July 22, 2016

Docket Management System
U.S. Department of Transportation
1200 New Jersey Avenue, S.E., Room W12-140
Washington, D.C. 20590-0001

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Re: PHMSA Information Collection – Pipeline Safety: Request for Revision of a Previously Approved Information Collection: National Pipeline Mapping System Program, Docket Number PHMSA-2014-0092

Please accept these comments on behalf of the Pipeline Safety Trust to the June 22, 2016 published proposed revisions to NPMS Information Collection standards.

First, we are very pleased that PHMSA is undertaking a major improvement to the functionality and usefulness of the NPMS system. Improvements are long overdue. Second, we are very pleased that with this information collection, along with the clarified reporting requirements in the recently published proposed rule on safety of natural gas pipelines, PHMSA appears to be making incremental improvements in the striking imbalance in the possession and control of information about the nation's pipeline infrastructure. At present, the vast majority of that information is held and controlled by pipeline operators, hampering the regulators' ability to enact new regulations, identify safety problems before incidents occur, and to hold operators accountable. For these reasons, we support PHMSA's decision to gather additional information from operators and to integrate that information into the NPMS.

However, our support comes with a couple of disclaimers:

1) First, the deadline for providing accurate centerline information to PHMSA should be amended to a date well before 2024. It is inconceivable that most operators do not have accurate location information on the majority of their lines, given the prevalence of the use of GIS systems and the regulatory location requirements we referred to in our

previous comments. Even if the ultimate deadline is to remain a full 8 years from now, we urge PHMSA to require operators to submit centerline information on pipeline segments as they have it completed, rather that permitting operators to wait until the very final deadline to provide any improved information. Whether that occurs by segment or system is a decision for PHMSA to make, but requiring no real improved information for an additional 8 years is unreasonable.

Second, and most critically, we are very disappointed in the proposed decision by PHMSA to make most of this newly collected information unavailable to the general public with virtually no explanation of how access each specific type of information collected in the system could raise a possible security concern. We do not take the possibility of a security threat to pipeline infrastructure likely. We simply do not believe that making many of these details public increases that threat at all. Because of the importance of this issue, we repeat and incorporate here the comments on this topic that we submitted on the original proposal, and request that PHMSA reconsider the decisions about which characteristics being collected might warrant being held away from public release, and that PHMSA provide an explanation for each of those decisions in light of the information in these comments.

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Public Access to Information and Security

First and foremost, we would like to stress the importance of public access to this information. Both Congress and the NTSB have talked about the importance of the NPMS and its availability to the public, first responders, and local governments. The Trust believes strongly in the supportive role the public can play as a partner in safer pipelines, but that partnership is only as good as the information the public can access.

In 49 USC 60132 (b), Congress clearly authorized PHMSA to require NPMS information to be updated annually by pipeline companies, and for that information to be broader than what is currently collected. Importantly, §6b of the 2011 Pipeline Safety and Job Creation Act directs the Secretary to "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." This is separate from providing information during incidents or probable incidents, as addressed in a number of PHMSA advisory bulletins; this direction has to do with local hazard mitigation planners and emergency responders having access to system-specific data in order to plan and prepare for emergencies well ahead of time. The current accuracy and detail of the NPMS data is not sufficient to adequately assist local communities who are planning or preparing for potential emergencies; it is not unusual for PST staff to find more detailed and accurate information on operators' own websites than on the NPMS, though not in a way that is searchable by location,

indicating to us that many operators have this information readily available in a geospatial format.

Also, no High Consequence Areas (HCAs) are viewable on the public maps at this time; this is also problematic and needs to be changed, with information and data gathered from pipeline companies that allows the public to view pipelines including their location within any HCA with a much higher level of accuracy. There is in fact a statutory requirement that HCAs be incorporated as part of NPMS and updated biennially.[1] Local governments and the public otherwise have no means of determining whether operators have appropriately identified HCAs in their communities: whether wellhead protection areas, drinking water sources and other sensitive environmental areas that should trigger an HCA designation have been properly identified.

We do not understand why very little of the information proposed to be collected will be accessible to the public according the access limitations proposed. Citizens, landowners, and local governments can be some of the best allies in maintaining safe pipeline infrastructure, but – as requested by Congress – they need to be able to access information about what is going on with the pipelines around them.

Presumably even potential new pipeline operators can access HCA information across a broad region due to their need to use the information in assessing a new pipeline route. Also a great deal of the attribute information is available commercially to those willing to pay for it (see Appendix A), including pipeline and facility locations with details such as name, designation, diameter, system type, status, commodity, flow capacity, etc., across regional and national scales. Apparently if you purchase from a commercial enterprise that has the time to be "constantly mining industry private and government agencies for acquisition, purchases, investment and other general press releases" and agree to undergo a preliminary background check and state your active involvement with the energy market (undefined), with enough financial resources this information can be yours.[2]

Other federal agencies routinely release geospatial data to the public. The U.S. Fish and Wildlife Service provides both online map access and downloadable Geographic Information System (GIS) files on critical habitat and endangered and threatened species, and allows viewers to access this data for multiple counties at one time. The U.S. Environmental Protection Agency provides online information on sole source aquifers, and allows all users (federal agencies, states, and the public) to download the GIS layers, indexes, and metadata on all source aquifers in the country. The Department of Interior, through both the Bureau of Safety and Environmental Enforcement (BSEE) and Bureau of Ocean Energy Management (BOEM), also provides downloadable detailed GIS data relating to energy facilities to all users. For example, BSEE offers a variety of pipeline geospatial information in PDF and GIS file formats to the public, and includes such detailed attributes as pipeline diameter, product, status, construction date, leak detection information, hydrotest information, maximum operating pressure, and more

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[1] Pipeline Safety Regulatory Certainty, and Job Creation Act of 2011; Section 6 made part of 49 USC 60132.
[2] See Appendix A or http://www.rextagstrategies.com/gismain for one such commercial offer of pipeline GIS data.

