

**STATE OF NEBRASKA
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of TransCanada Keystone Pipeline, L.P., Calgary, Alberta, seeking approval for Route Approval of the Keystone XL Pipeline Project Pursuant to the Major Oil Pipeline Siting Act.	Application No. OP-0003
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**DIRECT TESTIMONY OF BILL GERHARD
ON BEHALF OF:**

Midwest Region of the Laborers' International Union of North America ("LiUNA"), and
the International Brotherhood of Electrical Workers Local Union No. 265.

June 7, 2017

TABLE OF CONTENTS	Page No.
I. INTRODUCTION AND BACKGROUND	1
II. QUESTIONS RELATED TO THE KEYSTONE XL PIPELINE PROJECT.....	4
III. CONCLUSION.....	8

1 **I. INTRODUCTION AND BACKGROUND**

2
3 **Q. State your name, job title, and business address.**

4
5 A. My name is Bill Gerhard I am a special representative for the Midwest Region of the
6 Laborers International Union of North America (“LiUNA”). The LiUNA Midwest
7 Region is located at 1 N. Old State Capitol Plaza, Suite 525, Springfield, IL 62701.
8

9 **Q. Did you consult with others in preparing this testimony? If so, for what purpose?**

10
11 A. Yes. In preparing this testimony, I consulted with John Markey (IBEW 265). Mr.
12 Markey is the elected Business Manager for the International Brotherhood of
13 Electrical Workers Local Union No. 265 (“IBEW 265”). Mr. Markey is charged with
14 overseeing the day-to-day operations of IBEW 265, bargaining and enforcing
15 collective bargaining agreements and securing work opportunities for the IBEW 265
16 membership.
17

18 I consulted with Mr. Markey for the purpose of gathering information and perspective
19 from IBEW 265 so that I could testify competently on behalf of both LiUNA and
20 IBEW 265, which is required as a result of Hearing Officer Schram’s May 10, 2017
21 Order Modifying Case Management Plan and Intervention Order. In this testimony, I
22 will present information on behalf of LiUNA that is within my personal knowledge
23 and information on behalf IBEW Local 265 that was made available to me by Mr.
24 Markey.
25

26 **Q. Please describe the LiUNA Midwest Region and IBEW 265 and their**
27 **membership.**

28
29 A. The LiUNA Midwest Region is a regional labor organization representing
30 approximately 47,000 laborers across the Midwest – including approximately 600
31 members who reside in Nebraska. LiUNA has one (1) local union affiliate
32 headquartered in Nebraska with approximately 426 active members. A second local
33 union affiliate – with headquarters in Iowa – has approximately 180 members who
34 reside in Nebraska.
35

36 IBEW Local 265 is a Local Labor Organization headquartered in Lincoln, Nebraska
37 representing approximately 371 members in the state of Nebraska. The Eleventh
38 District Council of the IBEW, which includes the state of Nebraska and to which
39 IBEW 265 is a member, represents over 32,000 members. Of those 32,000 members
40 2,030 belong to IBEW Local Unions headquartered in Nebraska.
41
42
43

1 **Q. Please briefly describe your background and your role as a Special**
2 **Representative with the LiUNA Midwest Region.**
3

4 I have been a member in the Laborers' Union since 1970. I was elected Business
5 Manager of Local 1238 in 1976 and served in that role through 2002. I was elected
6 Business Manager of the Iowa Nebraska South Dakota Laborers District Council in
7 1988, a position I held until 2001 when the North Central Illinois District Council and
8 the Iowa Nebraska South Dakota District Council was combined to form the Great
9 Plains Laborers' District Council. I became Secretary Treasurer of the new Great
10 Plains Laborers' District Council. The geographic jurisdiction of the Great Plains
11 Laborers' District Council and its predecessor organization includes the State of
12 Nebraska. In 2010 I was elected the President of the Iowa State Building and
13 Construction Trades Council – a position that I currently hold. I also serve as the
14 Vice President of the Iowa Federation of Labor, AFL-CIO.
15

