The 2012 Pipeline Safety Trust Annual Conference

The Theme of this year’s conference was “Trust but Verify: What does that look like for Pipeline Safety?”

The admonition – trust but verify – is a phrase used by President Reagan many years ago in a different context, but it was used again by NTSB Chairman Deborah Hersman last year, in reference to the shortcomings in operator behavior and regulatory oversight that resulted in the explosion in San Bruno in 2010.

The first morning’s keynote speaker, Dr. Mark Rosekind, a member of the National Transportation Safety Board, reiterated the need for verification of proper pipeline operation and maintenance. After describing the role of the Board in the investigation of transportation accidents, he described the concerns that the Board has with the existing regulatory structure and its implementation in the face of the incidents in San Bruno and Marshall:

(Continued on page 2)

Trust Calls for Improvements in Integrity Management
Wants Action on Valves, Emergency Response

On December 11, 2012, a Columbia Gas Transmission pipeline ruptured and exploded outside Sissonville, West Virginia, near the pipeline’s intersection with Interstate Highway 77, destroying three houses and damaging several others. The blast closed the Interstate for about a day, as crews repaired the pavement that had been damaged by fire. The NTSB is investigating the incident, and only a preliminary report has been issued thus far. Early news reports suggest that the pipeline was a 20-inch line, and its condition where it ruptured indicated significant pipe wall thinning due to external corrosion. There were also reports that the line is not piggable. The area is not a high consequence area for that pipeline, and so the pipeline was not required to be subject to the integrity management rules.

Senator Jay Rockefeller, D-WVa, Chairman of the Committee on Commerce, Science, and Transportation, held a hearing on January 28 to hear about the incident from local sources and the relevant agency responders. The Chairman invited the Trust to speak, and Rick Kessler, President of the Board of Directors for the Trust, appeared on our behalf.

From the Trust’s testimony:

“So here we are again after the very recent failure of a pipeline in Sissonville which completely destroyed three homes, damaged other homes, caused extensive damage to an interstate highway, and once again terrorized a community. This recent failure falls too soon after a spate of significant failures over the past few years in Michigan, California, Pennsylvania, Montana, and Utah. Many of these failures had common themes and common solutions that could have prevented or at least minimized their impacts. We have been asking for action on these issues in previous hearings following previous tragedies for years now. Last Congress passed the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, which began to move the regulators and the pipeline industry in the right direction on some of these issues, but the speed of review, rule making, implementation and enforcement of the needed changes was not sufficient to prevent the tragedy in Sissonville. It is our sincere desire not to be back in front of this committee again in the future saying the same things after yet another tragedy.”

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Mission of the Trust
The Pipeline Safety Trust promotes fuel transportation safety through education and advocacy, by increasing access to information, and by building partnerships with residents, safety advocates, government, and industry, that result in safer communities and a healthier environment.

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Integrity Management (Continued from page 1)

The witnesses at the hearing included:

Ms. Sue Bonham, a resident of Sissonville, West Virginia whose home was damaged during a natural gas transmission pipeline explosion in December.

The Honorable Deborah Hersman, Chairman, National Transportation Safety Board (NTSB)

The Honorable Cynthia Quartersman, Administrator, Pipeline and Hazardous Materials Safety Administration (PHMSA)

Ms. Susan Fleming, Director, Physical Infrastructure Issues, United States Government Accountability Office

Mr. Jimmy Staton, Executive Vice President and Group CEO, NiSource Gas Transmission and Storage (parent company of Columbia Gas Transmission)

Mr. Rick Kessler, President of the Board, The Pipeline Safety Trust

In its testimony, the Trust highlighted a number of issues for Congress to consider as it once again looks at pipeline safety:

- Response times to pipeline ruptures
- Expanding and clarifying integrity management requirements
- Inadequate federal and state resources
- Non-regulated and under-regulated gathering lines
- Poor facility response planning and plan review (for hazardous liquids)
- Lack of clear jurisdiction for new pipeline approval and routing decisions
- Pipe replacement programs (cast iron, bare steel, faulty plastics)
- Quantifying natural gas leak significance
- Depth of cover at river crossings
- Diluted bitumen study constraints

