

104TH CONGRESS  
2D SESSION

# S. 1505

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## AN ACT

To reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Accountable Pipeline  
5       Safety and Partnership Act of 1996”.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise expressly provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion, the reference shall be considered to be made to a  
6 section or other provision of title 49, United States Code.

7 **SEC. 3. DEFINITIONS.**

8 (a) IN GENERAL.—Section 60101(a) is amended—

9 (1) by striking the periods at the end of para-  
10 graphs (1) through (22) and inserting semicolons;

11 (2) by striking paragraph (21)(B) and inserting  
12 the following:

13 “(B) does not include the gathering of gas,  
14 other than gathering through regulated gather-  
15 ing lines, in those rural locations that are lo-  
16 cated outside the limits of any incorporated or  
17 unincorporated city, town, or village, or any  
18 other designated residential or commercial area  
19 (including a subdivision, business, shopping  
20 center, or community development) or any simi-  
21 lar populated area that the Secretary of Trans-  
22 portation determines to be a nonrural area, ex-  
23 cept that the term ‘transporting gas’ includes  
24 the movement of gas through regulated gather-  
25 ing lines;”;

26 (3) by adding at the end the following:

1           “(23) ‘risk management’ means the systematic  
 2           application, by the owner or operator of a pipeline  
 3           facility, of management policies, procedures, finite  
 4           resources, and practices to the tasks of identifying,  
 5           analyzing, assessing, reducing, and controlling risk  
 6           in order to protect employees, the general public, the  
 7           environment, and pipeline facilities;

8           “(24) ‘risk management plan’ means a manage-  
 9           ment plan utilized by a gas or hazardous liquid pipe-  
 10          line facility owner or operator that encompasses risk  
 11          management; and

12          “(25) ‘Secretary’ means the Secretary of Trans-  
 13          portation.”.

14          (b) GATHERING LINES.—Section 60101(b)(2) is  
 15          amended by inserting “, if appropriate,” after “Secretary”  
 16          the first place it appears.

17       **SEC. 4. GENERAL AUTHORITY.**

18          (a) MINIMUM SAFETY STANDARDS.—Section  
 19          60102(a) is amended—

20               (1) by striking “transporters of gas and hazard-  
 21               ous liquid and to” in paragraph (1)(A);

22               (2) by striking paragraph (1)(C) and inserting  
 23               the following:

24                       “(C) shall include a requirement that all  
 25                       individuals who operate and maintain pipeline

1 facilities shall be qualified to operate and main-  
 2 tain the pipeline facilities.”; and

3 (3) by striking paragraph (2) and inserting the  
 4 following:

5 “(2) The qualifications applicable to an individ-  
 6 ual who operates and maintains a pipeline facility  
 7 shall address the ability to recognize and react ap-  
 8 propriately to abnormal operating conditions that  
 9 may indicate a dangerous situation or a condition  
 10 exceeding design limits. The operator of a pipeline  
 11 facility shall ensure that employees who operate and  
 12 maintain the facility are qualified to operate and  
 13 maintain the pipeline facilities.”.

14 (b) PRACTICABILITY AND SAFETY NEEDS STAND-  
 15 ARDS.—Section 60102(b) is amended to read as follows:

16 “(b) PRACTICABILITY AND SAFETY NEEDS STAND-  
 17 ARDS.—

18 “(1) IN GENERAL.—A standard prescribed  
 19 under subsection (a) shall be—

20 “(A) practicable; and

21 “(B) designed to meet the need for—

22 “(i) gas pipeline safety, or safely  
 23 transporting hazardous liquids, as appro-  
 24 priate; and

25 “(ii) protecting the environment.

1           “(2) FACTORS FOR CONSIDERATION.—When  
2       prescribing any standard under this section or sec-  
3       tion 60101(b), 60103, 60108, 60109, 60110, or  
4       60113, the Secretary shall consider—

5           “(A) relevant available—

6               “(i) gas pipeline safety information;

7               “(ii) hazardous liquid pipeline safety  
8       information; and

9               “(iii) environmental information;

10          “(B) the appropriateness of the standard  
11       for the particular type of pipeline transpor-  
12       tation or facility;

13          “(C) the reasonableness of the standard;

14          “(D) based on a risk assessment, the rea-  
15       sonably identifiable or estimated benefits ex-  
16       pected to result from implementation or compli-  
17       ance with the standard;

