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## Memorandum

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director  
Brenda Salter, Assistant Director  
Jimmy Betham, Senior Pipeline Safety Engineer  
Connie Hendricks, Program Specialist I

**Date:** February 19, 2026

**Re:** **Docket No. 26-R409-01, Proposed Change to Public Service Commission Rule R746-409-1**

## Recommendation (Approve)

The Division of Public Utilities (Division) recommends the Public Service Commission (PSC or Commission) update its rule concerning pipeline safety to incorporate by reference the most recent version of the applicable federal rules. The date of September 1, 2023, in Utah Administrative Code R746-409-1.B should be updated to September 1, 2025.

## Discussion

Federal guidelines for states participating in the Federal Pipeline Safety Grant program require that those states update their rules regarding federal regulations periodically to adopt amendments that have been added to the regulations after the date currently shown in PSC Rules. Changes to Part 190 and 192 are summarized below, while an Amendment Summary Table is also provided.



Division of Public Utilities

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### **Amendments to Part 190**

While federal agencies are required to adjust civil penalty amounts annually, the Commission cannot impose a penalty greater than our statute allows as stated in PSC Rule 746-409-1 (B) (1), as Part 190.223 is superseded by Utah Code Section 54-13-8.

Utah Code Section 54-13-8 sets the civil penalty for the state of not more than \$100,000 for each violation for each day the violation persists, and a maximum penalty may not exceed \$1,000,000 for any related series of violations.

Part 190.223(a) of the Code of Federal Regulations (CFR) Title 49 currently sets the federal administrative civil penalty at a maximum of \$272,926 for each violation per day the violation continues, with a maximum administrative civil penalty not to exceed \$2,792,245 for any related series of violations. For a state to qualify for certification with PHMSA, each state agency must have, at a minimum, its civil penalty amounts of \$100,000 per day up to a maximum of \$1,000,000 for a related series of violations, which the state code provides.

### **Amendments to Part 192**

PHMSA amendments to Part 192 are periodic updates of regulatory references to technical standards, additional technical corrections, or technical correcting amendments.

During the period of September 1, 2023, to September 1, 2025, no amendments were made to Parts 193, 198, or 199.

### **Conclusion**

The Pipeline Safety section of the Division found the changes itemized in the Amendment Summary Table will not result in significant costs to operators to remain in compliance with federal and state code.

See the attached Amendment Summary Table:

Amendment Summary to CFR 49, Parts 190, 191, 192, 193, 198, and 199 From September 1, 2023, to September 1, 2025						
Part	Amendment Number	FR CITE	Published Date	Effective Date	Paragraph Impacted	In Reference To:
<b>190</b>	No number	88 FR 89551	12/28/23	12/28/23	190.223	Revisions to Civil Penalty Amounts
	No number	89 FR 10628 2	12/30/24	12/30/24	190.223	Revision to Civil Penalty Amounts, 2025
<a href="https://www.phmsa.dot.gov/regulations/federal-register-documents/2023-28066">https://www.phmsa.dot.gov/regulations/federal-register-documents/2023-28066</a>						
<a href="https://www.phmsa.dot.gov/regulations/federal-register-documents/2024-30608">https://www.phmsa.dot.gov/regulations/federal-register-documents/2024-30608</a>						
<b>191</b>	34	90 FR 21434	05/20/25	05/20/25	191.1	Pipeline Safety: Editorial Change To Reflect the Name Change of the Gulf of Mexico to the Gulf of America
<a href="https://www.phmsa.dot.gov/regulations/federal-register-documents/2025-08988">https://www.phmsa.dot.gov/regulations/federal-register-documents/2025-08988</a>						
<b>192</b>	135	88 FR 33264	04/29/24	06/28/24	192.3, .7, .11, .13, .112, .113, .121, .145, .147, .153, .163, .225, .279, .714, .727, .903, .907, .911, .917, .921, .923, .925, .927, .933, .935, .937, .939	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments
	136	89 FR 53880	06/28/24	06/28/24	162.617, .635	Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards: Response to Petition for Reconsideration; Additional Technical Corrections
	137	89 FR 53877	06/28/24	06/28/24	192.121	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and

					Miscellaneous Amendments; Technical Correction
137	89 FR 53877	07/01/25	07/01/25	192.7, .714, .933	Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments; Additional Technical Amendments; Response to Petition for Reconsideration
138	90 FR 3713	01/15/25	01/15/25	192.9, .478, .714, .927, .933	Pipeline Safety: Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments: Corrections To Conform to Judicial Review
139	90 FR 21434	05/20/25	05/20/25	192.1, .3, .319, .327, .612	Pipeline Safety: Editorial Change To Reflect the Name Change of the Gulf of Mexico to the Gulf of America

<https://www.phmsa.dot.gov/regulations/federal-register-documents/2024-08624>  
<https://www.phmsa.dot.gov/regulations/federal-register-documents/2024-14116>  
<https://www.phmsa.dot.gov/regulations/federal-register-documents/2024-14115>  
<https://www.phmsa.dot.gov/regulations/federal-register-documents/2024-14115>  
<https://www.phmsa.dot.gov/regulations/federal-register-documents/2025-00073>  
<https://www.phmsa.dot.gov/regulations/federal-register-documents/2025-08988>