

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION)	
OF TRANSCANADA KEYSTONE)	APPLICATION NO. OP-0003
PIPELINE, LP FOR ROUTE APPROVAL)	
OF THE KEYSTONE XL PIPELINE)	CERTIFICATE OF SERVICE
PROJECT PURSUANT TO THE MAJOR)	
OIL PIPELINE SITING ACT)	

Pursuant to 291 *Neb Admin Code* § 015.01(b), copies of the attached Direct Testimony of David L. Barnett with Exhibits 1-3, Exhibit List, and Witness List were served upon the Public Service Commission and all Parties and Intervenors of record to this proceeding or their attorneys of record as follows:

/s/ Anna Friedlander

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David L. Barnett

International Representative – United Association Pipeline and Gas Distribution Dep't.

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David Barnett currently serves as an International Representative in the Pipeline and Gas Distribution Department for the United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO ("UA") and as an appointed Representative on the U.S. DOT Technical Liquid Pipeline Safety Standards Committee ("THLPSSC"). Barnett began his career as a pipeliner, logging over 44,000 hours of pipeline construction on 55 different projects over thirty years. Barnett also served as Financial Secretary-Treasurer for the UA's local union affiliate dedicated to nationwide pipeline work.

2012 – Present

REPRESENTATIVE-PIPELINE AND GAS DISTRIBUTION DEPT. (UA)

- Currently serve as International Representative (since August 2016); Served as Special Representative between 2012 and 2016.
- Provide daily oversight of transmission and distribution pipelines throughout the United States.
- Administer and assist with interpretation of the UA's National Pipe Line Agreement.
- Promote safe pipeline operations and responsible construction practices.
- Frequent speaker at conferences and meetings about United Association energy policy and replacement of America's aging pipeline infrastructure.

2007 – 2011

FINANCIAL SECRETARY-TREASURER (UA, Local Union 798)

- Reelected to position twice by Local 798 membership.
- Coordinated day-to-day financial operations of Local Union 798, including its general fund with a \$7 million annual budget.
- Jointly administered the daily application of the National Pipe Line Agreement, covering 114 contractors and 7,000 United Association members in 43 states.

1976 – 2006

PIPELINER (UA, Local Union 798)

- Recorded over 44,000 hours on Right-of-Way pipeline construction on pipe ranging from 2 to 48 inches in diameter.
- Performed work on 55 projects, including the Trans-Alaska Pipeline, in 29 states and overseas, performing new construction, take-up and replacement, hydrostatic testing, Smart Pigging, HDD, and emergency repairs.
- Frequently served as a project foreman, including pipe foreman, testing foreman, tie-in foreman, and lead foreman on emergency repair project.

ADVISORY COMMITTEE MEMBERSHIP

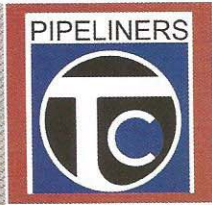
2016 – Present

MEMBER, TECHNICAL LIQUID PIPELINE SAFETY STANDARDS COMMITTEE ("THLPSSC") (U.S. Department of Transportation)

- Government-appointed member of advisory committee composed of Government, industry, and public representatives.
- Meet routinely to review proposed standards and provide broad-ranging recommendations to the Department of Transportation.

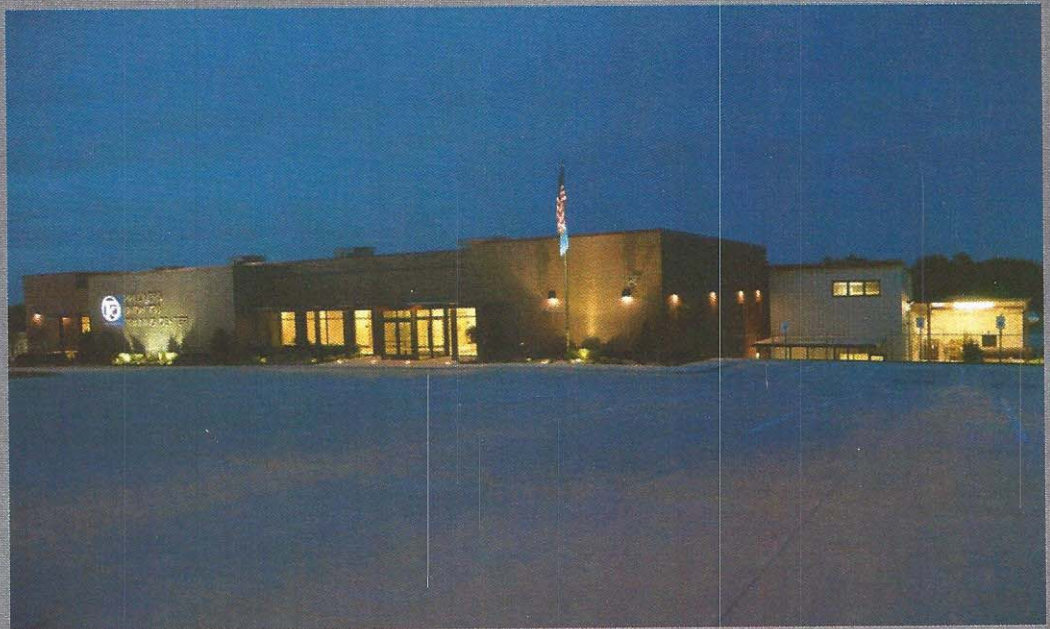
PIPELINE CONSTRUCTION TRAINING

- Conducted over 100 hours of training on workplace safety and proper use of personal protective equipment.
- Obtained operator qualification in hydrostatic testing, ditch excavation, and pipeline construction.
- Completed 400 hours of right-of-way safety and workers' rights seminars.
- Received 40 hours of training in automated welding processes from CRC Evans.
- Received 40 hours of environmental response training.
- Received 16 hours of OSHA-qualified excavation competent person training.
- Graduated top of class at Indian Capital Vo-Tech in Electrical Vocation.



Local 798 Training Center

Student Manual



MISSION STATEMENT

To provide education and training to individuals employed in the pipeline industry throughout the United States. "Board of Trustees September 9, 2009."

To Meet The Demands Of The Mission Statement

The National Pipeline Welding School was jointly established by the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and the Pipeline Contractors Association (United Association). The Fund was organized to provide education and training to individuals employed in the pipeline industry throughout the United States. In 1974, the school became part of the Pipeline Industry Benefit Fund (PIBF). Effective January 1, 2003, Local 798 Training Center (Training Center) was created to continue the educational benefits previously carried out by the Fund.

The Training Center receives its funding through pipeline employer contributions. Pipeline industry standards require pipeline employees to obtain certain levels of education depending upon their classification. This education is provided at no cost to the individual(s) through the Training Center.

The Training Center, at the direction of its Trustees, provides training for those meeting the guidelines for enrollment in the education and training programs. Courses are taught in Tulsa, Oklahoma and include downhill welding, uphill stick-rod welding, heliarc welding, automatic welding techniques, and other courses relating to the industry. From time to time, a Certified Welding Inspector prep course is also offered. The Training Center's highly qualified staff works full-time on these courses, working with individuals on a program of training which meets any special needs that may be required.