18          “(E) based on a risk assessment, the rea-  
19       sonably identifiable or estimated costs expected  
20       to result from implementation or compliance  
21       with the standard;

22          “(F) comments and information received  
23       from the public; and

24          “(G) the comments and recommendations  
25       of the Technical Pipeline Safety Standards

1 Committee, the Technical Hazardous Liquid  
2 Pipeline Safety Standards Committee, or both,  
3 as appropriate.

4 “(3) RISK ASSESSMENT.—In conducting a risk  
5 assessment referred to in subparagraphs (D) and  
6 (E) of paragraph (2), the Secretary shall—

7 “(A) identify the regulatory and non-  
8 regulatory options that the Secretary considered  
9 in prescribing a proposed standard;

10 “(B) identify the costs and benefits associ-  
11 ated with the proposed standard;

12 “(C) include—

13 “(i) an explanation of the reasons for  
14 the selection of the proposed standard in  
15 lieu of the other options identified; and

16 “(ii) with respect to each of those  
17 other options, a brief explanation of the  
18 reasons that the Secretary did not select  
19 the option; and

20 “(D) identify technical data or other infor-  
21 mation upon which the risk assessment infor-  
22 mation and proposed standard is based.

23 “(4) REVIEW.—

24 “(A) IN GENERAL.—The Secretary shall—

1 “(i) submit any risk assessment infor-  
2 mation prepared under paragraph (3) of  
3 this subsection to the Technical Pipeline  
4 Safety Standards Committee, the Tech-  
5 nical Hazardous Liquid Pipeline Safety  
6 Standards Committee, or both, as appro-  
7 priate; and

8 “(ii) make that risk assessment infor-  
9 mation available to the general public.

10 “(B) PEER REVIEW PANELS.—The com-  
11 mittees referred to in subparagraph (A) shall  
12 serve as peer review panels to review risk as-  
13 sessment information prepared under this sec-  
14 tion. Not later than 90 days after receiving risk  
15 assessment information for review pursuant to  
16 subparagraph (A), each committee that receives  
17 that risk assessment information shall prepare  
18 and submit to the Secretary a report that in-  
19 cludes—

20 “(i) an evaluation of the merit of the  
21 data and methods used; and

22 “(ii) any recommended options relat-  
23 ing to that risk assessment information  
24 and the associated standard that the com-  
25 mittee determines to be appropriate.

1           “(C) REVIEW BY SECRETARY.—Not later  
 2           than 90 days after receiving a report submitted  
 3           by a committee under subparagraph (B), the  
 4           Secretary—

5                   “(i) shall review the report;

6                   “(ii) shall provide a written response  
 7                   to the committee that is the author of the  
 8                   report concerning all significant peer re-  
 9                   view comments and recommended alter-  
 10                  natives contained in the report; and

11                  “(iii) may revise the risk assessment  
 12                  and the proposed standard before promul-  
 13                  gating the final standard.

14           “(5) SECRETARIAL DECISIONMAKING.—Except  
 15           where otherwise required by statute, the Secretary  
 16           shall propose or issue a standard under this Chapter  
 17           only upon a reasoned determination that the benefits  
 18           of the intended standard justify its costs.

19           “(6) EXCEPTIONS FROM APPLICATION.—The  
 20           requirements of subparagraphs (D) and (E) of para-  
 21           graph (2) do not apply when—

22                   “(A) the standard is the product of a nego-  
 23                   tiated rulemaking, or other rulemaking includ-  
 24                   ing the adoption of industry standards that re-

1 ceives no significant adverse comment within 60  
2 days of notice in the Federal Register;

3 “(B) based on a recommendation (in which  
4 three-fourths of the members voting concur) by  
5 the Technical Pipeline Safety Standards Com-  
6 mittee, the Technical Hazardous Liquid Pipe-  
7 line Safety Standards Committee, or both, as  
8 applicable, the Secretary waives the require-  
9 ments; or

10 “(C) the Secretary finds, pursuant to sec-  
11 tion 553(b)(3)(B) of title 5, United States  
12 Code, that notice and public procedure are not  
13 required.

