



Wisconsin Damage Prevention Council

Minutes of the February 22, 2024 WI DPC Meeting

Mike Meyer, from Diggers Hotline, began the meeting informing the group that he recently presented at the Public Service Commission's 2024 Pipeline Safety Seminar. Mr. Meyer's presentation promoted and explained the Wisconsin Damage Prevention Council. Alex Kirschling, from the Public Service Commission, provided Mr. Meyer another presentation from the seminar which covered utility damage data. Mr. Meyer told the WI DPC he can forward that presentation to any other DPC members who wish to review it.

Mr. Meyer also mentioned that the subcommittees are currently scheduling their individual meetings and if anyone still wants to participate on a subcommittee, to let him know and he will get them added to the subcommittee rosters.

Kevin Boyer, from EMCS and the WSLs, mentioned that he and Andrew LaTona, from We Energies, have been working together to address some specific concerns with planning-related tickets being filed by certain companies. Mr. Boyer stated he thought the efforts were paying off. Mr. LaTona agreed that some progress was being made. Mr. Meyer informed the group that he, Mr. Boyer, Mr. LaTona, Mr. Kirschling, and Justin Larson, from Xcel Energy all sit on the Diggers Hotline Advisory Board. The Advisory Board is a smaller stakeholder group which specifically addresses issues pertaining to Diggers Hotline policies and procedures. Much of what that group does pertains to ticket review and outreach. The work Mr. Boyer and Mr. LaTona are doing regarding planning tickets is a good example of what the Advisory Board tries to accomplish. Mr. Meyer also brought up another recent effort with a company who was filing many unnecessary relocations. These examples, according to Mr. Meyer, validate the benefits of the parties simply communicating to resolve concerns.

The topic of legislation and enforcement was then discussed. Mr. Bill Dreyer, from Speedway Sand & Gravel and Local 139, asked about the 10-calendar day rule for locate markings. Mr. Meyer explained there is often confusion about when a relocate is necessary. Many companies believe their markings are only good for 10 calendar days and they need to file a relocate every 9 days or so or their ticket is no longer valid. Mr. Meyer clarified the "Valid Ticket" policy explaining that if you start your work within 10 days after your start date and time, your work does not stop for more than 10 days, and the locate markings are not destroyed or missing, you can continue to work on that ticket as long as your project takes and do not ever need a relocate.

Mr. Larson said the 10-day rule would be a good topic for the Training and Resources subcommittee as an education opportunity. He also said it might be beneficial for the Legislative subcommittee to discuss if that rule could be better clarified in the law.

Bob Welch, from The Welch Group and the Wisconsin Society of Land Surveyors, said the Legislative subcommittee will also be discussing as-built mapping requirements, as well as leveraging new locating technology.

Mr. Larson asked Mr. Kirschling about PHMSA's (Pipeline and Hazardous Materials Safety Administration) requirements for enforcement usage. PHMSA currently reviews usage of the enforcement component of states' laws and has certain expectations for the usage of enforcement. Mr. Larson raised the concern that his company prefers to work directly with excavators who damage their facilities, instead of submitting enforcement

complaints. Mr. Larson said they have a successful track record with their outreach efforts in these scenarios, however he is concerned that if enforcement complaints are not filed, it might contribute to PHMSA considering Wisconsin “inadequate.” Mr. Kirschling stated he believes PHMSA is not necessarily looking for penalties to be assessed, but also values the educational component to the enforcement guidelines. Mr. Kirschling said the damage data presentation showed we had approximately 1,400 damages to natural gas facilities and it would be hard to imagine, in his opinion, that some of those excavators would not benefit from some educational efforts.

Mr. Meyer said he thought the enforcement section of the law will definitely need to be addressed by the Legislative subcommittee. Mr. Meyer said there has been a hesitancy on the part of excavators to file complaints to the enforcement panel and most complaints are being filed by utilities. Mr. Meyer asked Matt Grove, from the WTBA, if he was aware of any of his members filing enforcement complaints. Mr. Grove said he thought there were not many of his members, if any, who file complaints. He agreed there is a hesitancy on the excavators’ part to do so. Mr. Grove cited that many excavators work for utilities directly, which can make them hesitant to file complaints. He also said his members are cautious with enforcement discussions because aspects of the law can be vague and too open to different interpretations. Mr. Grove specifically referenced how different the various interpretations can be regarding the hand digging requirements in the law.

Mr. LaTona stressed that the subcommittees, as they start to discuss these issues and potential fixes, focus on improvements which could impact stakeholders right now, in the 2024 season. Mr. LaTona said there are definitely improvements which will require some time to implement, but wanted to stress balancing immediate improvements with the longer-term discussions.

The next meeting will be in March. Location, date and time will be sent out in the future.