



The Pipeline Safety Dilemma: The U.S. Department of Transportation's Slow Implementation of the 2011 Pipeline Safety Act

As of June 2014, even though nearly 30 months have passed since the 2011 Pipeline Safety Act¹ was signed into law, the Secretary of the Department of Transportation ("DOT") has not promulgated any of the new substantive safety rules contemplated by the Act. The Act required the Secretary, who acts on pipeline safety matters through DOT's Pipeline and Hazardous Materials Safety Administration ("PHMSA"), to issue a series of reports and, if warranted, to issue new regulations imposing additional safety requirements on natural gas pipelines and hazardous liquid pipelines (including oil pipelines).

In many ways, PHMSA, as distinguished from DOT as a whole, has reached the limit on the procedural steps it can take unilaterally. Effective October 25, 2013, PHMSA fulfilled the procedural requirements of the 2011 Pipeline Safety Act by implementing new regulations (i) increasing the maximum civil penalty for violations of its substantive pipeline safety regulations, and (ii) making its decision-making process more transparent.² PHMSA also has commissioned and released most of the studies and reports required by the Act. Finally, in various stakeholder outreach efforts, PHMSA

has described many of the key substantive elements of what PHMSA intends to include in future notices of proposed rulemaking. For example, in August 2013, PHMSA held public workshops to discuss its Integrity Verification Process, which PHMSA has been considering as a tool to satisfy several provisions of the 2011 Pipeline Safety Act.³

Before PHMSA can issue a proposed rule for notice and comment, it must (i) secure the approval of DOT's Office of the Secretary, and (ii) secure the approval of the Office of Management and Budget, through the Office of Information and Regulatory Affairs.⁴ According to DOT's June 2014 Report on Significant Rulemakings, DOT estimates that it will secure the necessary clearances and issue a proposed rule on the first of the 2011 Pipeline Safety Act's substantive topics no sooner than August 2014, with other proposed rules being issued in late 2014 and early 2015.⁵

PHMSA has developed a page on its website that tracks its progress in implementing the requirements of the 2011 Pipeline Safety Act.⁶ Attached to this *Commentary* is a more-detailed chart prepared

by Jones Day that tracks PHMSA's progress.⁷ As this chart shows, PHMSA, DOT, regulated pipelines, and interested stakeholders have a long road ahead to implement the 2011 Pipeline Safety Act's substantive safety requirements.

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Endnotes

- 1 Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, Pub. L. No. 112-90, 125 Stat. 1904 (2012).
- 2 Pipeline Safety: Administrative Procedures; Updates and Technical Corrections, Final Rule, 78 Fed. Reg. 58,897 (Sept. 25, 2013). *Jones Day Commentary*, "[Pipeline Safety: PHMSA Adopts Important but Limited Updates to its Enforcement and Hearing Procedures](#)" (Oct. 2013).
- 3 Pipeline Safety: Public Workshop on Integrity Verification Process, Notice of public meeting, 78 Fed. Reg. 32,010 (May 28, 2013).
- 4 Executive Order No. 12866, 58 Fed. Reg. 51375 (Oct. 4, 1993).
- 5 United States Department of Transportation, Report on DOT Significant Rulemakings (June 2014). DOT [updates this report each month](#).
- 6 [The Pipeline Safety Act—Track PHMSA's Progress](#) (select "Progress" from the drop-down menu) (last visited June 11, 2014).
- 7 [Status of Implementation of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011](#). The chart identifies each subsection of the Act that imposes a requirement on the DOT, quotes the relevant language from the Act, and cross-references each provision of the Act against the U.S. Code. The chart then identifies the type of requirement imposed by the Act (e.g., a study or a regulation), the deadline for DOT action, and the status of DOT's efforts. Finally, the chart identifies each supporting document released by the relevant agency (the relevant agency typically is PHMSA, but some of the Act's reporting requirements were imposed on other agencies, such as the Government Accountability Office). The electronic version of the chart allows the reader to access the supporting documents.

