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News

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Pipeline Safety Rule Proposes Stronger Damage Prevention Programs, Increased Accountability for Violators

WASHINGTON – The U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) has proposed new procedures to strengthen excavation damage prevention programs and increase penalties for violators.

Excavation damage continues to be a leading cause of all U.S. pipeline failures and is the single greatest threat to the safety, reliability and integrity of the natural gas distribution system. Despite PHMSA’s strong efforts to reduce these types of failures, excavation activities accounted for more than 25 percent of fatalities resulting from pipeline failures in the U.S. between 2002 and 2011.

“Safety is our top priority,” said U.S. Transportation Secretary Ray LaHood. “It is important for states to have strong and effective enforcement programs as we work together to crack down on violators of these important laws.”

The proposed rule will encourage states to strengthen their excavation damage prevention enforcement programs, provide more protection for underground pipelines, and allow for federal enforcement against violators in cases where state enforcement may not occur. Specifically, it would revise and strengthen the federal Pipeline Safety Regulations by establishing:

- Criteria and an administrative process to determine the adequacy of a state’s excavation damage prevention law enforcement program;
- Federal requirements that PHMSA will enforce against excavators in states determined to have inadequate damage prevention enforcement programs; and
- An enforcement process to impose federal fines and penalties for violations.

These new procedures would also address a congressional directive requiring PHMSA to establish procedures to evaluate state damage prevention enforcement programs. By law,

PHMSA must establish these criteria prior to any attempt to conduct federal enforcement proceedings in a state where an excavator damages a pipeline.

“Those who violate damage prevention laws must be held accountable,” said PHMSA Administrator Cynthia Quarterman. “We will continue to work to strengthen damage prevention laws, partner with states to strengthen their enforcement programs, and impose stiffer fines and penalties for these types of pipeline failures.”

This Notice of Proposed Rulemaking (NPRM) This NPRM is part of PHMSA’s efforts to improve pipeline safety and offers the public a chance to provide input on the proposed rule’s scope and purpose. It follows Secretary LaHood’s “Call To Action,” a national pipeline safety initiative to prevent potentially catastrophic incidents, and the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, which President Obama recently signed. In addition, the President’s Fiscal Year 2013 budget request includes a 60 percent increase in funding above Fiscal Year 2012 for PHMSA’s pipeline safety program to improve safety and increase accountability by hiring more inspectors, increasing coordination with states and educating the public.

The public comment period for this notice ends 60 days after the date of publication in the *Federal Register*. Comments can be submitted through the Federal eRulemaking Portal at: <http://www.regulations.gov>; fax to (202) 493-2251; mail to the U.S. Department of Transportation’s Docket Operations Facility (M-30), 1200 New Jersey Avenue, SE, Washington, DC 20590; or by hand delivery to the U.S. Department of Transportation’s Docket Operations Facility, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590. All comments should reference Docket Number PHMSA-2009-0192.

For more details about the proposed rule, including comments received from the agency’s Advance Notice of Proposed Rulemaking, visit the PHMSA website at www.phmsa.dot.gov.

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