Pipeline Safety TRUST

Credible.
Independent.
In the public interest.

January 14, 2026

Debbie-Anne A. Reese, Esq., Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Five-Year Review of the Oil Pipeline Index; Docket No. RM26-6-000

Dear Secretary Reese:

The Pipeline Safety Trust (PST) submits these reply comments on the Five-Year Review of the Oil Pipeline Index. PST promotes pipeline safety through education, advocacy, and partnership-building with the goals of safer communities and a healthier environment. We are the only national nonprofit organization focused on pipeline safety from a public interest standpoint. PST has represented the public interest on the Department of Transportation Pipeline and Hazardous Materials Safety Administration's (PHMSA) Technical Hazardous Liquid Pipeline Safety Standards Committee (LPAC) and on the Governor-appointed Washington Citizen Committee on Pipeline Safety.

PST does not take a position on the specific index level or the methodological questions presented in this proceeding, including data trimming approaches, treatment of the ROE policy change, or use of resubmitted Form No. 6 data. These are technical matters outside the scope of our expertise. However, we write to emphasize a principle that should inform the Commission's decision: *whatever methodology FERC adopts should not create economic disincentives for pipeline operators to invest in the safety and integrity of their systems*.

Investment in pipeline safety is essential to protect the public interest. Since the Commission's last five-year index review in 2020, PHMSA has finalized significant new safety requirements for hazardous liquid pipelines that may require substantial investment. These include:

> **Safety of Hazardous Liquid Pipelines Rule** (effective July 1, 2020): Extended leak detection requirements to all regulated non-gathering hazardous liquid pipelines (with compliance required by October 2024), mandated integrity assessments at least once every 10 years for pipelines outside High Consequence Areas, required post-extreme weather inspections within 72 hours, and required that pipelines in or affecting HCAs be capable of accommodating in-line inspection tools within 20 years.

Valve Installation and Minimum Rupture Detection Standards Rule (effective October 5, 2022): Required installation of rupture-mitigation valves (RMVs) or alternative equivalent technologies on most newly constructed and entirely replaced hazardous liquid pipelines with diameters of 6 inches or greater, established valve spacing requirements (15 miles for segments affecting HCAs, 20 miles for others), and mandated 30-minute valve closure times after rupture identification.

Coastal Ecological Unusually Sensitive Areas Rule: Expanded the definition of "unusually sensitive area" for hazardous liquid pipeline integrity management to include additional coastal waters, the Great Lakes, and coastal beaches.

Beyond these mandatory requirements, PHMSA has also issued Advisory Bulletin ADB-2025-01 (March 25, 2025) strongly encouraging all regulated pipeline operators to implement Pipeline Safety Management Systems (PSMS) based on API RP 1173. While voluntary, PSMS implementation requires meaningful organizational investment in safety culture development, risk management systems, training, and continuous improvement processes. PHMSA's promotion of PSMS reflects a broader expectation that operators invest in safety beyond minimum regulatory compliance.

We note that PHMSA Administrator Paul Roberti has filed comments in this proceeding urging the Commission to "advance policies that will encourage prudent investments in the operation, maintenance, and integrity of oil pipeline facilities and incentivize the repair and replacement of higher risk infrastructure." PST's position is consistent with PHMSA's stated safety mission. Adequate investment in pipeline maintenance and replacement of aging infrastructure is essential for safety, and rate structures should support, not discourage, those investments.

PST has consistently advocated for laws and regulations that require pipelines to make significant investments in safety. We do not want to see pipeline operators constrained in their ability to comply with PHMSA safety requirements, or forced to defer critical maintenance and integrity investments, because the oil pipeline rate index does not adequately account for the costs of safe operation.

Thank you for your consideration of these comments.

Sincerely,



Bill Caram
Executive Director