Status of Implementation of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 As of June 17, 2014

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
3(d)(1), (3)	6103 note	Study, Report	<p>EXCAVATION DAMAGE STUDY</p> <p>The Secretary of Transportation shall conduct a study on the impact of excavation damage on pipeline safety.</p> <p>Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.</p>	1/3/2014	Incomplete.	Public meeting held Mar. 14, 2013
4	60102(n)(1)	Regulation	<p>REMOTE-CONTROLLED SHUT-OFF VALVE REGULATION</p> <p>Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.</p>	1/3/2014	Incomplete	Report on Automatic and Remotely Controlled Shutoff Valves. Oct. 31, 2012.
4	60102(n)(2) (A), (C)	Study, Report	<p>GAO HCA RELEASE SAFETY STUDY</p> <p>The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.</p> <p>Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study</p>	1/3/2013	Complete.	GAO Report Pipeline Safety: Better Data and Guidance Could Improve Operators' Responses to Incidents. Jan. 28, 2013
5(a)	60109 note	Evaluation	<p>EVALUATION: EXPANSION OF INTEGRITY MANAGEMENT SYSTEM REQUIREMENTS</p> <p>Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall evaluate—</p> <p>(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and</p> <p>(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.</p>	7/3/2013	Incomplete.	<p>Notice of Proposed Rulemaking published in the Federal Register on Aug. 1, 2013 (78 Fed. Reg. 46,560); the comment period expired Nov. 1, 2013.</p> <p>Integrity Verification Process Public Workshop (Aug. 7, 2013), published in the Federal Register on May 28, 2013 (78 Fed. Reg. 32010).</p>

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
5(c)	60109 note	Report	<p>REPORT TO CONGRESS ON EXPANDING INTEGRITY MANAGEMENT SYSTEM REQUIREMENTS</p> <p>Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, based on the evaluation conducted under subsection (a).</p>	1/3/2014	Incomplete.	
5(f)	60109 note	Regulation	<p>EXPANDED INTEGRITY MANAGEMENT SYSTEM REGULATION</p> <p>In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, issue final regulations described in paragraph (3)(B).</p> <p>Regulations issued by the Secretary under subparagraph (A), if any, shall—</p> <p>(i) expand integrity management system requirements, or elements thereof, beyond high-consequence areas; and</p> <p>(ii) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.</p>	Earlier of 1 year after completion of 5(c) report or 1/3/2015	Incomplete.	
5(g)	60109 note	Report, Evaluation (non-PHMSA)	<p>GAO REPORT ON RISK-BASED ASSESSMENT INTERVALS</p> <p>Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—</p> <p>(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are Completed when compared to the reassessment interval specified in section 60109(c)(3)(B) of title 49, United States Code;</p> <p>(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and</p> <p>(3) the progress made in implementing the recommendations in GAO Report 06–945 and the current relevance of those recommendations that have not been implemented.</p>	1/3/2014	Completed.	<p>GAO Report</p> <p>Guidance and More Information Needed before Using Risk-Based Reassessment Intervals. (Jun. 27, 2013)</p> <p>GAO Report</p> <p>Pipeline Safety: Better Data and Guidance Could Improve Operators' Responses to Incidents (Jan. 28, 2013)</p>

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
6(a)	60132	Map	<p>HCA MAPPING</p> <p>Maintain a map of all HCAs as part of NPMS</p> <p>Update the map biennially.</p> <p>The Secretary shall—</p> <p>(1) maintain, as part of the National Pipeline Mapping System, a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information; and</p> <p>(2) update the map biennially.</p>	<p>Immediate</p> <p>Every 2 years</p>	Incomplete.	<p>According to the NPMS website, the last update was on 1/25/13, but PHMSA does not indicate that it added HCAs in its list of recent updates going back to September 2012.</p>
6(a)	60132(e)	Program	<p>NPMS OUTREACH TO EMERGENCY RESPONDERS</p> <p>Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.</p>	1/3/2013	Completed.	<p>Issued Communication During Emergency Situations advisory bulletin 10/11/2012. (77 Fed. Reg. 61,826).</p> <p>Issued Emergency Preparedness Communications advisory bulletin 11/3/2010. (75 Fed. Reg. 67,807)</p>
6(b)	60132 note	Guidance	<p>CONSULTATION AND GUIDANCE ON EMERGENCY RESPONSE FOR PIPELINE OWNERS AND OPERATORS</p> <p>(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.</p> <p>(2) CONSULTATION.—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.</p>	7/3/2013	Completed.	<p>Issued Communication During Emergency Situations advisory bulletin 10/11/2012. (77 Fed. Reg. 61,826).</p> <p>Issued Emergency Preparedness Communications advisory bulletin 11/3/2010. (75 Fed. Reg. 67,807)</p>
7(a)	60108(d)	Survey	<p>SURVEY OF PROGRESS ON REPLACING CAST IRON GAS PIPELINES</p> <p>The Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.</p>	Not later than December 31, 2012, and every 2 years thereafter	Completed.	<p>Online inventory available.</p>

