members of the House Consumer Protection, Technology & Utilities Committee. We welcome the opportunity to speak with you this morning and to answer any questions you may have.

By way of background, the first pa one call statute passed the general assembly in 1974 – 50 years ago. I, personally, have appeared before the committee to testify regarding every revision beginning in 1986, 38 years ago.

We have moved from a small handful of volunteers in Allegheny County using an answering service and wall maps to generally locate where someone said they wanted to excavate to a statewide organization with over 90 employees taking more than 1 million calls annually.

Instead of wall maps we have a multi-million-dollar computer system that automatically locates excavation sites within polygons, compares the sites to the facility locations of our 4,000 + members, which we update on an ongoing basis, and notifies each one of them of any excavation requests we receive that may impact their facilities at the excavation site.

Our purpose is to prevent damage to underground facilities. To promote safety, we provide an efficient and effective communications network among project owners, designers, excavators, and facility owners.

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We have the largest, most stakeholder-diverse board of directors in the United States, representing all gas, electric, water, sewer, telecommunications, pipeline, and cable company in the commonwealth, both private and public.

In addition, over 20% of our board is composed of municipalities and authorities, and we are the only one call board in the United States with government agency members: PEMA, Penn DOT, and the PUC - 35 members in all, and all of them serve without compensation from PA 811.

Our sole job is to make excavation as safe as possible for the residents of this commonwealth, and we are recognized as one of the premier one call systems in the world. We want that record to continue.

As to HB2189 we are focused on three things: first, fixing technical things that didn't come out in the right place in the current law. Second, clarifying language that needs clarification. And third, making some modest substantive changes that will permit us to be more effective. That includes making the committee aware of the negative effects of certain other proposed changes.

As to the first, we believe that the bill addresses the technical fixes.

As to the second, we believe that the bill addresses the needed clarifications.

As to the third, we believe that additional work needs to be done to avoid turning the current good Samaritan provision into a mandate for facility owners to locate lines that they do not own, which has always been the responsibility of the excavator, who is the one onsite with excavation equipment, and who has been hired to do that. We have provided our specific comments to staff.

My last point is that the term the statute uses is and has always been "facility owner," not utility. Facility owners include utilities, but also includes municipalities, water and sewer authorities, interstate pipelines, for example. In other words, virtually anyone who has a line that serves customers.

Any change to the existing language regarding "lines" and "facilities," agreed to and understood by all parties over the past 40 years, without a clear and compelling reason to make such a change, coupled with a consensus from the stakeholders as a whole, not just the one who would benefit from the change, is a bad idea.

The second significant issue we have has to do with making facility owners responsible for continuously monitoring depth. Depth changes over time as a

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result of things over which the facility owner has no control, especially as it does not own the property in question.

How can anyone continuously monitor the depth of everyone else's property throughout the entire commonwealth? If someone regrades their property, they're not obliged to notify anyone unless there is some zoning ordinance at play. In the absence of a zoning requirement no one needs to tell anything to anyone about what they choose to do on their own land. This is simply unworkable.

With respect to these two substantive issues, I would like to point out that the party advocating them is both a member of pa 811, was a member of our legislative task force that developed the changes we proposed and voted in favor of those changes. At no time during this process did they ever discuss with or propose to their fellow stakeholders at pa 811 the changes that they now advocate.

Thank you for your time. As I said at the beginning, we are available to answer any questions the committee members or staff may have.

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About Pennsylvania One Call System:

Pennsylvania One Call System, Inc. incorporated 4/6/1978, under the laws of the Commonwealth of Pennsylvania and registered as a non-profit corporation under Section 501(c)(6) of the Internal Revenue Code. A 35-member Board of Directors governs the organization. The composition of the Board includes representation from the following industries: Electric, Gas (including an owner or operator associated with Conventional oil and gas wells and a facility owner representative of a pipeline associated with Unconventional oil and gas wells), Municipal, Pipe Line, Telecommunications, Telephone, Water, Cable Television, Associate, Contractor, Designer, the Pennsylvania Public Utility Commission, Pennsylvania Emergency Management Agency, and the Department of Transportation.