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INTRODUCTION

The National Pipeline Welding School became part of the PIBF on July 17, 1974. It was separated and became its own entity on January 1, 2002. It was organized to provide education and training to individuals employed in the pipeline industry. The Training Center, located in Tulsa, receives its funding through pipeline employer contributions and provides the training at no cost to the individual. The individuals who attend the training are normally between jobs, some of whom come from out of state; however, the pipeline employer of their last project recommends them to the Training Center for additional levels of training in order that they may obtain continued employment in the pipeline industry.

The Local 798 Training Center promotes a student-centric learning environment to support the learner to achieve his/her desired professional goals and maintains a non-discriminatory policy. Students are expected to demonstrate a positive attitude and professional character, maintain excellent attendance, and apply their instructional time effectively in the classroom and during outside preparation. We want to ensure that your educational experience in our welding program is a rewarding one and wish you the best in achieving your educational and professional goals.

FINANCIAL AID

All classes provided by the Local 798 Training Center are offered free of charge. Scholarships or loans are therefore not required or provided. In order to defray some of the individuals' costs while they attend the training, the Training Center proposes to pay them a weekly "stipend".

Welcome to Local 798 Training Center!

FACILITIES

The Local 798 Training Center is a 33,000 square foot facility that is utilized for testing, training, and pipeline welding procedures. The shop welding area is 22,000 square feet with 52 welding booths that are ten feet by twelve for two welders and also an instructor. There is also a ten ton overhead crane that is capable of unloading any size pipe or equipment.

Local 798 has long been recognized as the industry leader in pipeline and pipe welding with quality job performance from its members. Determined to retain the enviable position in this regard, it is the Training Center's desire to expand that position to support the United Association and the Pipe Line Contractors Association with quality welders, regardless of the process of application.

The Local 798 Training Center offers top-notch instruction in all processes of welding. With continued support from Lincoln Electric, Miller Electric, Mathey-Dearman, Darby Equipment, and PFERD, no fees are charged. The main focus of training is to provide skilled graduates for the pipeline industry. The Training Center has also hosted "Training Days" for the Oklahoma State Vo-Tech instructors to broaden their knowledge of the welding industry.

Our Training Center is designated as an "Education Institution Member" through the American Welding Society. Some of the qualifications held by one or more of our permanent instructors include the following certifications:

- Certified Welding Inspector – American Welding Society
- Certified Plant and Pipeline Inspector – National Pipeline Inspection School
- Certified Radiographer in X-Ray and Gamma Ray – State of Oklahoma
- Certified Radiographic Film Interpreter – American Society for Non-Destructive Testing
- Authorized Testing Representative for United Association Welder Certification Program

LOCAL 798 TRAINING CENTER LEADERSHIP AND BOARD OF TRUSTEES

LOCAL 798 TRAINING CENTER

Director of Training – Farron Hollobaugh

Instructors - Ricky Jones
Rusty Long
Ronald Evans
Wade Hendricks
David Allen

General Staff – Tim Robinson
Billy Chenhall

BOARD OF TRUSTEES

Danny Hendrix
Paul Somerville
Wade Pilgreen
Grant Sample
Don Thorn

Fund Director – Bob KIME

ACCREDITATION AND LICENSES

Farron Hollobaugh – United Association – Authorized Testing Representative
Ricky Jones – United Association – Authorized Testing Representative

Ricky Jones – American Welding Society
- Certified CWS QC1 Qualified

Rusty Long – American Welding Society
- Certified CWS QC1 Qualified

ADMISSION REQUIREMENTS

Qualifications at the Local 798 Training Center include the following:

Welder Requalification: Effective November 1, 2010, any Welder who has been discharged or laid off for “bad welds” on two consecutive jobs or missed two consecutive tests, or a combination of either, will be eligible for a \$400 per week stipend from the Local 798 Training Center. When properly scheduled with the Training Center, and at its discretion, these stipend payments will be for a minimum of one week and a maximum of two weeks. Also, any Welder that has missed one test or has been discharged from a job for “bad welds” can voluntarily come to the Training Center for a minimum of one week and a maximum of two weeks of training and when properly scheduled with the Training Center, will be eligible for a \$400 per week stipend payment. All Welders will be required to attend training at the Training Center from 8:00 a.m. until 4:30 p.m., Monday through Friday (excluding designated holidays). All Welders must call and pre-schedule with the Director of Training prior to coming. There will be no welders scheduled the week of the Local 798 Steward School.

Downhill Welding School – Pipeline Helpers: Effective January 1, 2011, the Local 798 Training Center Downhill Welding School for Pipeline Helpers will hold two 14-week training classes per year. The first class of the year will begin in January and the second class of the year will begin in September. Each of these classes will have 12 students who will each receive a \$400 per week stipend check from the Local 798 Training Fund.

The acceptance criteria for these classes will be as follows: (1) Minimum of 3 years experience Covered Employment as defined in the Training Center Trust Agreement; (2) Minimum of 5000 hours of covered pipeline construction projects in the last 10 years verified by the dates, locations, and job duties performed; and (3) Minimum of 5 letters of recommendation from Local 798 Welders who have personally witnessed the applicant's work practices (including skills and attendance). The selection process will be based upon the highest marks received on letters of recommendation, work record, attendance on jobs, safety infractions, and any relevant work history. There will be a three-person selection committee established by the Trustees of the Local 798 Training Center which could include: Option #1 – Director of Training, Local 798 Business Manager, and Local 798 Financial Secretary or Option #2 – Director of Training and two individuals hired from an outside source as the selection committee.

NON-DISCRIMINATORY POLICY AS TO STUDENTS

Local 798 Training Center, in compliance with Title VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Americans With Disabilities Act of 1990, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to administration of its educational policies, admissions policies, scholarship and other school-administered programs.

Overview of Classroom and Hands-On Instruction

The Local 798 Training Center is committed to providing the best training available in the United States to insure students meet the rigorous testing standards that must be met on each and every pipeline construction project located in the United States before they can go to work on the project.

To meet the demanding testing requirements, the instructors at the Local 798 Training Center follow the A.P.I. (American Petroleum Institute) 1104 standards in the classroom environment as well as during hands-on training. Other material located in this manual will attest to the A.P.I. standards that the pipeline industry has come to rely upon. All applicants who graduate from the school have achieved the confidence that they will be the best of the best in the industry. Our requirements are actually more stringent than the 1104 code when other training skills are included in the programs being offered. The Trustees review the curriculum to assure the classroom environment and the instructor's knowledge never falls beneath goals and standards that are expected. The Training Center instructors are required to comply with the following:

- Visual inspection according to Section 6.4 of the API code section 1104
- Destructive Testing 6.5.1 (Sampling of test butt welds)
- Section 6.5.2 The instructors use the option to Omit the Tensiles
- Section 6.5.4 Nick Break Requirements (5.6.3.3)
- Section 6.5.5 Bend Test (5.6.4.3, 5.6.5.3). If it breaks and exposed, then must meet the requirements of Sections (5.6.3.3)
- Section 6.8 Records. The instructors use an approved form that has been used for over 30 + years to record the results of testing

This standard gives the guidance for welders to be judged as competent to meet the test requirements of the vast majority of the companies throughout the United States and Canada.