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
7(b)		Status Report	<p>REPORT ON PROGRESS ON REPLACING CAST IRON GAS PIPELINES</p> <p>The Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—</p> <p>(1) identifies the total mileage of cast iron gas pipelines in the United States; and</p> <p>(2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.</p>	12/31/2013	Completed.	A report in the form of a brief letter was submitted on 12/27/2012. The letter reports only the percentage decreased and does not expressly evaluate progress as required by (2).
8(a)	60108 note	Report	<p>REPORT ON LEAK DETECTION SYSTEMS</p> <p>Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.</p>	1/3/2013	Completed.	Leak Detection Study (completed December 10, 2012) & Valve Study (completed October 31, 2012). A web-based briefing on both reports (held on Oct. 5, 2012) is available here . PHMSA submitted both studies (attached to letters) to the Congress on Dec. 27, 2012.
8(b)(3)	60108 note	Regulation	<p>LEAK DETECTION REGULATION</p> <p>As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and economically feasible standards for the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations that—</p> <p>(A) require operators of hazardous liquid pipeline facilities to use leak detection systems where practicable; and</p> <p>(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.</p>	As soon as practicable following the 8(b)(1) review period (Earlier of one year after the completion of 8(a) report or 1/3/2015 (starting 12/27/13)	Incomplete.	
9	60117 note	Regulation	<p>REVISE NOTIFICATION TIME LIMIT REGULATIONS</p> <p>Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.</p>	7/3/2013	Incomplete.	Advisory Bulletin issued Jan. 30, 2013 (78 Fed. Reg. 6,402). The regulation has not yet been revised.
9(b)(2)		Procedures	<p>PROCEDURES FOR NOTIFYING EMERGENCY RESPONDERS</p> <p>Review and revise, as necessary, procedures for operators and the NRC to notify emergency responders, including 911.</p>	7/3/2013	Completed.	<p>Issued Communication During Emergency Situations advisory bulletin 10/11/2012. (77 Fed. Reg. 61,826).</p> <p>Issued Emergency Preparedness Communications advisory bulletin 11/3/2010. (75 Fed. Reg. 67,807)</p>

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
13(b)	60117 note	Guidance	<p>GUIDANCE CLARIFYING "NEW OR NOVEL TECHNOLOGIES OR DESIGN"</p> <p>Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term "new or novel technologies or design" as used in section 60117(n)(1)(B)(ii) of title 49, United States Code, as amended by subsection (a) of this section.</p>	1/3/2013	Completed.	Interim guidance published 12/27/2012.
16		Study	<p>COMPREHENSIVE REVIEW OF REGULATIONS FOR LIQUID BITUMEN</p> <p>Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall Completed a comprehensive review of hazardous liquid pipeline facility regulations to determine whether the regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting the review, the Secretary shall conduct an analysis of whether any increase in the risk of a release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.</p>	7/3/2013	Completed.	Effects of Diluted Bitumen on Crude Oil Transmission Pipelines study released 2013 (Transportation Research Board Special Report 311).
20(a)	60117 note	Regulation	<p>HEARING REGULATIONS</p> <p>Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue regulations—</p> <p>(A) requiring hearings under sections 60112, 60117, 60118, and 60122 of title 49, United States Code, to be convened before a presiding official;</p> <p>(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 of such title to arrange for a transcript of the hearing, at the expense of the requesting person;</p> <p>(C) ensuring expedited review of any order issued pursuant to section 60112(e) of such title;</p> <p>(D) implementing a separation of functions between personnel involved with the investigation and prosecution of an enforcement case and advising the Secretary on findings and determinations; and</p> <p>(E) prohibiting ex-parte communication relevant to the question to be decided in such a case by parties to an investigation or hearing.</p>	1/3/2014	Completed.	Final Rule issued Sept. 25, 2013 (effective Oct. 25, 2013) (78 Fed. Reg. 58,897).

