

2016 Pipeline Safety Act Reauthorization - as of 4/28/16 - Pipeline Safety Trust's View

✓ = included in bill

= Preferred version

Clause	Senate	House Energy	House T&I	Purpose	Pipeline Safety Trust Concerns
Regulatory Updates	✓	✓	✓	Requires updates to Congress on PHMSA outstanding rulemaking efforts every 90 days.	T&I bill has tighter timelines, better reporting requirements, and includes a report from the IG on mandates
Statutory Preference	✓	✓		Requires PHMSA to finish existing rule efforts, especially congressional mandates, before starting on any new rules.	We are concerned this could delay needed rules by requiring PHMSA to finish relatively unimportant things Congress has dreamed up. House Energy language gives the Secretary more latitude in deciding. House T&I does not include, which is our preference.
Natural Gas Integrity Management Review	✓	✓	✓	GAO Report of Integrity Management within 18 months of final rules	Support - question whether GAO has expertise to do this. Would have preferred NTSB.
Hazardous Liquid Integrity Management Review	✓	✓	✓	GAO Report of Integrity Management within 18 months of final rules	Support - question whether GAO has expertise to do this. Would have preferred NTSB. T&I considerations stronger than E&C
Technical Safety Standards Committee	✓	✓	✓	Expands who the Secretary must consult with regarding appointments for the 2 state commissioner slots on these committees	
Inspection Report Review	✓	✓	✓	Requires a post-inspection briefing with the pipeline operator within 30 (90 in T&I) days of the inspection regarding findings. T&I bill includes effectiveness report to Congress	Good idea to require timely communications. Senate bill requires a final report within this timeframe, which might be unreasonable. House Energy bill has better, more flexible language. We are not sure whether 30 or 90 is better. We like the report required in the T&I bill.
Pipeline Odorization Study	✓			Requires within 180 days a GAO study to look at requiring odorization of gas transmission lines.	After Aliso Canyon leak where Mercaptan may have made people ill, this was not included in House bill. We think the study may be a good idea, but should also be linked with a look at health impacts and alternatives
Improving Damage Prevention Technology	✓	✓	✓	Requires study by DOT (GAO in T&I) on technology (mapping, GIS, etc), national damage database, and other methods to improve damage prevention	Good idea, but we have heard some in Congress talk about using mapping to replace One Call, which is way premature.
Workforce of PHMSA	✓	✓		Provide PHMSA with Direct Hire authority to make it easier to fill positions	

Research and Development	✓		✓	Promotes joint R&D projects with non-federal organizations and requires reporting. The T&I bill requires a report by GAO	There was concern a few years ago that PHMSA prioritised R&D so heavily toward joint projects that brought matching industry funding, that industry was controlling R&D investments. PHMSA has addressed this, already does joint projects so this does not seem to be needed.
Information Sharing System	✓	✓	✓	Convene a working group to consider the development of a voluntary information-sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing with the purpose of improving integrity risk analysis	
Nationwide Integrated Regulatory Database	✓	✓	✓	Senate and House Energy requires report from DOT on the feasibility of a national inspection database between PHMSA and State regulators. House T&I requires database to be created.	An integrated inspection database is a good idea, but we have heard good arguments about barriers that may not be able to be solved quickly enough for the T&I implementation requirement.
Underground Natural Gas Storage	✓	✓	✓	Requires PHMSA to create standards for underground gas storage within 2 years	Standards are needed. Concern is that the language pushes PHMSA to use industry developed standards instead of more fully considering and using other stakeholder input.
Joint Inspection & Oversight	✓		✓	Requires DOT to allow states to inspect interstate pipelines if they request that authority. T&I bill also requires a GAO report on this subject	No real concern and we support greater state participation, but PHMSA needs to prove they have a good way to ensure states are doing a good job.
Spill Response Plans	✓	✓	✓	Requires considerations in Spill Response Plans of spill that may occur under ice	We support this to make it explicit, even though we believe this is already a requirement under current rules.
High Consequence Areas	✓	✓	✓	Requires the Great Lakes to be considered a High Consequence Area	We support this to make it explicit, even though we believe the Great Lakes are clearly already High Consequence Areas under existing rules.
Surface Transportation Security Review	✓			Report from GAO on TSA's efforts on pipeline security	No real concern, as long as TSA's always conservative beliefs are balanced with the public's right to know.

