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March 16, 2026

Linda Daugherty
Acting Associate Administrator for Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Pipeline Safety Trust Comment on Final Rule Pipeline Safety: Class Location Change Requirements (Docket No. PHMSA–2017–0151)

Dear Ms. Daugherty:

Please consider these comments relating to the finalization of the Class Location Change Requirements Rule (the "Rule" or "Final Rule". (Docket No. PHMSA-2017-0151) These comments are filed on behalf of the Pipeline Safety Trust (PST).[1] PST is the only national non-profit organization that focuses on pipeline safety. We do this through education and advocacy, increasing access to information, and building partnerships with residents, safety advocates, government, and industry to promote safe communities and a healthy environment.

PST has reviewed the Rule and believes that while it certainly is not the massive stride in pipeline safety, nor the cost-saving measure that is touted, we appreciate that PHMSA largely justified the rulemaking. PST also appreciates that PHMSA has offered another opportunity to provide input on the information collection activity and feedback about the Rule. We offer the following feedback and input:

1. Information Collection and Reporting

Regarding the first item of PHMSA's information collection notice included in the Final Rule, PST believes that PHMSA is possibly double counting burdens attributed to the 2019 Gas Transmission Final Rule[2] for confirming that the pipe in the segment has been pressure tested to a minimum test pressure of 1.25 times the MAOP, with traceable, verifiable, and complete records and that the pipe in the segment has traceable, verifiable, and complete pipe material records for diameter, wall thickness, grade, seam type, yield strength, and tensile strength. PHMSA assumes a burden of approximately 26 hours per operator, per year, "for these and the various other requirements to comply with this new compliance options, operators must maintain records of all actions implemented to meet

[1] www.pstrust.org.
[2] 84 Fed. Reg. 52,180.

the program for the life of the pipeline."[3] All but the latter should have already been considered under the prior rulemaking. Their inclusion here possibly represents agency inaccuracy in the burden estimation process and warrants the agency revisiting the assumptions it used to determine the estimated burden and breaking down the estimated burden by category.

PST is overall supportive of PHMSA collecting the information described in item two of the Federal Register notice.[4] The notification requirement at 49 C.F.R. § 192.611(a)(4)(i)(H) only refers to 49 C.F.R. §§ 192.18(a) and (b) and does not provide any information about what the notification is required to have. It would be helpful if operators were provided the necessary regulatory certainty and clarity in the code about these required notifications.

Additionally, another missing component from the Final Rule is an effective means for tracking its effectiveness. PHMSA boasts in the rulemaking documents that "no pipeline segment subject to a class location special permit has ever experienced a failure."[5] PHMSA provides no basis for this assertion, and it would be extremely difficult for a member of the public to determine or confirm its accuracy. Incident reporting does not require any indication that a pipeline segment involved in an incident is covered by a special permit. The Final Rule perpetuates this lack of transparency because it provides no reporting mechanism for the public (or even PHMSA) to track whether use of the IM option truly mitigates the problems associated with less wall thickness or lower material strength, or a combination of the two, in more densely populated areas (i.e. incidents with greater harm to the public or the environment). One suggestion PST has is that PHMSA could amend its annual reporting documents to include the Final Rule (i.e., 49 C.F.R § 192.611(a)(4)) as a method for how that operator established its MAOP.[6] This would allow PHMSA and the public to track the mileage of pipeline operating under the IM alternative and provide a baseline for evaluating whether the rule is being implemented as PHMSA predicts. Similarly, PHMSA could amend its incident reporting documents to identify where the pipeline segment experiencing the incident has experienced a change in class location which is managed under the IM option. This additional reporting would demonstrate if the Final Rule is achieving its stated safety objectives.

2. Damage Prevention is Unaddressed

PST notes that the Final Rule does not mention or contain any requirements with respect to damage prevention programs or otherwise preventing excavation damage (i.e., first-, second-, or third-party damage). The requirement for use of class locations in natural gas

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[3] 91 Fed. Reg. 1652.
[4] *Id.* at 1651–52.
[5] *Id.* at 1609.
[6] E.g. Gas Transmission and Gathering Annual Report Form F-7100.2-1 (2024) https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-01/Current_2024_GT_GG_Annual%20Form%20-%20PHMSA%20F%207100%202-1%20CY%202024%20and%20Beyond.pdf (see part Q: "Gas Transmission Miles by MAOP Determination Method").

transmission design was first established in 1955 edition of ASME B31.8 which predates the federal regulations found in 49 C.F.R. pt 192 which were based on the ASME B31.8 standard.[7] The Office of Pipeline Safety explained in 1970[8] that:

> [C]lass location designations have been established as a method of providing higher safety standards for pipelines in more densely populated areas. The higher standards are necessary because a greater number of people in proximity to the pipeline substantially increases the probabilities of personal injury and property damage in the event of an accident. At the same time, the external stresses, the potential for damage from third parties, and other factors which contribute to accidents will also increase with the population.