CURRICULUM FOR LOCAL 798 TRAINING CENTER

The daily curriculum for the 798 Training Center is to properly train and advise potential pipeline workers in the proper skills and techniques to perform their job. The Training Center provides education for entry level workers as well as experienced welders refining their skill or learning a new skill or processes. We hold OSHA 10 classes and also work with oil and gas companies from all of North America to set and qualify their welding procedures. We also teach downhill pipeline welding in accordance with the American Petroleum Institute 1104 Code, which is the core guidelines that all pipeline work is regulated by. These regulations are controlled by the Federal Department of Transportation. We also hold training sessions for the American Welding Society, CWI (Certified Welding Inspector), and oversee welding construction practices. We also teach pipeline pipefitting related classes and provide testing of equipment and consumables for companies such as Lincoln Electric, Miller, Hobart and other pipeline equipment suppliers in North America. Our main goal as a training center is to train potential pipeline workers safe and efficient work skills and habits to properly construct our pipeline infrastructure into a safe network that we all deserve and can trust to be safe.

Class Schedule for 14-Week Welder Training Program

First Week

Day One:

- Orientation
- Drug Screen
- Vision Test
- Assigned to Teacher/Instructor

Day Two:

Review of skill level

Training program developed based on skill level

- 1) Developed by Instructor
- 2) Approved by Director of Training

Days Two through Five:

Continued instruction with close observation

Weeks Two through Thirteen:

Continuation of training in accordance with API Code 1104

Weeks Four through Eight:

One hour of related pipefitter class - actual classroom with work sheets and book taught by Director of Training.

Week Fourteen:

Preparation for final welding test to meet all API Code 1104 standards. Upon successful completion of test, certificate is issued.

Members Missing Job Site Qualifications and Requalification Procedures

Requirements

Two visually accepted welds eligible to take requalification test.

Day One:

- Complete paperwork
- Instructor determines requirements to be met

Day Two up through Day Nine:

Proceed to improve skills

Day Ten:

Take requalification test

Note: The requalification can take from 3-10 days depending on requalification requirements.

Final Day:

Documentation completed to allow employee to return to work

COURSE DESCRIPTION

The Training Center provides education, training, and testing for individuals to be employed in the pipeline industry. Each student at the Training Center will receive instruction to learn the following skills:

1. Downhill welding
2. TIG welding
3. Fabrication techniques
4. Inspection of welds for quality control
5. Metal bending engineering
6. Pipeline welding procedure development
7. Positioning pipeline for welding
8. Beveling pipe for welding preparation
9. Pipeline welding equipment set-up, including safety and hazard training for pipeline welding and the proper use of personal protective equipment
10. Review of tools, including rigging equipment and lifts
11. Reading of blueprints, drawings and detail sheets

STUDENT HOLIDAY SCHEDULE

The following holidays are observed by the Training Center:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving
Christmas
New Years Day

(If one of the holidays named above falls on Sunday, it shall be observed on Monday.)

WELDING CERTIFICATION TESTS

The Training Center offers certification for the following:

1. 1G - The 1G pipe welding certification position is a pipe in the horizontal position and the pipe is rolled when welding. This is basically welding in the flat position.
2. 2G - The 2G pipe welding certification position is a pipe that is standing in the vertical position. The weld being done is a horizontal weld and the pipe cannot be rotated. It is in a fixed position.
3. 5G - The 5G pipe welding certification position is a pipe welding in the horizontal position that is fixed and cannot be moved. The welding done is overhead, vertical, and flat with a full transition of all of those positions. This position comes in two travel directions. The first is a vertical up travel and that is the most commonly used progression. The second is vertical down progression and this is commonly used for pipe line welder qualification.
4. 6G - The 6G pipe welding certification position is a pipe welding that is standing on a 45 degree angle and cannot be moved. This test incorporates all of the positions. This one test will qualify the welder to weld pipe and plate in all positions. This is the hardest of all welding positions and the test typically given for the higher paying jobs.
5. 2 & 5G Combo - The 2G and 5G combo tests are sometimes done to qualify a welder for all pipe welding positions. It can sometimes be substituted for the 6G position.

RULES AND REGULATIONS

PARKING

PARKING AT THE TRAINING CENTER IS A PRIVILEGE NOT A RIGHT. ALL STUDENTS ARE REQUIRED TO PARK ALONG THE EAST FENCE IN LOWER PARKING LOT OR OTHER AREAS THAT MAY BE DESIGNATED FROM TIME TO TIME. IF THE STUDENT HAS PERMISSION FROM THE INSTRUCTOR TO UTILIZE HIS OWN WELDING RIG, THE STUDENT WILL BE DIRECTED WHERE TO PARK.

PERSONAL CONDUCT

ALL STUDENTS ARE EXPECTED TO CONDUCT THEMSELVES IN A RESPECTABLE AND CONSIDERATE MANNER AT ALL TIMES WHILE AT THE TRAINING CENTER. CONDUCT EXPECTED OF ALL STUDENTS INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING:

STUDENT RESPONSIBILITIES

REGULAR ATTENDANCE AND BEING ON TIME FOR ALL CLASSES.

COMPLYING WITH ALL TRAINING CENTER RULES AND REGULATIONS.

ASSIST IN THE DEVELOPMENT OF A CLIMATE WITHIN THE SCHOOL THAT IS CONDUCIVE TO LEARNING.

RESPECT THE RIGHTS OF INSTRUCTORS, STUDENTS, TRAINING CENTER OFFICIALS AND ALL OTHERS WHO ARE INVOLVED IN THE EDUCATIONAL PROCESS.

EXERCISE PROPER CARE WHEN USING SCHOOL FACILITIES AND EQUIPMENT.

PROHIBITIONS

DEFACING OR IN ANY WAY DAMAGING PROPERTY BELONGING TO THE TRAINING CENTER, ITS EMPLOYEES, INSTRUCTORS, VISITORS OR OTHER STUDENTS.

STEALING OR THE ATTEMPT TO STEAL PROPERTY OF ANOTHER.

POSSESSION OF ANY WEAPON, KNIFE, GUN, INSTRUMENT OR ARTICLE INCLUDING FIREWORKS THAT MIGHT BE INJURIOUS TO A PERSON OR PROPERTY.

PARTICIPATING OR ENGAGING IN ANY ACTIVITY THAT INTERFERES WITH OR DISRUPTS THE EDUCATIONAL PROCESS.

PHYSICALLY ASSAULTING OR CAUSING BODILY INJURY TO AN INSTRUCTOR, A VISITOR, OR A STUDENT.

VERBALLY ASSAULTING OR THREATENING AN INSTRUCTOR, A VISITOR, OR A STUDENT, INCLUDING THE USE OF PROFANITY, VULGAR LANGUAGE, OBSCENE GESTURES, NAME-CALLING, ETHNIC OR RACIAL SLURS, DEROGATORY STATEMENTS, SEXUAL INNUENDO, OR ANY HARASSMENT OR DISCRIMINATION.

EDUCATIONAL DISHONESTY, WHICH INCLUDES, BUT IS NOT LIMITED TO, CHEATING ON SCHOOL ASSIGNMENTS OR TESTS.

THE GIVING OF FALSE INFORMATION EITHER VERBALLY OR IN WRITING TO THE TRAINING CENTER.

TAMPERING WITH, CHANGING, OR ALTERING RECORDS OR DOCUMENTS OF THE TRAINING CENTER.

BEING UNDER THE INFLUENCE OF, OR THE USE, SALE, POSSESSION, TRANSFER OR PURCHASE OF DRUGS, DRUG PARAPHERNALIA, OR ALCOHOL WHILE AT THE TRAINING CENTER.

THE MISUSE OR ABUSE OF PRESCRIPTION DRUGS, OVER-THE-COUNTER MEDICATION, OR MIND-ALTERING SUBSTANCES (WHETHER OBTAINED THROUGH PRESCRIPTION OR OVER-THE-COUNTER) WHILE AT THE TRAINING CENTER.