Small Scale LNG Facilities	✓			Requires new standards within 18 months for a new "Small Scale" category of LNG facilities.	Standards for small scale LNG may be a good thing, but the definitions in this bill are not clear enough about what is "small." The bill also promotes a move toward greater "risk-based" rules and industry standards, which we have concerns with. PHMSA is already working on this so we support the House bills that leave this issue alone.
Report of natural gas leak reporting	✓			Requires PHMSA to report within 1 year on the metrics for lost and unaccounted gas from distribution pipelines, and create new rules if necessary	We support this because it appears there is much confusion on what is and is not included, and how it is measured.
GAO Review of State Policies Relating to Natural Gas Leaks	✓			Requires a GAO report within 1 year on each state's policy on the repair and replacement of leaking pipelines and make recommendations. If PHMSA finds the recommendations would improve safety they should implement new rules.	We support because there appears to be too much confusion and variability from state to state on how leaks are categorized, when repairs are required, and how this all gets funded.
Spill Response Plans to Appropriate Congressional Committees	✓			Requires PHMSA to provide unredacted Spill Response Plans to leadership of appropriate Congressional committees if requested.	We support, although being from Washington State where anyone can get unredacted spill plans we question why it is only for Congressional leadership.
Consultation with FERC on Permitting New Natural Gas Pipelines	✓			Requires PHMSA to consult with FERC early on in the permitting process for new interstate gas pipelines to ensure safety	Good idea, although we think this is already happening most of the time, so Congress needs to be more explicit in what "consultation" means if they want something better. We think pipelines should have to get a operating permit from PHMSA to cover safety issues.
Maintenance of Effort	✓		✓	Allows DOT to withhold funds from a state if they are not carrying out their safety program. Also continues the allowance for DOT to waive matching funds requirements	The allowance to waive the relatively small % of matching fund requirement is troublesome. If states can't commit to safety by raising such funds (user fees?) than perhaps they should not be doing the safety inspections.
Aliso Canyon Task Force	✓			Creates a high level task force to look into the Aliso Canyon gas leak and lessons that should have been learned.	Good idea, we hope the task force has funding and the will to adequately research the large variety of issues this failure has raised
Emergency Orders		✓	✓	Allows PHMSA to issue industry-wide Emergency Orders to immediately correct newly discovered emergency situations	Good idea

Requirements for certain Hazardous Liquid Pipelines		✓		Yearly ILI requirement for inland pipelines 150 feet underwater	Good idea to push greater analysis of pipelines in extremely high consequence areas. We are not sure of the 1 year interval, and think this only applies to a pipeline under the Straits of Mackinac. We suspect there are other pipelines that are equally risky.
Pipeline Safety Grants To Communities		✓	✓	Changes eligibility rules for these grants to Ensure grants are not being used for "advocacy". Requires a GAO audit of program for compliance.	House Energy language seems like a witch hunt to use on groups that a few people may consider "Anti-pipeline." No evidence that grant funds have been used directly to oppose pipelines, and the addition of "advocacy" and the way it is defined undermines one of the goals of the program to better involve citizens in participating in PHMSA activities. House T&I addresses concerns and require legitimate report. We still prefer the Senate version which leaves this grant program as is, but House T&I language is also fine.
Appropriations	✓	✓	✓	Authorizes funding for programs	Have not evaluated funding levels completely yet. House T&I takes a new approach for appropriating general operating funds and then requires PHMSA to fund One Call and Community Technical Assistance grants out of those appropriations. This seems like a good approach so we give the nod to the T&I bill at this point.
Workforce Management			✓	Requires the IG to report on PHMSA's staff resource management, including geographic allocation plans, hiring challenges, and expected retirement rates and strategies	Good idea - needed information
Safety Data Sheets			✓	Requires operator to provide Safety Data Sheets to On-Scene Coordinator within 6 hours of a spill	Good idea! We think the word "any" in the paragraph should be replaced with "specific types of" to better align with recent NAS recommendations.
Study of Materials and Corrosion Prevention in Pipeline Transportation.		✓	✓	Requires GAO report on corrosion prevention, materials, and cost/benefit	Should produce good info
Transparency of Interagency Review		✓		Requires the Secretary to clearly explain to the public OMB's role in any changes to proposed rules	Good idea, that addresses long standing concerns from many stakeholder groups
Small Scale Propane Study		✓		Requires a study of small propane systems	