

# Summary of Changes to the UULPA

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**Section 1: Definitions** - additions deletions and modifications have been made to accommodate the change in enforcement agencies, clarify terminology, and remove unnecessary terms due to the change in agency enforcement and other changes in the Bill

- **Additions** -
  - **Alleged Violation**
  - **Chairman**
  - **Commission**
  - **Committee**
  - **Conventional oil and gas well**
  - **Federal pipeline safety laws**
  - **Fiscal Year**
  - **Injury**
  - **Lawful start date**
  - **Preconstruction meeting**
  - **Report of alleged violation**
  - **Stripper well**
  - **Stripper well lines**
  - **Unconventional formation**
  - **Unconventional oil and gas well**
  - **Well Pad**
  - **Work site**
- **Deletions**
  - **Cartway**
  - **Continuing property records**
  - **Department**
  - **Preconstruction request-** *not used in the Law*
  - **Secretary**
  - **Site** - *changed to "Work site"*
- **Modified**
  - **Complex Project** - *Update to allow the F.O. to upgrade the project to Complex when appropriate to the projects safe and timely completion. Any project especially those that exceed the maximum set by the BOD - 1000 ft. or intersection to intersection whichever is greater.*

**Excavation work** - *Language removed: the direct operation necessary or incidental to the purpose of finding or extracting natural resources and employees of the Department of Transportation performing within the scope of employment. Language Added: work performed by persons whose activities must comply with the requirements of and regulations promulgated under the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, the act of April 27, 1966*

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*(1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine*

*Subsidence and Land Conservation Act, or the act of September 24,*

*1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, that relate to the protection of utility facilities or the direct operations on a well pad following construction of the well pad and that are necessary or operations incidental to the extraction of oil or natural gas.*

- **Line or facility** - *Added unconventional oil and gas well production and gathering lines. Exemption added for stripper well lines*
- **Subsurface Utility Engineering** - *clarified responsibilities*

## **Section 2 Facility Owner Responsibility**

- **Additions**

- **The One Call System may not require its members to locate lines or facilities installed before the effective date of this clause unless the member has existing maps of the lines or facilities and the member's existing maps meet the specifications of the One Call System's Member Mapping Solutions. Nothing under this clause shall prohibit the One-Call System members from voluntarily submitting to the One Call System maps of lines or facilities installed before the effective date of this clause.** NOTE: One Call System not The Enforcement Agency.
- **Communicate with the excavator within 2 hours of a re-notification - Clause 5 (v.1) - deals with mismarked and un-marked lines permitting the excavator to call and get short term direct contact response from the F.O. within 2 hours of the 2<sup>nd</sup> notification. F.O's are permitted to use electronic methods in their response such as FaceTime(TM), Skype™, google maps or similar technology to provide location information to the excavator on site.**
- **Participate in One Call System's member mapping - Clause 12 - requires participation in member mapping as determined by the Board.** NOTE: Board is compiling a schedule for implementation of mapping. Currently, 1,100 of the 3,600 facility owner members have mapped their facilities.
- **Requirement to maintain, locate or otherwise identify records of main abandoned lines prospectively - Clause 13 -**

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---

*extends the requirements set on the regulated utilities in the 2006 legislation to all facility owners.*

- **Modifications**
  - **Updates from scheduled date to lawful start date** - *for consistency*
  - **Update site to work site** - *more descriptive term*
  - **Update department to commission** - *Enforcement Agency change*
  - **Reporting requirements - Clause 10-** *changed to require all alleged violations to be reported not more than 30 business days after receipt of notice, unless the cost to repair the facility owners' line is less than \$2,500.*

### Section 3 & 3.1 One Call System Responsibility

- **Additions**
  - **Notify the facility owner when an excavator has identified an unmarked or incorrectly marked facility and has renotified the one call center - Clause 8** - *Contractor stakeholder group asked for this language during their meetings with the Commission.*
- **Deletion**
  - **Remove the requirement to make municipal lists available via the county recorder of deeds**
- **Modifications**
  - **Update site to work site** - *more descriptive term*
  - **Reporting** - *allow for system modifications to report and collect related system data prior to the investigation and provide a single source of input for all reporting parties. All submissions will be via web.*
  - **Board Of Directors** - *the pipeline members or gas members, or both, shall include an owner or operator or a representative of an owner or operator of a pipeline associated with Conventional oil and gas wells and a facility owner or facility owner representative of a pipeline associated with Unconventional oil and gas wells, which may be represented by one such member.*
  - **Excavator fee language update to reflect failure to pay shall be a violation of act** - *to improve the level of collections to help cover costs for enforcement and keep the municipal refund and free services to small municipal entities consistent with the current percentages.*

### Section 4 Designer Responsibility -

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## Additions

- **Reporting - Clause (8)** *Same for each of the parties*
- **To pay the applicable fee for requesting line and facility information - Clause (9)** *Same as Excavator language*
- **Modifications**
  - **Update site to work site** - *more descriptive term*

## Section 5 Excavator Responsibility

- **Additions**
  - **Notify the call center if upon arrival of a proposed work site there is an unmarked or incorrectly marked facility - Clause (20)** - *to deal with a problem the Excavators feel causes delays*
  - **To pay the applicable fee in making a locate request to the One Call System - Clause (21)** - *improve the level of payment to cover the cost of Enforcement under the proposed language.*
- **Modifications**
  - **Tolerance Zone - Clause 4** - *Added vacuum excavation or similar devices to be included as prudent techniques.*
  - **Reporting obligations clause (16)** - *changed to require reporting within 10 days of striking or damaging a line, or if the excavator believes a violation of the act has been committed*
  - **Update department to commission** - *Agency change*
  - **Update site to work site** - *More descriptive term*

## Section 6.1 Project Owner Responsibility

- **Additions**
  - **Reporting obligations - Clause (7)** *Same as Facility Owner, Excavator and Designer*

## Section 7 Auditor General

- **Additions**
  - *Language added allowing the One Call System to cause a financial audit.*  
Note: POCS has had a financial audit every year since incorporated in 1978. The Auditor General and the General Assembly have received a copy of the audit every year. The Auditor General required an audit from 1987 -2006. Since 2006, they requested to receive a copy of the audit as no findings occurred in the prior 20 years.

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**Section 7.2** Removed

**Section 7.8 - New** - *Establishing a damage prevention committee*

**Section 7.9 - New** - *Program costs. 80% included within the amount assessed to public utilities. 20% assessed as a fee to the One Call System.*

**Section 7.10 - New** - *Enforcement. Fines & Penalties.*

**Section 39** - This act shall expire on December 31, **2024**.