



Guidelines for Contractors to Prepare for Onsite Protests*

**compiled from The INGAA Foundation's March 2, 2017 workshop*

Revision: 0

Last Revised: 6/16/2017

A. CONTRACTOR ACTIONS TO ADDRESS ONSITE PROTESTS

1.) INTRODUCTION

In the 2017 project environment, protests should be expected to continue. Planning and coordination with the operator is necessary, and is best begun at the contract stage so that the roles and responsibilities are clear from the beginning of a project. A Project/Crisis Management Plan (Plan) should be followed. The Plan should address:

- How should the contractor respond to protestor activity? It should have clear roles and responsibilities for the operator and the contractor. These should be clearly defined for each party before commencing work. For Example:
 - Who does the contractor call if protesters arrive onsite?
 - Who initiates the Plan (i.e. calling law enforcement, calming or communicating with landowners, etc.)?
 - When should a contractor shut down work?
 - Who decides if the crew waits to resume work or leaves location (for non-violent demonstrations)?
- Who pays for the shutdown/loss of production?
- Training to keep a positive “face” for the project. Protester activity on and near the worksite can cause stress and uncertainty. Training to deal with these difficult situations is recommended.
 - Contractor harassment (social media, news media, local communities) exists and situational awareness training is needed to ensure crew members keep their emotions in-check and do not feel in danger while working and while off-duty.
 - When communication with protestors or landowners is authorized, training should address how to communicate basic construction and regulatory processes (e.g., spread progression, how to contact project environmental inspectors or the operator’s Stakeholder Outreach personnel).

2.) ISSUES TO CONSIDER

a.) How can a contractor prepare for onsite protests?

Project planners should have a reasonable idea of the potential protestor activity and should share it with the contractor.

To prepare for on-site protestors, both planning and practice are required. Situational exercises are recommended. In today’s environment, it is possible to gather a protestor’s plans by looking online to see what people are discussing in social media groups and on opposition group websites. Identify



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muster points and a response plan for evacuating employees from the site. A contractor can also plan with law enforcement beforehand; local law enforcement can properly prepare for a protest.

b.) Does a contractor need to coordinate with law enforcement?

Besides gathering opposition intelligence, coordination with law enforcement may provide stronger security as they carry the power to enforce laws. The contract should address who is responsible for reimbursing state or local law enforcement.

c.) What can a contractor do to prepare for protests on a high-risk right-of-way?

Anticipate and train. In high-risk situations, onsite security is a must and lights might be left on during the night. If it's known that protestors plan to block access roads, either stock up on necessary supplies or negotiate an alternative access road with a landowner after proper clearances are obtained. See appendix I for "Additional Guidance and BMPs On Preparation and Handling Onsite Protests", and appendix II for "Possible Elements of a Project/Crisis Management Plan".

d.) When should a contractor shut down work?

A contractor should shut down work when safety and security of the workers or protestors is at risk. This should be addressed in the original contract or the Plan. If they do not include a work stoppage contingency plan, there's not clarity on what the contractor is to do. Contracts or Plans may vary, but should address specific stop-work issues when protestors become distracting, enter the work area, are potentially in harm's way or if protestors interfere with personnel performing their work.

e.) How can a contractor ensure a team keeps a positive face for the project?

Practice is highly recommended. Give guidance and protocols to the team to avoid and leave potentially unsafe or violent situations. Contractors may also instruct employees to avoid wearing company apparel while in public near a worksite to avoid drawing attention. Some have gone so far as to eliminate logos from most company vehicles. Contractor employees should be trained on how to control their emotions, treat protesters with respect, to not act with contempt, to follow project plans for trash and debris control, use of porta-potties, and respect for property on and adjacent to the right-of-way.

B. OPERATOR'S PERSPECTIVE ON ONSITE PROTESTS

1.) ISSUES TO CONSIDER

a.) How do you define a crisis?

Crisis are uncommon, unpredictable, or sudden situations that seriously and immediately threaten life, property, production, or the reputation of a project. A crisis may be signaled by active protests,



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intentional attacks on equipment or personnel, elevating protester intensity, news coverage, increased community concern, or “acts of God”.

b.) Who should decide if there is a crisis?

Questions and concerns about protests should be elevated appropriately. For example, every person working on a project should have a card with the Stakeholder Outreach Director's contact information. They can offer this card to anyone who is media or a non-landowner stakeholder and approaches the team member with questions. Many project owners choose to keep stakeholder outreach personnel onsite.

c.) What is a Project /Crisis Management Plan and what should it do?