16 As Business Manager of Laborers Local 1238 I worked with Majestic Pipeline and its
17 contractors on the installation and maintenance of a 30 inch pipeline through the state
18 of Iowa. I was responsible for the work of over 120 laborers working on this project
19 as well as the Union's relationship with the Pipeline Company and various
20 contractors working on the pipeline. Moreover, in my time as Business Manager I
21 oversaw the Union's work on various pipeline projects ranging in size from 12 inch
22 diameter pipeline to 24 inch diameter pipeline. As part of my duties, I regularly
23 attended the LiUNA Laborers' Pipeline Steward Conferences which provided
24 education on a variety of issues related specifically to pipeline projects. Finally, from
25 the period of 1988 through 2001 I was appointed as an International Representative
26 on multiple occasions and tasked with overseeing several mainline pipeline projects.
27 My responsibilities in this role included attending pre-job conferences with pipeline
28 contractors and subcontractors, overseeing our Stewards working on the job and
29 ensuring the safety of our members working on the projects.
30

31 **Q. Please describe the scope of LiUNA and IBEW 265's past and current pipeline**
32 **related work.**
33

34 A. LiUNA's experience and expertise in pipeline work is comprehensive. Members of
35 LiUNA work under the National Pipe Line Agreement, a comprehensive collective
36 bargaining agreement specifically covering mainline pipeline work, which applies to
37 over one hundred contractors and 500,000 LiUNA members throughout the United
38 States.
39

40 Major pipeline projects on which LiUNA members have worked include the Alliance
41 Energy, Northern Border, Rockies Express, Vector, Trans Continental, Maritimes and
42 Northeast, Colonial, Natural Gas of America, Kern River, Trailblazer, Trans Alaska,
43 the Great Lakes Expansion, Florida Gas, the Enbridge Northern Lights Project,

1 Patriot, Gulf Stream, Gulf Coast Extension, Iroquois, Ruby, Bison, Flanagan South,
2 and Alberta Clipper, among many others.
3

4 The IBEW and its members have substantial training and experience in operating and
5 maintaining the pump stations and electrical generation facilities necessary to ensure
6 safe and efficient operation of a pipeline. IBEW members are trained and have
7 significant experience wiring pumps and valves in a multitude of industrial settings
8 including, but not limited to, hazardous locations requiring explosive proof methods.
9 Also IBEW members have training and experience in operating the power generation
10 facilities needed to provide the increased power capacity to the operation of a
11 pipeline.
12

13 **Q. What is the purpose of your testimony?**
14

15 A. The purpose of my testimony is to discuss the positive economic impacts of the
16 Project and how those economic impacts benefit the public interest from a labor
17 organization, construction-oriented viewpoint. First, I will give some background
18 about LiUNA, and IBEW Local 265 to illustrate their experience on the topic of
19 pipeline construction. Next, I will discuss how members of the Labor Intervenors,
20 Nebraska residents, and the State of Nebraska would benefit economically from the
21 Project. For their part, members of the Labor Intervenors have the expertise and
22 ability to build the pipeline to the highest standards of reliability and efficiency.
23

24 **Q. Please describe the training that LiUNA and IBEW 265 members receive in
25 pipeline construction.**
26

27 A. LiUNA's training efforts are second to none and produce workers who are highly-
28 skilled in all aspects of pipeline and pipefitting work. LiUNA local unions and their
29 signatory employers co-sponsor joint apprenticeship and training programs that train
30 all types of Laborers throughout the Midwest to the highest standards. All training
31 emphasizes safety and protection of the environment.
32

33 LiUNA pipeline laborers undergo rigorous and extensive training prior to receiving
34 journeyman accreditation as well as continuing training thereafter to ensure they are
35 up-to-date with the most recent and advanced construction methods. LiUNA invests
36 approximately \$100 million a year in skills training for construction workers through
37 more than 70 mobile and fixed training centers. Those centers offer 80 hours of
38 pipeline specific training, of which 16 hours are Veriforce Operator Qualification in
39 14 common covered tasks. Training includes safe work practices to avoid injury to
40 workers which is critical to the workers, their families and the employer. Safety also
41 includes safe work practices that help avoid an adverse impact on the environment
42 and include procedures to avoid adverse interaction with existing forms of
43 transportation, such as road and rail crossings, and minimal impact on conservation
44 areas in the State. Safety training also includes how to safely and properly remediate

