



Dates of Interest

June 2018

- 20 [PHMSA Voluntary Information-Sharing System Working Group](#), Washington, DC
- 23 [Comments due](#) on PHMSA renewal of information collection for gas pipeline recordkeeping
- 25-29 [AGA Operations Conference](#), Washington, DC
- 29 [TAG Grant Applications](#) due

July 2018

- 6 [Comments due](#) on Bureau of Transportation Statistics information collection request
- 9 [Comments due](#) on PHMSA information collections
- 15-18 [NARUC Summer Policy Summit](#), Scottsdale, AZ
- 20 [State One-Call Grant Applications](#) due
- 22-25 [APGA Annual Conference](#), Portland, OR
- 23 [State Damage Prevention Program Grant Applications](#) due
- 30-8/1 [SGA Operating Conference & Exhibits](#), Tampa, FL
- 30-8/3 [NAPSR Southwest Region Meeting](#), Montgomery, AL



**Know what's below.
Call before you dig.**

Pipeline Safety Update

ISSUE NO. 139 – JUNE 21, 2018

Susan Olenchuk and Bryn Karaus

GAO recommends that PHMSA develop a workforce plan to facilitate effective use of federal and state resources for inspecting interstate pipelines. DOT Inspector General recommends that PHMSA improve management of the Pipeline Safety R&D Program. PHMSA Rulemakings Update. PHMSA requests comments on renewal of information collection requests. PHMSA schedules R&D Forum. PHMSA is accepting applications for State One-Call Grants. PHMSA is accepting applications for State Damage Prevention Program grants. PHMSA is accepting applications for Technical Assistance grants (TAG). PHMSA's Voluntary Information-Sharing Working Group will meet August 23. Select Updates from States.

GAO Recommends that PHMSA Develop a Workforce Plan to Facilitate Effective use of Federal and State Resources for Inspecting Interstate Pipelines

On May 29, the Government Accountability Office released a [report](#) finding that the Pipeline and Hazardous Materials Safety Administration (PHMSA) has not adequately planned for future workforce needs with respect to the inspection of interstate pipelines to ensure that the agency is effectively deploying federal and state resources. The report recommends that PHMSA develop a workforce plan for interstate pipeline inspections that is consistent with leading practices in workforce planning, and consider the additional resources and safety oversight that state pipeline officials can provide.

DOT Inspector General Recommends that PHMSA Improve Management of the Pipeline Safety R&D Program

On May 30, the Department of Transportation's Office of Inspector General (OIG) released a [report](#) evaluating PHMSA's Pipeline Safety Research and Development (R&D) Program. OIG found that the program addresses the agency's mission and goals, but that PHMSA (1) is missing opportunities to increase R&D forum attendance and lacks written guidance for using forum results; (2) lacks complete written guidance for managing conflicts of interest; and (3) lacks written guidance for follow-up processes. OIG recommends that PHMSA develop a policy and procedures to increase stakeholder participation; incorporate R&D forum results into the program's plan; complete the conflict of interest process; follow up with researchers on benefits and uses; and employ best practices to improve future biennial reports to Congress. OIG's evaluation was required by the Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016.

PHMSA Rulemakings Update. The tables below summarize the status of PHMSA's pending pipeline safety rulemaking initiatives. The Office of Management & Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) released its Spring 2018 [Unified Agenda](#) of Regulatory and Deregulatory Actions. Since May, DOT has referred to the Unified Agenda in lieu of releasing a monthly Significant Rulemaking Report.

**Dates of Interest
(continued)**

August 2018

14-16 [DOT Transportation Safety Institute Pipeline Safety Compliance \(Liquid\)](#), Oklahoma City, OK

23 [PHMSA Voluntary Information-Sharing System Working Group](#), Washington, DC

28-29 [Western Regional Gas Conference](#), Henderson, NV

September 2018

6-7 Gas Pipeline Advisory Committee Meeting

11-12 [PHMSA Pipeline Safety R&D Forum](#), Baltimore, MD

18-20 [DOT Transportation Safety Institute Pipeline Safety Compliance \(Gas\)](#), Oklahoma City, OK

30-10/2 [Interstate Oil & Gas Compact Commission Annual Conference](#), Coeur D'Alene, ID

Pending Final Rules

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Enhanced Emergency Order Procedures	Not Listed	Not Listed	August 2018
Plastic Pipe Rule	May 16, 2018	August 28, 2018	August 2018
Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments	December 4, 2018	March 14, 2019	March 2019
Safety of Gas Transmission Pipelines, Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments	March 4, 2019	June 12, 2019	Not Listed
Safety of Gas Gathering Pipelines	May 2, 2019	August 14, 2019	Not Listed
Safety of Hazardous Liquid Pipelines	June 8, 2018	September 19, 2018	September 2018
Underground Natural Gas Storage Facilities	Not Listed	September 26, 2018	September 2018

Pending Notices of Proposed Rulemakings

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
Gas Pipeline Regulatory Reform	Not Listed	Not Listed	February 2019
Liquid Pipeline Regulatory Reform	Not Listed	Not Listed	February 2019
Valve Installation and Minimum Rupture Detection Standards	Not Listed	November 2, 2018	November 2018

Pending Advance Notices of Proposed Rulemakings

Proceeding	DOT Estimated Submission to OMB	DOT Estimated Publication	OIRA Estimated Publication
ANPRM: Class Location Requirements	May 8, 2018	June 1, 2018	June 2018
Coastal Ecological Unusually Sensitive Areas	Not Listed	Not Listed	November 2018

**State-Specific Association
Meetings**

July 2018

- 10-12 [Indiana Energy Ass'n Pipeline Safety Conference](#), French Lick, IN
- 30-8/3 [Louisiana Gas Ass'n Pipeline Safety Conference](#), New Orleans, LA

August 2018

- 21-22 [Texas RRC Pipeline Safety Training](#), Austin TX

September 2018

- 25-27 [Alabama Damage Prevention Summit](#), Montgomery, AL

**Regulations and Code Compliance:
Upcoming PHMSA State Seminars**

PHMSA offers training on gas and hazardous liquid pipeline safety regulations. More information is available [here](#).