William G. Kiger, is the President and Chief Executive Officer of the corporation. The principal place of business is located at 925 Irwin Run Rd., West Mifflin, PA 15122. The backup site for business continuity is the Ohio Utilities Protection Service in North Jackson, OH.

Funding of the company has come from notification service fees to members. Increased revenues from growth are used to offset operating expenses. A lesser amount of revenue comes from collection of the annual service fee from business entities, and others not classified as homeowners, who call PA One Call to provide notice of proposed excavation (formerly known as the excavator fee). The annual service fee is used to offset the cost of membership for municipalities and municipal authorities, to offset certain company operational costs, and to partially fund the PUC enforcement effort.

The Company's Mission

Our purpose is to prevent damage to underground facilities. To promote safety, we provide an efficient and effective communications network among project owners, designers, excavators, and facility owners.

The Company's Vision

Pennsylvania One Call: The Keystone of Damage Prevention

Services

We are a service company dedicated to minimizing utility service interruptions, reducing on-the- job injuries and deaths, promoting a higher level of public safety and protecting the environment.

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Since its inception in 1972, Pennsylvania One Call System has increased its membership from 6 utilities in one county to 3,770 underground facility owner/operators in all 67 counties from the following industries: cable television, electric, gas, propane, Marcellus shale, pipeline, sewer, telecommunications, telephone, water and government, including state, county, city, borough, townships of the 1st class, townships of the 2nd class, and municipal authorities, of which 1,577 are exempt from paying for the one call services and 2,193 receive an annual refund to help offset their operating costs associated with membership. Members also include private master meter companies, manufactured housing communities, and private entities, such as schools, hospitals, manufacturing sites, and others owning underground facilities which cross public roads.

Use of the service increased from 389 work location requests the first year, reaching 1,020,498 notifications in 2023.

The company can be reached using the national call before you dig number of **8-1-1** or through its toll-free telephone number **800-242-1776** by anyone requesting location of underground lines prior to digging. The service is available **24 hours per day, every day of the year**. Information is obtained from the person planning or scheduling excavation or demolition. In addition to phoning the call center, users, with credentials that have passed the **Web Ticket Entry** training, may enter their dig notices via our website www.paonecall.org. The collected data is referred to as a Work Location Request, 'Dig Notice' or 'Ticket'. After creation of a dig notice, a **ticket confirmation**, which is a copy of the ticket, is sent to users and to callers who provide their email address or fax number. The emailed ticket confirmation includes a hyperlink to the map graphic of the work site.

Whether the notice information is gathered **by phone or entered via the web**, it is disseminated to underground facility owner/operators via **email, fax, XML, or WebView**. Facility owners have the option to request voice relay to their emergency personnel outside normal business hours when requested.

Additionally, for emergency tickets, facility owners may request to receive a **text notification** when an emergency ticket is sent to their designated receiving email address. The system accepts **automated responses** from facility operators and relays them to the excavator or designer through our **KARL** system.

Members are required to "register" their underground facility locations by providing us with a list of municipalities in which their lines are located. Electronic "**member mapping**" service became a requirement for all members beginning in 2018. It allows members to define polygonal notification areas with

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adjustable buffers, to reduce the number of non-involved dig notices they receive. Members with internal GIS or CAD systems can upload their shapefiles into the system. This saves members time and money, as they do not need to research or respond to dig notices outside their mapped service territory. Persons reporting planned excavation also benefit from our **electronic mapping** as they can draw a polygon to delineate the proposed excavation area, notifying only the members within the drawn polygon.

Coordinate PA is the project and coordination tool for utility and public works project planning and coordination within the Commonwealth of Pennsylvania. Coordinate PA was developed by Pennsylvania 811, is web based, and easy to use. It provides a spatial, map-based look at underground utility and public works projects to help identify opportunities for coordination and collaboration when projects overlap in space and overlap in time. *Planning is the first step in effective damage prevention efforts.* From within the Coordinate PA portal, the next two steps in damage prevention can be initiated:

Design notifications. Design tickets must be created from within the Coordinate PA portal and allows for the electronic exchange of drawing data.

