



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

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To: Office of Pipeline Safety Staff, PHMSA

Subject: Inspection and Enforcement Priorities¹

SUMMARY

This memorandum establishes the inspection and enforcement priorities (priorities) of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS). By focusing OPS's inspection and enforcement priorities on areas that provide the greatest positive impact to pipeline safety, OPS will be better positioned to fulfill its statutory mission and avoid wasting valuable resources on efforts that produce minimal benefits or that are based on unduly broad, novel, or strained application of the pipeline safety laws or regulations.

OPS has identified its inspection and enforcement priorities through careful analysis of incident and accident data, inspection and investigation findings, and input from staff and other stakeholders. These priorities reflect the current policies, practices, and procedures of the Department of Transportation (DOT) and will guide OPS's efforts in conducting inspections and investigations and initiating enforcement actions.

State authorities with certifications to regulate the safety of intrastate pipeline facilities are encouraged to follow these inspection and enforcement priorities in implementing their pipeline safety programs. State authorities with agreements to perform inspections and investigations on behalf of PHMSA should follow these priorities to the same extent as OPS staff.

BACKGROUND

The Pipeline Safety Act (PSA) authorizes PHMSA to promulgate "minimum safety standards for pipeline transportation and for pipeline facilities" in order "to provide adequate protection against

¹ This memorandum is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

risks to life and property posed by pipeline transportation and pipeline facilities.”² Consistent with that statutory directive, PHMSA has issued comprehensive Federal safety standards and reporting requirements for gas pipeline facilities, underground natural gas storage facilities,³ liquefied natural gas facilities,⁴ and hazardous liquid and carbon dioxide pipeline facilities,⁵ as well as requirements for protecting underground pipelines from excavation activity⁶ and drug and alcohol testing.⁷ PHMSA has also promulgated comprehensive oil spill response plan requirements for onshore pipelines pursuant to the authority in the Oil Pollution Act of 1990.⁸

To protect the public, property, and the environment, the PSA authorizes PHMSA to conduct inspections and investigations, to make requests for records and other information, and to initiate enforcement actions to ensure safety and facilitate compliance with the Federal pipeline safety laws and regulations.⁹ PHMSA is also authorized to conduct incident and accident investigations, stakeholder outreach, and education and training activities.¹⁰ PHMSA uses a data-driven approach to prioritize inspections and regulatory provisions that address the highest safety risks.¹¹

OPS is the entity within PHMSA that conducts pipeline safety inspections and investigations and initiates enforcement actions.¹² Although OPS enjoys considerable discretion in performing these functions,¹³ any decision to pursue an enforcement action must be based on a reasonable interpretation of the law considering principles of fair notice, the facts and evidence available,

² 49 U.S.C. § 60102(a)(1), (a)(2).

³ 49 CFR Parts 191-192.

⁴ 49 CFR Part 193.

⁵ 49 CFR Part 195.

⁶ 49 CFR Part 196.

⁷ 49 CFR Part 199.

⁸ 49 CFR Part 194; *see* 33 U.S.C. §§ 1231, 1321(j)(1)(C), (j)(5) and (j)(6); sec. 2, E.O. 12777, 56 FR 54757.

⁹ *See e.g.*, 49 U.S.C. §§ 60117(a)-(d), (m), (p), 60118(b), 60122.

¹⁰ *See e.g.*, 49 U.S.C. § 60117(a), (f)-(g). To facilitate and encourage operator compliance, PHMSA issues regulatory interpretations, advisory bulletins, frequently asked questions (FAQs), and other guidance. PHMSA also holds public meetings and workshops with operators, local communities, and partner agencies.

¹¹ PHMSA’s Risk-Ranking Index Model (RRIM) uses data to assign pipeline facilities to a risk tier and determine the highest priorities for inspection. PHMSA, Field Operations Overview, Effort Allocation, (last visited June 4, 2025), https://www.phmsa.dot.gov/pipeline/inspections/effort-allocation-overview#:~:text=The%20Risk%2DRanking%20Index%20Model,the%20highest%20priorities%20for%20inspection.&text=*OPS%20inspects%20gas%20distribution%20facilities,natural%20gas%20storage%20facilities%20periodically.

¹² *See* 49 U.S.C. §§ 60117, 60118, 60120, 60122; 49 CFR Part 190.

