Department of Transportation
Pipeline and Hazardous Materials Safety Administration

Technical Pipeline Safety Standards Committee Charter

1) **Purpose**. This charter of the Technical Pipeline Safety Standards Committee is prepared and renewed in accordance with the Federal Advisory Committee Act (FACA) enacted October 6, 1972.

2) **Background.** Section 60115 of Title 49, United States Code, authorizes the establishment and prescribes the duties of the Technical Pipeline Safety Standards Committee. Since its establishment, the Committee has met twice yearly, as required by statute, to review and to report on proposed Federal gas pipeline safety standards submitted to it by the Department of Transportation (DOT).

3) **Sponsor**. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is the Committee sponsor. The Associate Administrator for Pipeline Safety is designated as the Executive Director of the Committee and shall be the DOT official authorized to call or adjourn meetings, approve the agenda, and otherwise monitor the Committee's meetings and progress.

4) **Committee Objectives and Duties.**

   a) The Executive Director shall submit to the Committee for its consideration any notice of proposed gas pipeline safety standards published in the Federal Register (including both new standards and amendments to existing standards). Within 90 days after receipt by the Committee of any such proposal, the Committee shall prepare a report on the technical feasibility, reasonableness, cost-effectiveness, and practicability of the proposal.

   b) Each report by the Committee, including any minority views, shall, if timely made, form a part of the proceedings for the promulgation of the standard and be incorporated in the preamble published with the final rule in the Federal Register. The PHMSA Administrator may prescribe a final standard at any time after the 90th day following a proposal's submission to the Committee, whether or not the Committee has reported on such proposal. The Administrator shall not be bound by conclusions of the Committee, but in the event that the conclusions of the majority of the current members of the Committee are rejected, the reasons for rejection shall also be incorporated in the preamble of the final rule (49 U.S.C. Section 60115).

c) If the proposed gas safety standard is submitted as a Direct Final Rule and is approved by the Committee, minority views will not be treated as adverse comments unless they are submitted to the docket.

d) The Committee may propose safety standards for natural gas pipeline facilities to the Executive Director for consideration. The Committee may review and report on other matters related to DOT's gas pipeline safety rulemaking function as presented by the Executive Director. The Committee may also be requested by the Executive Director to make recommendations concerning policy development.

e) The Committee shall serve as a peer review committee for carrying out 49 U.S.C. Part 601. Peer reviews conducted by the Committee shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after October 12, 1996) as meeting any peer review requirements of such laws.

5) **Membership.** The Committee membership is established by 49 U.S.C. Section 60115.

a) The Committee shall be composed of 15 members, each of whom shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of gas or the operation of pipeline facilities. Members shall be appointed on the basis of their experience in the safety regulation of the transportation of gas and of pipeline facilities, or their training, experience, or knowledge in one or more fields of engineering applied in the transportation of gas or the operation of pipeline facilities to evaluate gas pipeline safety standards as follows:

b) Five members shall be selected from Federal, State, or local government agencies, and two of the five shall be State commissioners selected after consultation with representatives of the national organization of State commissions.

c) Five members shall be selected from the natural gas industry, after consultation with industry representatives, and not less than three of the five shall be currently engaged in the active operation of natural gas pipelines, and at least one of these shall have education, background, or experience in risk assessment and cost-benefit analysis.

d) Five members shall be selected from the general public, including two members who have education, background, or experience in environmental protection or public safety, and at least one of these shall have education, background or experience in risk assessment and cost-benefit analysis. No public member may have a significant interest in the pipeline industry. At least one of the members shall have no financial interests in the pipeline, petroleum, or natural gas industries.

e) Within the statutory limitations, the membership shall be fairly balanced in terms of the points of view represented; the advice and recommendations of the Committee shall be the result of its independent judgment (FACA, section 5(b)(2) and (3)).

f) Members are appointed for a term of three years except that a member may serve until his or her successor is appointed. Members may be reappointed.

g) If a member misses two or more consecutive regularly scheduled meetings of the Committee without good cause, their membership may be terminated at the discretion of the Secretary. If a membership is terminated in this manner, the vacancy may be filled for the unexpired portion of the term.