14 “(7) REPORT.—Not later than March 31, 2000,  
15 the Secretary shall transmit to the Congress a re-  
16 port that—

17 “(A) describes the implementation of the  
18 risk assessment requirements of this section, in-  
19 cluding the extent to which those requirements  
20 have affected regulatory decisionmaking and  
21 pipeline safety; and

22 “(B) includes any recommendations that  
23 the Secretary determines would make the risk  
24 assessment process conducted pursuant to the  
25 requirements under this chapter a more effec-

1           tive means of assessing the benefits and costs  
 2           associated with alternative regulatory and non-  
 3           regulatory options in prescribing standards  
 4           under the Federal pipeline safety regulatory  
 5           program under this chapter.”.

6           (c) FACILITY OPERATION INFORMATION STAND-  
 7 ARDS.—The first sentence of section 60102(d) is amend-  
 8 ed—

9           (1) by inserting “as required by the standards  
 10          prescribed under this chapter” after “operating the  
 11          facility”;

12          (2) by striking “to provide the information”  
 13          and inserting “to make the information available”;  
 14          and

15          (3) by inserting “as determined by the Sec-  
 16          retary” after “to the Secretary and an appropriate  
 17          State official”.

18          (d) PIPE INVENTORY STANDARDS.—The first sen-  
 19 tence of section 60102(e) is amended—

20          (1) by striking “and, to the extent the Sec-  
 21          retary considers necessary, an operator of a gather-  
 22          ing line that is not a regulated gather line (as de-  
 23          fined under section 60101(b)(2) of this title),”; and

24          (2) by striking “transmission” and inserting  
 25          “transportation”.

1 (e) SMART PIGS.—

2 (1) MINIMUM SAFETY STANDARDS.—Section  
3 60102(f) is amended by striking paragraph (1) and  
4 inserting the following:

5 “(1) MINIMUM SAFETY STANDARDS.—The Sec-  
6 retary shall prescribe minimum safety standards re-  
7 quiring that—

8 “(A) the design and construction of new  
9 natural gas transmission pipeline or hazardous  
10 liquid pipeline facilities, and

11 “(B) when the replacement of existing nat-  
12 ural gas transmission pipeline or hazardous liq-  
13 uid pipeline facilities or equipment is required,  
14 the replacement of such existing facilities be  
15 carried out, to the extent practicable, in a man-  
16 ner so as to accommodate the passage through  
17 such natural gas transmission pipeline or haz-  
18 ardous liquid pipeline facilities of instrumented  
19 internal inspection devices (commonly referred  
20 to as ‘smart pigs’). The Secretary may extend  
21 such standards to require existing natural gas  
22 transmission pipeline or hazardous liquid pipe-  
23 line facilities, whose basic construction would  
24 accommodate an instrumented internal inspec-  
25 tion device to be modified to permit the inspec-

1           tion of such facilities with instrumented inter-  
2           nal inspection devices.”.

3           (2)       PERIODIC       INSPECTIONS.—Section  
4       60102(f)(2) is amended—

5                   (A) by striking “(2) Not later than” and  
6           inserting the following:

7           “(2) PERIODIC INSPECTIONS.—Not later than”;  
8       and

9                   (B) by inserting “, if necessary, addi-  
10       tional” after “the Secretary shall prescribe”.

11       (f)   UPDATING   STANDARDS.—Section   60102   is  
12   amended by adding at the end the following:

13       “(l) UPDATING STANDARDS.—The Secretary shall, to  
14   the extent appropriate and practicable, update incor-  
15   porated industry standards that have been adopted as part  
16   of the Federal pipeline safety regulatory program under  
17   this chapter.”.

18       (g)   MAPPING.—Section 60102(c) is amended by add-  
19   ing at the end thereof the following:

20           “(4) PROMOTING PUBLIC AWARENESS.—

21                   “(A) Not later than one year after the date  
22       of enactment of the Accountable Pipeline Safety  
23       and Accountability Act of 1996, and annually  
24       thereafter, the owner or operator of each inter-  
25       state gas pipeline facility shall provide to the

1 governing body of each municipality in which  
2 the interstate gas pipeline facility is located, a  
3 map identifying the location of such facility.

4 “(B)(i) Not later than June 1, 1998, the  
5 Secretary shall survey and assess the public  
6 education programs under section 60116 and  
7 the public safety programs under section  
8 60102(c) and determine their effectiveness and  
9 applicability as components of a model pro-  
10 gram. In particular, the survey shall include the  
11 methods by which operators notify residents of  
12 the location of the facility and its right of way,  
13 public information regarding existing One-Call  
14 programs, and appropriate procedures to be fol-  
15 lowed by residents of affected municipalities in  
16 the event of accidents involving interstate gas  
17 pipeline facilities.