1 farmland and other private property to a standard where the project area is
 2 indistinguishable from the surroundings. All of these training efforts combine to
 3 produce prepared and highly trained pipeline workers who would bring their
 4 considerable skills and experience to the Project. Their expertise means that the
 5 pipeline would be constructed according to the highest standards by workers who
 6 know how to do the job right and who take great pride in their work.
 7

8 Electrical workers do not require specific specialty training for work on pipelines.
 9 The work generated for electricians related to a pipeline project such as this includes
 10 wiring pumps, metering equipment and valves on the pipeline. This work is
 11 substantially similar to work performed on the same equipment in other industrial
 12 settings. IBEW 265 members go through a rigorous five year apprenticeship program
 13 in order to become certified as Journeyman Electricians. IBEW 265 electricians are
 14 well trained in all aspects of the electrical construction industry, including industrial
 15 work, like the KXL pipeline. Since the pipeline will be transporting oil, wiring in
 16 some locations may be rated as Class One (1) hazardous location. These locations, if
 17 so rated, are required to be explosion proof. This explosive proof method of wiring
 18 equipment is the same method used in gas stations, fertilizer plants, ethanol plants or
 19 any other location where flammable liquids or vapors may be present. Significantly,
 20 IBEW 265 members have the training and experience to perform this difficult and
 21 highly technical work. All IBEW members, including apprentices, are trained in the
 22 most up-to-date OSHA standards. IBEW members are licensed in the state of
 23 Nebraska and regularly perform upgrade training every two years.
 24

25 **Q. Have there been any recent projects in the Midwest and Nebraska on which**
 26 **members of LiUNA or the IBEW 265 have worked that are similar to Keystone**
 27 **XL?**
 28

29 A. Yes. Recent projects worked on by LiUNA members include the Energy Transfer
 30 Partners Dakota Access Pipeline (“DAPL”). The DAPL project was an 1172 crude
 31 oil pipeline that crossed four states. LiUNA members have also installed pipelines in
 32 Nebraska, including TransCanada’s Keystone pipeline and the Rockies Express
 33 natural gas pipeline.
 34

35 For its part, the IBEW has extensive experience operating and maintaining valve
 36 stations and pump stations that supply power to oil pipelines. This experience
 37 includes pipeline projects such as the Dakota Access Pipeline, the original Keystone
 38 Pipeline project, and the Rover Pipeline Project.
 39

40 41 **II. QUESTIONS RELATED TO THE KEYSTONE XL PIPELINE PROJECT.**

42
43 **Q. Please describe the LiUNA and IBEW 265’s work with TransCanada, the Project**
 44 **sponsor.**

1
2 A. The Laborers' have worked with TransCanada on numerous projects including the
3 Southern Section of the Keystone XL Pipeline from Cushing, OK to the termination
4 in the Gulf area of Texas and the existing Keystone pipeline in Nebraska.
5

6 For its part, the IBEW has worked with TransCanada on powering the original
7 Keystone Pipeline project and myriad other projects throughout the United States.
8

9 **Q. From an economic viewpoint, how would this Project serve the public interest?**
10

11 A. Keystone XL presents a significant opportunity for the creation of several different
12 types of energy-related jobs within Nebraska and the Midwest as well as other
13 economic benefits for the State and its residents. All three Labor Intervenors expect
14 many pipeline construction jobs and pump station jobs for its members from
15 Keystone XL.
16

