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Providing Increased Public Safety Levels

Executive Summary

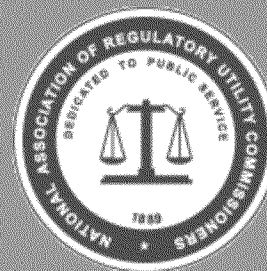
Compendium of State Pipeline Safety Requirements & Initiatives Compared to Code of Federal Regulations



National Association
of Pipeline Safety Representatives

NAPSR

National Association
of Regulatory Utility Commissioners



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EXECUTIVE SUMMARY

In light of the increased attention on the role of public regulators in the oversight of the nation's gas and hazardous liquids pipelines, the National Association of Pipeline Safety Representatives (NAPSR), with assistance and support from the National Association of Regulatory Utility Commissioners (NARUC), conducted a survey of its 52 state, territory, and district agency (here referred to as "state") members to ascertain the level to which state requirements match or exceed federal pipeline safety requirements.

The responses received from 52 state agencies and compiled into this compendium highlight hundreds of instances where individual state actions have been taken to improve pipeline safety and showcase the many different areas of focus. While the safety efforts in this volume have already been undertaken, local regulators continue to look for ways to enhance pipeline safety in their territories of jurisdiction. This continuous improvement is intended to reduce risks identified at the local level and minimize the consequences of a failure.

This compendium includes the detailed sections of the federal pipeline safety code that are exceeded by the local statutes. Additionally, it shows instances where the state has identified a particular provision as necessary to address a specific situation in the state. This could include, but not be limited to, a history of specific risky practices, a particular problem, or incidents that prompted the initiation of rulemaking, law amendment or issuance of Commission orders; the state's landscape or geography that has prompted specialized rules; a material defect that perhaps affected a given population of pipelines giving rise to orders for more frequent monitoring or replacement; and/or a greater demand or tolerance by the public in that state for more stringent rules to enhance safety.

The survey revealed 1,361 state regulations, orders or legislative provisions (herein dubbed as "initiatives") exceeding federal requirements. These initiatives have been grouped into 23 major categories, with the five most common being enhanced reporting (23% of the states with 309 separate initiatives), design/installation requirements (14%, with 189 initiatives), enhanced recordkeeping (7%, with 98 initiatives), additional direct oversight (6%, with 84 initiatives), leak tests (6%, with 82 initiatives). See Figure 1 for details.

Figure 2 includes a summary of applicable subparts of the federal regulations which have been modified by the states to become more stringent. The five sections of the federal code most frequently exceeded by the states cover gas pipeline regulations contained in Title 49 of the Code of Federal Regulations Part 192 and comprise: Operations (303 instances); Maintenance (242 instances); General construction requirements for transmission lines and mains (117



instances); Customer Meters, Service Regulators, and Service Lines (91 instances); and Part 191 regulations covering Reports, (218 instances). Figure 2 shows the sections in parts 190, 191, 192 and 195 made more stringent by the state initiatives.

The spreadsheet in the compendium shows, for each state (including the District of Columbia and Puerto Rico), the quantity of written initiatives exceeding the federal code contained within each of the 23 categories. Alaska and Hawaii are excluded since they are under direct federal oversight.

Finally, the state initiatives in each of the 23 categories are presented for each of the 52 state programs that responded including the District of Columbia and Puerto Rico, along with the federal regulation reference, the specific state provision, the state source type (regulation, law or order) and the reference in the state source.

No analysis was performed to develop trending in this report. However, it does contain certain observations, namely:

- Although all State programs certify to the Secretary of the U.S. Department of Transportation that they will adopt regulations that are as stringent as the Federal Pipeline Safety Regulations, most states have adopted more stringent safety regulations only they can enforce. This is a tremendous advantage since state inspectors not only are employed by their respective state governmental agency but have the understanding, familiarity and concerns of the public that is impacted the most.
- There are at least 1,361 state regulatory administrative rules, legislative provisions and state agency orders that address pipeline safety requirements exceeding the federal pipeline safety code. This demonstrates that the majority of state pipeline safety programs are actively and constantly pursuing pipeline safety at a level responsive to local conditions.
- For reasons explained above, pipeline safety does not lend itself to a one-size-fits-all approach. Each state has distinctive pipeline safety conditions which may require additional safety measures. This means states have implemented the rules and requirements to suit their needs. As evidenced by this compendium, this is an ongoing process.