VIOLATION OF THIS PERSONAL CONDUCT POLICY WILL RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING SUSPENSION, DISMISSAL, OR PERMANENT EXPULSION FROM THE TRAINING CENTER.

PERSONAL BUSINESS

TRAINING CENTER PHONES ARE FOR COMPANY BUSINESS ONLY AND SHALL NOT BE USED FOR PERSONAL CALLS.

SMOKING AND TOBACCO

SMOKING AND TOBACCO CHEWING IS PROHIBITED INSIDE THE TRAINING CENTER, INCLUDING THE BREAK AREA AND CLASSROOMS. SMOKING IS PERMITTED OUTSIDE ONLY. SMOKERS ARE TO DISCARD CIGARETTE BUTTS IN DESIGNATED CONTAINERS ONLY.

SAFETY

ALL STUDENTS AND WELDERS SHALL BE REQUIRED TO PROPERLY WEAR ALL PERSONAL PROTECTIVE EQUIPMENT AT ALL TIMES, INCLUDING SAFETY GLASSES OR FACE SHIELDS WHEN BUFFING, WELDING OR GRINDING. THERE IS NO TOLERANCE TO THE FAILURE TO FOLLOW THIS POLICY. VIOLATION OF THE SAFETY RULES OF THE TRAINING CENTER WILL RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING SUSPENSION OR DISMISSAL FROM THE TRAINING CENTER.

ATTENDANCE POLICY

ANY STUDENT RECEIVING A STIPEND IS REQUIRED TO ATTEND CLASSES AND TRAINING EVERY WEEKDAY FROM 8:00 AM – 4:30 PM. ALL STUDENTS ARE EXPECTED TO BE ON TIME. ALL ABSENCES ARE TO BE PRE-APPROVED, EXCEPT FOR EMERGENCIES, OR HOLIDAYS.

IF A STUDENT MISSES A DAY DUE TO SICKNESS, ILLNESS OR INJURY, THE STUDENT UPON RETURNING TO CLASS MUST PROVIDE THE INSTRUCTOR WITH WRITTEN PROOF OF A DOCTOR VISIT. THREE UNEXCUSED ABSENCES OR REPEATED TARDINESS WILL BE GROUNDS FOR DISMISSAL FROM THE TRAINING CENTER.

SCHOOL FACILITIES

CLEANING OF THE SCHOOL, WELDING STALLS, BATHROOMS, PIPE PREPARATION AREA AND BREAK AREA WILL BE THE RESPONSIBILITY OF ALL STUDENTS. STUDENTS WILL BE ADVISED OF SPECIFIC RESPONSIBILITIES THEY WILL BE REQUIRED TO PERFORMED, GENERALLY ON A DAILY BASIS.

ALL UNUSED WELDING RODS ARE TO BE RETURNED TO THE ROD AREA. ALL ELECTRIC CORDS AND TORCH HOSES ARE TO BE ROLLED UP AFTER EACH USE. TRUCKS AND FORKLIFTS ARE TO BE OPERATED BY INSTRUCTORS ONLY.

PETS

NO PETS ARE ALLOWED ON THE TRAINING CENTER PROPERTY.

GRIEVANCE

COMMUNICATION IS AT THE HEART OF GOOD STUDENT TO STUDENT AND STUDENT TO INSTRUCTOR RELATIONS. IN THE EVENT OF A CONFLICT THAT CAN NOT BE RESOLVED BY THE INSTRUCTOR, STUDENT MAY FILE A WRITTEN GRIEVANCE WITH THE DIRECTOR OF TRAINING.

TESTING

ALL STUDENTS WILL BE TESTED ON OR BEFORE THE END OF THE FOURTEENTH WEEK OF INSTRUCTION AND TRAINING.

WELDERS THAT ARE REQUALIFYING WILL BE FIRST REQUIRED TO PERFORM TWO GOOD WELDS BEFORE THEY ARE ALLOWED TO TEST, IF THEY FAIL THE TEST, TWO MORE GOOD WELDS WILL BE REQUIRED BEFORE RETESTING.



**STANDARD FOR
EXCELLENCE**

A SPECIAL MESSAGE FROM GENERAL PRESIDENT BILL HITE



http://ua.org/standard_excellence.asp

Brothers and Sisters:

Within the pages of this booklet you will find the United Association Standard for Excellence policy. This policy sets forth the fundamental principles underlying all that we do in the UA. These are words we intend to live by.

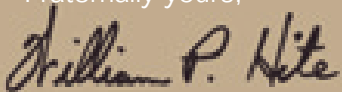
The UA Standard for Excellence policy not only outlines the obligations of UA members on the job; it also spells out the obligations of our signatory contractors as well. In this way, we are making it clear to all parties—including construction owners—that we are dedicated to doing the best job possible.

I encourage you to keep this booklet handy and refer to it from time to time, especially when situations arise on the jobsite that could undermine our commitment to excellence. This policy represents the best workplace ethics and it can help to ensure success in your career as a professional UA tradesperson.

I believe that the United Association is, without a doubt, the best union in the building trades. Let's keep it that way by following the principles contained in our Standard for Excellence.

With gratitude for your loyalty to our great union, I remain

Fraternally yours,

A handwritten signature in black ink that reads "William P. Hite". The signature is written in a cursive, flowing style.

William P. Hite

General President

MEMBER AND LOCAL UNION RESPONSIBILITIES:

To ensure the **UA Standard for Excellence** platform meets and maintains its goals, the Local Union Business Manager, in partnership with his implementation team, including shop stewards and the local membership, shall ensure all members:

- Meet their responsibilities to the employer and their fellow workers by arriving on the job ready to work, every day on time (Absenteeism and tardiness will not be tolerated.)
- Adhere to the contractual starting and quitting times, including lunch and break periods (Personal cell phones will not be used during the workday with the exception of lunch and break periods.)
- Meet their responsibility as highly skilled craftworkers by providing the required tools as stipulated under the local Collective Bargaining Agreement while respecting those tools and equipment supplied by the employer
- Use and promote the local union and international training and certification systems to the membership so they may continue on the road of lifelong learning, thus ensuring UA craftworkers are the most highly trained and sought after workers
- Meet their responsibility to be fit for duty, ensuring a zero tolerance policy for substance abuse is strictly met
- Be productive and keep inactive time to a minimum
- Meet their contractual responsibility to eliminate disruptions on the job and safely work towards the on-time completion of the project in an auspicious manner
- Respect the customers' property (Waste and property destruction, such as graffiti, will not be tolerated.)
- Respect the UA, the customer, client and contractor by dressing in a manner appropriate for our highly skilled and professional craft (Offensive words and symbols on clothing and buttons are not acceptable.)
- Respect and obey employer and customer rules and policies
- Follow safe, reasonable and legitimate management directives

STANDARD FOR EXCELLENCE

EMPLOYER AND MANAGEMENT RESPONSIBILITIES:

MCAA/MSCA, PFI, NCPWB, PCA, UAC and NFSA and their signatory contractors have the responsibility to manage their jobs effectively, and as such have the following responsibilities under the **UA Standard for Excellence**.

