



FRANK HOAGLAND

STATE SENATOR, 30TH DISTRICT

1 Capitol Square, Rm. 134, Columbus, Ohio 43215

Sponsor Testimony RE: Senate Bill 33

Chairman Eklund, Ranking Minority Member Thomas, and Members of the Senate Judiciary Committee, thank you for allowing me to present sponsor testimony on SB 33. SB 33 which could be dubbed the “Ohio Critical Infrastructure Protection Act” is written to provide much needed safeguards for our state’s critical infrastructure.

In the past several years, there has been a heightened focus on critical infrastructure. This increased focus has produced both positive and negative outcomes. On the positive side, people are beginning to see how critical infrastructure safely delivers products that are essential to modern life. On the negative side, some people and organizations are going beyond peaceful protest and are targeting these facilities and putting the facilities, workers, and end users at risk in an attempt to make a statement. There have been numerous incidents in which individuals and groups have attempted to disrupt operations at facilities and/or damage critical infrastructure in the name of “protest.” For example, there have been a number of reports of tampering with valves and controls at pipeline facilities. This may sound like a minor act, but activating valves can create extremely dangerous situations along the route of a pipeline and puts others in unnecessary jeopardy. Another example being construction equipment on a pipeline site being intentionally set ablaze. The facilities that are often the target of such actions provide essential

COMMITTEES:

Agriculture & Natural Resources – Chair
Energy and Public Utilities
Local Government, Public Safety & Veterans Affairs
Transportation, Commerce & Workforce
Government Oversight & Reform

CONTACT INFORMATION:

OFFICE: 614-466-6508
EMAIL: Hoagland@OhioSenate.gov
www.OhioSenate.gov/Hoagland

energy, communications and other vital services and products to the entire state, and even the country, as several sections of national critical infrastructure cross Ohio.

Fortunately, we have not seen any dangerous or catastrophic events in our state due to such unscrupulous and dangerous actions. SB 33 seeks to discourage and frankly deter any future incidents, by stepping up the penalties associated with certain types of wrongful acts.

Specifically, the bill before this committee would punish certain acts such as criminal mischief, criminal trespass, and aggravated trespass committed at a critical infrastructure facility. It will also impose fines on those individuals and/or organizations found to be complicit in these offenses, and impose civil liability for damage caused by such wrongful acts at critical infrastructure facilities.

To be clear, SB 33 is not an attempt to restrict or limit anyone's First Amendment right of free speech or one's ability to protest peacefully. I would encourage anyone to exercise this right in the proper manner and voice their opinion – I spent my military career defending the people's rights to do just that.

As you may recall, I introduced SB 250 during the 132nd General Assembly, which passed in the Senate with bi-partisan support (in both committee and on the Senate floor). Our office worked tirelessly to take into account the opinions and concerns of many individuals, my fellow legislators, organizations and agencies, in order to create a bill not only focused on increased security for critical infrastructure facilities but also the proper level of safety for all individuals – protestors, workers, and the citizens of Ohio that would be affected, should a crisis/criminal action occur.

This proposed legislation is aimed at those who cross the line and intentionally damage critical infrastructure and, in turn, place the facilities and more importantly the lives of workers and/or

the general public in jeopardy. For your reference, I have attached a flyer from an “action camp” in Monroe County and an excerpt from the Federal Register detailing a coordinated effort of some individuals to tamper with pipelines in other states.

There are many Ohio companies and organizations that support this legislation and you will be hearing from them throughout the committee process. I urge your favorable consideration of SB 33 and I am happy to respond to any questions from the committee.



until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated. To meet program oversight responsibilities, FTA must continue to collect information until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

Respondents: States, Metropolitan Planning Organizations, and Local Governmental Authorities.

Estimated Annual Burden Respondents: 15 hours for each of the respondents.

Estimated Total Annual Burden: 303 hours.

Frequency: Annual.

William Hyro,
Deputy Associate Administrator for Administration.

[FR Doc. 2016-29505 Filed 12-8-16; 8:45 am]
BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2016-0137]

Pipeline Safety: Safeguarding and Securing Pipelines From Unauthorized Access

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice; issuance of Advisory Bulletin.

SUMMARY: PHMSA is issuing this Advisory Bulletin in coordination with the Department of Homeland Security's (DHS), Transportation Security Administration (TSA), to remind all pipeline owners and operators of the importance of safeguarding and securing their pipeline facilities and monitoring their Supervisory Control and Data Acquisition (SCADA) systems for abnormal operations and/or indications of unauthorized access or interference with safe pipeline operations. Additionally, this Advisory Bulletin is to remind the public of the dangers associated with tampering with pipeline system facilities.

This Advisory Bulletin follows recent incidents in the United States that highlight threats to oil and gas infrastructure. On October 11, 2016, several unauthorized persons accessed and interfered with pipeline operations in four states, creating the potential for serious infrastructure damage and significant economic and environmental

harm, as well as endangering public safety. While the incidents did not result in any damage or injuries, the potential impacts emphasize the need for increased awareness and vigilance.