September 2018

- 25-26 Mississippi

**Recent Van Ness Feldman
Publications**

[Policy Update: Businesses need to be prepared for the Impact of Recent Changes in U.S. Strategy](#) – June 7, 2018

[Hydro Newsletter – Volume 5, Issue 6](#) – June 4, 2018

[Northwest Land Matters Update](#) – June 2018

[Updated TSA Guidelines Suggest New Approach for Pipeline Cybersecurity](#) – April 24, 2018

Under Executive Order (EO) 12866, OMB reviews proposed significant rules to ensure they are consistent with applicable law, the President's priorities, and the principles set forth in the EO, and to ensure the proposals do not conflict with another agency's policies or actions. OMB also analyzes the cost-benefit analyses in support of the proposals. The EO sets out deadlines for OMB evaluation, but review periods are often extended.

OTHER PHMSA UPDATES

PHMSA requests comments on renewal of information collection requests. On June 7, PHMSA issued a [notice](#) extending the comment period for three recent information collection requests previously [issued](#) on March 26. The first information collection, which expires June 30, relates to the requirement that LNG facility operators maintain records, make reports, and provide information to DOT. The second information collection, which expires July 31, relates to the requirement that operators maintain records demonstrating compliance with operator qualification requirements. The third information collection, which expires August 31, relates to the requirement to report underwater pipelines in the Gulf of Mexico that are exposed or pose a hazard to navigation. Comments are due July 9.

PHMSA schedules R&D Forum. PHMSA will convene the next Pipeline Safety R&D Forum on September 11-12 in Baltimore Maryland. Registration information is [here](#).

PHMSA is accepting applications for State One-Call Grants. On June 20, PHMSA [announced](#) that it is accepting applications for 2018 State One-Call Grants. The opportunity is available only for state agencies that have a §60105 certification or a §60106 agreement with PHMSA pursuant to the Pipeline Safety Act to perform pipeline safety inspections. Grant applications are due July 20. The Grant Opportunity number is DOT-PH-PHP-18-OC.

PHMSA is accepting applications for State Damage Prevention Program grants. On June 20, PHMSA [announced](#) that it is accepting applications for State Damage Prevention Program grants. The grant is available to any State authority that is or will be responsible for protecting underground pipeline facilities from excavation damage, as long as the State participates in the oversight of pipeline transportation pursuant to an annual §60105 certification or §60106 agreement with PHMSA. Grant applications are due July 23. The Grant Opportunity number is 693JK31841A0001.

PHMSA is accepting applications for Technical Assistance Grants (TAG). On May 22, PHMSA [announced](#) that it is accepting applications for TAG grants which are awarded to local communities and groups of individuals to fund technical assistance projects related to pipeline safety. Grant applications are due June 29. The Grant Opportunity number is 693JK31842A01.

PHMSA's Voluntary Information-Sharing Working Group will meet August 23. PHMSA has announced that the Voluntary Information-Sharing (VIS) Working Group will convene a public meeting on August 23 discuss and identify recommendations to establish a voluntary information-sharing system. Topics addressed by the VIS Working Group include requirements of section 10 of the PIPES Act of 2016, integrity management, data types and tools, in-line inspection methods, geographic information system implementation, examples of existing information-sharing systems and safety management systems. The meeting will be held at DOT's offices in Washington DC. Information on the meeting will be posted [here](#).

SELECT UPDATES FROM STATES

INDIANA

On July 1 [Senate Enrolled Act 125](#) becomes effective, establishing new responsibilities and requirements for certain underground utility excavators and underground facility operators. A contractor registered to do business in Indiana must submit to the Indiana Secretary of State's office a signed statement of compliance with Indiana's Call Before You Dig" Law. Utilities and communications service providers must receive proof that an excavator is registered to do business in Indiana and has signed the required

compliance statement. The Indiana Utility Regulatory Commission has published a [handout](#) that summarizes the changes to the Indiana Code.

PENNSYLVANIA

Introduced on May 30, [Senate Resolution 373](#) would establish a bipartisan, bicameral legislative commission to recommend safety, oversight, and interagency coordination improvements for the transport of oil, natural gas, and other hazardous liquids by pipeline, and develop and promote legislation in furtherance of its recommendations. The resolution was referred to the Environmental Resources and Energy Committee and reported as amended on June 12.

FOR MORE INFORMATION

Van Ness Feldman counsels clients on pipeline safety compliance, enforcement, and litigation under the Pipeline Safety Laws and Regulations and related statutes. If you are interested in additional information regarding pipeline safety matters or any PHMSA or pipeline related matter, please contact [Susan Olenchuk](#) at (202) 298-1896 or sam@vnf.com, [Bryn Karaus](#) at (202) 298-1821 or bsk@vnf.com, or any member of the firm's [Pipeline & LNG](#) practice group.

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