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Public Awareness Regulations

- Final Rule in May 2005 (Docket 15852)
  - Incorporated by reference the guidelines in API RP 1162, Public Awareness Programs for Pipeline Operators, 1st Edition
    - 192.616 for Natural Gas Pipelines
    - 195.440 for Hazardous Liquids Pipelines
### 8.5 SUMMARY OF BASELINE EVALUATION PROGRAM

**Table 8-1—Summary of Baseline Evaluation Program**

The results of the evaluation need to be considered and revisions/updates made in the public awareness program plan, implementation, materials, frequency and/or messages accordingly.

<table>
<thead>
<tr>
<th>Evaluation Approaches</th>
<th>Evaluation Techniques</th>
<th>Recommended Frequency</th>
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<tbody>
<tr>
<td>Self Assessment of Implementation</td>
<td>Internal review, or third-party assessment or regulatory inspection</td>
<td>Annually</td>
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<tr>
<td>Pre-Test Effectiveness of Materials</td>
<td>Focus groups (in-house or external participants)</td>
<td>Upon design or major redesign of public awareness materials or messages</td>
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<td>Evaluation of effectiveness of program implementation:</td>
<td>1. Survey: Can assess outreach efforts, audience knowledge and changes in behavior</td>
<td>No more than four years apart.</td>
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<td></td>
<td>• Operator-designed and conducted survey, or</td>
<td>Operator should consider more frequent as a supplement or upon major redesign of program.</td>
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<td>• Use of pre-designed survey by third-party or industry association, or</td>
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<td></td>
<td>• Trade association conducted survey segmented by operator, state or other relevant separation to allow application of results to each operator.</td>
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<td></td>
<td>2. Assess notifications and incidents to determine anecdotal changes in behavior.</td>
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<td>3. Documented records and industry comparisons of incidents to evaluate bottom-line results.</td>
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<tr>
<td>Implement changes to the Public Awareness Program as assessment methods above suggest.</td>
<td>Responsible person as designated in written Public Awareness Program</td>
<td>As required by findings of evaluations.</td>
</tr>
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From API 1162, 1st Edition

**June 2010:** Operators’ Initial Four-Year Evaluations of Effectiveness Due
Chronology & Background Timeline

- **Dec 2003**: API RP 1162 1st edition finalized
- **May 2005**: Public Awareness Final Rule Published
- **June 2006**: Operators complete written program
  - Advisory Bulletin: Operators to submit written program to Clearinghouse

**4 yr Implementation Cycle**

- **June 2010**: Operators complete 1st program effectiveness evaluation
- **PHMSA/NAPSR Public Awareness Workshop**
- **PHMSA/States initiate operator effectiveness inspections fall of 2010 (2 year process)**
National Transportation Safety Board Recommendation

NTSB Accident Report NTSB/PAR-09/01:

PHMSA is to –

“Initiate a program to evaluate pipeline operators’ public education programs, including pipeline operators’ self-evaluations of their public education programs. Provide the NTSB with a timeline for implementation and completion of this evaluation. (P-09-03)”
Public Awareness Inspections

• Ongoing inspections since 2006, starting with Clearinghouse review

• Focus has been on:
  – Did the operator have a written program?
  – Was it tailored to specific pipeline assets?
  – Was the program being implemented?

• June 2010: Operators’ initial four-year evaluation of effectiveness due
Public Awareness Effectiveness Inspection Focus

- Ad Hoc Team worked to develop inspection forms and guidance

- Focus on program effectiveness evaluations:
  If/How operator evaluated their program for effectiveness? What were the evaluation results or findings?
  What improvements were identified? Implemented?

- May verify operator implemented according to their written program or probe deeper

- Emphasis placed on continuous improvement

- From initial inspections conducted (~ 2 days each)

- Public Awareness Effectiveness inspections from 2010 - 2012
Inspection Sections

1. Administration and Development of PAP
2. Program Implementation
3. Program Evaluation (Annual Audits)
4. Program Evaluation (Results)
5. Inspection Results
Inspection Format

1. Administration and Development of Public Awareness Program

Step 1: Define Program Objectives
Step 2: Obtain Management Commitment and Support
Step 3: Identify Program Administration
Step 4: Identify Pipeline Assets to be Included within the Program
Step 5: Identify the Four Stakeholder Audiences
Step 6: Determine Message Type and Content for Each Audience
2. **Program Implementation**

Step 7: Establish Baseline Delivery Frequency for Each Message

Step 8: Establish Delivery Methods to Use for Each Message

Step 9: Assess Considerations for Supplemental Program Enhancements

Step 10: Implement Program and Track Progress
3. Program Evaluation (Annual Audits)
4. Program Evaluation (Effectiveness)

Step 11: Perform Program Evaluation
Step 12: Implement Continuous Improvement
5. **Inspection Results**

Summary

Findings
Initial Inspection Observations

“How effective is your public awareness program?”