This Plan describes in detail how protest/crisis management is addressed by the company during construction. A successful crisis management plan will describe how to activate a Crisis Management Team (CMT), coordinate with the emergency response team at the incident, ensure all regulatory agencies are notified as required, ensure the crisis is addressed in accordance with all laws and regulations, and ensure all disciplines are addressed. If part of the plan, the Crisis Communication and Response Team (CCRT) is notified as well as the CMT Coordinator and Senior Management. While an operator may designate a Crisis Management Coordinator, this individual may not be on-site at the time of the incident. Therefore, the operator and contractor should agree on a temporary first-responder coordinator (someone on-site, such as a foreman or supervisor) who is responsible for immediate on-site response and notification of the Crisis Management Coordinator who will then be responsible for executing the Plan.

d.) How can I expect protestors to behave?

The spectrum of behavior is wide for protestors. Some feel empowered which leads to reckless behavior. In today's environment, expect a well-orchestrated effort, possibly with a mix of both passive activists and civilly disobedient activists. Recently, children have been used on-site as sympathetic characters.

- Plan for protestors to use social media to broadcast material that can be used against the owner company or contractor.
- Updates can be provided at tailgate meetings.

e.) How should I instruct my team to interact with protestors?

Only escalate strategically and according to command structure. Help your team avoid creating a flashpoint by creating a culture of calm and thoughtful response supplemented by regular training and review of material. As a good rule of thumb, do not tell protestors not to do something if they have the right to do it.



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f.) How can I prepare for untraditional and hostile protest methods?

To avoid corporate espionage, address the issue in a professional and proactive manner by controlling output from offices, shredding and securing important documents, and staying aware of tailgating protestors at security checkpoints. Cybersecurity is also increasingly an issue; hackers are beginning to attack cyber infrastructure. Be sure to address this security concern as seriously as you would any other.

- In the event of hostile or unsafe action from protestors, stopping work and safely securing equipment is recommended. Again, this should be coordinated and should be in accordance with the contract or the Plan for the project.

C. CONTACT/REVISIONS

To contact the INGAA Foundation about these BMPs or to suggest clarification, etc. please contact Richard R Hoffmann, Executive Director at rhoffmann@ingaa.org or (202) 216-5909.

ADDITIONAL GUIDANCE AND BMPS ON PREPARATION AND HANDLING ONSITE PROTESTS

1.) ISSUES TO CONSIDER

a.) How else can a contractor prepare for onsite protests?

- Keep all areas as secure as you can; communicate with all supervisors the possibility of potential infiltration, but if you implement a specific symbol in project zones, it can help to spot those who may try to blend in; if employees are unwilling to challenge someone, designate someone to approach these figures. Everyone is part of the security team.
- Watch out for landowners who let protestors on their property; often though, protestors use gathering spots located on public lands.
- You are always responsible for your personal safety and what you can do. Awareness training can help with your crew.
- Use the buddy system for crews and place crews by every piece of equipment when necessary.

b.) At what point, should a contractor shut down work?

When circumstances develop such that there is a reasonable chance someone could get hurt, you must make hard decisions. In incidents of large infiltration on a site by protestors, having a site shutdown procedure and muster points may allow you to mitigate the issue quicker.

c.) At what point does the federal government step in to shut down aggressive organized groups?

The federal government applies investigative resources to greatest risks of the country; Local and state authorities have counterparts to the federal agent and assign people to monitor critical infrastructure threats. It is your responsibility to notify FERC and PHMSA when protestor activity becomes aggressive so they are aware, however in general, only law enforcement has the official ability to deal with protester activity.

d.) Should a contractor team avoid filming or photographing protestors?

Gathering documentation is part of your security staff's responsibility, not your crew's. If a crew takes photographs or video, it can be antagonizing. Security staff should gather information and handle the situation in a manner consistent with the requirements of a criminal court case.

2.) ADDITIONAL PROTESTOR SECURITY BMPS

a.) Law Enforcement Presence

Having security guards may be not enough — law enforcement can be more effective. Protesters are not afraid and will push through security guards, but will generally treat law enforcement with more authority because they know there is a possibility they will be arrested. Planning beforehand with law enforcement may allow enforcement to embed themselves in the protests to gather information.