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
21(a), (b)		Review, Report	<p>REVIEW & REPORT TO CONGRESS ON FEDERAL AND STATE REGULATION OF ON- AND OFF-SHORE GATHERING LINES</p> <p>The Secretary of Transportation shall conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.</p> <p>Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.</p>	1/3/2014	Incomplete.	
21(c)	60108(c)(8)	Regulation	<p>ADDITIONAL REGULATION OF ON- AND OFF-SHORE GATHERING LINES</p> <p>If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.</p>	N/A	Incomplete.	
22	60109(e)(3)	Report, Regulation	<p>EXCESS FLOW VALVE REGULATION</p> <p>Not later than 2 years after the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and after issuing a final report on the evaluation of the National Transportation Safety Board's recommendation on excess flow valves in applications other than service lines serving one single family residence, the Secretary, if appropriate, shall by regulation require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.</p>	1/3/2014	Incomplete.	
23(a)	60139(b)(2)	Reporting requirement	<p>MAOP EXCEEDANCE REPORTING</p> <p>If there is an exceedance of the maximum allowable operating pressure with respect to a gas transmission pipeline of an owner or operator of a pipeline facility that exceeds the build-up allowed for operation of pressure-limiting or control devices, the owner or operator shall report the exceedance to the Secretary and appropriate State authorities on or before the 5th day following the date on which the exceedance occurs.</p>	No deadline	Incomplete. According to PHMSA, comments are under evaluation and the rule is being drafted.	<p>Issued: Establishing Maximum Allowable Operating Pressure advisory bulletin 1/10/2011.</p> <p>Integrity Verification Process Workshop held 8/7/2013. (78 Fed. Reg. 32,010)</p> <p>Extended comment period until 10/7/2013. (78 Fed. Reg. 56,268)</p> <p>According to PHMSA, comments are under evaluation and the rule is being drafted.</p>

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
23(a)	60139(a)(1)	Records Verification	<p>RECORDS VERIFICATION</p> <p>The Secretary of Transportation shall require each owner or operator of a pipeline facility to conduct, not later than 6 months after the date of enactment of this section, a verification of the records of the owner or operator relating to the interstate and intrastate gas transmission pipelines of the owner or operator in class 3 and class 4 locations and class 1 and class 2 high-consequence areas.</p>	7/3/2012	Completed.	Advisory Bulletin issued, 77 Fed. Reg. 26,822 (May 7, 2012).
23(a)	60139(b)(1)	Report	<p>PIPELINE DOCUMENTATION REQUIREMENT</p> <p>Not later than 18 months after the date of enactment of this section, each owner or operator of a pipeline facility shall identify and submit to the Secretary documentation relating to each pipeline segment of the owner or operator described in subsection (a)(1) for which the records of the owner or operator are insufficient to confirm the established maximum allowable operating pressure of the segment.</p>	7/3/2013	Completed.	<p>Verification of Records advisory bulletin 5/7/2012. ADB 12-06 (77 Fed. Reg. 26,822)</p> <p>Reporting of Maximum Allowable Operating Pressure advisory bulletin 12/21/2012. ADB-2012-11 (77 Fed. Reg. 75,699)</p> <p>Published Gas Transmission Reporting Form (F. 7100.2-1)</p>
23(a)	60139(c)	Reporting requirement and Determination	<p>DETERMINATION OF MAOP FOR CERTAIN PIPELINES</p> <p>(1) In the case of a transmission line of an owner or operator of a pipeline facility identified under subsection (b)(1), the Secretary shall—</p> <p>(A) require the owner or operator to reconfirm a maximum allowable operating pressure as expeditiously as economically feasible; and</p> <p>(B) determine what actions are appropriate for the pipeline owner or operator to take to maintain safety until a maximum allowable operating pressure is confirmed.</p> <p>(2) Interim actions—In determining the actions for an owner or operator of a pipeline facility to take under paragraph (1)(B), the Secretary shall take into account potential consequences to public safety and the environment, potential impacts on pipeline system reliability and deliverability, and other factors, as appropriate.</p>	No deadline	Incomplete.	
23(a)	60139(d)	Regulation	<p>MATERIAL STRENGTH REGULATION</p> <p>Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.</p>	7/3/2013	Incomplete.	

