

For Immediate Release

Contact: Chris Puyear- Communications Director

cpuyear@mt.gov

(C): 406-431-2499

April 7, 2017

PSC Chairman Johnson Backs Bill to Strengthen Call Before You Dig Laws

April Marks the 10th Anniversary of National Safe Digging Month

HELENA, Mont. – DIYers could face increased penalties under a proposed bill designed to strengthen the state’s underground facilities protection laws.

The measure earned the unanimous backing of the Montana Public Service Commission (PSC) Thursday, which is tasked with overseeing intrastate pipeline safety.

“I find it fitting that this legislation is under consideration during National Safe Digging Month,” said Chairman Brad Johnson (R-East Helena). “As Chairman my number one priority is to ensure the safety of all Montanans. An underground utility line is damaged once every six minutes nationwide because someone decided to dig without first calling 811. A strong One Call Program not only prevents loss of service for ratepayers, it protects the public at large.”

HB 365 would bring Montana law into compliance with key provisions of the 2006 Pipeline, Inspection, Protection, Enforcement, and Safety Act, which outlines the nine elements of a model 811 Call Program.

State Representative Ray Shaw (R-Sheridan) sponsored the bill and hailed the measure as an important step to maintain state control over pipeline safety regulations.

“If we leave enforcement up to the federal government, excavators could get hit with fines as high as \$2 million. A fine of that magnitude would bankrupt most small businesses in Montana. I want to encourage people to do the right thing by calling before they dig, but I don’t want to see someone lose their home or business over one mistake.”

The PSC last April received a letter from the Pipeline and Hazardous Materials safety Administration (PHMSA), informing the agency of gaps in the state’s 811 Call Program. The letter stated that if these areas were not addressed then the federal government would begin enforcement activities, and federal funding for the state pipeline safety inspection program could be at risk.

The primary areas where PHMSA found that Montana code was lacking were its enforcement provisions. HB 365 corrects these deficiencies by introducing civil penalties for individuals who neglect to call for a “locate” and damage an “underground facility.” Under the proposed law a single incident would result in a fine of \$50, while someone who repeatedly violated the law could be subject to penalties as high as \$25,000.

Revenue from the fee would be used to fund increased education and awareness about the importance of underground facility safety.

Cary Hegreberg, Executive Director of the Montana Contractors Association, praised the collaborative effort to pass the bill.

“Along with numerous other stakeholders, we worked on a collaborative solution that we think protects underground facilities, protects excavators and is fair and equitable in terms of penalties and liability. The main goal is keeping people and communities safe and we’re proud to have played a role in developing this bill.”

###

Background on the Pipeline Safety Program:

The PSC participates in the Federal Pipeline Safety Program with 3 inspectors who are responsible for inspecting and enforcing federal and state pipeline safety regulations. To participate in the pipeline safety program states must adopt the [minimum pipeline safety regulations](#); however, states may pass more [stringent regulations](#) for pipeline safety through their state legislatures. If states did not participate in the Pipeline Safety Program, these intrastate pipeline facilities would be PHMSA’s responsibility for inspection and enforcement. To support states participating in the Pipeline Safety Program, PHMSA provides grants to states to reimburse up to 80 percent of the total cost of the personnel, equipment, and activities reasonably required by the state agency for conducting its Pipeline Safety Program during a given calendar year.

Background on National Safe Digging Month:

This April marks the tenth annual National Safe Digging Month, reminding state residents to always call 811 [before any digging project. National Safe Digging Month is formally recognized by the U.S. House of Representatives and Senate and has traditionally earned the support from nearly every state governor across the country.

When calling 811, homeowners and contractors are connected to Montana 811, the local one call center, which notifies the appropriate utility companies of their intent to dig. Professional locators are then sent to the requested digging site to mark the approximate locations of underground lines with flags, paint, or both.

For PSC updates please follow us on twitter [@MT_PSC](#), and “like” our Facebook page [Montana PSC](#)

Made up of five elected commissioners, the PSC works to ensure that Montanans receive safe and reliable service from regulated public utilities while paying reasonable rates. Utilities regulated by the PSC generally include private investor-owned natural gas, electric, telephone, water, and sewer companies. In addition, the PSC regulates certain motor carriers, and oversees natural gas pipeline safety and intrastate railroad safety.