Bylaws

Gas Pipeline Advisory Committee
and the
Liquid Pipeline Advisory Committee

Section I: Purpose:

- The purpose of the Gas Pipeline Advisory Committee (GPAC) and the Liquid Pipeline Advisory Committee (LPAC), officially known as Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee, is to serve as peer review for all of the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration's (PHMSA) proposed safety regulations. PHMSA must submit to the appropriate committee(s) for consideration any notice of proposed natural gas or hazardous liquid pipeline safety standard published in the Federal Register (including both new standards and amendments to existing standards).
- PHMSA is the PACS sponsor. The Associate Administrator for Pipeline Safety is designated as the Designated Federal Official (DFO) of the Committee and shall be the DOT official authorized to call or adjourn meetings, approve the agenda, and otherwise monitor the Committee's meetings and progress. As necessary, the DFO may convene subcommittees to support the Committees' functions.

Section II: Authority

- Section 60115 of Title 49, United States Code, authorizes the establishment and prescribes the duties of each of the committees. The committees are subject to the Federal Advisory Committee Act (FACA) and are required to have an approved charter, filed with the General Services Administration and renewed every two years.

Section III: Membership Selection and Appointment

- Members of the PACS are appointed by the Secretary of Transportation for three years and may be reappointed up to three terms (or 9 years). Members are selected based on the specific qualifications outlined in the Statute to provide a balance of viewpoints required to effectively consider proposed safety standards.

  Membership includes the responsibility to attend PACS meetings personally. DOT reserves the ability to replace any member who is unable to fully participate in the committees' meetings. Alternate members are not permitted to represent those individuals appointed by the Secretary of Transportation.

Section IV: Meeting Procedures

- The PACS will meet, as required, to consider and provide advice and to vote on the technical feasibility, reasonableness, cost-effectiveness, and practicability of each of the proposals.
- Meetings will be called by the DFO in consultation with the Committee chair according to the following considerations:
- **Agenda:** The DFO will approve the agenda for all meetings. PHMSA will distribute the draft agenda to the members prior to each meeting and will publish a copy of the agenda or provide a brief explanation of what will be discussed at the meeting. Meeting notices are published in the *Federal Register* at least 15 days in advance of the meeting date. Items for the agenda may be submitted to the DFO and/or one of the Committee chairs by any member of the Committee. Items may also be suggested by non-members, including members of the public.
- **Minutes and Records:** The DFO will prepare minutes of each meeting and will distribute copies to each Committee member. Minutes will consist of a verbatim transcript of the meeting. Unless otherwise determined in advance, all meetings of the PACS will be open to the public. The meeting agenda, handouts, meeting transcript and other documents for each meeting are posted on the public docket and on the PHMSA website at:

  http://www.phmsa.dot.gov/pipeline/regs/technical-advisory-comm

  http://www.regulations.gov/#!home

  If it is considered necessary to close a meeting, minutes will be available to the public upon request, subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act (FOIA).

  All documents, reports, or other materials prepared by, or for, the Committee constitute official government records and must be maintained according to GSA policies and procedures.

- **Open Meetings**. Unless otherwise determined in advance, all meetings of the PACS will be open to the public. Once an open meeting has begun, it will not be closed for any reason. All materials brought before, or presented to, the Committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, will be made available to the public for review at the time of the scheduled meeting. These documents will be provided on the docket and on the PHMSA website.

  Members of the public may attend any meeting or portion of a meeting that is not closed to the public and can, at the determination of the Committee Chair, offer an oral comment. The Committee Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting notice published in the *Federal Register* will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the PHMSA at any time.

- **Closed Meetings**: Meetings of the PACS will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by DOT's Office of General Counsel (OGC) 30 days in advance of the session.

  Where the DFO has determined in advance that discussions during a Committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act (GISA), will be published in the *Federal Register*. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Committee Chair will order such discussion to cease and will schedule it for closed session. Notices of closed meetings will be published in the *Federal Register* at least 15 calendar days in advance.

- **Frequency of committee meetings.** Since the committees' establishment, they have met twice yearly, as required by statute, to review and to report on proposed Federal pipeline safety standards submitted to it by the Department of Transportation (DOT). Committee members may be polled or asked for comments on notices of proposed rulemaking or other matters at any time without formally assembling at one place.

- **Compensation.** Members of the Committee shall not be compensated. However, all members, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence.

- **Administrative Support.** The DFO is responsible for providing office space, equipment, supplies, clerical help, and other administrative and financial support for the Committee.

Section V: Voting

- When a decision or recommendation of the PACS is required, the Committee Chair will request a motion for a vote. Any member, including the Committee Chair, may make a motion for a vote. A quorum is required for a vote. In other words, a majority of the current members of the Committee must be present at a meeting to perform the Committee's statutory duties.

Section VI: Role of Committee Officials

- **Designated Federal Officer:** The Designated Federal Official (DFO) is the Associate Administrator for Pipeline Safety and serves as the government's agent for all matters related to the Committee's activities. By Law, the DFO must: (1) approve or call the meeting of the Committee; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) designate a Committee Chair prior to each meeting, if needed.

In addition, the DFO is responsible for providing adequate staff support to the Committee, including the performance of the following functions: (1) Notifying members of the time and place for each meeting; (2) Maintaining records of all meetings, including subcommittee or working group activities, as required by Law; (3) maintaining the roll; (4) Preparing the minutes of all meetings of the Committee's deliberations, including subcommittee and working group activities; (5) attending to official correspondence; (6) maintaining official PACS records and filing all papers and submissions prepared for or by the PACS, including those items generated by subcommittees and working groups; (7) acting as the Committee's agent to collect, validate and pay all vouchers for pre-approved expenditures; and, (8) preparing and handling all reports, including the annual report as required by FACA.

Committee Program Manager - The Committee Program Manager serves as the communication link between the pipeline safety office and the advisory committees. The manager is an information source on PHMSA programs and is responsible for the management of the committee meetings and the maintenance of committee records. The manager provides support services for the operation of the advisory committee and is responsible for organizational and logistical issues.

- **Chairman:** The Chairman is designated by the DFO and is the presiding officer of the advisory committee who guides all efforts in completing assigned tasks. The Chairman may establish subcommittees subject to approval of the DFO. The chairman works with the DFO to establish priorities, identify issues that must be addressed, determine the level and types of staff and financial support required, and serves as the focal point for the advisory committee's membership.
- **Secretary (if one is appointed):** The Secretary is appointed by the Committee and documents significant observations, actions and deliberations at each official meetings. The Secretary provides the committee notes to the Advisory Committee Manager within two weeks following the meeting.
- **Member:** Members are duly appointed individuals who attend advisory committee meetings, gather information as necessary to discuss issues presented by the DFO, deliberate, and provide verbal or written consensus advice to the Administrator.

Section VII: Expenses and Reimbursement.

- Expenses related to the operation of the PACS will be borne by PHMSA's Office of Pipeline Safety. Expenditures of any kind must be approved in advance by the DFO.

Last update June 9, 2014