17 In Appendix H to its Application in this proceeding, TransCanada estimates that the
18 Project in Nebraska will take approximately twenty-five (25) months to construct.
19 Depending upon how each of the construction spreads are configured, a reasonable
20 number of jobs that the LiUNA can expect for its members working in Nebraska on
21 this Project is approximately 100. Based on my extensive experience in the field and
22 as a Union leader, I estimate that LiUNA members can expect to work approximately
23 600 to 2,500 hours on the Nebraska portion of the Project with many workers
24 expecting to average approximately 1,800 hours. Those workers will earn, on
25 average, between \$35,000 and \$45,000. This would include not only wages, but also
26 the contractor's contributions to a training program for the employees. These
27 workers will also receive health benefits for themselves and their entire families as
28 well as defined benefit pension contributions for the duration of the Project. Total
29 projected wages for the Project to LiUNA members would be between approximately
30 \$30 and \$40 million in addition to between \$12 and \$15 million in contributions to
31 members' pension and health benefits. These are the kinds of highly-skilled, well-
32 paying jobs that LiUNA members and all construction workers count on to provide
33 for themselves and their families.
34

35 With regard to the IBEW 265 it is difficult to precisely state how many total jobs will
36 be created. That being stated, with regard to work related to the pump stations alone a
37 reasonable number of jobs that the IBEW 265 can expect for its members is eighty
38 (80). IBEW 265 members can expect to earn, on average, hourly wage rates between
39 \$28.72 and \$32.49. In addition, individuals receive contributions to a Retirement
40 plan. These workers will also receive health benefits for themselves and their entire
41 families for the duration of the Project. By way of comparison, on the Dakota Access
42 Pipeline IBEW members attained over 235,600 total hours of work. The instant
43 pipeline project is substantially similar to the Dakota Access Pipeline. While we
44 cannot know the total number of work hours until the work has been bid and

1 completed it is reasonable to assume a significant increase in the amount of work
2 hours will be generated, due to the increased number of pump stations and size of the
3 pipeline. Moreover, it is reasonable to anticipate that additional permanent jobs will
4 be created as a result of the transmission/distribution demands in feeding the
5 electrical power into the various valve and pump stations. Additional power
6 generation capacity will be necessary based on the twenty-four hour a day operation
7 and demands of running the valve stations, pump stations and receiver sites. It is
8 reasonable to expect this would increase electrical utility jobs as well. Significantly,
9 these jobs are not temporary in nature, but permanent. This is because increases in
10 electrical capacity and demand requires much more service to transmission lines and
11 additional upkeep and implementation to generation stations.

12
13 After initial construction, members of LiUNA can also reasonably expect to
14 participate in maintenance and upgrade projects on the Project. LiUNA members can
15 expect to help maintain valves, repair fields and land back to the conditions that were
16 present prior to the installation of the pipeline, and other environmental protections to
17 ensure that we leave the land as it was found. As has been seen on prior projects,
18 Company's such as TransCanada are constantly keeping up with the newest and best
19 technologies which will require and supply addition work to the Economic
20 Intervenors.

21
22 All of these jobs are well-paying with good health and pension benefits – exactly the
23 kind that are so desperately needed in today's economy. They will not exist if
24 Keystone XL does not go forward, to the great detriment of scores of workers.

25
26 It is incorrect to diminish the importance of construction jobs because they are
27 temporary; rather, the temporary nature of construction jobs is exactly what makes
28 them so important. Every opportunity for construction work that is denied is
29 devastating because construction workers rely on a steady supply of temporary jobs to
30 provide complete incomes for themselves and their families. The very nature of
31 construction work is that one is always building something or tearing it down, in
32 order to make a permanent career. Just as unfair as it would be to tell an attorney that
33 because one case ends prior to starting another, that his or her job is temporary, it is
34 also unfair to tell a construction worker that because one task ends prior to starting
35 the next, his or her career is temporary. Our members are construction career
36 professionals, not temporary workers.

37
38 Moreover, all jobs created for members of the IBEW are not all temporary in nature.
39 The Power needs to supply the pipeline will be sustained. As a result, the pump
40 stations will continue to be manned and maintained by IBEW members.

