



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

AUG 31 2017

Ms. Stephanie Weidman
Director, Safety Division
Railroad Commission of Texas
1701 North Congress Avenue
Austin, TX 78711-2967

RE: Hurricane Harvey - Emergency Assistance Personnel

Dear Ms. Weidman:

In the wake of Hurricane Harvey, PHMSA recognizes pipeline operators may be faced with responding to emergencies under resource constraints due to this natural disaster, requiring the service of pipeline personnel that may not meet PHMSA and State regulatory requirements for random drug testing and operator qualification (OQ).

I assure you that PHMSA stands ready and willing to assist in every way possible to expedite repairs and restoration of gas service to communities affected by Hurricane Harvey. PHMSA requires pre-employment and random drug testing for all pipeline workers under pipeline safety regulations at 49 CFR 199.105. PHMSA would not object to your granting a request from an intrastate operator for an emergency waiver of § 199.105, provided the waiver were limited to the duration of the emergency caused by Hurricane Harvey, not to exceed 30 days (with potential extensions).

PHMSA has established requirements under Subpart N of 49 CFR Part 192 and Subpart G of 49 CFR Part 195 to ensure that all pipeline workers performing critical safety tasks, known as "covered tasks," are properly qualified and familiar with regulatory and company policies and procedures. PHMSA would not object to your granting requests from intrastate operators for emergency waivers of these OQ requirements, provided such waivers were also appropriately limited to the situation presented by Hurricane Harvey and limited to 30 days in duration (with potential extensions).

Under 49 U.S.C. § 60118(d), PHMSA requires a 60-day review period when a State notifies PHMSA that it intends to waive a pipeline safety regulation adopted by the State pursuant to State certification under 49 U.S.C. § 60105. However, in light of the exigent circumstances, PHMSA waives the opportunity to receive such notice and has no objection to your immediate issuance of temporary waivers in the two circumstances noted above if necessary to expedite the engagement of pipeline personnel to assist with the response and recovery effort precipitated by Hurricane Harvey, and provided the waivers do not exceed 30 days (with the opportunity for extension).

If you wish to discuss this response or any other pipeline safety matter, please feel free to contact me or Linda Daugherty, Deputy Associate Administrator for Pipeline Safety, at 202-366-4595.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alan K. Mayberry", is positioned above the printed name.

Alan K. Mayberry

Associate Administrator for Pipeline Safety