

PST Comments on DOT Draft Strategic Plan

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(find it here: <http://dotstrategicplan.ideascale.com/a/dtd/Pipeline-Safety/449225-25170?submitted=1>)

The Pipeline Safety Trust (PST) looks forward to continued progress in improving the safety of the nation's pipeline network of nearly 3 million miles. The DOT's Pipeline and Hazardous Materials Safety Administration plays a vital role in our collective efforts to ensure that communities trust the safety of the pipelines in their midst.

The past few years have seen too many tragic pipeline incidents, including major failures of both hazardous liquid and natural gas pipelines. PST represents a widely varying group of constituencies, each with its own understanding of the causes of and responsibilities for these failures, and yet we all agree that we must work toward a goal of zero pipeline incidents.

As an industry, pipeline operators understand that improving safety and regaining the public's confidence in pipelines is necessary for the health of the industry. At a recent forum on pipeline safety held in Calgary, Alberta, the CEOs of several of North America's largest pipeline companies reiterated their commitment to pursuit of a zero incident goal:¹

- "If we're not safe, we don't grow. If we're not safe, we're not expanding into new markets," said Ian Anderson of Kinder Morgan. "We recognize that anyone's incident is everyone's incident."
- "We have to move forward assuming and trying to meet that zero incident target," said Enbridge CEO Al Monaco.
- "It doesn't matter how good we are. We're only measured by our last incident. We have to get that to zero. The public expects that and we're going to work hard as an industry." Russ Girling, CEO, TransCanada.

The trade associations representing both natural gas (INGAA) and hazardous liquid pipeline (AOPL) operators have each formally adopted a goal of reaching zero incidents, understanding the degree of investment, improvement and diligence necessary to accomplish it.

Pipeline safety requires not only a committed industry, but also an informed public and active state and federal regulators. Pipeline safety is a shared responsibility. PST offers the following recommendations for improving the Draft DOT Strategic Plan.

Strategies should target getting to zero on all pipeline incidents – Safety Objective

Currently the draft Strategic Plan discusses the reduction of fatalities and major injuries, and focuses on gas distribution lines (pp. 21-23). However, all injuries, property damage, and environmental damage are serious results of pipeline leaks or ruptures, and all have effects on the health and safety of communities. These incidents occur on gas and hazardous liquid transmission lines as well as gas distribution and gathering lines. According to the draft Strategic Plan, both the devastating Mayflower, AR and Marshall, MI spills that occurred over the past few years would not be a priority and not be reflected in any DOT progress assessment, because they did not involve a fatality or major injury, though persistent health impacts are widely reported. **Addressing pipeline safety issues means getting to zero incidents on all pipeline systems**, not a narrow subset of the incidents on only certain pipelines. Either more performance goals are needed to reflect the realities of pipeline incidents, or the single goal

¹ Quotes taken from June 5, 2013 Canadian Press article posted in The Tye: "Public trust has been eroded"; Pipeline companies discuss safety at NEB forum."

addressing pipeline safety needs to be broadened as we indicate here. Suggestion: “Reduce pipeline fatalities, injuries, and incidents.”

Strategies should target getting to zero on all pipeline incidents – State of Good Repair / Environment Objectives

In the section on maintaining and improving the operating conditions, pipelines are not mentioned. Yet we know that certain pre-1970 pipe is predisposed to cracking and corrosion problems, even though widely installed and in use today. Suggestion: “Work with industry to improve the condition of the pipeline infrastructure.”

The draft Strategic Plan narrative in the *Environment* section includes text about pipelines and integrity management (p. 67), but no such text is present in the table by which DOT progress will be monitored. The table needs to include an additional performance goal pertaining to our shared responsibility of getting to zero pipeline incidents, and to do so by measuring incidents and measuring industry performance resulting from inspections (including unannounced inspections) and other measurable results that reflect integrity management practices. Suggestion: “Reduce environmental and human health risks from pipeline spills and incidents.”

Increase transparency and opportunities for public involvement – Livable Communities or General

Our work over the past decade has led us to believe that communities are safer and more livable when the people who have the most to lose if something goes wrong with a pipeline are included in discussions of how better to prevent pipeline releases. We think this is particularly important when pipeline industry representatives and regulators are discussing ways to better educate the public, increase public awareness, prevent damage to pipelines by the non-pipeline industry, and improve local land use and emergency planning around pipelines. As more of these stakeholders are included, it is clearer that greater inclusion of an involved public strengthens the discussions and ultimate conclusions of pipeline safety proceedings. Yet it is often difficult for the public and local government and emergency management personnel to obtain the information they need to be meaningfully involved. The DOT needs to prioritize transparency in all its proceedings. It is disappointing that we very often receive clearer and more complete information from industry and state government than from PHMSA, due to differences in the perceived risks of releasing information to the public. Suggestion for strategic goal: “Work toward the greatest possible transparency in all programs, projects, and investments of money or personnel so that the public, local government officials, and emergency management personnel have the information they need to be meaningfully involved in discussions and decisions that effect them.”

Alternatively, the strategic goal under the ‘Livable Communities’ section could be modified as follows: “Ensure federal transportation PROJECTS, PROGRAMS, AND investments benefit all users by emphasizing TRANSPARENCY, greater public engagement, fairness, equity, and accessibility in transportation investment RULES, plans, policy guidance, and programs (LC2).”

General Comments - Prioritize moving the rule-making process forward

In the most recent reauthorization of the federal pipeline safety program, Congress gave DOT a number of specific tasks, including the completion of a number of studies relating to possible future regulatory enactments. PHMSA issued Advanced Notices of Proposed Rulemaking for major rules affecting gas transmission and distribution and liquid transmission operators between 25 and 35 months ago (gas transmission safety - August 2011; gas distribution EFVs – November 2011, and liquid transmission safety – October, 2010). PHMSA has not yet issued proposed rules on *any* of these topics. It is unclear whether the delay lies with PHMSA, OMB, or others, but the failure to get these critical rules released,

and for so long a time, creates uncertainty for all of us. Uncertainty make business planning for the industry impossible, and it further undermines the public's confidence in the federal regulatory commitment to furthering the goal of reaching zero incidents. While there will undoubtedly be disagreement about details of whatever new rules are proposed, there is unity in our desire that these proposed rules be released so that we may undertake a robust, public discussion about how best to continue our progress toward zero pipeline incidents. **A critical piece of the Department's role in our shared responsibility to further pipeline safety is to prioritize obtaining the release of the long-overdue proposed rules on gas and hazardous liquid pipeline safety.** Getting these critical rules released will be a start to our renewed journey to design a continually improving system to get us to zero. While there is no obvious strategic goal listed in the plan under which this topic would fall, we would suggest the following strategic goal: "Significantly decrease the time between DOT-related Congressional action and issuance of DOT proposed rules."

Thank you for your consideration of our recommendations.