



C ommunity A ssistance and T echnical S ervices

# CONNECTION

## PHMSA Pipeline Safety Program

FEBRUARY 2007

### Pipeline, Inspection, Protection, Enforcement and Safety Act of 2006



In December 2006, the Senate and House of Representatives amended title 49, United States Code, and enacted the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES). PIPES authorizes PHMSA to establish the following programs:

- One-Call Civil Enforcement
- State Damage Prevention Grant
- Damage Prevention Technology Development
- Public Education and Awareness
- Enforcement Transparency
- Distribution Integrity Management Program
- Incident Reporting
- Cost Recovery for Design Review

In addition, PIPES authorizes PHMSA to issue regulations subjecting low stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines<sup>1</sup>; requiring each operator of gas or hazardous liquid pipeline to develop, implement, and submit a human management plan designed to reduce risks associated with human factors in pipeline control centers; and, ordering pipeline operators to take necessary corrective action, including physical inspection, testing, repair, or other appropriate action to remedy a condition that poses a risk to public safety, property, or the environment.

Damage Prevention is at the very core of PHMSA's mission to "Ensure the Safe, Reliable, and Environmentally Sound Operation of the Nation's Pipeline Transportation System". The law establishes a state grant program to provide incentives to states to develop more effective damage prevention programs. With the new law in place, PHMSA and state agencies gain authority to conduct civil enforcement actions against anyone who fails to contact "One-Call" prior to digging.

Administrator Barrett had this to say about PIPES, "*Your bill addresses the most important safety concern we face — the growing rate of construction related pipeline accidents, driven by a growing economy. These accidents, the leading cause of pipeline-related injuries and deaths, can and must be prevented. To do so, we need to strengthen the ability and authority of the states and ourselves to address these safety issues. That is why we need reauthorization now.*"

For more details, PIPES is available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_bills&docid=f:h5782enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h5782enr.txt.pdf)

<sup>1</sup> Except for pipelines subject to the safety regulations of the United States Coast Guard; or serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation.

**Stacey Gerard  
Assistant  
Administrator and  
Chief Safety Officer  
for PHMSA**



On July 24, 2006, Ms. Stacey Gerard became the first person to hold this position. Prior to this announcement, Gerard had served as the acting assistant administrator and chief safety officer and as the associate administrator for pipeline safety since PHMSA's reorganization on Feb. 20, 2005. Secretary Norman Y. Mineta established the position of chief safety officer within PHMSA in order to ensure the highest degree of safety in pipeline and hazardous materials transportation.

Ms. Gerard was accredited with reorganizing the Department's pipeline safety program into a more effective organization focused on building partnerships to solve safety problems. "We have Stacey to thank for the many significant improvements that have been made to pipeline safety over the past few years," said Acting Secretary Cino. "Her record of accomplishment will serve this nation well in this latest challenge."

In 2004, Ms. Gerard received the Presidential Meritorious Executive Rank Award for her "sustained accomplishment" in leading the Office of Pipeline Safety to become more efficient and effective in applying new technologies, being results driven and significantly reducing pipeline leaks, incidents and spills.

Preceding her service within the pipeline safety program, Ms Gerard served in the agency's Office's of Policy and Program Support and Hazardous Materials Transportation Safety. Previously she served 10 years at the Federal Emergency Management Agency.

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**Krista Edward  
Deputy  
Administrator for  
PHMSA**



On February 5, 2007, Ms. Krista L. Edwards will become the Deputy Administrator for PHMSA. Ms Edwards hopes to stay close to legal issues – regulatory and enforcement and legislative – with a focus on policy. Ms. Edwards will continue to chair the PHMSA Administrator's Regulatory Reform Task Force and hope to be involved in the review and development of agency-wide enforcement policies. On the pipeline side in particular, Ms. Edwards will play a critical role to move ahead aggressively with implementation of the PIPES Act of 2006 and to advance the policies it reflects – to expand and improve on the agency's integrity management approach; reduce construction-related pipeline incidents; and increase federal support for state pipeline safety programs. Moving ahead with the permit streamlining project also is a priority. In general, Ms. Edwards will assist the Administrator in leading the agency over the next two years.

Ms. Edwards is highly respected for her uncompromising excellence and strong team play that will advance PHMSA on the path to becoming a truly great organization.

Ms. Edwards had served as PHMSA's Chief Counsel. As the agency's chief legal official, Ms. Edwards served as the legal advisor to the Administrator. In addition, Ms. Edwards oversaw the agency's comprehensive legal programs and services with regard to proposed legislation, applicable laws, rules, regulations, and orders. In consultation with the department's Office of General Counsel and the Department of Justice, Ms. Edwards defends the agency in all legal controversies.

Ms. Edwards came to the department having served as a partner in the Washington, DC, Office of Sidley Austin, LLP, and member of the firm's Employment and Labor, and Transportation Practice groups. "Edwards brings an ideal blend of private practice experience and in-depth understanding of transportation law to the position as PHMSA's top lawyer," said Secretary Mineta.

**Notice of Proposed Rulemaking**

Applicability of Public Awareness Regulations to Certain Gas Distribution Operators issued September 19, 2006. The Notice of Proposed Rulemaking is available at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-16031.pdf>

**Advisory Bulletins**

Protecting Unusually Sensitive Areas from On-shore Hazardous Liquid Gathering Lines and Low Stress Lines issued in August 31, 2006. The Notice of Proposed Rulemaking is available at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-7438.pdf>

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Lesson Learned from a Security Breach at a Liquefied Natural Gas (LNG) Facility issued December 22, 2006. The advisory bulletin is available at:

[http://ops.dot.gov/new/New\\_2006/PHMSA\\_Advisory\\_ADB-06-04-LNG\\_Security-122806.pdf](http://ops.dot.gov/new/New_2006/PHMSA_Advisory_ADB-06-04-LNG_Security-122806.pdf)

**Upcoming Meeting(s)**

Notice to Operators of Natural Gas and Hazardous Liquid pipelines to accurately locate and mark underground pipelines before construction related excavation activities commence over the pipeline issued November 17, 2006. The advisory bulletin is available at:

[http://ops.dot.gov/new/New\\_2006/Advisory.pdf](http://ops.dot.gov/new/New_2006/Advisory.pdf)

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Technical Hazardous Liquid Pipeline Safety Standards Committee meeting scheduled for February 12, 2007. The meeting details are available at:

[http://ops.dot.gov/new/New\\_2007/02-12-07\\_Meeting\\_Notice.pdf](http://ops.dot.gov/new/New_2007/02-12-07_Meeting_Notice.pdf)

Common Ground Alliance Annual Meeting scheduled for March 5-8, 2007. The meeting details are available at:

<http://www.commongroundalliance.com/>

**Question for CATS?**

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