Complex Projects. Coordinate PA is the mechanism to use for defining a project, requesting a complex project pre-construction meeting, creating phases, adding meeting participant contact information, uploading meeting notes and other documents, and creating routine excavation tickets. Routine tickets created from the project are associated with the project by reference, tying all related documentation together. We strongly believe that early utility coordination is an important component of damage prevention, and devote resources to starting, building, contributing and maintaining thirty-four (34) active Utility Coordination Committees (UCC) throughout the Commonwealth. These committees also provide the **Damage Prevention Liaison (DPL)** an opportunity to educate the committee members on POCS's products and services, and new developments with POCS's ticket management applications. In 2023, there were **1,431** attendees at **46** UCC meetings.

Education and Public Awareness are a critical part of the service we provide. **Educational programs, Act 287 compliance training, and Safety presentations** are offered targeting facility owners, designers, excavators, and locators.

In 2023, there were 323 combined virtual and live sessions for 10,343 attendees. The DPLs participated in 690 meetings with 6,700 attendees. Five

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Safety Day events were held across the Commonwealth with a total attendance of 2,075.

We conduct public awareness programs to promote safe digging practices through billboards and poster boards, email marketing ads (direct and retargeting); on air sponsorships; streaming online commercials; YouTube channel; social media; and a Digital Marketing Plan with behavioral target banners based on specific consumers lifestyle, demographics, and interests. Additional homeowner outreach is done via postcards. Outreach to rental companies and nurseries is done to educate those renting powered equipment and homeowners doing weekend projects, on the importance of contacting 811 before starting their projects. We leverage joint awareness efforts through partnerships with our members at minor league baseball games and 811 Popper Ads. as well as outreach to our state officials, i.e., Senate, House, Governor, County Commissioners, and local government entities, who in turn give us proclamations to support our efforts and the communication service. To promote the safe digging and the 811 brand, POCS uses Common Ground Alliance toolkits and infographics. These materials are published to our social media channels. POCS promoted the national outreach campaigns for: safety is in your hands every dig, every time; how excavators can help; a single dig can be a matter of life or death; who is responsible to notify 811; use white lining when outlining your proposed worksite; complex projects; protect underground lines; and safe digging steps.

We support the CGA national 811 awareness efforts in conjunction with other one call centers and stakeholders, by participating when Pennsylvania professional teams play on August 11th. In 2023, the campaign used 811 assets across 15 games played on August 11th which included the Minnesota Twins vs. Philadelphia Phillies and the Cincinnati Reds vs. Pittsburgh Pirates.

Educational videos are published and available on our website at www.pa1call.org/videos.

Development to Date

One Call was created as a sub-committee of the Pittsburgh Public Service Coordinating Committee in 1968. Operations were established in September 1972 and the service covered 6 utilities serving Allegheny County in Southwestern Pennsylvania.

- The organization incorporated 4/6/1978.
- In April 1975, Act 287 (1974) went into effect requiring excavators to call before digging, and expanded the service area to 11 counties. At that time, in honor of the 1776 United States Bicentennial, the toll-free

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number 800-242-1776 was added as an additional way to reach the call center, and coverage included the 33 counties of Western Pennsylvania. Expansion continued across the Commonwealth in 1977, adding Central Pennsylvania in a merger with JUNE (Joint Utility Notification for Excavators) and the Southeastern counties were added in September 1977.