¹³ *Heckler v. Chaney*, 470 U.S. 821, 830–31 (1985) (holding that agency decision not to undertake certain enforcement action is unreviewable under the Administrative Procedure Act, 5 U.S.C. § 701(a)(2)).

agency resources, Administration policy, and PHMSA’s mission—protecting people, property, and the environment by advancing the safe transportation of energy and other hazardous materials.¹⁴

OPS conducts inspections and investigations and initiates enforcement actions in accordance with the requirements in the PSA and 49 CFR Part 190, subpart B. OPS has also issued comprehensive enforcement procedures that apply to the OPS staff responsible for performing these functions.¹⁵ DOT has similar policies, practices, and procedures in effect that apply to all modal administrations, including PHMSA.¹⁶

OPS generally uses the following five types of enforcement actions to ensure operator compliance with the pipeline safety laws and regulations:

- *Warning Letters.* OPS issues warning letters to notify operators of probable pipeline safety violations. Warning letters advise operators to correct these probable violations to avoid a potential enforcement action in the future.¹⁷ Operators may respond to warning letters, but warnings are not subject to further adjudication.
- *Notices of Amendment (NOAs).* OPS issues NOAs to operators if written plans or procedures are alleged to be inadequate for safe operation.¹⁸ NOAs advise operators of the alleged inadequacies and propose revisions to the plans or procedures. Operators may respond to NOAs by submitting comments, revised procedures, or requesting an informal hearing before a presiding official. The Associate Administrator for Pipeline Safety is the PHMSA official authorized to issue an order directing amendment at the conclusion of the proceeding.
- *Notices of Probable Violation (NOPVs).* OPS issues NOPVs to operators if an alleged violation of the PSA, Federal pipeline safety standards, or prior order warrants a proposed civil penalty, proposed compliance order, or both.¹⁹ NOPVs include information about the alleged violation and supporting evidence, the amount of the proposed civil penalty, and the remedial actions proposed in the compliance order. Operators may respond to NOPVs by contesting the allegations and the proposed civil

¹⁴ OFFICE OF THE GEN. COUNSEL, U.S. DEP’T OF TRANSP., MEMORANDUM TO SECRETARIAL OFFICERS AND HEADS OF OPERATING ADMINISTRATIONS: PROCEDURAL REQUIREMENTS FOR DOT ENFORCEMENT ACTIONS 5 (Mar. 11, 2025) (DOT Enforcement Memo), <https://www.transportation.gov/administrations/office-general-counsel/generalcounsel%E2%80%99s-enforcement-memorandum>.

¹⁵ <https://www.phmsa.dot.gov/pipeline/enforcement/pipeline-enforcement-procedures>.

¹⁶ See DOT Enforcement Memo.

¹⁷ 49 CFR § 190.207.

¹⁸ 49 U.S.C. § 60108(a)(2).

¹⁹ 49 U.S.C. § 60118, 60122.

penalty or compliance order, submitting written explanations, information, or other materials, or requesting an informal hearing before a presiding official. The Associate Administrator for Pipeline Safety is the PHMSA official authorized to issue a final order at the conclusion of the proceeding.

- *Safety Orders.* OPS issues safety orders to operators if a pipeline facility has a condition that poses a pipeline integrity risk.²⁰ Operators may respond to a proposed safety order by requesting an informal consultation with OPS or an informal hearing before a presiding official. The Associate Administrator for Pipeline Safety is the PHMSA official authorized to issue a safety order at the conclusion of the proceeding.
- *Corrective Action Orders (CAOs).* OPS issues CAOs to operators if a pipeline facility is or would be hazardous to life, property, or the environment.²¹ CAOs can be issued with or without prior notice and the opportunity for a hearing before a presiding official, which, if requested, is to be held on an expedited basis. The Associate Administrator for Pipeline Safety is the PHMSA official authorized to issue the order at the conclusion of the proceeding.

The PSA authorizes State authorities to submit an annual certification to PHMSA to regulate the safety of intrastate pipeline facilities within their jurisdiction.²² A State authority submitting that certification must adopt PHMSA's federal pipeline safety standards and meet other program requirements.²³ Except with respect to one-call damage prevention programs, PHMSA may not prescribe or enforce safety standards for intrastate pipeline facilities that are subject to regulation by a certified State authority.²⁴

State authorities may also enter into agreements with OPS to perform inspections and investigations of interstate pipeline facilities.²⁵ OPS retains the authority to determine the policies and procedures that State authorities apply in conducting these inspections and investigations and is responsible for initiating any subsequent enforcement actions.²⁶

²⁰ 49 U.S.C. § 60117(m).

