



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

Administrator

1200 New Jersey Ave., S.E.
Washington, DC 20590

October 2, 2019

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Ranking Member of the House Committee on Energy and Commerce; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

Howard R. Elliott

Enclosure



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

Administrator

1200 New Jersey Ave., S.E.
Washington, DC 20590

October 2, 2019

The Honorable Greg Walden
Ranking Member
Committee on Energy and Commerce
U. S. House of Representatives
Washington, DC 20515

Dear Congressman Walden:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

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A similar letter has been sent to the Chairman of the House Committee on Energy and Commerce; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

Howard R. Elliott

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U.S. Department
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**Pipeline and Hazardous
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1200 New Jersey Ave., S.E.
Washington, DC 20590

October 2, 2019

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners or operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Ranking Member of the House Committee on Transportation and Infrastructure; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

Howard R. Elliott

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U.S. Department
of Transportation
**Pipeline and Hazardous
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Administrator

1200 New Jersey Ave., S.E.
Washington, DC 20590

October 2, 2019

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

Howard R. Elliott

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

1200 New Jersey Ave., S.E.
Washington, DC 20590

October 2, 2019

The Honorable Sam Graves
Ranking Member
Committee on Transportation and Infrastructure
U. S. House of Representatives
Washington, DC 20515

Dear Congressman Graves:

The U.S. Department of Transportation is submitting the enclosed report titled, "Inspection Finding Notifications," in accordance with Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, Public Law 114-183 (the Act).

The Act directed the Pipeline and Hazardous Materials Safety Administration (PHMSA) to provide a post-inspection briefing to owners and operators of pipeline facilities within 30 days of a pipeline safety inspection, as well as written preliminary findings within 90 days. The Act further directed PHMSA to report annually to Congress on the number of times these deadlines are exceeded and the length of time by which the deadline was exceeded in each instance. The inspection and notification requirements also apply to PHMSA's State partners.

A similar letter has been sent to the Chairman of the House Committee on Transportation and Infrastructure; the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely,

Howard R. Elliott

Enclosure

Report: Inspection Finding Notifications
PIPES Act of 2016, Section 7 Requirements

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

Overview:

Section 7 of the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016 (49 U.S.C. § 60108(e)) requires that, for all pipeline safety inspections, which the Pipeline and Hazardous Materials Safety Administration (PHMSA) categorizes as Unit Inspections and Integrated Operator Inspections, PHMSA must provide owners and operators of pipeline facilities with a verbal out-brief within 30 days of the completion of an inspection, as well as written preliminary findings within 90 days, to the extent practicable. The requirement applies to inspections performed by PHMSA as well as those inspection programs of PHMSA's State partners. The PIPES Act further stipulates that a report be provided to Congress by the beginning of the new fiscal year, identifying when notifications occurred outside of the prescribed timeframes. This report documents all such instances during the period from June 1, 2017, through May 31, 2018.

Inspection Finding Notifications from June 1, 2017, through May 31, 2018:

PHMSA Region Summary:

Eastern Region: All notifications to operators were conducted within the prescribed mandate.

Central Region: All notifications to operators were conducted within the prescribed mandate.

Southern Region: All notifications to operators were conducted within the prescribed mandate.

Southwest Region: All notifications to operators were conducted within the prescribed mandate.

Western Region: Two operators did not receive Written Preliminary Findings within 90 days of the completion of an inspection.

PHMSA's inspection of Raton Gas Transmission Co. was conducted from June 26, 2017, through June 29, 2017, and encompassed the Raton Gas Transmission pipeline and facilities located in Colorado and New Mexico.

PHMSA's inspection of North Slope Borough Energy Management was conducted from July 10, 2017, through July 14, 2017, and encompassed the Nuiqsut Gas Distribution System that is operated by the Nuiqsut Utility Cooperative and serves the Nuiqsut Village in North Slope Borough, Alaska.

Details are provided in the following table.

Report: Inspection Finding Notifications
PIPES Act of 2016, Section 7 Requirements

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

Operator ID	Operator Name	Inspection Start Date	Inspection Completion Date	Verbal Exit Briefing	Written Preliminary Findings	Total Days over 90
17090	Raton Gas Transmission CO	6/26/2017	6/29/2017	6/29/2017	09/28/2017	1
31142	North Slope Borough Energy Management	7/10/2017	7/14/2017	11/14/2017	2/14/2018	212*

**This delay was due to an oversight on the part of the individual PHMSA pipeline inspector conducting the inspection. The inspector failed to provide a verbal briefing within 30 days of the end of the inspection and again failed to submit the written findings within 90 days. An audit revealed that the inspector was waiting for additional information from the operator, but that should not have precluded him from presenting the verbal exit briefing within 30 days and the written preliminary findings within 90 days. The complete findings could have been presented at a future date. The inspector was counseled concerning the oversight.*

PHMSA National Association of Pipeline Safety Representatives (NAPSR) State Partners Summary:

PHMSA revised its *Guidelines for States Participating in the Pipeline Safety Program* in December 2016 to include guidance for States to provide the 30- and 90-day notifications to pipeline operators. The State Program Pipeline Safety Managers are aware of this requirement, and PHMSA will hold State programs accountable through our annual Program Evaluation of State Pipeline Safety Programs.

State programs participating in PHMSA's Pipeline Safety Program consist of all States (except Alaska and Hawaii), the District of Columbia, and Puerto Rico. Arkansas and California have two programs each. State programs are represented by NAPSR (<http://www.napsr.org/>), which comprises the Pipeline Safety Program Managers. PHMSA queried NAPSR to acquire the information necessary for this report. Each State program responded as to whether it met the 30- and 90-day notification requirements for the period of June 1, 2017, to May 31, 2018.

All State programs met the requirement for a post-inspection verbal briefing within 30 days.

Below is a listing of each state program that did not meet the requirement to provide written preliminary findings within 90 days. The reasons for the exceptions listed below varied greatly from State to State; however, most of them were due to resource constraints or a failure to follow internal procedures.

Report: Inspection Finding Notifications
PIPES Act of 2016, Section 7 Requirements

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
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Exceptions to the 90-Day Written Preliminary Findings Requirement by State:

- **Arizona** – Corporation Commission: 3 times (11, 130 & 145 days)
- **California** – Public Utilities Commission: 3 times (4, 43, & 134 days)
- **Delaware** – Public Service Commission: 1 time (44 days)
- **Indiana** – Utility Regulatory Commission: 25 times (99, 100, 101, 106, 107, 108, 125, 126, 129, 129, 133, 133, 134, 139, 140, 143, 147, 152, 153, 156, 160, 161, 186, 191, & 239 days)
- **Louisiana** – Department of Natural Resources: 8 times (1, 2, 4, 15, 20, 28, 42 & 63 days)
- **Maine** – Public Utilities Commission: 2 times (48 & 92 days)
- **Massachusetts** – Department of Public Utilities: 1 time (319 days)
- **New Mexico** – Public Regulation Commission: 2 times (50 & 129 days)
- **Ohio** – Public Utilities Commission: 1 time (30 days)
- **West Virginia** – Public Service Commission: 36 times, though each instance was due to a no violation inspection.