6) **Appointment of Officers.** At the first meeting of each calendar year, the Executive Director shall appoint a Chairman and Vice Chairman, and the Committee shall, by majority vote of the members present, elect a Secretary.

These three officers, who will serve until their successors are appointed, shall constitute an Executive Committee.

7) **Meetings and Procedures.**

a) ***Calling meetings.*** The Executive Director shall approve in advance the scheduling and agenda of each Committee meeting (FACA, section 10(f)). The Committee may recommend agenda items to the Executive Director. A designated officer or employee of the Federal Government shall attend each Committee meeting, and is authorized to adjourn the meeting whenever he or she determines it to be in the public interest (FACA, section 10(e)).

b) ***Presiding at meetings***. The Chairman shall preside at all meetings of the Committee and of the Executive Committee, except that the Executive Director or his or her delegate may preside whenever the Committee is, at the request of a DOT official, advising DOT on matters other than notices of proposed rulemaking. The Vice Chairman shall assume and perform the duties of the Chairman in the event of his or her absence. A majority of the current members of the Committee must be present at a meeting to perform the Committee's statutory duties.

c) ***Duties of the Committee Secretary***. The Committee Secretary shall, as directed by the Chairman, monitor records, summarize activities, prepare and process letter ballots, and prepare reports for submission to the Executive Director. In the absence of the Secretary, the Chairman appoints a member of the Committee to perform these duties.

d) ***Notices of meetings***. Notice of each Committee meeting shall be published in the Federal Register at least 15 calendar days in advance of the meeting, except in emergency situations. Other forms of notice are to be used to the extent practicable (FACA, section 10(a)(2)).

e) ***Frequency of committee meetings.*** The Committee generally meets at least twice each calendar year. In addition, Committee members may be polled or asked for comments on notices of proposed rulemaking or other matters at any time without formally assembling at one place.

f) ***Public participation.*** Each Committee meeting shall be open to the public except where the Executive Director determines in writing that the meeting, or a portion thereof, shall be closed for one of the reasons specified in 5 U.S.C. 552b (FACA, section 10(a)(1) and (d)). Public participation in the meeting may be limited by reasonable rules (FACA, section 10(a)(3)).

g) ***Minutes***. Minutes of each Committee meeting shall be kept and certified to by the Committee Chairman. The minutes shall contain a record of the persons participating, a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee (FACA, section 10(c)).

h) ***Availability of records.*** The records, reports, minutes, and other documents of the Committee shall be available for public inspection and copying at the Office of Pipeline Safety, 1200 New Jersey Avenue, SE., Washington, D.C. 20590, subject to the Freedom of Information Act, 5 U.S.C. 552 (FACA, section 10(b)).

8) **Compensation.** Members of the Committee shall not be compensated. However, all members, while away from their homes or regular places of business, shall be allowed travel expenses, including per diem in lieu of subsistence.

9) **Duration of the Committee.** Under the provisions of the Section 60115 of Title 49 United States Code, the Committee's purposes are continuing in nature; therefore, the Committee has an indefinite duration. The Committee itself must be renewed at successive two-year intervals by the appropriate action of the Secretary (FACA, section 14(c)).

10) **Administrative Support.** The Executive Director is responsible for providing office space, equipment, supplies, clerical help, and other administrative and financial support for the Committee.

11) **Annual Operating Cost.** Estimated annual operating cost is approximately $25,000 for travel and recording the proceedings, plus about one-eighth person-year of staff support. This amount also covers limited conference management support for Committee meetings being provided by a contractor.

12) **Public Interest**. The formation and use of the Technical Pipeline Safety Standards Committee is determined to be in the public interest in connection with the performance of duties imposed on DOT by law.

13) **Filing Date.** The effective date is 9/15/08, which will expire two years from that date unless terminated sooner.