The current ASME B31.8 (2025 Edition) rules as well as 49 C.F.R. pt 192 still require the use of class locations in gas transmission pipeline design. B31.8-2025 840.1(c) states

> The most significant factor contributing to the failure of a gas pipeline is damage to the line caused by the activities of people along the route of the line. Damage will generally occur during construction of other facilities associated with providing the services associated with human dwellings and commercial or industrial enterprises. These services, such as water, gas and electrical supply, sewage systems, drainage lines and ditches, buried power and communication cables, streets and roads, etc., become more prevalent and extensive, and the possibility of damage to the pipeline becomes greater with larger concentrations of buildings intended for human occupancy. Determining the Location Class provides a method of assessing the degree of exposure of the line to damage.

The design factors used natural gas transmission pipelines decrease as the population density near the pipeline increases.[9] This results in pipelines with a combination of greater wall thickness and material strength in areas with higher population density where an increased likelihood of damage is expected based on human activity.[10] The thicker pipe walls are also more resistant to excavation damage.[11] PHMSA reports that excavation

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[7] Comparison of US and Canadian Transmission Pipeline Consensus Standards, Michael Baker Jr., Inc., Prepared for: US Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety Under Delivery Order DTRS56-02-D-7003 (May 2008).

[8] 35 Fed. Reg. 5013.

[9] This has been historically true for initial design and installation but also for post-installation population density changes. The Class Location Change Requirements Final Rule upsets this precedent.

[10] Pipeline Safety: Class Location Change Requirements, 85 Fed. Reg. 65,164 (Oct. 14, 2020) ("Excavation damage is more likely to happen in more populated areas, as there are typically more utilities near pipelines and more people digging around those utilities.").

[11] IMPACT OF 80% SMYS OPERATION ON RESISTANCE TO THIRD PARTY MECHANICAL DAMAGE, Mechanical Damage Technical Workshop, Presentation by John Kiefner, Kiefner and Associates, Inc., March 21, 2006

damage accounts for 14.6% of all incidents, 25% of all fatalities, and 23% of all injuries in the last 20 years.[12]

When the Office of Pipeline Safety, Research and Special Programs Administration (now the Pipeline and Hazardous Materials Safety Administration) first promulgated guidelines[13] for waivers (now known as special permits) for class location changes, they contained details for damage prevention programs. The guidance stated that adoption of the Common Ground Alliance Best Practices was a positive factor for acceptance of the wavier and that areas of industrial activity or deep plowing on the right-of-way (ROW) without additional damage prevention measures in place would require substantial justification for a waiver to be approved.

The lack of damage prevention requirements in the Final Rule is an oversight that needs to be corrected.

3. Inclusion of Low Frequency ERW, Direct Current ERW, and EFW Pipe

According to the Final Rule, PHMSA justified allowing certain leak- and failure-prone seam types to use the new IM alternative option, reasoning that a pipeline segment with a pressure test of at least 1.25 times the maximum allowable operating pressure (MAOP) pressure testing requirement, paired with "comprehensive integrity measures" required in the IM alternative will "provide an adequate basis for confirming the MAOP of eligible class 3 segments with these vintage seam types."[14] The Final Rule further states that "[s]ome special permits have been issued without requiring replacement of the segment[,]"[15] as a basis for the fact that that these pipes have been safely managed in the past, but provides no substantiation or citation for this assertion.

PST is concerned about allowing pipes with these historically problematic seam types[16]to be eligible for the IM alternative because they have been disproportionately associated with incidents. According to PHMSA's Regulatory Impact Analysis for Final Rule, PHMSA assumed that the seam types proposed to be disallowed from using the IM alternative (i.e., low-frequency (LF) electric resistance welding (ERW), direct current (DC) ERW, and electric

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[12] PHMSA, *Pipeline Incident 20 Year Trends* (Aug. 27, 2025) https://www.phmsa.dot.gov/data-and-statistics/pipeline/pipeline-incident-20-year-trends.

[13] Pipeline Safety: Development of Class Location Change Waiver Criteria, 69 Fed. Reg. 38,948 (June 29, 2004) https://www.govinfo.gov/content/pkg/FR-2004-06-29/pdf/04-14725.pdf; RSPA, *Criteria for Considering Class Location Waiver Requests* (June 30, 2024) https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/class-location-special-permits/64091/classchangewaivercriteria.pdf.

[14] 91 Fed. Reg. at 1626.

[15] *Id.* at 1625.