NAPSR intends to update every two years the information in this report so it can be a comprehensive and accurate source of information on state initiatives exceeding the federal regulations.



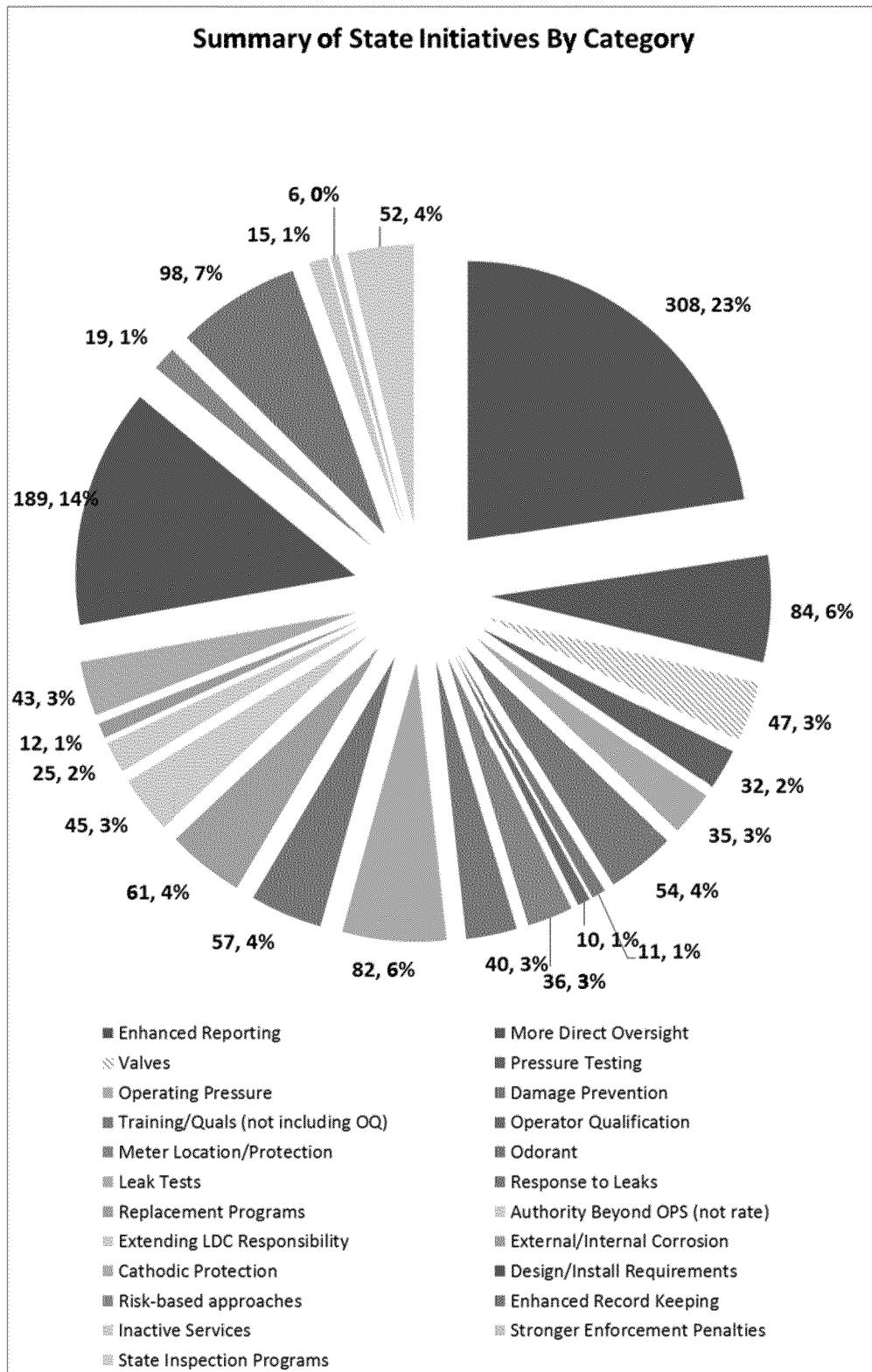


Figure 1 – Summary of 23 state initiative categories exceeding federal regulatory requirements.



