



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

Administrator

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

NOV 19 2013

The Honorable John D. Rockefeller, IV
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 28 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 required the Secretary of Transportation to 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. Following the study, if the Secretary found that the depth of cover over buried pipelines was a contributing factor in the accidental release of hazardous liquids from the pipelines, then the Secretary was required to review and determine the sufficiency of current requirements for the depth of cover over buried pipelines and report to Congress whether any legislative recommendations had been developed as a result of that review.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted the study required under Section 28 of the 2011 legislation and transmitted a copy of the report, entitled "Results of Hazardous Liquid Incidents at Certain Inland Water Crossings," to you and other members of Congress on August 27, 2013. That study found that only 0.3% of all reported hazardous liquid incidents and 0.5% of significant hazardous liquid incidents, between 1991 and October 2012, had depletion of cover at a major water crossing as a contributing factor in the incidents.

We have concluded that PHMSA's existing legislative authority is adequate to address the risks of hazardous liquid pipeline failures at major river crossings. We do not believe that any new legislative authority is needed. We will continue to look for ways to enhance our regulations, as appropriate, as we move forward.

Pursuant to existing legislative authority, PHMSA regulations at 49 CFR § 192.613 and 195.401(b)(1) already require hazardous liquid operators to address any conditions, including flooding and a lack of depth of cover, that may adversely impact the safe operation of the pipeline system. Under PHMSA's integrity management requirements in Subparts O and P in Part 192 and Subpart F in Part 195 (specifically §195.452), operators must assess all threats to their pipelines, including flooding, hurricanes, earthquakes, etc., and take appropriate preventative and mitigative actions. Further, under §195.412(b), each operator shall, at intervals

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The Honorable John D. Rockefeller, IV

not exceeding 5 years, inspect each crossing under a navigable waterway to determine the condition of the crossing.

In 2011, PHMSA took additional actions in an advisory bulletin (ADB-11-04) to remind operators of their responsibility to develop and implement preventative and precautionary actions when adverse events occur. PHMSA has also filed enforcement actions against operators who fail to implement effective integrity management programs in these circumstances.

We will continue to look for ways to enhance our regulations, as appropriate, as we move forward.

An identical 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.

If I can provide further information or assistance, please feel free to contact me.

Regards,

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Cynthia L. Quarterman



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The Honorable John Thune
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Ranking Member Thune:

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1200 New Jersey Ave., S.E.
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The Honorable Bill Shuster
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Shuster:

Section 28 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 required the Secretary of Transportation to 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. Following the study, if the Secretary found that the depth of cover over buried pipelines was a contributing factor in the accidental release of hazardous liquids from the pipelines, then the Secretary was required to review and determine the sufficiency of current requirements for the depth of cover over buried pipelines and report to Congress whether any legislative recommendations had been developed as a result of that review.

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1200 New Jersey Ave., S.E.
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NOV 19 2013

The Honorable Nick Joe Rahall, II
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Ranking Member Rahall:

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

Dear Chairman Upton:

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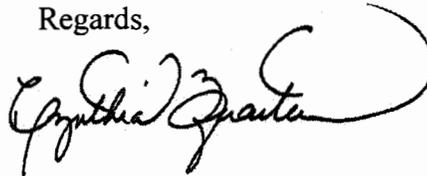
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