You can find the complete text of the Trust’s written testimony here: http://www.pstrust.org/initiatives_programs/comments/documents/PipelineSafetyTrust1-28-13testimony.pdf
Proceedings of the entire hearing can be viewed here: http://tinyurl.com/pstrust-http-commerce-senate

Safety Trust Conference (Continued from page 1)

“Integrity management is a great approach, but it’s been going on for a decade in pipelines, and now there have been two accidents that cause us to question whether it’s really getting done well. “

Dr. Rosekind then went on to describe several things that would help move pipeline safety forward, things that are fundamental to the effective use of integrity management as the appropriate approach to pipeline safety:

1. First, establish meaningful metrics. Measure the right things, and use that data to measure how well industry is doing.
2. Second, share safety information among operators and with regulators. Do not compete on safety. Provide for non-punitive reporting within companies of safety related concerns.
3. Third, verify operator’s performance with strong regulatory oversight with a focus on safety, using audits of meaningful performance data.

As regulators, operators and the public consider what “Integrity Management 2.0” should look like – that is, the next round of improvements and expansions upon the existing system - let’s make sure that implementation of the current system improves as well.

Dr. Rosekind’s comments on the conference, the Trust’s work, and the nature of transportation safety as a shared responsibility among industry, regulators and the public can be found here: http://safetycompass.wordpress.com/2012/11/09/pipeline-safety-trust-but-verify/
As a fourth time attendee at the annual Pipeline Safety Trust Conference, I was struck more than ever by the high quality of the speakers and presentations. Those of us who are “citizen pipeline safety advocates” have a responsibility to share conference information when we get back home. Fort Worth, where I live, is the urban “sweet spot” of the Barnett Shale. We have more than 2,000 natural gas wells and more than 950 miles of pipeline within our city limits and under our feet. Those of us at the League of Neighborhoods have more than a casual knowledge about pipelines and pipeline safety. We have spread the message that while pipeline incidents are relatively rare, they can be catastrophic when they do occur.

At the conference, Dr. Mark Rosekind, a member of the National Transportation Safety Board, told us that pipeline safety “...is about public safety for everybody. You don’t have to wait for the accident to review and fix things.”

Beth Wallace of the National Wildlife Federation posed the following: “What IS adequate emergency response? With little transparency, how do we verify?”

Steve Fischer, Director of Program Development, in DOT’s Office of Pipeline Safety noted that emergency responders are sometimes not aware of major pipelines in their jurisdictions. That made me wonder about the preparedness of emergency responders in Fort Worth. Is it my responsibility to ask about their preparedness and share publicly what I find out?

I came back from the PST conference with a long list of questions for city leaders – elected and non-elected – and pipeline operators in our area:

- Can first responders in our city get access to information about all pipelines in a particular area in a timely way? Can the public?
- What is the state of hazardous materials mitigation plans and land development around pipelines in our city?
- What is our city doing to enact best practices for pipelines and pipeline safety as outlined in the Pipeline and Informed Planning Alliance (PIPA) report?
- What is our state pipeline regulatory agency doing to make its pipeline information more user friendly?
- What has our local school district done to ensure that schools near pipelines have updated their building evacuation plans in case of a pipeline emergency?

The conference’s very specific examples of local pipeline failures (San Bruno’s Crestmoor neighborhood, for instance) also made me think about exactly where my city continues to put pipelines. The day before I left for the conference, I took several photographs of a pipeline installation on a major downtown “great street” which we have worked for 30 years to rehabilitate. We moved a major interstate freeway from over the street. We have restored major historic buildings there, prepared for future residential developments, and spent one million dollars on public art to dress up the street. And now we’re putting a pipeline under the street in close proximity to high population facilities.

If it taught me nothing else, the conference left me with the very real conviction that we – the citizen pipeline safety advocates -- have a responsibility not just to share what we learned at the conference but also to be pipeline safety instigators and to keep the pressure on our elected and appointed officials and pipeline operators to ensure that everything that can be done to increase pipeline safety IS being done in our city. I’ll be asking my long list of questions in a host of meetings over the next few months.

