



STATE OF WASHINGTON

## UTILITIES AND TRANSPORTATION COMMISSION

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Dec. 31, 2014

Mr. Zach Barrett  
Director, State Programs  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
3700 S. MacArthur Boulevard, Suite B  
Oklahoma City, Oklahoma 73179-7612

**Re: Comments on draft revisions to the “Guidelines for States Participating in the Pipeline Safety Program”**

Dear Mr. Barrett:

I write to express the Washington Utilities and Transportation Commission’s (commission’s) concern about revisions to the Pipeline and Hazardous Materials Safety Administration (PHMSA) “Guidelines for States Participating in the Pipeline Safety Program.” Specifically, I would like to address the proposed change to Appendix B - Interstate Agent Agreement Form and Guidance Policy suggesting that termination of interstate agent agreements for reasons other than the terms outlined under Section I of the agreements.

Currently, Washington is one of 10 states operating under interstate agent agreements, and one of just four with authority over both gas and hazardous materials pipeline inspections.<sup>1</sup> In our view, rescinding our agreement would reduce the overall effectiveness of the pipeline inspection program in Washington because it would:

- *Increase incident response time.* State commission staff are geographically closer to the pipelines being inspected, which allows for more timely responses and more thorough inspections. PHMSA staff, by contrast, are based outside the region in Denver, and would need to build travel time into any incident response.
- *Lose the benefit of “local knowledge.”* State commission staff work regularly with the pipeline operators and are more familiar with the facilities and their operational history.

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<sup>1</sup> In addition to Washington, these include Arizona (gas and hazardous liquids), Connecticut (gas), Iowa (gas), Michigan (gas), Minnesota (gas and hazardous liquids), New York (gas and hazardous liquids), Ohio (gas), Virginia (hazardous liquids), and West Virginia (gas).

- *Affect public trust.* The commission makes a great deal of pipeline information available to the public and works closely with local governments. In a 2010 Washington state survey of local government planning officials by the Pipeline Safety Trust, 25 percent of respondents said they most trusted the commission to provide them accurate information about pipeline risks. Only 4 percent said they most trusted PHMSA to provide them accurate information – a smaller percentage than even the pipelines operators, who were most trusted by 9 percent.

Moreover, terminating the interstate agent agreements would be counter to the initial intent of the Pipeline Safety Improvement Act of 2002, co-sponsored by Senator Patty Murray, to allow qualified states to conduct inspections of interstate as well as intrastate pipelines.

Terminating these agreements for reasons other than violation of the their terms would potentially undermine the cooperative and collaborative approach that has been so successful in Washington for over a decade. As PHMSA's interstate agent, Washington has conducted some 202 safety inspections of interstate facilities, 62 of which have led to some type of enforcement action by PHMSA.

To our knowledge, PHMSA provided no rationale for rescission, yet moving ahead with such action increases risk of delayed response, less thorough inspections, and reduced pipeline construction project oversight. We urge you to reject any plan to terminate PHMSA's interstate agreement with Washington state.

Please contact me at (360) 664-1208 if you have any questions.

Sincerely,



David W. Danner  
Chairman  
Washington Utilities and Transportation Commission

cc: Jeff Weise, Associate Administrator, PHMSA