

Pipeline Safety Technical Assistance Grants to Communities

Key Message: PHMSA established criteria and competitive procedures to award grants under the Technical Assistance Grants (TAG) program, approved in 49 U.S.C. 60130 and section 5 of the Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act of 2006.

Background: On November 6, 2008, PHMSA published a Notice (73 FR 66098) announcing the TAG grant criteria. Attached is a copy of the notice or you may read it on the e-docket at <http://edocket.access.gpo.gov/2008/pdf/E8-26506.pdf>. Note: In the summary, the reference to section 2(e) of the PIPES Act should be corrected to read section 5 of the PIPES Act.

Under the law, the Secretary of Transportation is authorized to make grants to local communities and organizations for pipeline safety technical assistance. The grants will allow communities and groups of individuals (not including for-profit entities) to gain funding for technical support in the form of engineering and other scientific analysis of pipeline safety issues and to promote public participation in official proceedings. Communities are defined as cities, towns, villages, counties, parishes, townships, and similar governmental subdivisions, or consortiums of such subdivisions. A nongovernmental group is eligible for a grant under the TAG program if its members are affected or potentially affected individuals who are, or are willing to become, incorporated as a non-profit organization in the state where they are located. By law, the amount of any grant may not exceed \$50,000 for a single grant recipient and the funds authorized for these grants may not be derived from user fees collected under 49 U.S.C. 60301. Although the 2002 Act authorized \$1,000,000 for grant awards under the TAG program, to date, no funds have been appropriated.

Competitive Procedures for Awarding Technical Assistance Grants

Subject to appropriations, PHMSA will post notice on Grants.gov of the application deadline and selection criteria for TAG program grants. PHMSA will use a committee of stakeholder representatives to assist in reviewing and evaluating applications.

TAG Criteria

PHMSA has developed TAG evaluation criteria to rate and select proposals. These criteria will identify projects that target high-risk areas; offer well-defined plans; foster open communication with a local community or affected pipeline operators; and produce results that are measurable and transferable to other communities or technology development. The criteria follow:

1. The extent to which the Applicant's project scope is focused on areas where a pipeline failure could pose a significant risk to people or to unusually sensitive environmental areas;
2. The extent to which the proposed project scope demonstrates an understanding of the specific concern the Applicant wishes to address, as well as the range of risks affected pipelines pose to the affected geographic area and the risks the community poses to the pipelines;
3. The extent to which the proposal demonstrates the Applicant's experience with and commitment to open communication with affected operators and to partnerships with other key members of the community;
4. The extent to which the Applicant's project is designed to improve performance and safety over time in areas such as engineering, damage prevention, land use, public education, emergency response, and community awareness;

5. The extent to which the Applicant's project plan establishes clear goals, objectives, milestones, and estimates of project costs;
6. The extent to which the Applicant has a plan for evaluating and disseminating results; and
7. The extent to which the Applicant's project scope provides the potential for learning or technology transfer to other groups and communities.

Demonstration Grants – Three Pilots

Section 5 of the PIPES Act requires the first three Technical Assistance Grants to be demonstration grants in amounts not to exceed \$25,000 each. These demonstration grants will be funded out of general funds and will target a specific community information project under the Pipelines and Informed Planning Alliance (PIPA). More information on PIPA can be found on PHMSA's website at <http://primis.phmsa.dot.gov/comm/PIPA.htm?nocache=458>.

PHMSA is working closely with the PIPA Steering Committee to identify communities interested in participating in the demonstration grants phase of the TAG program. The Steering Committee has endorsed the use of test draft recommended practices currently being developed by the PIPES task teams. Although we anticipate awarding the three \$25,000 grants designated for demonstration projects under PIPES Act section 5, we expect this amount to cover only a portion of the draft PIPA recommended practices.

In keeping with the demonstration project scope, PHMSA intends to streamline the rating process. Because we are limiting the demonstration grants to a specific community information project, we will not use the grants.gov system for applications or the full range of TAG evaluation criteria discussed above in selecting the three demonstration grant recipients. Instead, PHMSA, in consultation with the PIPA Steering Committee, will select the three pilot communities based on the Applicant's interest in pilot testing draft PIPA best practices.

Each demonstration grant recipient will provide a report to PHMSA demonstrating completion of the work as outlined in the grant agreement. Further, each recipient of a grant under Section 5 must ensure that: (1) the technical findings made possible by the grants are made available to the relevant operators; and (2) open communication is maintained between the grant recipients, local operators, local communities and other interested parties.

In preparation for the demonstration projects, PHMSA and the PIPA Steering Committee have identified several potential projects we may ask communities to investigate, including:

- conducting an annual review with pipeline operators having facilities within the community;
- mapping pipelines, abandoned pipelines and Consultation Zones in a geographic information system (GIS);
- drafting a model ordinance and reviewing one or more of the proposed PIPA best practices for legal issues associated with incorporating the best practices into law;
- developing educational material for local governments to distribute to developers, landowners and operators about Consultation Zones; or
- performing Consultation Zone discussions for several developments now being planned that are in close proximity to a transmission pipeline. PHMSA plans to begin considering specific project proposals during the first quarter of fiscal year 2009 and to announce the award of demonstration grants during the second quarter of fiscal year 2009.