Libby Willis is the president of the Fort Worth League of Neighborhoods.
The Smart Pig
smartpig@pstrust.org

In pipeline parlance, a smart pig is a high-tech device designed to root around inside pipelines. These intelligent little beasts inspect every square inch of the line, calling attention to any needed repairs.

I try to do the same thing for our readers. Send me a question and I’ll root through the labyrinth of modern pipeline prevarications to get you the best answer piggily possible: the straight scoop, as we say back in the sty.

Editor’s Note: The views and opinions expressed by this pig do not necessarily reflect those of the Pipeline Safety Trust or any human being.

How Deep Will Your River Be?

Dear King: I’m not surprised you’re confused. You probably saw several stories in the last few months that relate to pipeline river crossings, and reading them all together, it was hard to make sense of any of it. Here’s some background: In July of 2011, the Silvertip pipeline, operated by ExxonMobil, ruptured near Laurel, Montana, spilling about 1500 barrels of oil into the Yellowstone River. The river was flooded at the time, carrying the oil onto the fields and pastures of many landowners along the river.

Although the Montana Senators introduced a bill that would have required PHMSA to enact new rules, the bill that passed only required PHMSA to produce a study by January 2013 of liquid pipeline incidents at pipeline river crossings to determine if depth of cover was a factor, and, after an additional year, proposing legislative recommendations for improving the safety of buried pipelines at river crossings. It remains unclear whether PHMSA will use this directive as an excuse to avoid taking regulatory action in the interim, although the need for change is clear.

And that brings me to another story you probably saw, reporting on a study done by the United States Geologic Survey, showing the amount of scouring that occurs in various locations along the Missouri River. (http://online.wsj.com/article/SB100014241278873236229045781288 84280719580.html#articleTabs%3Darticle). The article reports that the USGS study shows that nearly half of the 55 oil and gas pipelines that cross the Missouri River are 10 feet or less beneath the riverbed, and that the river last year was measured as scouring to depths of 9 to 41 feet at 27 locations along the river.

After the Yellowstone spill, Montana officials urged PHMSA to check all other pipeline crossings in Montana and determine whether any more of them were at risk of exposure. “The review found that about a quarter of the roughly 90 pipelines inspected were dangerously close to exposure, said Richard Opper, director of the Montana Department of Environmental Quality and chair of the state’s pipeline safety council.”

The current PHMSA rule, which applies to any hazardous liquid line, is that if a pipeline crosses an inland body of water with a width of at least 100 feet from high water mark to high water mark, it must be installed with a minimum of 48 inches of cover. If the crossing is of a smaller body, 30 inches of cover is required at installation. There is no rule requiring the maintenance of cover after installation, unless the pipeline is one where a spill could affect a “high consequence area”, or HCA.

If so, then the pipeline is subject to “integrity management” rules, which in theory would mean that an operator that has a pipeline crossing a river would identify scouring as one of the risk factors threatening the pipeline’s integrity, and would take precautions, like burying it deeper than the river can scour in order to protect it, keeping a constant eye on the river conditions and emptying the line during threatening high water events, having an emergency operations plan and spill response plan that reflect the particular threats to each crossing. In theory, it would also mean that PHMSA checks the operator’s assessment of the degree of threat, the operating and response plans, valves, and so forth, so that if there were a spill, PHMSA would have been assured that the operator was prepared for it. But that’s not the way it worked out in Montana.