- Having established the 'Call Before You Dig' concept in the state, the Pennsylvania One Call System and the contractor associations sought passage of legislation mandating participation by all underground facility owner/operators.
- Enactment of Act 172 (1986) mandated participation by facility owners and created the contractor fee to offset the operational cost of municipal participation. Mandatory participation brought about major growth, and clearly established the need for a full-time staff to coordinate member services and perform the duties of the corporation.
- Enactment of Act 38 (1991) placed new responsibilities on engineers, architects, contractors, facility owners and municipalities.
- Enactment of Act 187 (1996) brought about change in the composition and structure of the Board of Directors and provided for greater enforcement abilities through the PA Department of Labor & Industry (Department).
- At the Department's request, Act 199 (2004) provided the Department greater enforcement authority and redefined the administrative fines and penalties.
- Enactment of Act 181 (2006) incorporated Subsurface Utility Engineering requirements, began requiring adherence to CGA Best Practices and HDD Good Practices by reference, defined responsibilities of a project owner and a complex project, gave the Board of Directors the ability to define the maximum area of a notification, included other factors concerning the operation of the System, and required regulated utilities to maintain records of abandoned facilities.
- Act 121 (2008) re-inserted the "good Samaritan" clause which allows facility owners to identify the location of underground lines not owned by the facility owner, normally on private property, as a helpful guide to excavators, without assuming liability for their efforts.
- Act 50 (2017) transferred enforcement authority from the Department of Labor & Industry to the PA Public Utility Commission (Commission); established a Damage Prevention Committee; added reporting obligations and deadlines, through the one call system, for project owners, facility owners, designers and excavators; mandated all facility owners participate in the member mapping service; modified the structure of the Board of Directors; added the ability for facility owners to declare tickets as complex projects; defined timeframes for

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excavators to re-notify facility owners regarding unmarked or mismarked lines, and timeframes for facility owners to respond to those re-notifies; clarified responsibilities for Subsurface Utility Engineering; extended the requirement of maintaining records of abandoned lines to all facility owners; modified some factors concerning the operation of the System, including requiring an annual financial audit; requires the one call system to fund part of the enforcement effort; requires excavators and designers to pay the annual fee; continued exemptions for mining, construction of well pads and operations incidental to the extraction of oil or natural gas, added exemptions for stripper well lines; continued the exemption for minor routine road maintenance; and removed the requirement to provide lists to the recorder of deeds.

Our development goals are for increased participation by all underground facility owner/operators, project owners, designers and excavators, and elimination of all legislative exemptions.

Respectfully Submitted,

William G. Kiger, President & CEO
Gerald McInaw, Chair
Pennsylvania One Call System, Inc

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Damages Reported to PA One Call as a Percentage of Total Tickets 1995 through December 2023

Ticket Volume by Year		Damage Count	In-Out Ratio	% of Damages Per Total Tickets
2023	1,020,498	7,944	6.43	0.78%
2022	1,054,010	7,765	6.52	0.74%
2021	1,046,498	7,771	6.47	0.74%
2020	991,975	7,823	6.54	0.79%
2019	1,037,463	8,398	6.75	0.81%
2018	975,838	7,111	7.16	0.73%
2017	888,523	6,439	7.24	0.72%
2016	812,682	6,471	7.27	0.80%
2015	808,862	6,355	7.44	0.79%
2014	755,833	5,864	7.62	0.78%
2013	717,779	5,673	7.72	0.79%
2012	709,754	6,114	7.70	0.86%
2011	706,437	6,254	7.72	0.89%
2010	665,069	6,235	7.62	0.94%
2009	630,529	6,369	7.71	1.01%
2008	664,395	8,039	7.91	1.21%
2007	674,045	7,685	7.97	1.14%
2006	646,140	7,784	8.41	1.20%
2005	634,561	8,188	9.17	1.29%
2004	567,149	6,413	9.56	1.13%
2003	522,040	5,956	10.14	1.14%
2002	525,161	6,632	9.60	1.26%
2001	538,828	7,402	8.82	1.37%
2000	511,600	7,267	8.77	1.42%
1999	449,055	5,250	9.71	1.17%
1998	403,881	4,517	9.37	1.12%
1997	364,205	3,926	9.13	1.08%
1996	327,438	3,125	9.50	0.95%
1995	299,018	2,468	8.87	0.83%

Averages: **687,906** **6,456** **8.10** **0.98%**

Member Count as of December 2023: **3,749**

PA 2020 Census Population: 13,002,700

Source: <https://www.census.gov/quickfacts/fact/table/PA/POP010220>

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