²¹ 49 U.S.C. § 60112(e). A corrective action order issued without notice must provide an opportunity for a hearing as soon as practicable after the order is issued.

²² 49 U.S.C. § 60105.

²³ 49 U.S.C. § 60105(b).

²⁴ 49 U.S.C. § 60105(a).

²⁵ 49 U.S.C. § 60106.

²⁶ 49 U.S.C. § 60106(b)(2).

POLICY

OPS recognizes that pipeline safety is a shared responsibility and that providing a clear and concise statement of its inspection and enforcement priorities serves the public interest. Such a statement allows interested stakeholders to understand the areas that OPS has determined will provide the greatest benefit, both in terms of protecting the public, property, and the environment and promoting pipeline safety.²⁷

OPS has identified the following inspection and enforcement priorities through careful analysis of incident and accident data, inspection and investigation findings, and input from staff and other stakeholders. OPS staff should be mindful of these priorities in conducting their inspections and investigations and in initiating enforcement actions. Consistent with DOT policy, OPS staff should also limit their inspection, investigation, and enforcement activities to matters that are clearly subject to PHMSA's jurisdiction under the PSA and Federal pipeline safety standards without relying on unduly broad, novel, or strained applications of the law or regulations.²⁸

State authorities with PHMSA certifications are encouraged to adopt similar inspection and enforcement priorities in implementing their pipeline safety programs.²⁹ State authorities with agreements to perform inspections and investigations of interstate pipeline facilities on behalf of PHMSA should follow these priorities to the same extent as OPS staff.

Priority 1: Incidents and Accidents

OPS data indicates that pipeline incidents and accidents are commonly caused by corrosion, third party damage, control room management, incorrect operation, and equipment failure.³⁰ OPS data also indicates that incidents and accidents create significant risks to public safety and impose significant costs on pipeline operators, consumers, and other interested stakeholders.³¹ OPS has an obligation to take appropriate action to minimize the occurrence of pipeline incidents and accidents, including by focusing its inspection and enforcement activities on the common causes of these events.

To achieve that objective, OPS staff should focus on operator compliance with regulations intended to prevent or minimize the occurrence of incidents or accidents, particularly in more populated areas, such as the integrity management program requirements for gas transmission and distribution lines, 49 CFR Part 192 Subparts O and P, and hazardous liquid pipelines, 49 CFR §§ 195.450-195.452, as well as on operator compliance with the regulations that apply following

²⁷ DOT Enforcement Memo at 4.

²⁸ DOT Enforcement Memo at 5.

²⁹ 49 U.S.C. § 60105.

³⁰ PHMSA, Data Statistics and Overview (last updated July 1, 2025), <https://www.phmsa.dot.gov/data-and-statistics/pipeline/data-and-statistics-overview>.

³¹ *Id.*

these events, including the requirements for incident and accident reporting, 49 CFR §§ 191.3, 191.5, 191.9, 195.50-195.54, and failure investigations, *see* 49 CFR §§ 192.617, 193.2515, and 195.402(c)(5).

OPS staff should also focus on operator compliance with other recent regulations that PHMSA issued to address concerns that arose in response to significant incidents and accidents, such as the requirements for the use of rupture-mitigation valves, 49 CFR §§ 192.179(e)-(g), 192.634, 192.636, 195.258(c)-(e), verification of pipeline materials, 49 CFR § 192.607, reconfirmation of maximum allowable operating pressure, 49 CFR § 192.624, and underground natural gas storage facilities, 49 CFR § 192.12.

Priority 2: High and Moderate Consequence Areas

OPS has established comprehensive, risk-based integrity management (IM) program requirements to enhance the safety and reliability of the nation's pipeline infrastructure. The IM regulations are designed to ensure that pipeline operators systematically identify, assess, and mitigate risks to prevent pipeline failures in high consequence areas (HCAs). HCAs include populated areas, unusually sensitive areas, and commercially navigable waterways. Moderate consequence areas (MCAs) include less densely populated areas and principal roadways.

Consistent with OPS's risk-based approach to protecting the public, property, and the environment, OPS staff should focus on operator compliance with the IM program requirements in Part 192 for gas transmission lines, Subpart O, and gas distribution lines, Subpart P; the IM program requirements in Part 195 for hazardous liquid and carbon dioxide pipelines, 49 C.F.R. §§ 195.450-195.452; and the requirements in Part 192 that apply to MCAs, 49 C.F.R. § 192.710.

