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Comments on Docket No: DOT-OST-2017-0069-0001

U.S. Department of Transportation Regulatory Review

Comments of the Pipeline Safety Trust

October 31, 2017

Eighteen years ago, the Olympic Pipeline, a 16 inch hazardous liquid pipeline, ruptured and spilled nearly 250,000 gallons of gasoline, and then exploded in Whatcom Falls Park in the middle of Bellingham, Washington, killing three boys, wiping out two miles of a salmon stream, severely damaging the city's water treatment plant, and destroying the city's sense of security. The Pipeline Safety Trust came into being based on the efforts and recommendations of the families of the children who were killed in the 1999 explosion. The community and the families fought for better pipeline oversight and accident prevention measures. These Bellingham residents made it their number one priority to organize a perpetually funded oversight organization to ensure safer pipelines nationwide. On June 18, 2003, U.S. District Judge Barbara Rothstein ordered that four million dollars of the criminal penalties imposed in a plea agreement as a result of the Bellingham tragedy be awarded as an endowment to fund the Pipeline Safety Trust. Since then, the Trust has worked to improve pipeline safety at the state and federal levels, lobbying for stronger federal laws and encouraging states to assume as much authority as they can under the federal pipeline laws to supplement the work of the Pipeline and Hazardous Materials Safety Administration (PHMSA).

The vision of the Pipeline Safety Trust is simple. We believe that communities should feel safe when pipelines run through them, and trust that their government is actively working to prevent pipeline hazards. We believe that local communities who have the most to lose if a pipeline fails should be included in discussions of how best to prevent pipeline failures. And we believe that only when trusted partnerships among pipeline companies, government, communities, and safety advocates are formed, will pipelines truly be safer.

We were heartened to see this language in the request for comments on the Department's Regulatory Review: *"In recognition of the fact that safety is the Department's highest priority, the Department seeks comments on those existing regulations and other agency actions that may be repealed, replaced, or modified without compromising safety."* We encourage the Department to maintain this statutorily mandated focus on safety as it reviews comments on this regulatory review

and as its staff undertakes its own review of existing regulations, rejecting any effort to repeal or amend existing safety regulations in ways that would further compromise the safety of the nation's pipeline network.

The Trust would like to suggest repeal of a few regulations, each of which either compromises safety or impairs the ability of PHMSA to identify weaknesses, potential failure triggers, or safety related conditions that could result in pipeline failures.

First, we suggest the Department direct PHMSA to comply with the NTSB recommendation P-11-14: Amend Title 49 Code of Federal Regulations 192.619 to delete the grandfather clause and require that all gas transmission pipelines constructed before 1970 be subjected to a hydrostatic pressure test that incorporates a spike test.

Second, amend the definition of high consequence area in 49 CFR 192.903 to eliminate the optional definitions of HCA, thereby eliminating potential, and perhaps actual inconsistencies in application of regulations. The definition should include Class 3 and 4 locations as well as those covered by paragraphs (iii) and (iv) - higher density areas of rural areas and identified sites.

Third, remove the language in 49 CFR 191.23 relating to safety related condition reporting that exempts certain conditions from reporting. The reporting of safety related conditions that do not result in incidents is still a valuable source of safety information for PHMSA and would allow the agency to identify issues that are common across operators before incidents occur. All exemptions for reporting safety related conditions that do not impair the serviceability of the pipeline should be removed, as should the portion of paragraph 3 exempting reporting on lines further than 200 meters from an occupied building. Similarly, the portion of paragraph 4 exempting reporting on conditions that are repaired before the reporting deadline should also be removed.

We appreciate the opportunity to comment on this regulatory review.

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