

October 23, 2017

Dear Chair and Clerk(s)

I am writing to oppose the noted bills. While we recognize the need for rapid improvement to the broadband network, my office and the Michigan Association of County Drain Commissioners (MACDC) were surprised to see this package introduced with no effort to communicate with our association, particularly because your taxpaying constituents would continue to subsidize these special interests through increased costs to drainage systems and other utilities unnecessarily damaged during construction over and over again.

Approving these bills would be bad for most people. We have worked with the pipeline industry on uniform permitting across multiple counties and would be pleased to work with any group seeking a good faith effort to work together to solve problems rather than fire legislative salvos.

Photographs are attached clearly showing damage at specific locations where additional costs have been incurred due to private utilities' indifferent practices and lax or inadequate permitting efforts. Any legislator who supports this legislation supports property owners subsidizing the persistent damage to existing utilities by new installations of private utilities.

The introduction of this legislation simply reinforces the lack of interest these special interests have in showing how they plan to do their work correctly without unnecessary taxpayer costs. In our experience, the utilities generally do not choose to even bother applying for a permit. For example, my office has not received one request for a permit to cross any of the 700 miles of County Drain throughout an entire County in the 5 years I have been in office. I sincerely doubt that in this time there have not been any private utility crossings of our infrastructure.

In Washtenaw County, 62% of our land area and some 85% of our population are in a drainage district. This means that at some point in time, most people will be impacted if investment in efforts to avoid conflicts are not taken seriously. We are always willing to work with stakeholders to find mutually acceptable solutions to mutual problems. In fact, through the MACDC, my office worked with several neighboring Drain Commissioners and three major pipeline companies to come up with uniform permitting requirements in all affected counties for the installation of the NEXXUS pipeline, ROVER pipeline, and a Wolverine pipeline.

There was no need to introduce targeted legislation for special interests, because we worked together in a professional manner to understand each others' issues with new utilities crossing existing utilities that serve the public. We then solved them by continuing to work together creating a mutually acceptable process that was used by all counties for all 3 pipelines. The cost of permitting was greater than \$100, because avoiding conflicts requires due diligence at each location. This is a small investment in preventing problems in the field that costs everyone money.

When I was a consultant to municipalities, the Chrysler Technology Center (CTC) in Auburn Hills had to be shut down for two days – they had to send 12,000 people home both days – due to a broadband provider ignoring the municipal requirements and reasonable requests to provide plans that showed how conflicts would be avoided. It is true that these requirements create a small increase in the investment in plans - and for good reason, to prevent damages to other utilities through use of existing information to identify conflicts and provide clear direction to the contractor on how to address each conflict. But as a percentage of total investment, the permitting cost is a fraction of a percent - when a proper set of plans is prepared.

In the CTC example, the agency and their contractor moved forward with unpermitted construction despite being advised that the plans were not acceptable until they showed how they would work around the primary water feed from Detroit to northern Oakland County. Of course they struck the feed and the resulting repair put thousands of people out of water, including CTC. The cost of the repair was well into the six figures, but the economic impact was huge, in the millions.

The private utility industry has a long way to go before these costs to other taxpayers to repair damaged utilities stop being the norm. Please do not approve these bills in any form, they will only result in unknown damages that result in future costs for taxpayers. In addition to costs, the damage to the McMann tile is so extensive that the cost of replacement is not feasible to the small number of property owners in the assessment district, our estimates indicate costs of about \$11,000 per property owner. So in that case, the result is a drain that no longer functions and is too expensive to repair, so the property owners have to live with the negative outcome provided by the private utility.

Thank you for your consideration.

Evan N. Pratt, P.E.
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Director of Public Works

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- These photos are of utility installations that have caused damages to our drainage infrastructure. In our experience, utility companies do not produce (and do not want to produce) plans that show exactly how their pipes will avoid other utilities both vertically and horizontally.
- It is not possible to perform a review for conflict without complete information on the plans, and it is not possible for the contractor to avoid conflicts when our utilities are not shown on the plans.
- It is also not possible to perform a review for conflicts (and to inspect the installations at the location of conflicts) for \$100 for even a single utility crossing. And the majority of these installations are of considerable length and have multiple crossings in conflict with existing utilities.

