



1200 New Jersey Avenue SE
Washington DC 20590

U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety

2013 Hazardous Liquid Scoring Document



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of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

**TO: STATE PIPELINE SAFETY PROGRAM MANAGERS IN STATE'S PARTICIPATING IN THE
PIPELINE SAFETY GRANT PROGRAM**

The Pipeline Safety Grant allocation for calendar year 2013 reflects a 100 percent performance-based formula and the performance criteria of 100 points. The Program Evaluation and the Progress Report scores will each represent 50 percent of the State's Allocation score as was done in the previous year. New state programs will automatically be funded at a score of 90 the first three years assuming they are making satisfactory progress in meeting Progress Report requirements-this will provide an adequate cushion for these programs to get established. Programs that are reinstated will be funded at a score of 90 for two years. Also as a general note, all indirect costs associated to a grant reimbursement shall be limited to 20% of the total direct costs.

The total allocation to states for the gas and liquid programs is \$46,552,036. The total amount assigned to the **Hazardous Liquid** program is \$3,778,881. The funding was allocated for CY2013 without consideration of the State performance scoring. In future grant allocations, if a performance element is found to be deficient for two years in a row it will be counted towards the grant scoring and affect funding. The scoring and subsequent allocation is designed to reflect the degree to which a state has met certain goals established by this office. Numeric Points are assigned for achieving specific levels of performance based on the information in the 2012 Base Grant Progress Report and the results of the Annual Program Evaluation. A list of the point criteria for the **Hazardous Liquid** program (Attachment 1) and a list of state point assignments for the **Hazardous Liquid** program (Attachment 2) are enclosed. A chart (Attachment 3) showing a list of the **Hazardous Liquid** request, state points, allocation (not based on performance points), and percentages of total program funding are enclosed.

The Payment Agreement (Notice of Award) will be generated by you through the FedSTAR process. Those states with an allocation of \$100,000 or more will also generate the "Certification Regarding Lobbying" form.

Thank You for your participation in the Pipeline Safety Grant Program.

Sincerely,

For Jeffrey D. Wiese, Associate Administrator for Pipeline Safety

Enclosures

CY 2013 PIPELINE SAFETY GRANT ALLOCATION FORMULA
STATE PERFORMANCE CRITERIA (Hazardous Liquid)

I. RATING FROM STATE EVALUATION (50 PERCENT OF SCORE)

II. SELECTED INFORMATION FROM STATE PROGRESS REPORT/AGREEMENT (50 PERCENT OF SCORE)

A. Extent of Intrastate Safety Jurisdiction (12 Points)

(Progress Report Attachment 1)

N = Number of operator types over which state has jurisdiction

M = Number of operator types located in state

60105 State: $N/M \times 12$

60106 State: $N/M \times 12 \times .5$

1. Petroleum and Petroleum Products
2. Anhydrous Ammonia
3. Carbon Dioxide

B. Inspector Qualifications (8 POINTS)

(Progress Report Attachment 7, 7a)

- 8 - Highest percentage of inspectors in categories I and II
- 4 - Highest percentage of inspectors in categories I, II and III
- 0 - Highest percentage of inspectors in categories III, IV and V

C. Number of Inspection Person-Days (9 POINTS)

(Progress Report Attachment 2)

- 9 - Meets or exceeds the recommended number of inspection person-days.
- 5 - Comes within 25 percent of meeting the recommended number of inspection person-days (achieved 75 percent or above of recommended number).
- 3 - Meets less than 75 percent but at least 50 percent of the recommended number of inspection person-days (achieved 50 to 75 percent of recommended number).
- 0 - Meets less than 50 percent of recommended number of inspection person-days (achieved under 50 percent of recommended number).

D. State Adoption of Maximum Civil Penalty Requirement (2 POINTS)
(Progress Report Attachment 8, Section I, Item 1)

- 2 -Adopted \$100,000/day; up to \$1,000,000 or Adopted but Different Amounts
- 1 -Taking steps to adopts (has filed draft legislation)
- 0 -Not Adopted

E. State Adoption of Applicable Federal Regulations¹ (8 POINTS)
(Progress Report Attachment 8, Section I, Items 2, 3, 4, 5, and 6)

- 8 - Adopted within 24 months of effective date (or two general sessions of the state legislature, whichever is longer).
- 5 - Taking steps to adopt (has filed draft legislation).
- 3 - Adopted all regulations within required time frame except one -- where continuing opposition has blocked adoption and state is not presently attempting to adopt.
- 0 - Not Adopted within 36 months of effective date.