Here are the problems:

1) PHMSA has a regulation but has no record of...
where it might apply. PHMSA reported to Congress that it has no GIS or other records to indicate which pipelines cross rivers more than 100 feet from high water to high water mark. (They juggled a couple of datasets together to try to figure it out for the report, but make clear that the data have no stream flow component, which makes “the high water to high water” assessment fairly challenging.) But since the regulation only applies at the time of installation, perhaps PHMSA measured each crossing at the time of installation to determine if the pipeline was being installed deep enough to meet the four feet limit. That would assume a PHMSA inspector on every pipeline at every stream crossing during construction – an erroneous assumption. Oh, and what about narrower streams that are HCAs or could carry hazardous liquids to an HCA? That is, what if the crossing is in a location that “could affect an HCA” and therefore makes the pipeline subject to integrity management rules? If PHMSA has those areas mapped, they aren’t available to the public. Given the data searches PHMSA went through to try to approximate the number of incidents in wider river crossings (see the report to Congress), my guess is that PHMSA doesn’t have crossings subject to IM (integrity management) rules identified in any data set, either.

2) One might further wonder about the data in PHMSA’s report to Congress providing an accurate picture of the safety of pipeline river crossings, given its limitation to reported incidents. For example, for 1994, PHMSA reported 5 incidents related to depth of cover. The NTSB report on the San Jacinto flood event that year states that although “a total of 37 pipelines were ruptured or undermined during the flood, the incident reports filed with the OPS covered only 5 of the 8 ruptured pipelines.” Thirty-seven pipelines ruptured or undermined in a single flood event gives a very different picture of river crossing safety than 5 crossing-related incidents reported in that year. The NTSB looked further into reported incidents nationwide in the period of 1991 to 1993. During that period, 21 pipelines ruptured during flooding, 5 of which were liquid lines. Congress only asked PHMSA to report on incidents on liquid lines on large rivers, which were liquid lines. Congress only asked PHMSA nationwide in the period of 1991 to 1993. During that period 5 crossing-related incidents reported in that year. The NTSB looked further into reported incidents 5 crossing-related incidents reported in that year. Congress only asked PHMSA nationwide in the period of 1991 to 1993. During that period 5 crossing-related incidents reported in that year. The NTSB looked further into reported incidents

3) Not having the crossings or HCAs or “could affect” areas mapped or identified in a database isn’t where the troubles end, either: in the report to Congress, the agency mentions 3 advisory bulletins to operators about river crossings, one in 1993, 1994, and 2011, each following a season of high water, scouring, and incidents at river crossings. No regulatory changes in that time. No agency guidance to operators on using HDD (horizontal directional drilling) or mentioning scour as a risk that must be assessed in an integrity management program. PHMSA’s report to Congress suggests that the focus of its integrity management oversight for river crossings focuses mostly on leak detection, not prevention. The advisory bulletins mostly provide advice about frequent checks of crossings during active flooding, and responses if damage occurs.

Wait, you say, that line is subject to integrity management rules, right, because a Yellowstone River crossing has to be a place that could affect an HCA? So how could an operator with an adequate IM program be unaware that the river bottom could change sufficiently to undermine its pipeline? And how could such an operator have been inspected by PHMSA for implementation of its integrity management program without the agency noting that the operator had some serious weaknesses in their risk assessment at river crossings? Good questions. The PHMSA investigation report following the Silvertip incident said that ExxonMobil’s field observations and their December 2011 depth of cover survey were “reasonable precautions to address the flooding of the Yellowstone River in the spring and early summer of 2011.” PHMSA had done an “inspection of ExxonMobil’s implementation of its integrity management program” on the Silvertip less than a month before this incident. They looked at inline inspection results and found no actionable anomalies. The investigation report does not mention whether PHMSA asked about whether and how ExxonMobil included the risk of scour in its IM program.

5) But there’s some good news (tempered by bad news) one can find in the investigation report: The designers of (Continued on page 6)
the Silvertip pipeline put remote control valves in on the upstream side of each of four river crossings, just like they were required to. So why didn’t the valve above the Yellowstone crossing get closed for 45 minutes after the rupture? Here’s the bad news. Well, it turns out the emergency operations plan for the pipeline called for the valve highest in the system to be closed in the event of a rupture, so that’s what the control room operator did in the first few minutes of the event. The problem is that without also closing the valve immediately above the rupture site, the oil in the remainder of the pipeline could then drain out past the Yellowstone valve, into the river. PHMSA estimates that the failure to close that properly placed valve in a timely manner resulted in the spill volume being almost 1100 barrels larger than if the Yellowstone valve had been timely closed. (The total spill volume was approximately 1500 barrels.) Again, clear deficiencies in an operations plan that should have been identified and corrected by either the operator or PHMSA in the time since the implementation of integrity management rules.