41
42 The Project will also create many jobs for Nebraska residents in the service sector to
43 support the workers employed in constructing the pipeline. For example, workers
44 will create increased demand for food, lodging, recreation, and other daily needs as

1 they construct the pipeline. Based on my past observation and experience, I estimate
 2 that LiUNA members working on Keystone XL would spend approximately \$1,000
 3 per week in Nebraska for the necessities of daily life.
 4

5 The construction of Keystone XL would also bring about many types of local
 6 economic benefits for Nebraska other than jobs. Combined, 971 members of the
 7 LiUNA and IBEW Local 265 reside in Nebraska. TransCanada expects to spend over
 8 \$8 billion to build Keystone XL.¹ Current estimates predict that the Project would
 9 produce approximately \$61.4 million in sales, use, and income tax for the State and
 10 \$203 million in property taxes between 2018 and 2034.² Members of the Labor
 11 Intervenors, as well as the rest of Nebraska would benefit from this investment in the
 12 State and the increased tax revenue from Keystone XL, which will enable local
 13 communities to hire more public employees like police, firefighters, and teachers.
 14 The tax revenue could also help to fund public works projects for local communities,
 15 providing more construction jobs unrelated to the pipeline.
 16
 17

18 **Q. Are LiUNA and IBEW 265 asking that the Nebraska Public Service Commission**
 19 **approve this Project?**
 20

21 A. Yes. LiUNA and IBEW 265 stand firmly behind TransCanada's request to build this
 22 pproject. The KXL Pipeline is important to both LiUNA and IBEW 265 for reasons
 23 more fully stated above.
 24

25 Members of LiUNA and IBEW 265 reside and work throughout the State of
 26 Nebraska. The construction of this pipeline will mean much needed work for
 27 Laborers, welders, mechanics, electricians, pipefitters, heavy equipment operators
 28 and others within the heavy construction industry to work. There will also be
 29 increased demand for those who manufacture the steel pipes, fittings, valves, pumps
 30 and control devices necessary for a major pipeline. In short, The KXL Pipeline is
 31 poised to create significant opportunities for our members.
 32

33 Moreover, a project of this nature is likely to increase employment rates for workers
 34 in the construction industry by creating a substantial number of construction career
 35 opportunities for construction industry workers, including Laborers', Teamsters,
 36 Operating Engineers, Pipefitters, Welders and Electricians. All of these are highly
 37 skilled jobs. These construction professionals work on many projects of this nature
 38 thought their career as construction workers. These workers are compensated fairly

¹ Application App. H at 8.

² Application App. H at 5.

1 for the skills they possess and have established programs for job-site safety, health
2 care and retirement; which will be funded through work on this project. These
3 professionals also have established industry training funds which ensure that the next
4 generation of highly skilled workers are being trained and ready to perform work on
5 future projects. All of these programs are a cooperative effort between the various
6 unions and industry employers.
7

8 Finally, all of these programs and benefits are a direct advantage to the State of
9 Nebraska and the communities in which all of us live. The more opportunities for
10 young people to learn the skills necessary to earn a living and create a career as a
11 construction professional, the better it is for our communities. Our members are the
12 little league coaches, the PTA Presidents, and volunteers at charitable events. We
13 live, work and raise our families here. Our members love the State of Nebraska as
14 much as anyone and will work tirelessly to ensure projects like the Keystone XL are
15 done with the safest most productive construction professionals in the industry.
16

17 **III. CONCLUSION**

18
19 **Q. Does this conclude your testimony?**

20
21 A. Yes.
22
23

**STATE OF NEBRASKA
PUBLIC SERVICE COMMISSION**

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TransCanada Keystone Pipeline, L.P.,
Calgary, Alberta, seeking approval for
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Pipeline Siting Act.**

**Application No. OP-0003
Witness List**

Economic Intervenors' Midwest Region of LiUNA and International Brotherhood of Electrical Workers Local Union No. 265 hereby declare Mr. Bill Gerhard as a witness in the above-captioned matter.

Respectfully Submitted,

/s/ Michael E. Amash

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Certificate of Service

Pursuant to 291 *Neb Admin Code* § 015.01(b), a copy of the foregoing was served upon the Public Service Commission and all Parties and Intervenors of record to this proceeding or their attorneys of record as follows:

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