

## **House Bill 1059**

**Presented by:**     **Brian Kroshus, Public Service Commissioner**  
                          **Public Service Commission**

**Before:**            **Senate Political Subdivisions Committee**  
                          **The Honorable Randy Burckhard, Chairman**

**Date:**             **February 18, 2021**

### **TESTIMONY**

Mr. Chairman and committee members, I am Commissioner Brian Kroshus of the Public Service Commission.

As directed by the Legislature, the Commission has participated in the United States Department of Transportation's One-Call Grant program since 2015. This includes education of the public to reduce third-party damage to underground facilities and enforcement of the One-Call law. Continued state oversight of the One-Call program requires an annual audit and scoring by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

One item of concern noted by PHMSA during our past few audits was the absence of a requirement in North Dakota Century Code 49-23 requiring an excavator to call 911 emergency services to report damage and escape of flammable, toxic, or corrosive gas or liquid resulting from a strike.

This agency bill is presented to ensure we continue to meet PHMSA requirements and to support a continued satisfactory determination of our One-Call program by PHMSA by requiring an excavator to call 911 in the event of an incident as described above.

To clarify, the commission supports the addition of language requiring an excavator to call 911 emergency services in addition to current statute which requires an excavator to notify the operator of the impacted facility “as soon as reasonably possible.”

Further, the commission also supports the notification of the pipeline operator if the damage results in the escape of flammable, toxic, or corrosive gas or liquid by the excavator.

The commission does not support expanding notification requirements beyond calling 911 emergency services and the operator under this chapter as a part of One-Call enforcement.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to present this information. I will be happy to answer any questions.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1059

Page 1, line 15, remove “(3) Notify the state unified spill reporting system within 24 hours.”

Renumber accordingly