F. One Call System Minimum Requirements under Part 198² (8 POINTS)
(Progress Report Attachment 8 Section III)

- 1.5 - Mandatory coverage of areas having pipeline facilities
- 0.5 - Qualification for operation of one-call system
- 1.5 - Mandatory excavator notification of one-call center
- 0.5 - State determination whether calls to center are toll free
- 1.5 - Mandatory intrastate pipeline operator participation
- 1.0 - Mandatory operator response to notification
- 1.0 - Mandatory notification of excavators/public
- 0.5 - Civil penalties/injunctive relief substantially same as DOT (\$100,000/\$1,000,000)

G. State Attendance at NAPS Regional Meeting (3 POINTS)
(Progress Report Attachment 8, Section III)

- 3 - Attended full time (lead rep or alternate pipeline program staff)
- 1 - Attended less than full time
- 0 - No one attended

H. Penalty Points

- 2 - State CY Progress Report not received at PHMSA HQ by due date
- 4 - points assigned if over 1 month late

1 Applicable Federal regulation for five year period will be listed in Progress Report attachments

2 Established under state law by statute, regulation, license, Progress Report, order, or any combination of these legal means

STATE SCORES

(FROM PERFORMANCE EVALUATION AND PROGRESS REPORT ATTACHMENTS)

STATE	PROGRAM EVALUATION	PROGRESS REPORT ATTACHMENTS	TOTAL SCORE
ALABAMA	100.00	39.00	89.00
ARIZONA	94.70	50.00	97.35
CALIFORNIA_SFM	99.50	46.00	95.75
INDIANA	100.00	48.00	98.00
LOUISIANA	99.10	48.00	97.55
MARYLAND	97.40	50.00	98.70
MINNESOTA	100.00	50.00	100.00
NEW MEXICO	100.00	49.00	99.00
NEW YORK	94.40	42.00	89.20
OKLAHOMA	100.00	48.00	98.00
TEXAS	95.50	41.00	88.75
VIRGINIA ¹	100.00	50.00	100.00
WASHINGTON	95.70	50.00	97.85
WEST VIRGINIA	96.20	48.50	96.60

Notes:

1 State Programs that have both a 60105 and a 60106 program. These states have had their 60105 and 60106 funding combined and shown as the figure represented in the table, therefore budget, request and allocation figures represent funding for both programs.

2 Within the first 3 years of a new program a minimum score of 90% shall be given, and will not be subject to the 3-year average spending requirement.

STATE SCORES									
(FROM PROGRESS REPORT ATTACHMENTS)									
STATE	JURISDICTION (12)	INSPECTOR QUAL. (8)	NUMBER OF INSPECTION PERSON DAYS (9)	STATE ADOPTION OF MAX CIVIL PENALTY REGS. (2)	STATE ADOPTION OF APPLICABL E FED REGS. (8)	ONE-CALL NOTIF. REQMNTS. (8)	ATTENDANCE AT FEDS/ STATE MEETING (3)	PENALTY POINTS (-)	TOTAL
ALABAMA	12	8	0	0	8	8	3	0	39
ARIZONA	12	8	9	2	8	8	3	0	50
CALIFORNIA_SFM	12	8	5	2	8	8	3	0	46
INDIANA	12	8	9	0	8	8	3	0	48
LOUISIANA	12	8	9	0	8	8	3	0	48
MARYLAND	12	8	9	2	8	8	3	0	50
MINNESOTA	12	8	9	2	8	8	3	0	50
NEW MEXICO	12	8	9	1	8	8	3	0	49
NEW YORK	12	8	9	2	0	8	3	0	42
OKLAHOMA	12	8	9	0	8	8	3	0	48
TEXAS	12	4	5	1	8	8	3	0	41
VIRGINIA	12	8	9	2	8	8	3	0	50
WASHINGTON	12	8	9	2	8	8	3	0	50
WEST VIRGINIA	12	8	9	1	8	7.5	3	0	48.5

PIPELINE SAFETY GRANT ALLOCATION

STATE	REQUEST	STATE POINTS	ALLOCATION	PERCENT OF FUNDING	WITHOUT SUSPENSION OF STATE FUNDING REQUIREMENT
ALABAMA	\$119,987.00	89.00	\$91,997	76.67%	\$91,997
ARIZONA	\$92,417.90	97.35	\$70,859	76.67%	\$70,416
CALIFORNIA_SFM	\$1,907,217.00	95.75	\$1,462,235	76.67%	\$941,208
INDIANA	\$30,078.00	98.00	\$23,061	76.67%	\$23,061
LOUISIANA	\$375,732.00	97.55	\$288,082	76.67%	\$275,831
MARYLAND	\$24,782.00	98.70	\$19,001	76.67%	\$0
MINNESOTA	\$504,612.00	100.00	\$386,897	76.67%	\$384,552
NEW MEXICO	\$53,493.00	99.00	\$41,014	76.67%	\$35,261
NEW YORK	\$297,890.00	89.20	\$228,399	76.67%	\$219,012
OKLAHOMA	\$405,377.56	98.00	\$310,812	76.67%	\$310,812
TEXAS	\$715,719.26	88.75	\$548,757	76.67%	\$543,704
VIRGINIA	\$172,858.00	100.00	\$109,532	76.67%	\$109,532
WASHINGTON	\$239,648.00	97.85	\$183,743	76.67%	\$146,024
WEST VIRGINIA	\$18,900.00	96.60	\$14,491	76.67%	\$14,491

Note: Without Suspension of State Funding Requirement the State must spend at least their 3-Year average CY2008-CY2010.

1 State Programs that have both a 60105 and a 60106 program. These states have had their 60105 and 60106 funding combined and shown as the figure represented in the table, therefore budget, request and allocation figures represent funding for both programs.

2 Within the first 3 years of a new program a minimum score of 90% shall be given, and will not be subject to the 3-year average spending requirement.