§ 195.442 Damage prevention program.

(a) Except as provided in paragraph (d) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline and its facilities by:

(b) The operator’s program must specify—

(1) The actions necessary to prevent damage to the pipeline;

(2) The actions necessary to mitigate the consequences of damage to the pipeline;

(3) The actions necessary to restore the pipeline to its original condition; and

(4) The actions necessary to prevent damage to the pipeline by similar causes.

(c) The operator must implement the program in a manner that ensures compliance with all or certain provisions of the recommended practice is practicable and not necessary for safety.

(d) The operator’s program must provide—

(1) The procedures for reporting damage to the pipeline;

(2) The procedures for investigating and responding to damage to the pipeline;

(3) The procedures for preventing damage to the pipeline by similar causes;

(4) The procedures for monitoring and controlling the environment in which the pipeline is located; and

(5) The procedures for addressing the needs of the local community, including the provision of assistance to the community in the event of a pipeline failure.

§ 195.440 Public awareness.

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute’s (API) Recommended Practice (RP) 1162 (incorporated by reference, see §195.3).

(b) The operator’s program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator’s pipeline and facilities.

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

(d) The operator’s program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:

(1) Use of a one-call notification system prior to excavation and other damage prevention activities;

(2) Possible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline facility;

(3) Physical indications that such a release may have occurred;

(4) Steps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release; and

(5) Procedures to report such an event.

(e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.

(f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports hazardous liquid or carbon dioxide.

(g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator’s area.

(h) Operators in existence on June 20, 2005, must have completed their written programs no later than June 20, 2006. Upon request, operators must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

(i) The operator’s program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.

[Amdt. 195–84, 70 FR 28843, May 19, 2005]