18 “(ii) Not later than one year after the sur-  
19 vey and assessment are completed, the Sec-  
20 retary shall institute a rulemaking to determine  
21 the most effective public safety and education  
22 program components and promulgate if appro-  
23 priate, standards implementing those compo-  
24 nents on a nationwide basis. In the event that  
25 the Secretary finds that promulgation of such

1 standards are not appropriate, the Secretary  
2 shall report to Congress the reasons for that  
3 finding.”.

4 (h) REMOTE CONTROL.—Section 60102(j) is amend-  
5 ed by adding at the end thereof the following:

6 “(3) REMOTELY CONTROLLED VALVES.—(A)  
7 Not later than June 1, 1998, the Secretary shall  
8 survey and assess the effectiveness of remotely con-  
9 trolled valves to shut off the flow of natural gas in  
10 the event of a rupture of an interstate natural gas  
11 pipeline facility and shall make a determination  
12 about whether the use of remotely controlled valves  
13 is technically and economically feasible and would  
14 reduce risks associated with a rupture of an inter-  
15 state natural gas pipeline facility.

16 “(B) Not later than one year after the survey  
17 and assessment are completed, if the Secretary has  
18 determined that the use of remotely controlled valves  
19 is technically and economically feasible and would  
20 reduce risks associated with a rupture of an inter-  
21 state natural gas pipeline facility, the Secretary shall  
22 prescribe standards under which an operator of an  
23 interstate natural gas pipeline facility must use a re-  
24 motely controlled valve. These standards shall in-

1       clude, but not be limited to, requirements for high-  
2       density population areas.”.

3   **SEC. 5. RISK MANAGEMENT.**

4       (a) IN GENERAL.—Chapter 601 is amended by add-  
5   ing at the end the following:

6   **“§ 60126. Risk management**

7       “(a) RISK MANAGEMENT PROGRAM DEMONSTRA-  
8   TION PROJECTS.—

9               “(1) IN GENERAL.—The Secretary shall estab-  
10   lish risk management demonstration projects—

11               “(A) to demonstrate, through the vol-  
12       untary participation by owners and operators of  
13       gas pipeline facilities and hazardous liquid pipe-  
14       line facilities, the application of risk manage-  
15       ment; and

16               “(B) to evaluate the safety and cost-effec-  
17       tiveness of the program.

18       “(2) EXEMPTIONS.—In carrying out a dem-  
19   onstration project under this subsection, the Sec-  
20   retary, by order—

21               “(A) may exempt an owner or operator of  
22       the pipeline facility covered under the project  
23       (referred to in this subsection as a ‘covered  
24       pipeline facility’), from the applicability of all or  
25       a portion of the requirements under this chap-

1           ter that would otherwise apply to the covered  
2           pipeline facility; and

3                 “(B) shall exempt, for the period of the  
4           project, an owner or operator of the covered  
5           pipeline facility, from the applicability of any  
6           new standard that the Secretary promulgates  
7           under this chapter during the period of that  
8           participation, with respect to the covered facil-  
9           ity.

10          “(b) REQUIREMENTS.—In carrying out a demonstra-  
11   tion project under this section, the Secretary shall—

12                 “(1) invite owners and operators of pipeline fa-  
13           cilities to submit risk management plans for timely  
14           approval by the Secretary;

15                 “(2) require, as a condition of approval, that a  
16           risk management plan submitted under this sub-  
17           section contain measures that are designed to  
18           achieve an equivalent or greater overall level of safe-  
19           ty than would otherwise be achieved through compli-  
20           ance with the standards contained in this chapter or  
21           promulgated by the Secretary under this chapter;

22                 “(3) provide for—

23                         “(A) collaborative government and indus-  
24           try training;

1           “(B) methods to measure the safety per-  
2           formance of risk management plans;

3           “(C) the development and application of  
4           new technologies;

5           “(D) the promotion of community aware-  
6           ness concerning how the overall level of safety  
7           will be maintained or enhanced by the dem-  
8           onstration project;

