

## Mary Peters Sworn-In as New Transportation Secretary

*“The employees here at the Department are the absolute soul of America’s transportation network, and we will need every bit of their talent as we work with our partners in the public and private sectors to find the right way to tackle today’s most pressing transportation challenges.”*



*At the top of the list, always, is making travel safer. But we also want to improve system performance and reliability, and to find 21st century solutions for 21st century transportation problems.”*

*Mary Peters Remarks*

*– Swearing-In Ceremony, October 17, 2006*

**M**ary E. Peters was nominated by President George W. Bush on September 5, 2006, and confirmed by the U.S. Senate as the 15th Secretary of Transportation on September 30 after spending more than

two decades crafting solutions to our nation’s toughest transportation challenges.

Secretary Peters brings a unique perspective to her role as the nation’s transportation chief, having spent her career working on transportation issues in the private and public sectors, including leading both federal and state transportation agencies. This hands-on experience allows her to understand and appreciate the real-life aspects of planning, building and operating transportation systems on local, regional and state levels.

Over her 20-plus years in transportation, Secretary Peters has earned a solid reputation as an innovative problem solver, a force for safety and a strong advocate for effective use of taxpayer dollars. As Secretary of Transportation, she intends to use these same skills to tackle today’s most pressing challenges including fighting congestion across all modes of transportation, improving safety and addressing strains on traditional sources of transportation funding.

She is responsible for maintaining a safe, reliable and efficient transportation system, while leading an agency with almost 60,000 employees and a \$61.6 billion budget that oversees air, maritime and surface transportation missions.

Prior to joining President Bush’s Cabinet, Peters worked in Phoenix, Ariz., as the national director for transportation policy and consulting at HDR, Inc., a major engineering firm.

*continued on page 3*

## International Pipeline Regulatory Award Accepted

PHMSA Pipeline Research and Development Manager Robert Smith was on hand September 27 in Calgary, Canada, to accept the inaugural International Pipeline Regulatory Award presented to PHMSA during the International Pipeline Awards ceremony organized by DMG World Media, a global trade show, event and publishing company.

PHMSA was selected for the Award for its outstanding efforts in developing and implementing regulations that require explicit, target measures to enhance the integrity of pipelines in high consequence areas. PHMSA’s emphasis on pipeline risk management began in the 1990’s and culminated in its present approach commonly referred to as the gas and liquid pipeline Integrity Management Program.

“What a wonderful surprise..., our winning there in Canada and nomination

along with two Canadian regulators was truly unexpected,” said Smith.

The gala celebrated and honored the outstanding achievements of pipeline industry regulators and companies, to include their people, projects and products. Fourteen nominees were acknowledged for excellence in five categories representing the areas of pipeline operations, regulatory matters, design and construction, new pipeline technology, and environmental and social responsibility.

The International Pipeline Awards is supported by the Pipeline Division of the American Society of Mechanical Engineers and the International Pipeline Conference. It is also endorsed by the Australian Pipeline Association, the Canadian Energy Pipeline Association, and the Pipeline Research Council International.

*continued on page 3*

**Be a Star  
in someone’s  
life!**



## From the Desk of the Administrator...



PHMSA Administrator Barrett (rt) observes pipeline testing up close and personal during a recent tour of Baltimore Gas & Electric's pipeline operations in Maryland.

We truly welcome the arrival of Mary Peters as the new Secretary of Transportation and look forward to working closely with her on key PHMSA issues. She is exceptionally experienced and capable, having previously made great contributions to the Department as the Federal Highway Administrator from 2001-2005.

My personal focus recently has been directed at public, interagency, employee and stakeholder outreach, dealing with British Petroleum (BP) related issues at Prudhoe Bay, Alaska, and Congressional discussions and hearings on hurricane preparedness, pipeline reauthorization, and BP follow-up.

Over the last few months, I visited multiple industry field and control sites to see operating practices first-hand to better understand their perspectives, and provide feedback from our vantage point. In all of my meetings with hazmat and pipeline safety stakeholders, I emphasized that PHMSA will apply a data-driven system risk management approach across the board to regulation and enforcement issues, focus on partnerships with up-front

stakeholder input, emphasize transparency internally and externally, key in on leadership roles and accountability for achieving effective safety performance, and seek to identify and support innovative best practices and technology development.