So what happens next?
I hope you’ll stay tuned to watch what PHMSA does with the second part of its assignment from Congress on river crossings; determine whether the depth of cover requirements are inadequate, and if so, make legislative recommendations.

The risk is that PHMSA either: a) decides to change the depth of cover at installation rule, creating a political sideshow that exhausts safety advocates’ energy arguing over the number of feet or inches it should be raised, completely ignoring the fact that the installation rule makes very little difference over time if there are no maintenance of cover rules or viable, enforceable integrity management rules to require operators to manage for the risk of riverbed scour; or b) decides to suggest that the operator’s obligations under integrity management rules to identify and mitigate the risks of riverbed scouring are sufficient for pipelines that “could affect” an HCA, and therefore the depth of cover rules don’t need to be changed.

Unless PHMSA opts for: c) an enforceable and enforced maintenance of cover rule for all crossings that is based on a study of the specific location and characteristics of each crossing; and d) actually enforcing integrity management obligations of operators to design for and mitigate against the risk of riverbed scour before an incident occurs, this smart pig is not optimistic about improving the safety of crossings at rivers.
Can Landowner-Operator Relations Be Improved?

It's hard to believe that creating these long-lasting bad feelings can possibly be worth whatever the operators might save by not making the small behavioral changes that would prevent these problems entirely. Landowners are an important player in pipeline safety – the closest eyes and ears to the pipeline. Operators should want them to be cooperative, if not happy.

Frequently, the disputes that begin the troubles are not over money. They are over things like not giving notice before entering the property, cutting fences, tree removal perceived as unnecessary, failing to abide by work hours previously agreed to, failing to properly segregate or compact topsoil, refusing to actively consider minor adjustments in a route to avoid something brought to the operator’s attention by the owner, whether it’s an old tree, an old landfill, an unstable area, access to water or shelter for livestock, or the like.

There were a number of landowners who spoke at this year’s Pipeline Safety Trust conference, and it is clear that no two landowner/operator relationships are the same. The reasons are probably as varied as the individuals and companies involved. One of the speakers, however, gave a series of “Suggestions for Improved Relationships and Better Projects,” that provides sage advice to operators seeking right of way acquisition or undertaking a repair or replacement project on an existing right of way. The list can be found in its entirety at http://www.pstrust.org/docs/no2012/presentations/no-2012_savage.pptm, but with thanks to its author, attorney Kim Savage of Michigan who has represented more than 70 landowners there, it is slightly abridged here:

1) Tell the truth: don’t make up answers, and never threaten;
2) Seek community input: hold forums, attend meetings, evaluate alternatives, give plenty of notice;
3) Keep your promises: put construction agreements in writing and abide by them; apologize and make things right if you mess up;
4) Be consistent and fair: understand that people talk;
5) Show some respect and deference: don’t cold call, always make appointments, demand that your construction crews be considerate and hold your contractors accountable;
6) If negotiating an agreement or easement, never seek signatures at the first meeting, advise landowners to seek independent counsel, and pay reasonable attorneys fees, even in states where it is not required.

New Hire at the Safety Trust

The Trust is very pleased to welcome Samya Lutz to the staff of the Pipeline Safety Trust. She will join us in July after a few months of getting the feel of the place while finishing up some projects at her current employment. Samya joins us from the Planning Department of Whatcom County, Washington, where she has been a long range planner since 2006 working closely with the agriculture community on a variety of efforts using land use tools to promote the long-term viability of agriculture in the county. She has many years experience doing community outreach and organizing public participation in local government planning efforts. Samya holds a bachelor’s degree from Western Washington University and a Masters in Urban Planning from the University of British Columbia. In her spare time you can find her exploring the Pacific coast and mountains with her husband and twin 8 year old boys.
Pipeline Safety Trust Releases Second Annual Review of State Regulators’ Online Safety Information