Have periodic meetings on site to ensure accurate communication between project leadership and law enforcement.

b.) Security and Access Control: Security Guards

If all security personnel working are current sworn law enforcement officers, these officers have the authority to make arrests for any violations of the law. They will prosecute violators if the need arises. Private security action in this regard is subject to state and local laws.

c.) Fixed or Roving Security

Security personnel may generally maintain a fixed position but should also have the means to perform roving patrols, to include use of vehicle(s) or foot patrol, for certain situations. This includes but is not limited to gate security, recognized high profile areas, checking light plant operations and anything that involves the securing of property and equipment.

d.) Daily Reporting

At the beginning and end of each security guard or officer's shift, they communicate via internet and/or smartphone. Paper reports will be generated if an abnormality or incident occurs.

e.) Incident Reporting Procedure

If an unusual occurrence happens such as an arrest, breach of perimeter security or damage to any property, it will be reported immediately to the Security Supervisor. The Security Supervisor will immediately notify the Supervisor representing the contractor.

f.) Fences and Gates: Perimeter and Critical Area Fencing Inspection

At the beginning and throughout the officer's shift, the officer will conduct a perimeter check of all fences, gates and locks. Any high-profile areas that need to be closely watched (staging near roads, near rural areas, etc.) will be identified to the contractor at the start of each shift.

g.) Clear Zones Around Perimeter Fencing

Officer will report any damage(s) that have occurred due to weather or vandalism that could possibly be a breach in security. If repairs are needed immediately, the contractor will send a qualified crew to make any repairs necessary.

h.) Routine Securing of Gates and Gaps

All temporary gaps along the right of way will be secured at the end of every work day with a chain and a padlock. Any gate, either pre-existing or constructed for the project, will remain closed, secured and locked at the end of every workday. Perimeter securement may be elevated if circumstances dictate.

i.) Sign Posting Distance

Check state requirements when posting "No Trespassing" and other signs to ensure color, sizing, location, etc. Check client requirements to ensure color, sizing, location, types, etc.

j.) Yard Security Lighting

Light plants may be provided and will run from dusk until dawn every evening to provide adequate lighting to observe any suspicious activity in or near the yard. If necessary, light plants can be provided at high profile areas or areas susceptible to criminal activity that are not part of the lay down yard.

k.) Overnight Deliveries, Vehicles or Equipment

If mail, FedEx or UPS is delivered after hours, the security company will have the authority to sign for and either place in an agreed secure location or hold until the following work day. The signing officer will notify contractors via email, phone call or text when any package is signed for.

l.) Equipment Delivery

If any equipment is delivered overnight either to the lay down yard or the right of way, the on-duty officer is to inform his/her supervisor and/or the contractor contact. The on-duty officer will be asked specifics about the equipment being delivered. There will be an agreed upon placement of the equipment being delivered. At no time will the on-duty officer operate or feel pressured to have to operate any equipment being delivered.

m.) Authorized/Unauthorized Vehicles

Any vehicle that has not been arranged to visit the yard or the right of way will be subject to questioning by the on-duty officer. No one will be granted permission to enter restricted areas unless authorization has been granted by the contractor. The officers will be provided with line lists. If a suspicious person or vehicle is observed, the officer has the authority and the responsibility to ask any individual(s) for identification.

If an abnormal circumstance occurs, the on-duty security officer is to inform his/her supervisor and/or the contractor representative immediately to ensure the necessary steps are taken for the best interest of the property owners, the client and the contractor.

n.) Understanding Your Vulnerabilities

Take the time to secure areas and limit exposure. Security briefings should be part of tailgate briefings as appropriate. Make your weaknesses your strengths by anticipating needs that may be affected by protestor activity. For example, have tanks on-site full of a few days' worth of water to avoid delivering tanker trucks having to maneuver around blockades created by protestors.

o.) Collaborating with Landowners

Meet with the proper land agent representing the landowners surrounding the project. The Plan should address communication with landowners to ensure that the landowners are aware of risks and if needed are willing to press charges for trespassing. Regardless, make sure protestor protocols are understood and agreed upon in advance.