In August, PHMSA and the Transportation Security Administration (TSA) signed an annex to the Memorandum of Understanding between DOT and the Department of Homeland Security committing both offices to collaborate on safety and security issues related to transportation. We agreed to work safety and security issues on a practical system risk-based approach and establish a joint working group to identify key security-related issues and address them.

Our Pipeline Reauthorization Bill was submitted to Congress and we look forward to its approval. This is a key safety issue. When I see a precautionary evacuation of an elementary school, there is too much risk. The bill creates incentives and enforcement options for states to develop more effective damage prevention programs, the one area where our data shows

accident trends heading in the wrong direction. We are also working with the Common Ground Alliance on a national 811 proposal to help address the same problem.

Last, but not least, I like to shine the light on the many PHMSA employees who have achieved recent awards and promotions. Without the continued outstanding efforts of dedicated staff, PHMSA could not accomplish its mission. I thank all of you for your service to America.

## PHMSA Briefs Congress on BP Issue



US Senator Ted Stevens (center) and PHMSA Administrator Barrett (left) received an overview brief from PHMSA engineer Rob Guisinger about the Prudhoe Bay pipeline spill site.

BP's Prudhoe Bay low-stress pipelines have been in the news due to an oil spill in March and the subsequent shutdown of its affected line due to extensive corrosion. Because of the PHMSA response team's outstanding efforts, both PHMSA and DOT maintained high credibility with the Administration and Congress. I visited Prudhoe Bay twice, and then Acting Secretary of Transportation, Maria Cino visited once, to see first-hand BP's remediation and corrective actions and to ensure that things were moving forward as quickly and safely as possible. Oil is flowing again, but more needs to be done to ensure the safe and continued operation of this vital energy lifeline to all Americans.

## Peters DOT Secretary *continued from cover*

She was responsible for building a management consulting practice and formulating public policy initiatives for the firm's transportation program.

In 2001, the President asked Peters to lead the Federal Highway Administration where she remained in the job until 2005.

## Congressional Testimony a Frequent Occurrence

PHMSA Administrator Barrett has been a frequent visitor to Capitol Hill to provide congressional testimony to several transportation related committees on pipeline and hazardous materials related issues.

His first appearance on the Hill was on June 7 before the House Committee on Government Reform to discuss the agency's response to last year's devastating hurricane season. This was followed July 27 with testimony on pipeline reauthorization to the House Committee on Energy and Commerce.

With the country's focus on rising energy prices and the implications of British Petroleum's shutdown of oil pipelines

on Alaska's North Slope due to corrosion, Barrett made three visits to the Hill in early September. He addressed the concerns of the House Committee on Energy and Commerce, Senate Committee on Energy and Natural Resources, and the House Committee on Transportation and Infrastructure.

Administrator Barret noted, PHMSA will always be responsive to Congress' requests for information and confirmed the Department's commitment to the safe operation of our nation's pipeline infrastructure, and the safe and secure movement in commerce of over a million hazardous materials shipments per day.

## Pipeline Regs Award *continued from cover*



PHMSA Pipeline R&D Manager Robert Smith (center) accepted the International Pipeline Regulatory Award, on display, from Global Pipeline Monthly's John Tiratsoo (left), and Petrobras's Marcelo Renno (right).

## PHMSA Chief Safety Officer Wins National Association of State Fire Marshals' Award



Stacey Gerard

PHMSA Chief Safety Officer Stacey Gerard was presented the National Association of State Fire Marshals' (NASFM) second annual Norman Y. Mineta Excellence in Transportation Safety Award during the NASFM annual conference banquet August 12 in Washington, DC.

In September 2002, PHMSA and the NASFM created a Partnership for Excellence in Pipeline Safety through a cooperative agreement focused on the ambitious goal of zero pipeline incidents. The driving force at PHMSA in making the Partnership a reality was Stacey Gerard.

Since its inception, the Partnership has completed several major pipeline safety projects. These projects include the Pipeline Emergencies Training Program; the Liquefied Natural Gas Safety Assessment; and the Hydrogen Executive Leadership Panel.