- Replace and return to the referral hall ineffective superintendents, general foremen, foremen, journeymen and apprentices
- Provide worker recognition for a job well done
- Ensure that all necessary tools and equipment are readily available to employees
- Minimize workers' downtime by ensuring blueprints, specifications, job layout instructions and material are readily available in a timely manner
- Provide proper storage for contractor and employee tools
- Provide the necessary leadership and problem-solving skills to jobsite supervision
- Ensure jobsite leadership takes the necessary ownership of mistakes created by management decisions
- Encourage employees, but if necessary, be fair and consistent with discipline
- Create and maintain a safe work environment by providing site specific training, proper equipment and following occupational health and safety guidelines
- Promote and support continued education and training for employees while encouraging career building skills
- Employ an adequate number of properly trained employees to efficiently perform the work in a safe manner, while limiting the number of employees to the work at hand, thereby providing the customer with a key performance indicator of the value of the **UA Standard for Excellence**
- Treat all employees in a respectful and dignified manner, acknowledging their contributions to a successful project
- Cooperate and communicate with the job steward



PROBLEM RESOLUTION THROUGH THE UA STANDARD FOR EXCELLENCE POLICY:

Under the **UA Standard for Excellence** it is understood, that members through the local union, and management through the signatory contractors, have duties and are accountable in achieving successful resolutions.

MEMBER AND LOCAL UNION RESPONSIBILITIES:

- The local union and the steward will work with members to correct and solve problems related to job performance.
- Job stewards shall be provided with steward training and receive specialized training with regard to the **UA Standard for Excellence**.
- Regular meetings will be held where the job steward along with UA supervision will communicate with the management team regarding job progress, work schedules, and other issues affecting work processes.
- The job steward shall communicate with the members about issues affecting work progress.
- The business manager or his delegate will conduct regularly scheduled meetings to discuss and resolve issues affecting compliance of the **UA Standard for Excellence** policy.
- The steward and management will attempt to correct such problems with individual members in the workplace.
- Individual members not complying with membership responsibility shall be brought before the Local Union Executive Board, which will address such members' failure to meet their obligation to the local and the UA, up to and including filing charges. The local union's role is to use all available means to correct the compliance problem.

STANDARD FOR EXCELLENCE

EMPLOYER AND MANAGEMENT RESPONSIBILITIES:

- Regular meetings will be held where the management team and UA supervision will communicate with the job steward regarding job progress, work schedules, and other issues affecting the work process.
- Management will address concerns brought forth by the steward or UA supervision in a professional and timely manner.
- A course of action shall be established to allow the job steward and/or UA supervision to communicate with higher levels of management in the event there is a breakdown with the responsible manager.
- In the event that the employee is unwilling or unable to make the necessary changes, management must make the decision whether the employee is detrimental to the **UA Standard for Excellence** platform and make a decision regarding his/her further employment.

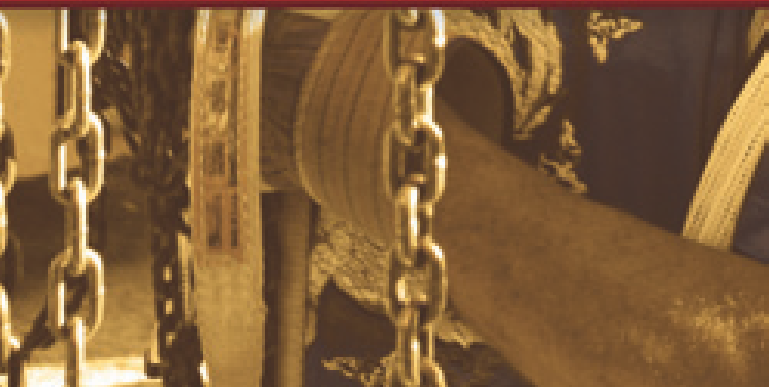
ADDITIONAL JOINTLY SUPPORTED METHODS OF PROBLEM RESOLUTION:

- In the event an issue is irresolvable at this level, the local or the contractor may call for a contractually established labor management meeting to resolve the issues.
- Weekly job progress meetings should be conducted with job stewards, UA supervision and management.
- The local or the contractor may involve the customer when their input is prudent in finding a solution.
- Foremen, general foremen, superintendents and other management should be educated and certified as leaders in the **UA Standard for Excellence** policy.





United Association
Three Park Place
Annapolis, MD 21401-3153



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION)	
OF TRANSCANADA KEYSTONE)	APPLICATION NO. OP-0003
PIPELINE, LP FOR ROUTE APPROVAL)	
OF THE KEYSTONE XL PIPELINE)	EXHIBIT LIST
PROJECT PURSUANT TO THE MAJOR)	
OIL PIPELINE SITING ACT)	

Economic Intervenor United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO (“United Association”), hereby submits the following exhibit list in the above-captioned proceeding:

Exhibit 1: David L. Barnett resumé

Exhibit 2: United Association Local 798 Training Center Student Manual

Exhibit 3: United Association Standard for Excellence

Respectfully submitted,

/s/ Ellen O. Boardman
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*Counsel for Intervenor United Association
of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of the
United States and Canada, AFL-CIO*

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION)	
OF TRANSCANADA KEYSTONE)	
PIPELINE, LP FOR ROUTE APPROVAL)	APPLICATION NO. OP-0003
OF THE KEYSTONE XL PIPELINE)	
PROJECT PURSUANT TO THE MAJOR)	
OIL PIPELINE SITING ACT)	

DIRECT TESTIMONY OF DAVID L. BARNETT

ON BEHALF OF UNITED ASSOCIATION OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY
OF THE UNITED STATES AND CANADA, AFL-CIO

JUNE 7, 2017

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

2 A. My name is David L. Barnett. I am an International Representative assigned to the
3 Pipeline and Gas Distribution Department for the United Association of Journeymen
4 and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and
5 Canada, AFL-CIO (the “UA”). My business address is Three Park Place, Annapolis,
6 MD 21401, the general office of the UA.

7
8 **Q. What is the purpose of your testimony?**

9 A. The purpose of my testimony is to discuss the positive economic impacts of using
10 Union labor on the Keystone XL Pipeline (“Keystone XL” or the “Project”) and how
11 those economic impacts benefit the public interest from a labor organization,
12 construction-oriented viewpoint. First, I will give some background about the UA to
13 illustrate its experience on the topic of pipeline construction and its policies and
14 efforts related to energy efficiency. Next, I will discuss how members of the UA,
15 Nebraska residents, and the State of Nebraska would all benefit economically from
16 the Project being built using Union labor. For their part, members of the UA have the
17 expertise and ability to build the pipeline to the highest standards of reliability and
18 efficiency.

19
20 **Q. Please describe the UA and its membership.**

21 A. The UA is an international labor organization representing approximately 370,000
22 plumbers, pipefitters, sprinkler fitters, service technicians, and welders across North

1 America – including over 1,500 who reside in Nebraska. The UA has two (2) local
2 union affiliates in Nebraska with approximately 1,425 active members.

3
4 The UA also includes United Association Pipeliners Local 798 (“Local 798”), a
5 nationwide local union of pipeliners. The members of Local 798 are among the most
6 highly-trained and competent pipeline workers in the United States. These workers
7 would ensure that Keystone XL is constructed according to the highest standards of
8 craftsmanship, as they have on countless projects in the past.

9
10 **Q. Please briefly describe your background in pipeline work and your role as an**
11 **International Representative in the Pipeline and Gas Distribution Department**
12 **with the UA.**

13 A. I am a third generation UA pipeliner. I began my career in the field in 1976 as a
14 welder helper with Local 798, working on the Trans-Alaska Pipeline. Altogether, I
15 worked for thirty years as a pipefitter on a total of 55 different projects in 29 States
16 and overseas.