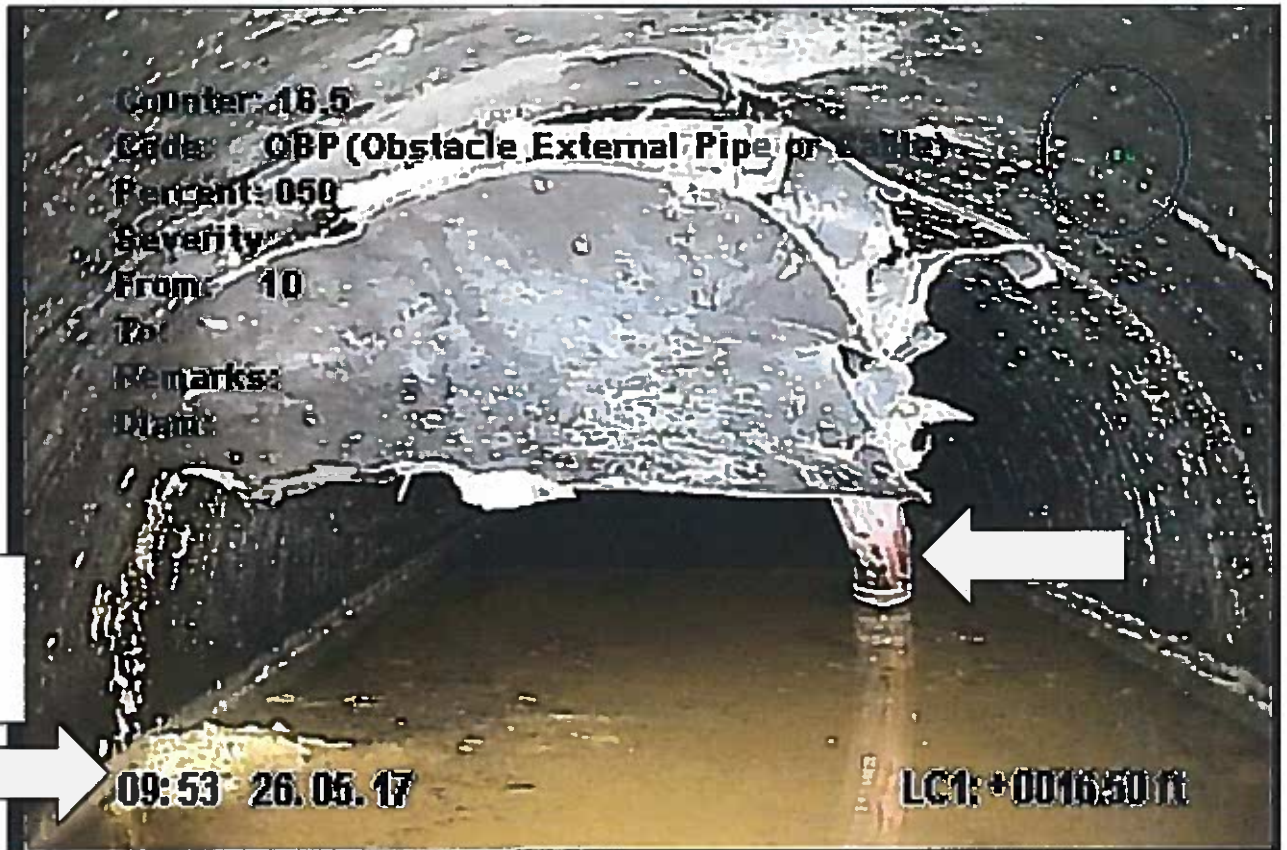
The costs associated with the work shown in each of these photos was borne by the property owners in each drainage district, because the damages were done without the knowledge of our office – we do not know when the installations were made or



- Looking east at utility line installed through a pipe (left of shovel, between arrows) that was connected to the drainage structure on the bottom left corner of the photo.
- Because the pipe was broken by the utility line, water no longer was conveyed to the drainage structure, and a sinkhole formed in the road.



- The broken yellow pipe is the McMann tile, a storm drain that serves some 25 farmed parcels along Arkona Road. The estimated replacement cost for this 2/3 mile drain was more than the farmers could afford, \$11,000 per parcel, so the drain has not been repaired and field tile connected to the drain does not function properly.
- The small, round, dark cable on top and parallel to the broken drain is a phone line that appeared to have been installed with a trenching machine. It appears that the trenching machine struck the drain pipe in several locations, allowing the pipe to fill with dirt and roots.
- The vertical piece is a vacuum nozzle used to suck the dirt and water out of this trench.



- The top of this pipe has been torn open, allowing dirt to fill the bottom $\frac{1}{4}$ of the pipe, obstructing flow. The round reddish object the arrow is pointing to is the utility cable that was forced through this pipe.
- Our office is currently working on a basement flooding claim filed by a property owner nearby, as their sump pump was not able to pump water out of their basement, possibly due to the dirt obstructing the pipe.