"Making the Partnership for Excellence in Pipeline Safety an effective champion of pipeline safety advances all of our programs and is a success model that needs to be duplicated with other industry stakeholders," said PHMSA Administrator Thomas Barrett.

The Mineta Award is given annually by the NASFM to an individual or team that made a significant and lasting contribution to the safety of people, products and materials in transit.

## PHMSA on the Job In Alaska



PHMSA Administrator Thomas Barrett (rt), PHMSA Chief Safety Officer Stacey Gerard (rt center) and PHMSA Western Region Director Chris Hoidal (center) view an external inspection test of BP's Prudhoe Bay pipeline as other BP engineers look on.

In response to the largest pipeline leak in Alaska history that occurred in March, 2006, PHMSA mobilized pipeline engineers and inspectors from its Western Region and Alaska District Offices, as well as lawyers and other staff from its headquarters in Washington,

DC, and other regions. PHMSA staff took action to investigate the cause of the spill and crafted Corrective Action Orders (CAO) to prevent further spills.

On March 2, 2006, the British Petroleum (BP) Western Oil Transit Line on the North Slope of Alaska near

Prudhoe Bay spilled over 200,000 gallons of crude oil onto the environmentally sensitive frozen tundra. PHMSA asserted jurisdiction authority on this previously unregulated low-stress transit pipeline to ensure the prompt and vigorous remediation of this failure and to take steps to prevent further spills.

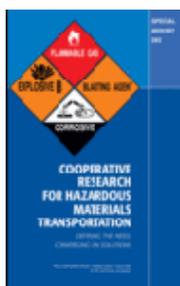
After extensive internal corrosion was found, BP made the decision to replace 16 miles of the affected pipeline. PHMSA will be on hand to monitor construction of the replacement pipeline.

PHMSA actions to date have included visits to the spill site and BP offices, root cause investigation, support for and coordination with other Federal and Alaska agencies, technical engineering design and compliance reviews, evaluation of corrosion data and inspection of logs, and other corrective activities as needed.

## Hazmat Coop Research Program Moves Forward With Contract

On August 23, PHMSA awarded a contract to the National Academies to initiate a pilot of a Hazardous Materials Cooperative Research Program (HMCRP). The Transportation Research Board (TRB), part of the National Academies, will manage the pilot program.

Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 Congress required PHMSA to carry out nine research projects called for in the Transportation Research Board Special Report 283 entitled "Cooperative Research for Hazardous Materials Transportation—Defining the Need, Converging on Solutions." Approximately \$883,000 was available



from the Highway Trust Fund for this research in FY2006 with a similar amount anticipated for FY2007-2009.

The program has the potential to make important contributions to a safe and secure hazardous materials transportation system.

The HMCRP is a stakeholder-driven, problem-solving, practical oriented, near- to mid-term R&D program advancing current knowledge and practice relating to hazardous materials transportation.

A TRB appointed Oversight Panel of experts in hazardous materials transportation will be responsible for setting the priorities and allocating HMCRP resources. The Oversight

Panel will formulate a plan for addressing research projects called for in Special Report 283. The plan will determine the timing and scope for the studies.

For more information on the HMCRP, go to following web sites:

[http://hazmat.dot.gov/Hazmat\\_Coop\\_Research\\_Prog.pdf](http://hazmat.dot.gov/Hazmat_Coop_Research_Prog.pdf)

<http://www4.trb.org/trb/crp.nsf>

## DOT Issues HMEP Grants Totalling \$12.8M

In September, PHMSA issued annual Hazardous Materials Emergency Preparedness (HMEP) Program grants totaling \$12.8 million to states, territories and Native American tribes for planning and training to improve response to hazardous materials transportation incidents.

In an effort to promote this vital hazmat safety program, PHMSA Administrator Thomas Barrett traveled to local municipal and volunteer fire departments in Pennsylvania, Washington, Arizona, California, Texas and Minnesota to announce individual state grants.

“These funds will help prepare first responders before disaster strikes so they can better protect their communities,” said Barrett. “To use a Coast Guard expression, preparation equals performance.”