17
18 During my career as a pipeliner, I logged over 44,000 hours on the right-of-way
19 constructing pipelines. In these jobs, I gained experience in many types of welding
20 processes on pipe ranging from 2 inches to 48 inches in diameter. I served on many
21 projects as crew foreman and worked on all types of construction, including new
22 construction, take-up and replacement, and emergency repairs.

1 In January 2007, I became Financial Secretary-Treasurer of UA Local 798. As
2 Financial Secretary-Treasurer of Local 798, I directed day-to-day financial operations
3 as well as the administration of the National Pipe Line Agreement for the
4 considerable amount of work in Local 798's territorial jurisdiction which covers the
5 majority of States in the country. After five years in that position with Local 798, I
6 was offered and accepted the position of Special Representative for the UA assigned
7 to the Pipeline Department. In 2016, I was elected to the position of International
8 Representative assigned to the UA Pipeline Department.

9
10 In addition to my field experience as a pipeliner, I have obtained operator
11 qualification for hydrostatic testing, ditch excavation, and general pipeline
12 construction. I have conducted training in workplace safety and have participated in
13 many hours of safety and construction training on a variety of pipeline-related topics
14 as well as environmental response training.

15
16 As a Representative assigned to the Pipeline and Gas Distribution Department, I serve
17 the pipeline industry on a national level by providing daily oversight of transmission
18 and distribution pipelines throughout the United States with a goal of ensuring safe,
19 high-quality pipeline construction and operation through responsible construction
20 practices that utilize the most up-to-date techniques and safety measures. As part of
21 my duties, I also help UA local unions represent UA workers and interpret the UA's
22 National Pipe Line Agreement.

23

1 In November 2016, I was appointed to serve as a representative on the U.S.
2 Department of Transportation's Technical Liquid Pipeline Safety Standards
3 Committee ("THLPSSC" or the "Committee"), which is an advisory board to the U.S.
4 Department of Transportation composed of representatives appointed from
5 Government, industry, and the public. The Committee meets routinely to review
6 proposed standards and provide recommendations on their technical feasibility,
7 reasonableness, cost-effectiveness, and practicability.

8
9 In addition, I speak regularly at conferences and other events about the need for new
10 pipeline infrastructure as well as upgrades to and/or replacement of our country's
11 aging pipeline infrastructure with up-to-date, modernized pipelines.

12
13 My resumé is attached to this testimony as Exhibit 1.
14

15 **Q. Please describe the UA's efforts related to energy efficiency and modernization.**

16 A. The UA is an active member of the BlueGreen Alliance, which unites labor unions
17 and environmental groups to promote energy efficiency and sustainability in an
18 environmentally-responsible way. The BlueGreen Alliance is a leader in its field and
19 works towards repairing and modernizing our nation's infrastructure for traditional
20 energy sources at the same time as it works to promote renewable energy sources.
21 Other members of the BlueGreen Alliance include the Sierra Club, the Natural
22 Resources Defense Council, the National Wildlife Federation, and EDF Action, the
23 political action partner of the Environmental Defense Fund.

1 In general, the UA favors an “all of the above” approach to energy development,
2 including advancement of domestic oil and natural gas, renewable power generation,
3 and overall energy efficiency. As one part of its energy policy, the UA advocates for
4 the transportation of oil via pipeline instead of rail or truck and the replacement of the
5 country’s aging pipeline system. All of these policies and efforts aim to increase
6 energy efficiency and modernization while still providing reliable transportation of
7 the traditional energy sources that the United States will continue to need for the
8 foreseeable future.

9
10 **Q. Please describe the scope of the UA’s past and current pipeline work.**

11 A. The UA’s experience and expertise in pipeline work is unparalleled. Pipeliners Local
12 798 received its charter from the UA in 1949 and has been involved in every major
13 pipeline project in the United States since then. Over the decades, the members of
14 Local 798 have installed many thousands of miles of pipelines, including within
15 Nebraska and its neighboring states, using the latest techniques and according to the
16 highest industry standards. Members of Local 798 work under the National Pipe Line
17 Agreement, a comprehensive collective bargaining agreement specifically covering
18 mainline pipeline work, which applies to over one hundred contractors and 7,000 UA
19 members throughout the United States.

20
21 Major pipeline projects on which UA members have worked include the Alliance
22 Energy, Northern Border, Rockies Express, Vector, Trans Continental, Maritimes and
23 Northeast, Colonial, Natural Gas of America, Kern River, Trailblazer, Trans Alaska,

1 the Great Lakes Expansion, Florida Gas, the Enbridge Northern Lights Project,
2 Patriot, Gulf Stream, Gulf Coast Extension, Iroquois, Ruby, Bison, Flanagan South,
3 and Alberta Clipper, among many others.

4
5 **Q. Please describe the training that UA members receive in pipeline construction.**

6 A. The UA's training efforts are second to none and produce workers who are highly-
7 skilled in all aspects of pipeline and pipefitting work.

8
9 UA local unions and their signatory employers co-sponsor joint apprenticeship and
10 training programs that train all types of pipe fitters and other piping workers
11 throughout the United States to the highest standards. These programs provide
12 training and testing for welder and welding inspection certification, plant and pipeline
13 inspection, x-ray certification, and radiographic film interpretation, among other
14 skills. All training emphasizes safety and protection of the environment.

15
16 UA pipeline welders and pipefitters undergo rigorous and extensive training prior to
17 receiving journeyman accreditation as well as continuing training thereafter to ensure
18 they are up-to-date with the most recent and advanced construction methods. UA
19 Pipeliners Local 798 – whose members work on pipeline projects nationwide –
20 maintains a 33,000 square foot, state-of-the-art training and testing center. The center
21 has been designated as an “Education Institution Member” by the American Welding
22 Society. Training is administered by highly-qualified, experienced instructors and

1 follows standards set forth by the UA Training Department and the American
2 Petroleum Institute.

3
4 The Local 798 Training Center Student Manual, outlining its curriculum, policies,
5 and offered courses of training is attached to this testimony as Exhibit 2. Also
6 attached, as Exhibit 3, is the UA's Standard for Excellence, which outlines the UA's
7 pledge to maintain the highest standards of excellence in the workplace including on
8 the right-of-way.¹ These documents show the emphasis that the UA places on high-
9 quality construction, worksite safety, and professionalism.

10
11 In addition to training at the Training Center, the UA's signatory contractors provide
12 job specific training regularly on jobsites. Training at jobsites often relates to local
13 environmental issues and hazards so that construction is tailored to the specifics of
14 the local environment and is undertaken in the most responsible and thorough
15 manner.

16
17 All of these training efforts combine to produce prepared and highly trained pipeline
18 workers who would bring their considerable skills and experience to the Project.
19 Their expertise means that the pipeline would be constructed according to the highest
20 standards by workers who know how to do the job right and who take great pride in
21 their work.

22

¹ The UA's Standard for Excellence is also available at: http://www.ua.org/pdfs/UA_Standard_for_Excellence.pdf.

1 **Q. Please describe the measures that UA members take to protect the environment**
2 **during construction and your understanding of TransCanada Keystone Pipeline,**
3 **LP's ("Keystone") plans related to environmental protection during**
4 **construction.**

5 A. As described earlier, the UA's members are highly-trained and well-versed in the
6 latest construction methods and techniques and are vigilant in guarding against
7 environmental harm during construction. These workers would also comply fully
8 with all job-specific training and orientation required by Keystone and/or its
9 contractor partners.