- Operators collected effectiveness evaluation data
  - Survey/assessment data is not = completing the effectiveness evaluation
  - Any findings or conclusions related to effectiveness?
  - Changes identified?
  - Can operator describe methodology used?
Initial Inspection Observations

- Many operators used third party contractors
  - Direct mailings, public meetings, evaluations, advertising, television, radio adds
  - Customize to meet operator needs
  - Important to stay engaged with QA/QC & oversight:
    - Mailing list accuracy (direct mailings/print ads)
    - New developments
    - Returned or undeliverable mailing follow-up
    - Understand your requirements

Operators (not contractors) are responsible for PAP Compliance
Initial Inspection Observations

- Stakeholder list identification (SIC codes, geo-coding, address lists, shape files, street databases)
- Some operators had proof of mailings sent out
- Specific and generic messages used
- Generic messages may lead to confusion
- Acceptable if:
  - Baseline requirements still met (each stakeholder audience)
  - Specific to operator’s pipeline system/unique attributes (i.e. odorized line?)
  - Specifies the type of products
Initial Inspection Observations

- Public meetings, operator presence (yes & no)
- Sample sizes and % limits defined by the operator
  - Not prescribed by regulator
  - Be able to explain methodology to support data/results
- Non-English speaking language considerations across the board
  - Data/Analysis to support decisions
  - Census data, county courthouse records, school records, hospital records, field personnel, focus groups
Initial Inspection Observations

- Three annual audit methods used (internal self-assessments, third party audits, regulatory inspections)
- Annual audit & effectiveness evaluation (year 4); documented?
- Evaluation feedback:
  - Phone/online surveys/questionnaires
  - One-call center data
  - Response cards
  - Website hits
- Documentation/justification not always there
  - PAP changes, annual audits, methodologies
  - Key changes and recommendations
Good Practices Observed

- Creative outreach approaches:
  - National 811 campaigns
  - Children campaigns (videos, radio clips, contests)
  - Website development
  - Email messages
  - Magazine ads
- Collecting baseline data since 2006, understand trends
- Public meeting tracking attendance since 2006 and following up with those who did not
- Some operators use management system to schedule and document program activities
Good Practices Observed

- Numerous supplemental activities:
  - Tracking excavators who hit line or dig without one-call ticket
  - More frequent mailings to stakeholders
  - Messages in multiple languages
    - Website
    - Posters
    - Emergency # translates to other languages (Spanish, French, Japanese, Russian, Korean, Arabic, etc)
- 24 hour public awareness phone #
- Participate with Emergency Response (ER) officials in emergency exercises and drills
Looking Ahead

• Inspection activities:
  • Ramping up inspections—PHMSA to complete by 12-31-2012
  • Inspection form/guidance is finalized
  • Training schedule has been finalized for Federal/State inspectors
  • FAQs published April, 2011
  • Information on Stakeholder Communications website

• Operators:
  • Evaluated program for effectiveness (data, results, findings)
  • Lessons learned (changes needed?)
  • Implementing changes? What’s the plan?
API RP 1162 2nd Edition

• API published RP 1162 2nd Edition

• Operator is still required to comply with the 1st edition incorporated in the regulations

• If PHMSA determines that the revision is appropriate to incorporate into regulation, may incorporate into rule at later date
Considerations

- Public Awareness vs. Public Education
- The word *educate* implies a one-way action
- The word *awareness* implies a two-way action
  - The recipient not only received the information but perceives, has knowledge of, understands, or is otherwise cognizant of the information being presented
  - The information is provided, the recipient gives feedback
- The significance of this word change cannot be overlooked or downplayed
- The current rules now require a pipeline operator to
  1. provide information to stakeholder audiences, and
  2. to measure if and how well the stakeholder audiences grasped the information.
Considerations

- Outreach levels (one size does not fit all)
  - PHMSA will not set outreach levels or percentages for desired messages
  - Rather operators explain how they derived at the percentage limits and how they addressed their program to fill gaps

- “Must”, “May”, “Should”
  - “Must” – means an action is mandatory
  - “May” – means an action is permitted or authorized but not required
  - “Should” – When PHMSA incorporated, by reference, API RP 1162 (1st edition) into the pipeline safety regulations, the word “should” changed from meaning a recommendation to meaning a requirement for regulated pipeline systems
Considerations

• “Should” – means an action is required unless and operator provides justification

To be valid the justification must:

- be written,
- be based on a sound engineering and/or safety analysis,
- adequately explain why compliance with the action is not practicable for the specific pipeline system,
- adequately explain why compliance with the action is not necessary for safety on that specific pipeline system, and
- provide a level of safety equal to, or greater than, that which would be provided had the operator followed the action

• This is consistent with numerous regulatory interpretations PHMSA has issued since 1970. Operators still have due process, if needed
Considerations

• The intent of the regulation is that messages should provide “enough information so that in the event of a pipeline emergency, the intended audience will know how to identify a potential hazard, protect themselves, notify emergency response personnel, and notify the pipeline operator” (API RP 1162, Section 4)

• Generic messages do not meet the intent of the PAP regulations because they do not necessarily provide “awareness”

• Message content must be pipeline system and product specific
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Useful Links

• PHMSA Website:  
  http://www.phmsa.dot.gov

• Federal Regulations:  
  http://www.gpoaccess.gov/cfr

• Stakeholder Communications:  
  http://primis.phmsa.dot.gov/comm/

• National Pipeline Mapping System (NPMS):  
  www.npms.phmsa.dot.gov

• Grant Information:  www.grants.gov

• State Damage Prevention Grants:  
  http://primis.phmsa.dot.gov/sdp/

• Technical Assistance Grants (TAG):  
  http://www.phmsa.dot.gov