Nationwide, the HMEP grants program helps the nation’s approximately 4,000 local emergency planning committees prepare and carry out hazardous materials emergency response plans and conduct commodity flow studies that



PHMSA Administrator Barrett (center) and Congressman James Oberstar (DFL-8-MN) (rt – with hat) are shown the use of hazmat response equipment that local Minnesota first responders are trained to use in responding to hazmat accidents and incidents.

identify transportation hazards. Since 1993, approximately 1.9 million responders and others have received training assistance nationwide as a result of the grant program.

The six largest HMEP grants were awarded to California, \$964,316; Texas, \$668,460; Illinois, \$612,982; Ohio, \$510,751; New York, \$470,968; and Florida, \$453,407.

## New Personnel Assignments

### Office of the PHMSA Administrator

In July, PHMSA Administrator Thomas Barrett took pleasure in announcing that **Stacey Gerard** gained final approval to become the Pipeline and Hazardous Materials Safety Administration’s first **Assistant Administrator and Chief Safety Officer**. Prior to that, she held the post of Associate Administrator for Pipeline Safety. As the new Assistant Administrator and Chief Safety Officer, Gerard is charged with establishing agency-wide safety and security policies, objectives and priorities relating to the transportation of hazardous materials by all modes of transportation including pipelines.

PHMSA Deputy Administrator **Brigham McCown** was appointed to serve as PHMSA’s **Grant Program Manager**, and **Laura Birkhimer** to serve as PHMSA’s **Grant Program Coordinator** to centralize oversight and coordination of all its grant programs.

**Cindy Ingrao**, Director of the Drug and Alcohol Program, is on detail through November as **Special Assistant to PHMSA Administrator Barrett**.

### Office of Pipeline Safety

Filling the vacated position of **Associate Administrator for Pipeline Safety** is **Ted Willke**, who will manage PHMSA’s pipeline safety program for the nation’s 2.3 million miles of natural gas and hazardous liquid pipelines.

**Jeff Wiese** has stepped up to fill the position of **Acting Deputy Associate Administrator for Pipeline Safety** and completes the senior leadership team in the Office of Pipeline Safety.

### Office of Hazardous Materials Safety

In September, PHMSA Associate Administrator of Hazardous Materials Safety Robert McGuire was pleased to announce the selection of **Duane Pfund** as the new **Director of the Office of Hazardous Materials International Standards**. Pfund has contributed significantly to the Department’s efforts to improve hazardous materials transportation safety and security, facilitate trade, and enhance economic

*continued on page 8*

## Human Capital Development Program Approved

On August 7, PHMSA Administrator Thomas Barrett approved the policy document establishing the PHMSA Human Capital Development (HCD) Program. The new HCD Program addresses the implementation of legal, regulatory and Departmental requirements for managing and administering an effective human capital development and training program for all PHMSA employees.

“The draft policy was coordinated earlier this year with the Employee Quality Council as well as the PHMSA management,” said PHMSA Director of Human Resources Management Linda Rhoads.

Key features of the HCD Program policy include support of the concept that

the HCD Program is an inherent part of key management processes to include strategic planning, work force planning, performance planning and budget. It also addresses training for first-time supervisors and contract employees, and for long-term and on-line training.

Any questions pertaining to the PHMSA HCD Program can be directed to PHMSA’s Office of Human Resources Management at telephone number (202) 366-5608. Answers can also be found in policy documents posted on-line in the PHMSA Outlook Public Folders under: DOT/PHMSA/Human Resources/Learning and Development.

## Challenge to HM-223 Final Rules Dismissed

On October 13, the U.S. Court of Appeals for the District of Columbia Circuit dismissed industry petitions for judicial review of PHMSA's final rules in Docket No HM-223 on the "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage."

In these final rules, PHMSA worked closely with the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to clarify which activi-

ties are within the scope of "transportation in commerce" and subject to requirements in the Hazardous Materials Regulations (HMR).

In a 2-1 decision, the Court held that the industry associations who challenged the HM-223 final rules had not shown that their members would suffer an actual or imminent injury because of PHMSA's failure to regulate consignee unloading of hazardous materials. The Court discussed the absence of evidence that any increased costs of complying with local requirements would result

from the HM-223 final rules or that industry would be harmed by an alleged gap or void in Federal, state, and local safety regulations governing the unloading of hazardous materials by a consignee.