The Pipeline Safety Trust has released its second annual review of the information available to the public on pipeline regulators’ websites. The survey in both years reviewed regulator’s websites for 8 basic types of information:

- Contact information for agency staff
- Transmission pipeline maps
- Pipeline company contact information
- Access to pipeline safety regulations and statutes
- Pipeline inspection records
- Incident data
- Enforcement data
- Excavation damage data

In addition, the Trust reviewed the sites this year for the ease with which a member of the public could find the site with a couple of basic web searches and whether the agency provided a basic description of its role in regulating pipelines. Carl Weimer, the Executive Director of the Trust noted: “The state regulators all have different names: some are Utilities Commissions, some are Public Service commissions or boards, some have unique names. Unless a member of the public already knows the agency name, it’s sometimes quite hard to even find the agency website just by looking for “pipeline safety” with the state’s name. We’d like regulators to think about the ability of the public to find the information they’re making available while they’re designing and updating their sites.”

“After our review was released last year, a few state regulators called us up to let us know that they had changed their sites to make more information available, and that’s just the reaction we were hoping for,” said Weimer. “We had hoped for even more improvement over the course of the last year, but unfortunately, very little progress has been made by most of the states in making basic pipeline safety information readily available to the public. Much of the information we’re looking for can easily be provided by the state websites with some simple links to the PHMSA website, which provides a mapping system and incident and enforcement data by state.”

The review was performed by the Trust’s staff and several individual volunteers from the Trust’s New Voices project, each of whom reviewed several websites. Each website was reviewed by at least 2 people, using a set of common instructions and scoring criteria.

Arkansas and Kentucky made improvements last year, shortly after the first review. The biggest improvements since then are in the Connecticut and Illinois sites, each of which made it into the top ten state sites.

You can see the scoring instructions at:

http://pstrust.org/docs/state_website_transparency_instructions.pdf

The actions you and your local government take affect the safety of your community

- Do you know what pipelines are near you and how to contact the operator?
- If a pipeline easement is on your land, do you know the terms of your easement?
- Does your local government put pipelines on their planning maps, or require them on plat maps?
- How can local communities improve pipeline safety?

The Pipelines and Informed Planning Alliance (PIPA) has developed recommended practices to help in making decisions about what, where and how to build safely near transmission pipelines.

Visit the PIPA website at: http://primis.phmsa.dot.gov/comm/pipa/landuseplanning.htm
## Public Transparency by State Pipeline Safety Agencies & PHMSA - website review

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For live links to state pipeline safety agency websites download the pdf of this newsletter, which can be found at: [http://pstrust.org/initiatives_programs/newsletters/index.htm](http://pstrust.org/initiatives_programs/newsletters/index.htm)
A Rare Landowner Success at FERC

ON ANY GIVEN DAY, we at the Trust receive a call from some member of the public about a pipeline safety concern, a landowner rights question, or a request for information. Nearly two years ago, we received one of those calls from a gentleman from west-central Texas, Mr. Brian Hamilton. Mr. Hamilton owns a farm that uses a center-pivot irrigation system on which then-El Paso, now-Kinder Morgan owns an easement for two parallel natural gas pipelines. At some point in 2005 El Paso decided that the line had lost enough cover that it needed to be lowered. And that’s where the conflict began. El Paso came to do the line lowering in May of 2005. They lowered 720 linear feet of the line — mostly on Mr. Hamilton’s property, but the repair extended across a county road and onto his neighbor’s property as well.

In July of that year, a heavy rainstorm eroded along the pipeline, filled new culverts across the road, and washed out part of the road. This began a protracted conflict between Mr. Hamilton and the operator, leading to many calls and letters to PHMSA, his Congressman’s district office, FERC, the GAO, and any other agency that might be interested. Mr. Hamilton’s center-pivot system could not be used over the eroded area that had not been properly compacted. The disruption in his farm practices and the operator’s refusal to repair it to Mr. Hamilton’s satisfaction spurred Mr. Hamilton to pursue an arbitration of the conflict under the terms of the easement agreement, and that any other remedies were outside FERC’s jurisdiction or barred by various legal doctrines. In what is a first of its kind as far as we know, FERC disagreed. FERC issued its order on December 20, 2012. Mr. Hamilton did not convince the Commission on all of his requests, but the Commission’s order requires El Paso to restore his property to preconstruction conditions.