(see Appendix B).

We do not understand why PHMSA – with similar discretion on what types of information they choose to release to the public as other federal agencies – makes very different decisions about the level of access they choose to allow for the public. The public needs to be able to find out whether the pipelines in their midst are within a High Consequence Area (HCA) designation, and what class location designation (if relevant) they have. The public needs to be able to view locations of pump and compressor stations associated with the pipelines in their midst if they are concerned about noise, light traffic or air pollution. The public needs to be able to understand how the pipelines in their midst work and attributes that impact the potential risk of a failure such as MAOP/MOP, diameter, and inspection history. The public needs to be able to know what specific commodities are flowing through the pipelines in their midst. For those interested in pipeline safety, running into roadblocks that prevent adequate access to information and understanding about the pipelines in their midst only breeds mistrust and frustrates efforts for the public to be a useful partner in pipeline safety. Again, much of this information is available commercially to those with enough money to access it.

Having information available in geospatial format through NPMS is entirely different than the information available to the public through annual and incident reports. We appreciate the degree to which the annual and incident information is readily available from PHMSA in a variety of formats. This information is valuable to the public, and the NPMS geospatial data collection is not duplicative and does not supplant the need for the annual and incident data.

While we have specific comments about the attributes and details of the proposed changes, they pale in comparison to the importance of the public access issues. Withholding this information on NPMS in the name of security or the sensitivity of the business information is simply doing the average member of the public a huge disservice and provides only the illusion of any additional security, as many aspects of the information being collected are available in other published sources, although frequently difficult to find, or available commercially for a price. Keeping the information out of the public side of the NPMS is simply keeping the information in the hands of only people with the money or time and wherewithal to dig it up from the sources where it is already available. The best way to ensure safe pipelines is <u>not</u> to maintain a two- or three-tiered system with varying security access. The best way to ensure safe pipelines – next to responsible operators and strong and robust federal enforcement and oversight of state regulation – is by maintaining an informed and involved public. The public has the most at risk, and they are the ones that will use the data in an informed manner to help the operators and PHMSA be accountable to the regulations. Contrary to a security risk, allowing public access will do just the opposite and enhance public safety. Citizens need information to assist PHMSA in holding operators accountable to the rules and regulations, and to encourage their community first responders to know the risks of pipelines around them.

Local government officials receive information from pipeline operators from operators'

normal outreach efforts, typically through private contractors. Often these materials ask local officials to indicate local sensitive sites without any context of what is already by law included in an HCA designation, what the operators are already aware of, or what is currently already mapped. Nor is there any requirement that the private contractor will in turn submit the information from the local government official back to NPMS or even to the operator. Why should an official waste their time in indicating, for example, a drinking water source that is already mapped, or of which PHMSA and the operator are already aware? Why would they do it at all when it may never get into the hands of PHMSA and the NPMS? Wouldn't this type of request be more appropriate as a request to verify information already available and accessible in an NPMS viewer? And how would the local government official know about the context of the pipelines in their midst if the relevant information is not available to them on NPMS?

The National Transportation Safety Board too has called for greater transparency of information. The NTSB recommendation P-11-08 to PHMSA specifically states: "Require operators of natural gas transmission and distribution pipelines and hazardous liquid pipelines to provide system-specific information about their pipeline systems to the emergency response agencies of the communities and jurisdictions in which those pipelines are located. This information should include pipe diameter, operating pressure, product transported, and potential impact radius." <u>And yet contrary to this recommendation, PHMSA is proposing to keep some of this information restricted to an SSI status that will not be available even to local government officials.</u>

Other NTSB recommendations also bear mention: NTSB recommendation P-14-01 to PHMSA states that principal arterial roadways should be identified on the NPMS system; NTSB recommendation P-11-18 to PHMSA suggests that if operators have complete and accurate information (as they should), it should not be a burden to pass that information on to NPMS.

In addition to what PHMSA articulates about what the NPMS data elements will do, we hope they will also:

- *Provide the public with information about the pipelines nearby, including incident and leakage information; and including size, pressure, commodity, and other attributes such as when they were last tested and inspected, and when the next inspection is due.*
- *Provide the public with other geographic location information relating to the pipelines such as their location within high consequence areas and specific class locations (if relevant), as well as information about the topography, populations centers and the like.*
- *Allow the public to view pipelines across county lines in order to see a regional, state and national view of the infrastructure. Viewing lines only one-county-at-a-time doesn't make any sense, as most of us live, work, and play across county lines.*
- *Include more pipelines than only oil and gas transmission lines and offshore gas gathering lines; all gathering lines should be included.*

Thank you for the opportunity to provide this comment.

Sincerely,

Rebecca Craven
Program Director
Pipeline Safety Trust