The Court also stated that industry had not introduced arguments and evidence to substantiate its "hodge-podge" theory that state and local regulations would be preempted by conflicting requirements in the HMR, or that any alleged "gaps" in Federal oversight over the safe and secure transportation of hazardous materials would increase industry's liability for accidents

The industry association petitioners have stated that they intend to ask for a rehearing of the case by all the judges on the D.C. Circuit.

### Hazardous Materials Packaging Manager Named

PHMSA recently named Anthony Lima as its first Packaging Program Manager. The position was created to oversee the Packaging Compliance Testing Program. In his new position, Lima will serve as PHMSA's single point of contact for inspections and investigations of all 37 third-party agencies (i.e., labs) authorized by PHMSA to conduct independent testing and certification on UN standard packagings for industry. Prior to his selection as the Packaging Program Manager, Lima served 12 years in the field as a senior hazardous mate-

rials enforcement specialist in PHMSA's eastern region office in West Trenton, NJ.

PHMSA contracts with the U. S. Army Material Command, Logistics Support Activity (LOGSA) in Tobyhanna, Pa., to conduct independent confirmation testing on UN standard packagings certified for hazardous materials transportation. In the past ten years, PHMSA investigators have purchased over 500 designs for testing in support of the office's Packaging Compliance Testing Program.



PHMSA Packaging Program Manager Anthony Lima (lt) and LOGSA Engineer Ben Moore (rt) examine a UN standard plastic drum after a successful five-foot drop test.



LOGSA Engineer Ben Moore prepares to conduct a drop test on a UN standard plastic drum.

*Happy  
Holidays*

*Our wish  
for you  
is a safe  
and wonderful  
holiday season.*

## FAQs on Move to New DOT Headquarters

### What is the occupancy date?

The phased-move should begin in March, 2007 and conclude in April, 2007.

### Will there be a sufficient number of accessible parking spaces to accommodate all employees for whom a standard parking space does not meet their needs?

The Nassif building has 33 accessible parking spaces, and the New Building has been designed to have 54, half of which will accommodate a van.

### How far is it from the Metro station to the building?

The accessible entrance to the Green Line Navy Yard station is 400 linear feet to the main entrance on New Jersey Ave.

### Is there a shuttle service available to the new HQ, and what is the planned schedule and route?

The establishment of a long term shuttle has not yet been determined. However, it is anticipated during the relocation/transition period to the new facility, a shuttle service will be implemented given the department will be housed in both the Nassif and new building until the facility is fully occupied.

### Can employees take their microwaves and refrigerators to the new Headquarters?

No. There will be four (4) pantries located on each floor, each equipped with a refrigerator, microwave, sink, dishwasher, countertops and cabinets.

### Will we receive new phone systems when we move to the new HQ?

Yes. All users will be issued a new telephone set at their new work station. The set will have the same number that the individual has at the current location.

### I've heard that our badges will allow us to log onto our computers in the new building. Is this true?

Per Homeland Security Presidential Directive 12 and the FIPS-201 standard all DOT employees will have new ID badges. The new badges will support login (authentication) to employee computers in the new building. This may not be implemented until calendar year 2007.

### Will the computer I currently have be the same computer I'll use in the new building?

The computer(s) that you have at the time you move will be the computer(s) that you have in your new location in the new building.

## PHMSA Publications



## PHMSA Releases Two New Safety Brochures

PHMSA's Office of Hazardous Materials Safety released two new publications to help the regulated community comply with recently published final rules.

*Cylinders: What You Need to Know* was developed to describe Final Rule HM-220E, Requirements for UN Cylinders, which authorizes the design, construction, testing, and use of UN cylinders, tubes, and multiple-element gas containers.

*Transporting Infectious Substances Safely* is a guide to the changes issued in Final Rule HM-226A, Infectious Substances; Harmonization with the United Nations Recommendations. Both brochures can be found on the PHMSA website at <http://hazmat.dot.gov>. Printed copies will be available from PHMSA's online distribution system at <https://hazmatonline.phmsa.dot.gov/services/>.