9           “(E) the development of models that cat-  
10          egorize the risks inherent to each covered pipe-  
11          line facility, taking into consideration the loca-  
12          tion, volume, pressure, and material transported  
13          or stored by that pipeline facility;

14          “(F) the application of risk assessment  
15          and risk management methodologies that are  
16          suitable to the inherent risks that are deter-  
17          mined to exist through the use of models devel-  
18          oped under subparagraph (E);

19          “(G) the development of project elements  
20          that are necessary to ensure that—

21               “(i) the owners and operators that  
22               participate in the demonstration project  
23               demonstrate that they are effectively man-  
24               aging the risks referred to in subparagraph  
25               (E); and

1 “(ii) the risk management plans car-  
2 ried out under the demonstration project  
3 under this subsection can be audited;

4 “(H) a process whereby an owner or opera-  
5 tor of a pipeline facility is able to terminate a  
6 risk management plan or, with the approval of  
7 the Secretary, to amend, modify, or otherwise  
8 adjust a risk management plan referred to in  
9 paragraph (1) that has been approved by the  
10 Secretary pursuant to that paragraph to re-  
11 spond to—

12 “(i) changed circumstances; or

13 “(ii) a determination by the Secretary  
14 that the owner or operator is not achieving  
15 an overall level of safety that is at least  
16 equivalent to the level that would otherwise  
17 be achieved through compliance with the  
18 standards contained in this chapter or pro-  
19 mulgated by the Secretary under this chap-  
20 ter;

21 “(I) such other elements as the Secretary,  
22 with the agreement of the owners and operators  
23 that participate in the demonstration project  
24 under this section, determines to further the  
25 purposes of this section; and

1                   “(J) an opportunity for public comment in  
2                   the approval process; and

3                   “(4) in selecting participants for the dem-  
4                   onstration project, take into consideration the past  
5                   safety and regulatory performance of each applicant  
6                   who submits a risk management plan pursuant to  
7                   paragraph (1).

8                   “(c) EMERGENCIES AND REVOCATIONS.—Nothing in  
9                   this section diminishes or modifies the Secretary’s author-  
10                  ity under this title to act in case of an emergency. The  
11                  Secretary may revoke any exemption granted under this  
12                  section for substantial noncompliance with the terms and  
13                  conditions of an approved risk management plan.

14                  “(d) PARTICIPATION BY STATE AUTHORITY.—In car-  
15                  rying out this section, the Secretary may provide for con-  
16                  sultation by a State that has in effect a certification under  
17                  section 60105. To the extent that a demonstration project  
18                  comprises an intrastate natural gas pipeline or an intra-  
19                  state hazardous liquid pipeline facility, the Secretary may  
20                  make an agreement with the State agency to carry out  
21                  the duties of the Secretary for approval and administra-  
22                  tion of the project.

23                  “(e) REPORT.—Not later than March 31, 2000, the  
24                  Secretary shall transmit to the Congress a report on the

1 results of the demonstration projects carried out under  
 2 this section that includes—

3 “(1) an evaluation of each such demonstration  
 4 project, including an evaluation of the performance  
 5 of each participant in that project with respect to  
 6 safety and environmental protection; and

7 “(2) recommendations concerning whether the  
 8 applications of risk management demonstrated  
 9 under the demonstration project should be incor-  
 10 porated into the Federal pipeline safety program  
 11 under this chapter on a permanent basis.”.

12 (f) CONFORMING AMENDMENT.—The analysis for  
 13 chapter 601 is amended by adding at the end the follow-  
 14 ing:

“60126. Risk management.”.

15 **SEC. 6. INSPECTION AND MAINTENANCE.**

16 Section 60108 is amended—

17 (1) by striking “transporting gas or hazardous  
 18 liquid or” in subsection (a)(1) each place it appears;

19 (2) by striking the second sentence in sub-  
 20 section (b)(2);

21 (3) by striking “NAVIGABLE WATERS” in the  
 22 heading for subsection (c) and inserting “OTHER  
 23 WATERS”; and

24 (4) by striking clause (ii) of subsection  
 25 (c)(2)(A) and inserting the following:

1                   “(ii) any other pipeline facility cross-  
 2                   ing under, over, or through waters where a  
 3                   substantial likelihood of commercial navi-  
 4                   gation exists, if the Secretary decides that  
 5                   the location of the facility in those waters  
 6                   could pose a hazard to navigation or public  
 7                   safety.”.

