

1976 MOU between DOT and DOI Regarding Offshore Pipelines

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF
TRANSPORTATION AND THE DEPARTMENT OF THE INTERIOR REGARDING
OFFSHORE PIPELINES

I. **Introduction.** The Department of Transportation (DOT) has the responsibility for promulgating and enforcing safety regulations for the transportation of gases and hazardous liquids by pipeline.

The DOT regulatory responsibilities include all offshore pipelines both on State lands beneath navigable waters as that area is defined in the Submerged Lands Act (43 USC 1301, et seq.) And on the Outer Continental Shelf (OCS) as that area is defined in the Outer Continental Shelf Lands Act (OCS Act) (43 USC 133,1 et seq.). The DOT administers the following laws as they relate to pipelines: (1) the Natural Gas Pipeline Safety Act of 1968, as amended (49 USC 1671, et seq.); the Transportation of Explosives Act (18 USC 831-835.); (3) Section 28 of the Mineral Leasing Act, as amended (30 USC 185); (4) the Hazardous Materials Transportation Act (49 USC 1801, et seq.); and (5) the Deepwater Port Act of 1974 (33 USC 1501, et seq.).

The Department of the Interior (DOI) has certain responsibilities under the OCS Act including the issuing of rights-of-way and rights-of-use and easements for the construction of pipelines on the OCS and enforcing regulations necessary for the prevention of waste and conservation of natural resources of the OCS.

In recognition of each of the parties respective regulatory responsibilities, the DOT and the DOI agree that a Memorandum of Understanding is needed to avoid duplication of regulatory efforts regarding offshore pipelines and to maximize the exchange of relevant information.

II. **Responsibilities of the Parties.** For the foregoing reasons, the DOT and the DOI agree to the following division of offshore pipeline regulatory responsibilities:

DOT Responsibilities

1. The DOT will establish and enforce design, construction, operation, and maintenance regulations for those pipelines extending to the shore from the outlet flange at --

(i) each facility where hydrocarbons are produced, or

(ii) each facility where produced hydrocarbons are first separated, dehydrated, or otherwise processed,

whichever facility is farther downstream, including subsequent on-line transmission equipment but not including any subsequent production equipment. The diagram attached as an addendum illustrates the pipeline facilities regulated by DOT that are described in this paragraph.

2. The DOT will send copies of all contemplated Notices of Proposed Rule Making (NPRMs) concerning offshore pipelines to the DOI, before they are published in the Federal Register, for review by the DOI. However, publication of the NPRMs by the DOT is not contingent upon the receipt of comments from the DOI.

DOI Responsibilities

1. The DOI will establish and enforce design, construction, operation, and maintenance regulations for offshore pipelines extending upstream from the outlet flange described in paragraph 1 of the DOT Responsibilities set forth in this Memorandum of Understanding into each production well on the OCS.

2. The DOI will send copies of all contemplated NPRMs and OCS Orders concerning offshore pipelines to the DOT before they are published in the Federal Register for review by the DOT. However, publication of NPRMs and OCS Orders in the Federal Register is not contingent upon the receipt of comments from the DOT.

3. The DOI, in issuing rights-of-way, rights-of-use, and easements on the OCS for offshore pipelines which are subject to DOTs offshore pipeline regulations, will condition those rights and easements on the pipelines being designed, constructed, operated, and maintained in compliance with the applicable DOT regulations.

4. The DOI which receives, reviews, and, as appropriate, approves operators plans for development of the OCS, including plans for construction of pipelines on the OCS, will provide copies of those plans to the DOT.

5. The DOI which receives and processes applications and prepares environmental assessments for rights-of-way, rights-of-use, and easements for pipelines to be constructed on the OCS, will provide copies of those applications and assessments to the DOT.

6. The DOI, which performs pipeline management studies as necessary in newly developing areas on the OCS where pipeline systems do not exist or are poorly developed, will provide copies of those studies to the DOT.

Joint Responsibilities

1. The DOT and DOI will coordinate all of their respective research and development projects concerning offshore pipelines.

2. The DOI will perform inspection and enforcement activities necessary to enforce its regulations and OCS Orders relating to pipelines on the OCS. With respect to other offshore pipelines originating on the OCS and subject to DOT regulations, the DOT and DOI will coordinate and perform inspection activities. In the latter case, the DOT will perform enforcement activities and the DOI will provide the DOT with reports of DOI inspections for such further enforcement actions as may be appropriate.

3. At least once each calendar year, DOT and DOI will jointly review all existing standards, regulations, orders, and operating practices concerning pipelines on the OCS.

For the Department of Transportation:

For the Department of Interior:

May 6, 1976