10
11 It is the UA's understanding that the standards and practices of the company that
12 Keystone hires to construct the Project will meet or exceed applicable regulatory
13 requirements and industry standards.² Extensive training and experience in previous
14 large-scale pipeline projects have prepared the UA's members to adhere to such
15 standards.

16
17 During construction, environmental protection begins with the proper handling of the
18 pipe and other materials to prevent the integrity of the original products from being
19 compromised. Equipment is also constantly monitored so as to detect any leaks
20 immediately and allow for malfunctioning equipment to be tagged out until it can be
21 repaired. Testing of the pipeline's integrity is done after installation and before it

² See Application, *In the Matter of the Application of TransCanada Keystone Pipeline, L.P. for Route Approval of the Keystone XL Pipeline Project Pursuant to the Major Oil Pipeline Siting Act*, Nebraska Public Service Commission (hereinafter, "Application"), App. D, p. 1.

1 goes into service. To this end, Keystone has asserted that it will use hydrostatic
2 testing in accordance with federal requirements to ensure that the pipeline system is
3 capable of withstanding the applicable operating pressure.³ Finally, all materials used
4 in the construction process are removed and disposed of properly to ensure
5 preservation of the natural environment.

6
7 To prevent harm to bodies of water and sensitive environments, specifically, set-back
8 zones are established around bodies of water to allow for fueling only outside of a set
9 number of feet – in this case, 100 feet.⁴ Horizontal drilling is also used to prevent the
10 need to excavate a trench, for example, under significant waterways so that the pipe is
11 installed several feet beneath the body of water without disturbing it.⁵

12
13 These are only a few notable examples of the protections that UA members would be
14 prepared to use on construction of Keystone XL. Members of UA Local 798 are
15 trained and experienced in all of these environmental protection measures and would
16 ensure that Keystone XL is constructed according to the most vigilant environmental
17 standards.

³ Application pgs. 29-30.

⁴ Application App. D p. 54.

⁵ See Application p. 29.

1 **Q. Have there been any recent projects in the Midwest and Nebraska on which**
2 **members of the UA have worked that are similar to Keystone XL?**

3 A. Yes. One recent project that UA members constructed in the Midwest is the Flanagan
4 South pipeline, which covers 590 miles using 36-inch pipe through Illinois, Missouri,
5 Kansas, and Oklahoma, and included all associated pumping stations. The Flanagan
6 South pipeline is very similar to Keystone XL in that both projects use 36-inch
7 diameter pipe with a similar wall thickness and involve construction through similar
8 terrain. By the end of the mainline welding construction, the overall weld repair rate
9 on Flanagan South was 1.97 percent, well below the ten percent standard that is
10 acceptable to the Federal Energy Regulatory Commission (“FERC”) and the industry
11 standard of five percent – a testament to the expert work that UA members provided
12 on the project.

13
14 UA members have also installed pipelines in Nebraska, including 192 miles of 30-
15 inch diameter pipe on the Keystone Pipeline in 2008-2010 and 280 miles of 42-inch
16 diameter pipe on the Rockies Express Pipeline in 2007 and 2008, both of which were
17 completed with weld quality repair rates well below the industry standard.

18
19 The UA has worked with TransCanada on several recent projects, including the Bison
20 Pipeline in 2010, which is a 302-mile natural gas pipeline stretching from Wyoming
21 through North Dakota, as well as several other smaller construction, maintenance, and
22 station projects.

23

Q. What economic benefits would construction of the Project provide in terms of jobs, income, and benefits?

A. Keystone XL presents a significant opportunity for many jobs to be created for UA members. The UA also expects that Keystone XL would produce jobs and income for residents of Nebraska in other sectors of the economy.

Keystone anticipates that there would be three (3) construction spreads covering portions of Nebraska and that each spread would create approximately 500 jobs. Keystone also estimates that the Project would involve the construction of five (5) pump stations in Nebraska, requiring 100 jobs each. Based on Keystone's estimated job projections on the construction spreads⁶ and the pump stations, the UA could expect 564 jobs for its members on the construction of Keystone XL in Nebraska.

Based on my extensive experience in the field and as Financial Secretary-Treasurer of Local 798, I estimate that an average UA member could expect to work approximately 1,800 to 2,200 hours on the Nebraska portion of the Project and earn, on average, between \$40,000 and \$80,000, depending upon worker classification, over 6 to 8 months. Total projected wages for the Project to UA members would be approximately \$95 million in addition to over \$64 million in contributions to members' pension and health benefit funds – of which approximately \$30 million in wages and \$20 million in fringe benefit contributions would be earned on the

⁶ "TransCanada Releases Detailed Keystone XL Job Creation Data," TRANSCANADA CORP., Jan. 10, 2012, available at: <https://www.transcanada.com/en/announcements/2012-01-10transcanada-releases-detailed-keystone-xl-job-creation-data/>.

1 Nebraska portion of the Project. These are the kinds of highly-skilled, well-paying
2 job opportunities that UA members and all construction workers count on to provide
3 for themselves and their families.

4
5 In addition to wages, UA members would receive contributions to 401(k) plans and
6 defined benefit pension plans as well as health benefits for themselves and their entire
7 families for the duration of the Project. This health coverage would ensure that out-
8 of-state UA members working in Nebraska would not become a burden on local
9 health systems.

10
11 After initial construction, members of the UA could also reasonably expect to
12 participate in maintenance and upgrade work on the Project in the future.

13
14 All of these job opportunities are well-paying with good health and pension benefits –
15 exactly the kind that are so desperately needed in today’s economy. They will not
16 exist if Keystone XL does not go forward, to the great detriment of scores of workers.

17
18 It is incorrect to diminish the importance of construction jobs because they are
19 temporary; rather, the temporary nature of construction jobs is exactly what makes
20 them so important. Every opportunity for construction work that is denied is
21 devastating because construction workers rely on a steady supply of temporary jobs to
22 provide complete incomes for themselves and their families.

23

1 The Project would also create many jobs for Nebraska residents in the service sector
2 to support the workers employed in constructing the pipeline. For example, workers
3 would create increased demand for food, lodging, recreation, and other daily needs as
4 they construct the pipeline. Based on my past observation and experience, I estimate
5 that UA members working on Keystone XL would spend approximately \$1,000 per
6 week in Nebraska for the necessities of daily life.

7
8 **Q. What other economic benefits would construction of the Project produce?**

9 A. The construction of Keystone XL would bring about many types of local economic
10 benefits for Nebraska other than jobs. Over 1,500 members of the UA reside in
11 Nebraska. Keystone expects to spend over \$8 billion to build Keystone XL.⁷ Current
12 estimates predict that the Project would produce approximately \$61.4 million in sales,
13 use, income tax, and other taxes and fees for the State of Nebraska as well as \$203
14 million in property taxes between 2018 and 2034.⁸ UA members, as well as the rest
15 of Nebraska would benefit from this investment in the State and the increased tax
16 revenue from Keystone XL, which would enable local communities to hire more
17 public employees like police, firefighters, and teachers. The tax revenue could also
18 help to fund public works projects for local communities, providing more
19 construction jobs unrelated to the pipeline.

20

⁷ Application App. H, p. 8.

⁸ Application App. H, p. 5.

