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Carl Weimer • Ron Schmitt Duane Henderson
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State of Washington Citizens Committee on Pipeline Safety

PO Box 47250 Olympia, WA 98504-7250 • www.utc.wa.gov/pipeline/ccops

November 18, 2009

Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, D.C. 20590

Dear Secretary LaHood:

RE: Request for Waiving the 3 year Average Requirement Due to Extreme Economic Crisis PIPES Act of 2006, 49 USC sec 60107(b) –“Maintenance of Effort Clause”

The Washington State Citizens Committee on Pipeline Safety is a Governor-appointed citizen's committee, formed by an Act of the Washington State legislature following the Bellingham pipeline tragedy in 1999. The Committee's function is to advise on all matters related to hazardous materials pipeline safety.

We have become aware of the recent PIPES Act of 2006 and support the goals of national pipeline over-sight. Consistency and accountability will provide greatly for the public good. The increase in PHMSA's Pipeline Safety Grants to the states pipeline safety programs is both desirable and commendable, however the Maintenance Clause is untenable in this current economic crisis.

We believe that the goal of the PIPES Act was to strengthen pipeline safety nationwide, and we would ask you to waive this clause, either in whole or suspend its requirement, until the economic crisis is abated. This would allow the states to shelter recent gains in pipeline safety, while waiting out the storm.

Made up of state, industry and civilian members, this Committee takes very seriously its charge to provide advice on all matters regarding the safety of hazardous material pipelines to our elected and appointed Officials.

As a Governor appointed safety committee, we look forward to your reply within 60 days, per the Pipeline Safety Improvement Act of 2002.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Archey". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Bob Archey
Chairman

cc: Senators Patty Murray and Maria Cantwell
Representatives Jay Inslee, Richard Larsen, Richard Hastings, Cathy McMorris Rodgers,
James McDermott, David Reichert, Adam Smith and Brian Baird
Jeffrey D. Wiese, Associate Administrator, PHMSA