[16] 83 Fed. Reg. 36,869; 85 Fed. Reg. 65,144, FN 15 ("Problematic seam types include direct current (DC), low-frequency electric resistance welded pipe (LF–ERW), electric flash-welded (EFW) pipe, lap-welded pipe, and pipe seams with a longitudinal joint factor below 1.0 as defined in § 192.113."); U.S. Dept. of Transportation, Research and Special Programs Administration, Office of Pipeline Safety, Technical Report OPS 89-11, Electric Resistance Weld Pipe Failures on Hazardous Liquid and Gas Transmission Pipelines (Aug. 1989).

flash welding (EFW) seams) make up 17.7 percent of onshore gas transmission miles nationwide.[17] According to PHMSA incident data, this minority population (17.7 percent) of pipe with problematic seam types (i.e., "Newly Eligible Seams") disproportionally account for the majority (64.7 percent and 66.4 percent) of all incidents and significant incidents from 2003 to 2025, respectively. Pipeline segments with these problematic seams have an incident rate nearly 10 times that of pipeline segments with all other seams as shown in Figures 1 and 2 below.[18]

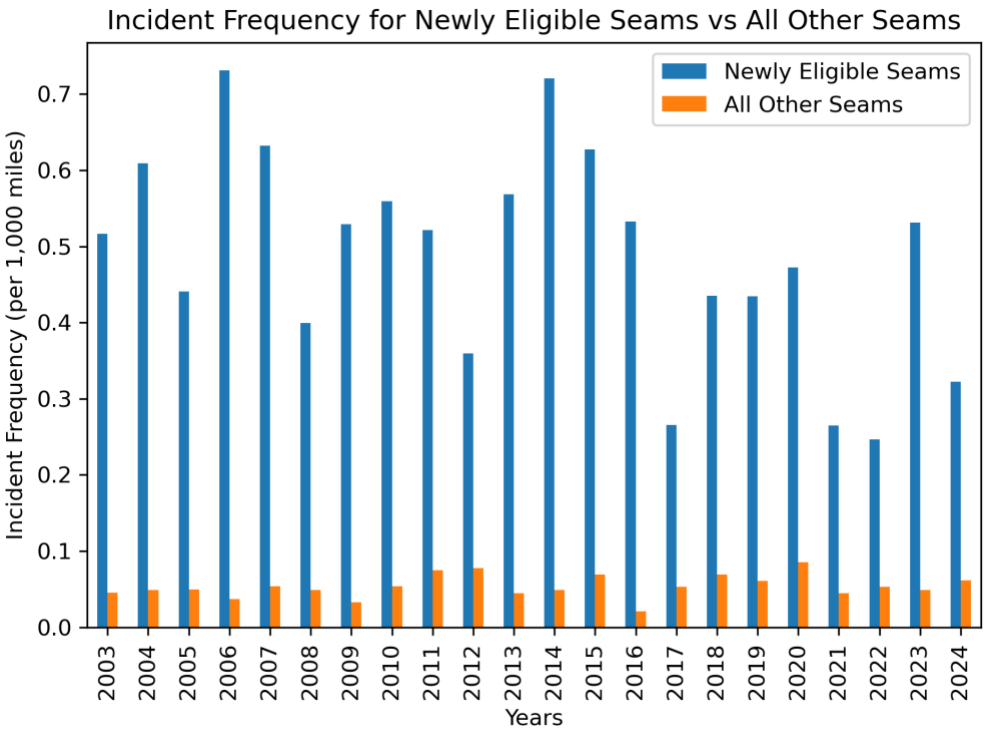


Figure 1- Incident Frequency of Newly Eligible Seams vs. All Other Seams

[17] PHMSA, Pipeline Safety: Class Location Requirements Rule, Regulatory Impact Analysis, Doc. No. PHMSA-2017-0151, (Jan. 2026) at 14. [hereinafter "RIA"]

[18] Between 2003 and 2024, an average of 0.49 incidents per 1000 miles occurred on pipeline segments with Newly Eligible Seams and 0.06 incidents per 1000 miles on pipeline segments with all other seams. For significant incidents between 2003 and 2024, there were an average of 0.38 significant incidents per 1000 miles for pipeline segments with Newly Eligible Seams and 0.04 significant incidents per 1000 miles on pipeline segments with all other seams. PST can provide a data analysis of this claim upon request.