Our certificate, our rules

FERC ruled that El Paso’s work was part of the routine operation and maintenance of an existing facility authorized under the original certificate the Commission issued for the pipeline. In fact, the Commission found that the maintenance of the pipeline is an obligation embedded in the Commission’s regulations, citing the requirement for consideration of landowner desires under Rule 318.15(b), and the Upland Erosion Control, Revegetation and Maintenance Plan and Wetland and Waterbody Construction and Mitigation Procedures. In fact, the Commission found that those two documents “represent the minimum expectations for pipelines operating and maintaining their facilities in perpetuity for all future activities without regard to whether the activity was performed under the pipeline’s blanket certificate, under section 2.55 (replacement) or as a routine operation and maintenance activity.” Further, the Commission found that “the routine operation and maintenance requirement under the original certificate carries with it the basic obligation to restore the land affected to its original condition.”

And finally, the Commission held that El Paso’s arguments about Mr. Hamilton’s claims being barred by the arbitration award or other legal doctrines were without merit. The Commission rejected their arguments, stating that the violation of Commission rules could not be left without a remedy based on a complainant’s previous legal strategies. The logical extreme of the operator’s argument was that they could compensate a landowner for damages for failing to adequately restore the property, and leave the Commission without a remedy for the violation of the Commission’s rules, part of the responsibility assumed by a certificate holder. The Commission found that possibility to be indefensible.

The Order

The Commission ordered El Paso to restore the farm to its pre-construction condition, giving them 60 days to consult with Mr. Hamilton and develop a plan to be reviewed and approved by the Commission before the work is undertaken. That planning is currently underway.
One Year Later – Are We Safer Or More Certain?
Status of implementation of the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011

In January of 2012, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 took effect, and its one-year anniversary meant, among other things, that PHMSA had to meet several deadlines on tasks assigned to it by Congress. Links to several of the reports issued by PHMSA to comply with their statutory mandates can be found on PHMSA’s web page used to report progress on implementation of the Act (use the menu on the right side of the page to find downloads of the reports and studies): http://tinyurl.com/phmsa-dot

As each report or study has been issued, there have been various reactions in the press:

- Cover over buried pipes at river crossings: AP story: Pipeline spills in U.S.? Blame it on the floods (http://durangoherald.com/article/20130109/NEWS06/130109585/-1/s)
- Leak Detection Study:
- Remote controlled and automatic shut-off valves study
  - Pre-study report from the San Bruno NTSB hearing about PGE decision not to install ASVs : http://fuelfix.com/blog/2011/03/02/safety-risk-downplayed-in-pipeline-valve-decision/
- Making copies of hazardous liquid spill response plans (FRPs) available to the public

Questions on ROW’s?
Get The Pipeline Safety Trust’s Landowner’s Guide to Pipelines

The Landowner’s Guide includes:

- pipeline basics
- safety information
- information about the role of federal, state and local governments
- operator/landowner relations

Now with updated PHMSA contact information!

Contact the Pipeline Safety Trust at info@pstrust.org to get your copy.
Save The Dates!
The Pipeline Safety Trust’s 7th annual conference will be held at the historic Hotel Monteleone in New Orleans, Louisiana on **November 21 and 22, 2013.** Once again, the Trust will bring together a mix of operators, regulators and interested members of the public. Join us to renew old acquaintances, meet people you read about in the news or on our listserv, and discuss how to make pipelines more safe over beignets, jambalaya, oysters, or while enjoying your favorite beverages at the carousel bar. Hope to see you there! Stay tuned to our website [www.pstrust.org](http://www.pstrust.org) for more details.