



June 16, 2025

**Submitted via [www.regulations.gov](http://www.regulations.gov)**

Ms. Jill Laptosky  
U.S. Department of Transportation  
Office of Regulation and Legislation  
Office of the General Counsel  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Re: Comments on Administrative Rulemaking, Guidance, and Enforcement Procedures  
Docket No. DOT-OST-2025-0007**

Dear Ms. Laptosky:

The GPA Midstream Association (GPA or the Association) respectfully submits these comments in response to the U.S. Department of Transportation's (DOT) "Administrative Rulemaking, Guidance, and Enforcement Procedures" Notice of Proposed Rulemaking (the NPRM).<sup>1</sup> GPA has served the U.S. energy industry since 1921. GPA Midstream is composed of over 50 corporate members that directly employ over 57,000 employees that are engaged in the gathering, transportation, processing, treating, storage and marketing of natural gas, natural gas liquids (NGLs), crude oil, and refined products, commonly referred to in the industry as "midstream activities." In 2023, GPA Midstream members operated over 500,000 miles of pipelines, gathered over 91 Bcf/d of natural gas, and produced over 5.3 million barrels/day of NGLs from over 365 natural gas processing facilities. GPA members are regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

GPA supports DOT's efforts to recodify and clarify the Part 5 regulations. This effort is necessary to maintain clear direction when developing rulemakings and guidance documents and initiating and conducting enforcement actions. These proposed regulations will improve transparency, provide for consistency across DOT operating administrations, and strengthen the quality of DOT enforcement proceedings. GPA also supports PHMSA's revised policy to protect due process rights of parties subject to enforcement actions.<sup>2</sup>

Specifically, GPA supports a requirement to make guidance documents publicly available in a centralized location,<sup>3</sup> a defined process for stakeholders to seek rescission or withdrawal of guidance documents,<sup>4</sup> a requirement that all DOT enforcement actions must be founded on statutory authority,<sup>5</sup> and a recognition that agency attorneys provide "a fair and impartial process" at each stage of an enforcement action.<sup>6</sup> GPA also supports DOT's proposal to allow stakeholders to seek a retrospective review of an existing rule<sup>7</sup> and to conduct

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<sup>1</sup> Administrative Rulemaking, Guidance, and Enforcement Procedures, 94 Fed. Reg. 20,956 (May 16, 2025).

<sup>2</sup> "Revised Policies for Determining the Contents of the Case File in Pipeline Safety Enforcement Proceedings," (May 29, 2025)

<sup>3</sup> Proposed 49 C.F.R. § 5.31.

<sup>4</sup> Proposed 49 C.F.R. § 5.43.

<sup>5</sup> Proposed 49 C.F.R. § 5.65.

<sup>6</sup> Proposed 49 C.F.R. § 5.55.

<sup>7</sup> Proposed 49 C.F.R. § 5.13(c)(iii).



5-year cyclical reviews of economically significant rules.<sup>8</sup> Many of PHMSA's rules were codified decades ago. It will be useful to occasionally conduct retrospective reviews on certain rules now that the agency has decades of data on the benefits of implementation and accuracy of estimated compliance burdens.<sup>9</sup>

GPA also supports proposed section 5.95 (Initiation of additional investigations). It is not uncommon for PHMSA inspectors to commence multiple parallel inspections of the same pipeline assets. This type of approach unnecessarily consumes resources both for the operator and the agency. Completing one investigation of a party prior to commencing another one (absent an accident or new complaint) is a commonsense change to DOT's enforcement rules.

Finally, in proposed section 5.99 (Settlements), DOT proposes to codify a framework for the DOT modes to engage in settlement proceedings. While GPA understands and supports the notion that a DOT consent agreement must be a public document, GPA requests that the Office of General Counsel consider codifying confidentiality protections of redlined drafts of consent agreements. Without such protections, regulated entities may be less likely to engage in settlement.

GPA appreciates the opportunity to provide comments on these important improvements to DOT regulations. We look forward to working collaboratively with DOT and PHMSA to support the Administration's goals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart Saulters". The signature is stylized with a large, sweeping initial "S" and a long, horizontal line extending to the right.

Stuart Saulters  
Vice President, Federal Affairs  
GPA Midstream Association

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<sup>8</sup> Proposed 49 C.F.R. § 5.13(d).

<sup>9</sup> GPA notes that, on June 4, 2025, PHMSA issued an advance notice of proposed rulemaking requesting comments on whether any of the requirements in the federal pipeline safety regulations should be repealed or amended in order to eliminate undue burdens on the identification, development or use of domestic energy resources and to improve government efficiency. Pipeline Safety: Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency, 90 Fed. Reg. 23,660 (June 4, 2025). GPA supports PHMSA's initiation of this comprehensive regulatory review.