1 Keystone XL would also represent an upgraded piece to the United States' oil
2 transportation infrastructure while possibly reducing current reliance on more
3 expensive and higher emissions-producing rail transportation of oil.⁹ In the
4 Supplemental Environmental Impact Statement ("EIS") issued by the U.S.
5 Department of State on the Keystone XL Project in January 2014, it was estimated
6 that approximately 180,000 barrels per day ("bpd") of Canadian crude oil were
7 already traveling by rail in November 2013, an amount that had been rising steeply
8 since the end of 2011, when the figure was less than 20,000 bpd.¹⁰ The State
9 Department's Record of Decision and National Interest Determination for Keystone
10 XL explained that this rail transportation of oil "remains a more expensive form of
11 transportation than pipelines," according to the National Energy Board of Canada,
12 and that "as stated in [U.S. Department of State's January 2014] Supplemental EIS,
13 per unit rail transport of [Western Canada Sedimentary Basin ("WCSB")] oil would
14 be more [greenhouse gas ("GHG")]-intensive than transport by pipeline when
15 accounting for the total aggregate lifecycle GHG emissions (including direct and
16 indirect emissions)."¹¹

17
18 In contrast to trains, pipelines are also more reliable in terms of their functioning
19 within the economy. In a May 2014 report, the Congressional Research Service

⁹ Department of State Record of Decision and National Interest Determination at 15, Mar. 23, 2017, available at: <http://keystonepipeline-xl.state.gov/documents/organization/269323.pdf>.

¹⁰ Final Supplemental Environmental Impact Statement, Executive Summary at ES-10, Jan. 2014, available at: <https://2012-keystonepipeline-xl.state.gov/documents/organization/221135.pdf>.

¹¹ Department of State Record of Decision and National Interest Determination, *supra* note 9 at 15.

1 (“CRS”) observed that “pipelines can generally provide more reliable service than
2 railroads” because pipelines, unlike rail, are not affected by adverse weather or
3 demands to transport other goods, like crops.¹² Overall, Keystone XL would provide
4 an efficient and economical alternative option to rail transportation of oil, which
5 would have a net positive economic impact for the country.

6
7 Moreover, large-scale oil train derailments and spills have highlighted the potential
8 negative economic and safety implications of rail transportation of oil. In a May
9 2014 report, CRS observed that the recent uptick in the use of trains to transport oil
10 “is likely to increase the number of incidents, some of which may involve oil
11 spills.”¹³

12
13 This prediction is a reality. As rail transportation of oil has increased because of a
14 lack of pipeline capacity, oil spills from trains have reached unprecedented levels of
15 frequency. In 2013, the volume of crude oil spills from trains reached record levels at
16 over 1.15 million gallons 2013, more than in the previous 37 years combined.¹⁴ In

¹² JOHN FRITELLI, ET AL, CONG. RESEARCH SERV., U.S. RAIL TRANSPORTATION OF CRUDE OIL: BACKGROUND AND ISSUES FOR CONGRESS at 7 (2014), available at: <http://fas.org/sgp/crs/misc/R43390.pdf>.

¹³ *Id.* at 22.

¹⁴ *US Railroad Oil Spills in 2013 Surpassed Previous Four Decades Combined*, REUTERS (Jan. 23, 2014), <http://rt.com/usa/railroad-spills-surpass-37-years-054/>.

1 2014, there were an all-time high 141 “unintentional releases” from railroad tankers,
2 nearly six times more than the average of 25 spills from 1975 to 2012.¹⁵

3
4 Disasters involving trains carrying oil highlight this trend, including the 2013 tragedy
5 in Lac-Mégantic, Quebec, near the U.S. border, where a train carrying 72 carloads of
6 crude oil from North Dakota exploded in the center of a town, killing 47 people,
7 destroying much of the town, and spilling 1.6 million gallons of crude oil.¹⁶

8
9 Although such loss of life and property from oil train problems has, thankfully, not
10 yet happened in the United States, numerous large-scale train derailments and
11 explosions have occurred here, resulting in tremendous damage. For example, in
12 March 2015, 21 cars from a train carrying Bakken oil from North Dakota derailed in
13 Galena, Illinois, causing seven rail cars to rupture, five of which caught fire and
14 burned for three days.¹⁷ The spilled oil from the rail cars contaminated seasonal
15 wetlands adjacent to the tracks and a barrier had to be erected to protect the
16 Mississippi River from contamination.¹⁸

¹⁵ Joby Warrick, “Trains are carrying – and spilling – a record amount of oil,” WASHINGTON POST (Feb. 17, 2015), <http://www.washingtonpost.com/news/energy-environment/wp/2015/02/17/trains-are-carrying-and-spilling-a-record-amount-of-oil/> (citing data from the Pipeline and Hazardous Materials Safety Administration (PHMSA)).

¹⁶ See Fritelli, *supra* note 12 at 12; “Safety Recommendation” at 1-2, NATIONAL TRANSPORTATION SAFETY BOARD, Jan. 1, 2014, available at: <https://www.nts.gov/safety/safety-recs/recletters/R-14-004-006.pdf>.

¹⁷ “Galena Train Derailment,” U.S. ENVIRONMENTAL PROTECTION AGENCY, available at: <https://19january2017snapshot.epa.gov/il/galena-train-derailment.html>.

¹⁸ *Id.*

1 The Galena derailment came only one month after a different train carrying oil
2 derailed and exploded near Mount Carbon, West Virginia, obliterating a nearby home
3 and causing two towns to be evacuated. In that incident, the train had been carrying
4 three million gallons of crude oil in train cars that featured upgraded features
5 specifically designed for transportation of oil to protect against puncture.¹⁹ If either
6 the Galena incident or the Mount Carbon incident had occurred in a more populated
7 area, Americans could have seen loss of life and similar destruction to what occurred
8 in Lac-Mégantic.

9
10 Needless to say, this type of widespread damage and destruction would take a major
11 economic toll on the communities affected. Compared to rail transportation, in a
12 2014 report for Congress, the CRS has concluded that “[i]n general, pipelines could
13 provide safer, less expensive transportation than railroads....”²⁰ This conclusion is
14 not surprising, given that modern pipelines are built using cutting edge techniques
15 and precautions that did not exist in the past. These measures are highly effective at
16 guarding against incidents involving release of oil. At the same time, they also
17 operate to mitigate the effects of any release more than ever before.

¹⁹ Edward McAllister, “Derailed CSX train in West Virginia hauled newer model tank cars,” REUTERS (Feb. 17, 2015), available at: <http://www.reuters.com/article/2015/02/17/us-usa-train-derailment-csx-idUSKBN0LK1ST20150217>.

²⁰ Fritelli, *supra* note 12 at 23.

1 **Q. Is the UA asking that the Nebraska Public Service Commission approve this**
2 **Project?**

3 A. Yes.

4

5 **Q. Does this conclude your testimony?**

6 A. Yes.

7

8 287899_1

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NEBRASKA

IN THE MATTER OF THE APPLICATION)	
OF TRANSCANADA KEYSTONE)	APPLICATION NO. OP-0003
PIPELINE, LP FOR ROUTE APPROVAL)	
OF THE KEYSTONE XL PIPELINE)	WITNESS LIST
PROJECT PURSUANT TO THE MAJOR)	
OIL PIPELINE SITING ACT)	

Economic Intervenor United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO, hereby declares that David L. Barnett will be its witness in the above-captioned proceeding.

Respectfully submitted,

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