With respect to regulated gas gathering lines, OPS staff should also focus on operator compliance with the requirements in Part 192 for Type A gas gathering lines and Type C gas gathering pipelines that have buildings intended for human occupancy within the potential impact radius, 49 CFR §§ 192.8 to 192.9. These gas gathering lines are located in areas that present additional risks to public safety.³² OPS staff should focus on operator compliance with the requirements in Part 195 for non-rural gathering lines and regulated rural gathering lines for the same reason, *see* 49 CFR §§ 195.1(a)(4)(i)-(ii), 195.11.

Priority 3: Control Room Management and Leak Detection

OPS's control room management regulations aim to enhance pipeline safety by addressing human factors and improving the management of control rooms, controllers, and SCADA systems used to monitor and control pipeline operations. 49 CFR §§ 192.631, 195.446. With an effective control room management program, operators can detect leaks and reduce the number and consequences of errors and shortfalls in control room management practices, thereby improving the reliability and safety of pipeline operations, especially when responding to abnormal or emergency conditions. OPS also administers separate leak detection requirements that play a

³² *See* PHMSA, Notice of Limited Enforcement Discretion for Particular Type C Gas Gathering Pipelines (July 8, 2022), <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-07/Guidance%20-%20Gas%20Gathering%20Enforcement%20Discretion%20Notice.pdf>.

critical role in preventing and mitigating the consequences of incidents and accidents. 49 CFR §§ 192.703(c), 192.706, 192.717, 192.723, 195.444.

To protect the public, property, and the environment, OPS staff should focus on the regulations for control room management and leak detection in Part 192 and Part 195. OPS staff should pay particular attention to operators' written manuals of procedures for operations, maintenance, and emergencies, especially provisions on safely restoring control room operations after an incident or accident, including cyber-related events. 49 CFR §§ 192.605 and 195.402.

Priority 4: Damage Prevention

Third party damage remains one of the leading causes of pipeline incidents and accidents, particularly in populated areas. OPS staff should focus on the effectiveness of damage prevention programs with a particular emphasis on the integration of information from various sources, such as patrols, surveys, incident and accident reports, and feedback from damage prevention notification programs. 49 CFR §§ 192.614, 195.442. OPS staff should also focus on the effectiveness of public awareness programs, and whether operators are specifically targeting outreach to areas with high rates of third-party damage. 49 CFR §§ 192.616, 195.440.

Priority 5: Transactions and Due Diligence

Pipeline facilities are routinely bought and sold, and OPS has an obligation to ensure that the parties to these transactions comply with applicable laws and regulations. To achieve that objective, OPS staff should remind operators of their obligation to ensure all necessary records are transferred from sellers to buyers during transactions involving regulated pipeline facilities. OPS is required to be notified of transfers of assets and understands the importance of both buyers and sellers taking appropriate steps to transfer a comprehensive overview of pipeline integrity and compliance information during a transaction. This includes sharing compliance records, information about known integrity issues, and significant upcoming compliance deadlines.

OPS emphasizes the importance of safety and compliance obligations that persist across transactions. As the new owner or operator, the buyer is required to meet all applicable compliance deadlines and ensure it has a robust understanding of safety and compliance concerns on the acquired assets. OPS notes that any open enforcement orders (*e.g.*, Compliance Orders, Corrective Action Order, Consent Orders) and special permits remain applicable to the transferred pipeline and therefore become the responsibility of the buyers as part of the transaction process.

OPS staff should also focus on the transaction process particularly when buyers and sellers have differing written procedures for operations and maintenance, including evaluating the buyer's management of change processes and timelines for integrating new assets into the buyer's compliance program. Lastly, OPS staff should ensure that all transactions are timely reported to PHMSA, and that operator identification numbers (OPIDs) and asset information is appropriately updated in accordance with 49 CFR §§ 191.22 and 195.64.

CONCLUSION

OPS has identified certain inspection and enforcement priorities in this memo to better protect the public, property, and the environment from the risks associated with pipeline transportation and operation of LNG and UNGS facilities. Those priorities include incidents and accidents, high and moderate consequence areas, control room management and leak detection, damage prevention, and transactions and due diligence. OPS staff should focus on addressing these priorities in conducting inspections and investigations and initiating enforcement actions against owners and operators of pipeline facilities.

Nothing in this memo is intended to limit PHMSA's ability to update these priorities, address safety issues, or to exercise its authority under the pipeline safety laws and regulations in individual cases.