**POSSIBLE ELEMENTS OF A PROJECT/CRISIS
MANAGEMENT PLAN**

1.) INITIAL ISSUES TO ADDRESS

a.) Setting Objectives and Scope of the Plan

- Assurance of the personal safety of all involved
- Prevention or minimization of damage to company property, disruption of work or continuity of business operations
- Preservation of company's reputation

b.) Determining Whether to Retain Outside Consultant

- Drafting demonstration management plan
- Training company and contractor personnel

c.) Determining Whether to Preemptively Retain Outside Counsel

- Review of Project/Crisis Management Plan
- Trespassing issues
- Consider prosecution of illegal activity

d.) Determining Demonstration/Emergency Response Team

- Department: Security, Operations, Corporate Communications, Government Affairs, Legal
- Emergency Response Team
- Security Response Team and Plan
- Media Response Team and Plan
- Separate teams for demonstrations during construction versus operation

2.) ITEMS TO CONSIDER INCLUDING IN PLAN

a.) Identification of Types of Demonstrations and Offering of a Graduated Series of Prepared Options for Dealing with Any Size and Type

- Peaceful non-obstructive demonstration (low-risk)
- Non-violent disruptive protest (high-risk)
- Violent disruptive protest (high- risk)

b.) Demonstration Preparedness

1. Training (Employees, Supervisors, Contractors)

- How to react when confronted by protestors
- Tactics that are used by protestors/activists
- When to call supervisors and police
- Identifying suspicious activity and objects
- How to secure equipment, facilities and vehicles

2. Intelligence Gathering

- Prior alert through demonstrators publicizing information in advance
- If Company has prior knowledge of possible demonstration, notify site employees that demonstrators may visit the site, contact employees or attempt to collect information prior to demonstration. Employees should report any prior contact attempts to the site supervisor.
- *Threats and dissemination of information:* Establish company procedures to ensure timely/confidential delivery of critical threat information to:
 - Appropriate persons in the company (Response Team) and affected employees
 - Outside agencies, when appropriate

3. Security Issues

- Identify appropriate local, state and federal parties to contact and coordinate with upon a suspected security incident.
- Use of visual barriers
 - Temporary fencing
 - Flagged off areas
 - Barricades and vehicle entrance barriers
 - Signage - deterrent text should include reference to PHMSA regulation discussing the criminal penalties for tampering with pipeline facilities.
- Use of video security and alarm systems where possible
- Security guards: what sites, what hours, special conditions
- Establish an off-site alternate operations center for security incident response coordination.

4. On-Site Resources

- Demonstration Management Plan, contact list and forms for collection of information should be displayed at key locations at each facility.
- Identify and map the geographical areas of concern where demonstrations are most likely to occur.

5. Create an incident report log and records preservation system to serve as an official record of actions and lessons learned for the post-incident review.

6. Establish Regional Cooperation

- Identify and establish liaison, mutual aid and resource-sharing relationships with local law enforcement, first responder agencies and other area pipeline companies.

- Engage local police, first responders, interested operators and landowners in company-sponsored exercises/drills.

c.) Demonstration/Incident Notification Contact List

- Demonstration/Emergency Response Team
 - Determine task assignments and reporting hierarchy for each member of the Demonstration/Emergency Response Team
 - Clearly define notification policy and make sure it is understood by contractors and employees
- Coordination with local law enforcement and other relevant public authorities (i.e. town/county council, media contacts, local hospitals, etc.)

d.) Procedures for Responding to Each Type of Protest

- On-site risk assessment and classifying demonstration
 - Examination of the threat – law enforcement intervention
 - Disruption of normal operations
 - Obstructing access to ROW or Company property
 - Threat of physical harm to personnel or damage to Company property
 - Unauthorized entry on or access to Company property
 - Protest devices – **Do not attempt to remove**
 - Review of company site identifying vulnerable and critical points
 - Critical entry/exit points
 - *Vulnerable Points*: Points which, if damaged, could result in personal injury (to demonstrators or personnel), environmental pollution or property damage. Identify and secure those points which, if rendered inoperable, would significantly deter or degrade construction/operations.
 - Documentation required: Create form or checklist for on-site supervisor to complete after contacting response team (number of demonstrators, access to company equipment, area of demonstration, media on-site, etc.) If able, on-site supervisors should photograph demonstrators/area of demonstration.
- Notifications to Demonstration/Emergency Response Team (see c. “Demonstration/Incident Notification Contact List”)
- On-site Response
 - Control access to site (badging and access control policy); possible to prevent demonstrators from concentrating in a specific area or increasing in number.
 - Determine whether additional security is needed on-site.
 - Personnel should avoid demonstration area and not enter discussions with demonstrators or press.
 - Delivery or dispatch of goods and other visits should be postponed while demonstration takes place.
 - Secure equipment, facilities and vehicles.