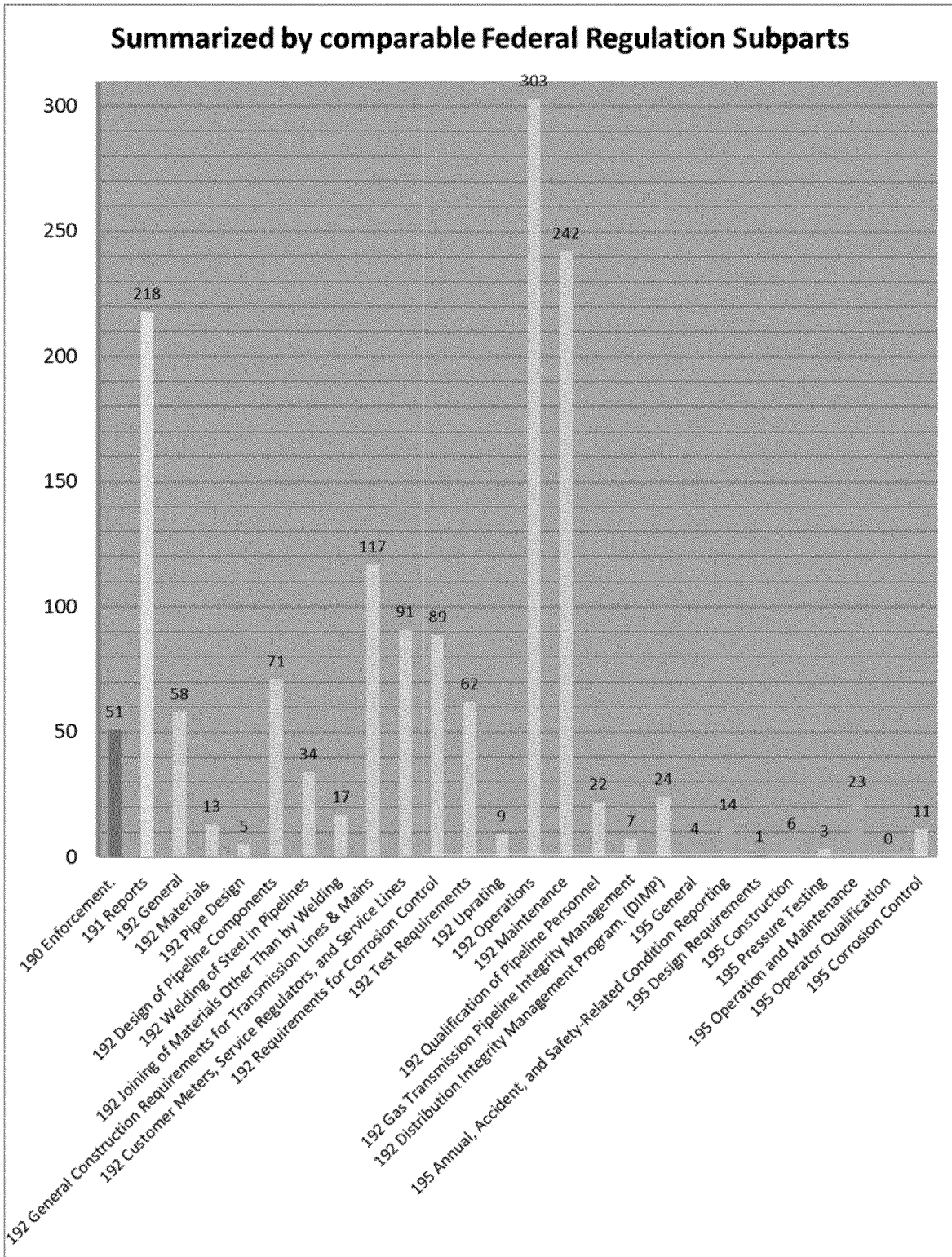


Figure 2. — Frequency by which 49 CFR Parts 190, 191, 192 & 195 are exceeded in state initiatives.