FOR FURTHER INFORMATION CONTACT: Operators of pipelines subject to regulation by DOT, PHMSA, should contact Nathan A. Schoenkin by phone at 202-366-4774 or by email at Nathan.Schoenkin@dot.gov. Information about PHMSA may be found at <http://phmsa.dot.gov>. Pipeline operators with questions on TSA's Pipeline Security Guidelines should contact Steven Froehlich by phone at 571-227-1240 or by email at Steven.Froehlich@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Incident Details

On Tuesday October 11, 2016, individuals contacted four pipeline operators informing them they would shut down the pipelines used to transport crude oil from Canada to the United States. The operators (Enbridge, Kinder Morgan, Spectra Energy, and TransCanada) took steps to prevent damage to the pipelines and contacted local and federal law enforcement. The individuals cut the chains and padlocks at valve sites near Leonard, Minnesota; Burlington, Washington; Eagle Butte, Montana; and Wahalla, North Dakota. The individuals then closed valves on Enbridge's Lines 4 and 67, Spectra Energy's Express Pipeline, and TransCanada's Keystone Pipeline. The Kinder Morgan Trans Mountain's Puget Sound Pipeline was not operating at the time. Several individuals were arrested by local law enforcement.

Had the pipeline operators not shut down their lines in response to the threats, a pipeline rupture could have occurred. A pipeline rupture due to tampering with valves can have significant consequences such as death, injury, and economic and environmental harm.

Pipeline Safety and Security

PHMSA and TSA have a mutual interest in ensuring coordinated, consistent, and effective activities that improve interagency cooperation on transportation security and safety matters. PHMSA focuses on the safety of the Nation's pipelines and administers the pipeline safety regulatory program (49 CFR part 190-199). TSA focuses on the security of the Nation's pipelines and has authored Pipeline Security Guidelines for operators available online at <https://www.tsa.gov/sites/>

default/files/tsapipelinesecurityguidelines-2011.pdf.

II. Advisory Bulletin (ADB-2016-06)

To: Owners and Operators of Hazardous Liquid, Carbon Dioxide and Gas Pipelines

Subject: Safeguarding and Securing Pipelines from Unauthorized Access

Advisory: PHMSA is issuing this Advisory Bulletin in coordination with TSA to remind all pipeline owners and operators of the importance of safeguarding and securing their pipeline facilities and monitoring their SCADA systems for abnormal operations and/or indications of unauthorized access or interference with safe pipeline operations. Additionally, this Advisory Bulletin is to remind the public of the dangers associated with tampering with pipeline system facilities.

If You See Something, Say Something™

Tampering with pipeline facilities can have deleterious effects on the safety of the Nation's pipeline system. Tampering or acts of sabotage can also lead to the loss of life, injury, and significant harm to the economy and environment. At 49 CFR 190.291, any person that willfully and knowingly injures or destroys, or attempts to injure or destroy a pipeline facility is subject to a fine in Title 18 of the United States Code and imprisonment for a term not to exceed 20 years for each offense. Individuals are reminded that "If You See Something, Say Something"™ applies to the safety and security of our national pipeline infrastructure. Individuals that see something suspicious should reach out to their local law enforcement. Informed, alert communities play a vital role in keeping our Nation's energy infrastructure safe. Emphasizing that "Homeland Security Starts with Hometown Security," DHS encourages businesses to "Connect, Plan for, Train, and Report". Tools and resources to help businesses plan, prepare, and protect themselves from suspicious activities or attacks are located online at <https://www.dhs.gov/hometown-security>.

Relationships With Local Law Enforcement

PHMSA reminds pipeline operators that a strong relationship with local law enforcement is extremely beneficial for safe pipeline operations. Two-way communications between operators and law enforcement can help to stop threats before they occur. Relationships should be cultivated well in advance of an incident to facilitate mutually dependable communication during an incident.

No fracking on public lands! No fracking on stolen lands! No fracking anywhere! No fracking on public lands! No fracking on stolen lands! No fracking on public lands!

2017 Action Camp

RESIST IN THE WAYNE!

May 19th – 22nd

hosted by Appalachia Resist!
in Monroe County, OH

Workshops to include:

- anti-oppression
- strategic direct action training
- climb training/treesitting
- environmental justice
- facilitation training
- tech skills
- pipeline resistance
- legal matters/know your rights



to RSVP or ask Qs, email:
appalachiaresist@gmail.com

Directions to site, updates, and other details will be emailed after you RSVP.

Childcare and food provided

Please tell us how to make you welcome

No fracking on public lands! No fracking on stolen lands! No fracking anywhere! No fracking on public lands! No fracking on stolen lands! No fracking on public lands!