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
26		Report	<p>GAO REPORT ON WOMAN-OWNED AND DISADVANTAGED BUSINESSES</p> <p>Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, based upon available information, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a comprehensive report assessing the levels and types of participation and methods of facilitating the participation of minority-owned business enterprises, woman-owned business enterprises, and disadvantaged business enterprises in the construction and operation of pipeline facilities in the United States.</p>	1/3/2013	Completed.	<p>GAO Report</p> <p>Ownership by Minority, Female, and Disadvantaged Firms in the Pipeline Industry. (Aug 2, 2012).</p>
27		Study, Report (non-PHMSA)	<p>GAO REPORT ON PIPELINE PERMITTING</p> <p>The Comptroller General of the United States shall conduct a comprehensive study regarding the process for obtaining Federal and State permits for projects to construct pipeline facilities.</p> <p>Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.</p>	1/3/2013	Completed.	<p>GAO Report</p> <p>Interstate and Intra-state Natural Gas Permitting Processes Include Multiple Steps, and Time Frames Vary (Feb. 15, 2013)</p>
28(a)	60140(a)(1), (2)	Study, Report	<p>INCIDENT STUDY & REPORT TO CONGRESS FOCUSING ON DEPTH OF COVER</p> <p>The Secretary of Transportation shall conduct a study of hazardous liquid pipeline incidents at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark to determine if the depth of cover over the buried pipeline was a factor in any accidental release of hazardous liquids.</p> <p>Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.</p>	1/3/2013	Completed.	<p>Submitted Letters to Congress 11/19/2013. The letters determined that there was no need for additional regulatory authority, obviating the additional requirements under this section.</p>
28(a)	60140(b)	Assessment	<p>REVIEW OF DEPTH OF COVER REQUIREMENTS</p> <p>If, following completion of the study under subsection (a), the Secretary finds that the depth of cover over buried pipelines is a contributing factor in the accidental release of hazardous liquids from the pipelines, the Secretary, not later than 1 year after the date of completion of the study, shall review and determine the sufficiency of current requirements for the depth of cover over buried pipelines.</p>	One year after the completion of 60140(a) study	Completed.	<p>Submitted Letters to Congress 11/19/2013. The letters determined that there was no need for additional regulatory authority, obviating the additional requirements under this section.</p>
28(a)	60140(b)(2)(C)	Report	<p>LEGISLATIVE RECOMMENDATIONS FOR DEPTH OF COVER REQUIREMENTS</p> <p>If the Secretary develops legislative recommendations under subparagraph (A), the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the legislative recommendations.</p>	N/A	Completed.	<p>Submitted Letters to Congress 11/19/2013. The letters determined that there was no need for additional regulatory authority, obviating the additional requirements under this section.</p>

Law §	Code § (49 U.S.C.)	Type	Instruction	Deadline	Status	Supporting Documents
30	60117 note	Protocol	<p>PROTOCOL FOR CONSULTING WITH INDIAN TRIBES</p> <p>Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines that are under the jurisdiction of Indian tribes.</p>	1/3/2013	Completed.	Developed and posted Protocol . (document created 1/3/2013)
31		Report	<p>REPORT ON PHMSA PERSONNEL REQUIREMENTS</p> <p>Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides information on—</p> <p>(1) the total number of full-time equivalent positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration;</p> <p>(2) out of the total number of such positions, how many of the positions are not filled and the reasons why the positions are not filled;</p> <p>(3) the actions the Administrator of the Pipeline and Hazardous Materials Safety Administration is taking to fill the positions; and</p> <p>(4) any additional inspection and enforcement resource needs of the Pipeline and Hazardous Materials Safety Administration.</p>	1/3/2013	Completed.	Submitted Letters to Congress on 11/30/2012.
32	60101 note	Report	<p>R&D PROGRAM</p> <p>After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years.</p>	Every five years	Completed.	<p>Five-Year Plan submitted 7/25/2013.</p> <p>Held Government/ Industry Research & Development workshop in 7/18-19/2013.</p> <p>Workshop Results (document created 8/10/2012)</p>