## PHMSA Works With Partners to Provide Guidance on Wetlines

PHMSA is working with industry partners to provide awareness to first responders on the potential danger associated with the transportation of flammable liquids in unprotected product piping, or wetlines, on cargo tank motor vehicles. The National Tank Truck Carriers, Inc. (NTTC), the National Association of State Fire Marshals (NASFM), and the International Association of Fire Chiefs (IAFC), working closely with PHMSA, have produced a brochure entitled *Wetlines: Awareness for Emergency Responders*.

Wetlines were developed to comply with U.S. Environmental Protection Agency air quality regulations. One benefit of wetlines is that drivers and loaders don't have to climb on top of the tanker as often, resulting in fewer deaths or injuries from slips and falls.

## PHMSA Public Website Undergoes Redesign

In January 2006, PHMSA began a major initiative to redesign its public website(s). By leveraging advanced technology and industry standard best practice system development methodologies, PHMSA is making great progress in achieving its goal of developing a consolidated website which improves and increases services to stakeholders and the public. The redesign effort is based upon, and continues to rely heavily on stakeholder input.

Planned to be developed and released in stages as much as possible, the website redesign will allow stakeholders to observe progress and make appropriate observations as the site is built. It will also give stakeholders the ability to evaluate such things as “look and feel,”

proposed content placement, and layout of the site.

During the August-October 2006 timeframe, the core navigational architecture or structure was developed and input on design preferences was solicited. Screen display options were based on the earlier feedback received from PHMSA staff. Input and feedback from all PHMSA employees was solicited throughout the process using an on-line survey tool, and the results of each step were factored into the next step of the process.

PHMSA staff will again be actively participating in the content development and in the User Acceptance testing of the developed and populated site in the October 2006-January 2007 timeframe.



The entire site will be released and available at the end of fiscal year 2007.

## Promotions *continued from pg 5*

development by serving as a representative to international hazardous materials transportation standards-setting organizations,

including the United Nations Transport of Dangerous Goods Sub-Committee and International Maritime Organization.

In October, PHMSA Associate Administrator of Hazardous Materials Safety Robert McGuire announced the selection of **Ryan Posten** as the new **Director of the Office of Hazardous Materials Enforcement**. PHMSA's inspection and enforcement staff determines compliance with the safety and training standards by inspecting entities that offer hazardous materials for transportation; and that manufacture, requalify, rebuild, repair, recondition, or retest packaging (other than cargo tanks and tank cars) used to transport hazardous ma-

terials. Posten previously held the position Chief of Hazardous Materials Special Permits.

### Other Promotions

- Anthony Lima-Sr. Hazmat Transport. Enforce.Spec.
- Joseph Mataich-Gen. Engineer Pipeline Southern Region
- Wayne Lemoi-Transport. Regs. Spec.
- Jesse Dobbs-Administration Mgt. Svcs. Officer
- Jack Albright-Supervisor Info Tech. Spec. (CIO)
- Steve Grewal-Info. Tech. Spec.

## PHMSA FOCUS

U.S. Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**

Office of Governmental, International & Public Affairs  
400 Seventh Street SW, Suite 8406  
Washington, DC 20590  
Phone: (202) 366-4831 Fax: (202) 366-7431

PHMSA Administrator Thomas J. Barrett

Editor-in-Chief G. J. Delcambre  
gordon.delcambre@dot.gov

Editor/Design Ruben Ingram  
ruben.ingram@dot.gov

Reporter Damon Hill  
damon.hill@dot.gov

Photographer Jerre Thomas  
jerre.thomas@dot.gov

Check out PHMSA Focus online at  
<http://www.phmsa.dot.gov/news/newsletters.html>

## Welcome New PHMSA Team Members

### Office of Chief Counsel

Tina M. Ro-Attorney Advisor  
Amelia T. Samaras, Law Clerk

### Office of Pipeline Safety

Elizabeth M. Komiskey, General Engineer

### Office of Hazardous Materials Safety

Peter E. Heitzmann, Transport. Spec. Trainee  
Arthur P. Shelton, Transport. Regs. Spec.

### Office of Administration

Hailu A. Hailu, Human Resources Specialist

Cassandra D. Smith, Systems Accountant, Budget, and Finance

Frederick A. Swartzbaugh-Law Clerk

Crystal J. Rutland, Transport Policy Analyst

Israel G. Mallard, Transport. Spec. Student Trainee