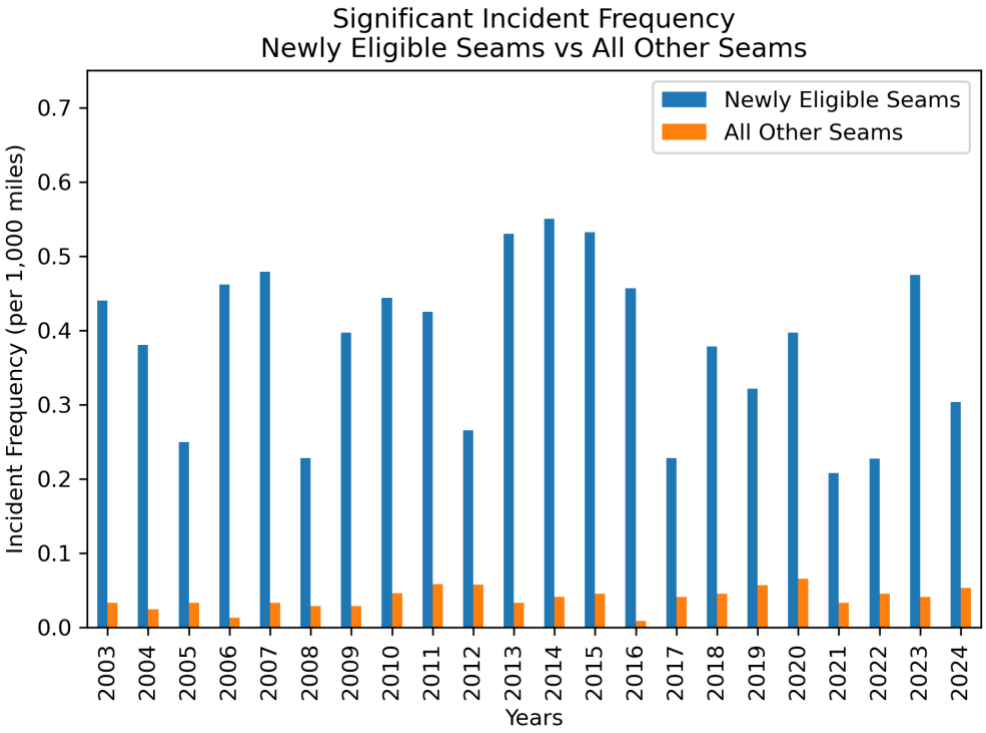


Figure 2- Significant Incident Frequency of Newly Eligible Seams vs. All Other Seams

Further, PHMSA states in the notice that commenters and Gas Pipeline Advisory Committee (GPAC) members advocated for the inclusion of this seam type. PHMSA reported that it conducted a comprehensive review of the performance of these seams in prior special permits and in HCAs and asserts that this review supports their inclusion under the IM alternative.[19] However, PST has been unable to find evidence or documentation of that review in the notice or in the docket documents. PST is thus left to wonder if PHMSA did its due diligence in ensuring that problematic seam types are not eligible for the IM alternative under the Final Rule.

4. MAOP Restoration

The Final Rule also appears to introduce a significant loophole related to the restoration of previously reduced operating pressures. Under the Final Rule, an operator that reduced pressure to accommodate a class location change at a previous date may later restore its previously established MAOP. However, the Final Rule does not clearly specify whether restoring that MAOP requires a new pressure test or whether an operator may rely on a historic 1.25x MAOP test—potentially conducted decades earlier. This ambiguity raises safety concerns, particularly where long-term pressure reductions, paired with an MAOP increase (i.e., restoration), may affect the stability of manufacturing- or construction-

[19] 91 Fed. Reg. 1626.

related threats. When an operator previously desired to restore their MAOP after reducing the MAOP is response to a class location change, they were required to conduct a pressure test to substantiate the MAOP and establish a margin of safety appropriate for the new class location. 49 C.F.R. §§ 192.611(a)(3) and (d).

These concerns are amplified by PHMSA's recent approval of special permits between January 20, 2025, and the effective date of the rule that allowed operators to restore MAOP in ways even less rigorous than the Final Rule contemplates.

5. Public Awareness

PST is still wary about the lack of public notification under the rule. As the notice acknowledges, GPAC voted 10-3 recommending that PHMSA "consider incorporating a public notification process to people within the segment's potential impact radius (PIR) when implementing the proposed IM alternative."[20] PST is disappointed to see that PHMSA rejected this recommendation without adequate justification, as members of the public deserve to know more about the safety of these systems and operators have existing mechanisms under their public awareness programs to conduct such communications. The existing public awareness requirements under 49 C.F.R. § 192.616 (and API RP 1162) could be amended to require proactive notifications regarding class location changes so that members of the public could be better informed about pipelines in the areas they live and work. Instead, PHMSA allows operators to self-certify into this alternative compliance pathway that trades verifiable compliance activities such as pressure cuts or physical upgrades for ongoing integrity management while withholding location-specific notifications to affected residents. Since PHMSA has selected this path, it should commit to the transparency pieces identified by PST above.

Thank you for the opportunity to provide feedback on this Final Rule. Please contact me if you have any questions at erin@pstrust.org or (360) 543-5686 x107.

Sincerely,

Erin Sutherland

Erin Sutherland
Policy & Program Director/Counsel

[20] 91 Fed. Reg. 1644.