8   **SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRON-**  
 9                   **MENTALLY SENSITIVE AREAS.**

10       (a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is  
 11       amended by striking “a navigable waterway (as the Sec-  
 12       retary defines by regulation)” and inserting “waters where  
 13       a substantial likelihood of commercial navigation exists”.

14       (b) UNUSUALLY SENSITIVE AREAS.—Section  
 15       60109(b) is amended to read as follows:

16       “(b) AREAS TO BE INCLUDED AS UNUSUALLY SEN-  
 17       SITIVE.—When describing areas that are unusually sen-  
 18       sitive to environmental damage if there is a hazardous liq-  
 19       uid pipeline accident, the Secretary shall consider areas  
 20       where a pipeline rupture would likely cause permanent or  
 21       long-term environmental damage, including—

22               “(1) locations near pipeline rights-of-way that  
 23               are critical to drinking water, including intake loca-  
 24               tions for community water systems and critical sole  
 25               source aquifer protection areas; and

1           “(2) locations near pipeline rights-of-way that  
2           have been identified as critical wetlands, riverine or  
3           estuarine systems, national parks, wilderness areas,  
4           wildlife preservation areas or refuges, wild and sce-  
5           nic rivers, or critical habitat areas for threatened  
6           and endangered species.”.

7 **SEC. 8. EXCESS FLOW VALVES.**

8           Section 60110 is amended—

9           (1) by inserting “, if any,” in the first sentence  
10          of subsection (b)(1) after “circumstances”;

11          (2) by inserting “, operating, and maintaining”  
12          in subsection (b)(4) after “cost of installing”;

13          (3) by inserting “, maintenance, and replace-  
14          ment” in subsection (c)(1)(C) after “installation”;  
15          and

16          (4) by inserting after the first sentence in sub-  
17          section (e) the following: “The Secretary may adopt  
18          industry accepted performance standards in order to  
19          comply with the requirement under the preceding  
20          sentence.”.

21 **SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.**

22           Section 60113 is amended—

23           (1) by striking the caption of subsection (a);  
24           and

25           (2) by striking subsection (b).

1 **SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.**

2 (a) PEER REVIEW.—Section 60115(a) is amended by  
3 adding at the end the following: “The committees referred  
4 to in the preceding sentence shall serve as peer review  
5 committees for carrying out this chapter. Peer reviews  
6 conducted by the committees shall be treated for purposes  
7 of all Federal laws relating to risk assessment and peer  
8 review (including laws that take effect after the date of  
9 the enactment of the Accountable Pipeline Safety and  
10 Partnership Act of 1996) as meeting any peer review re-  
11 quirements of such laws.”.

12 (b) COMPOSITION AND APPOINTMENT.—Section  
13 60115(b) is amended—

14 (1) by inserting “or risk management prin-  
15 ciples” in paragraph (1) before the period at the  
16 end;

17 (2) by inserting “or risk management prin-  
18 ciples” in paragraph (2) before the period at the  
19 end;

20 (3) by striking “4” in paragraph (3)(B) and in-  
21 serting “5”;

22 (4) by striking “6” in paragraph (3)(C) and in-  
23 serting “5”;

24 (5) by adding at the end of paragraph (4)(B)  
25 the following: “At least 1 of the individuals selected  
26 for each committee under paragraph (3)(B) shall

1 have education, background, or experience in risk as-  
2 sessment and cost-benefit analysis. The Secretary  
3 shall consult with the national organizations rep-  
4 resenting the owners and operators of pipeline facili-  
5 ties before selecting individuals under paragraph  
6 (3)(B).”; and

7 (6) by inserting after the first sentence of para-  
8 graph (4)(C) the following: “At least 1 of the indi-  
9 viduals selected for each committee under paragraph  
10 (3)(C) shall have education, background, or experi-  
11 ence in risk assessment and cost-benefit analysis.”.

12 (c) COMMITTEE REPORTS.—Section 60115(c) is  
13 amended—

14 (1) by inserting “including the risk assessment  
15 information and other analyses supporting each pro-  
16 posed standard” before the semicolon in paragraph  
17 (1)(A);

18 (2) by inserting “including the risk assessment  
19 information and other analyses supporting each pro-  
20 posed standard” before the period in paragraph  
21 (1)(B);

22 (3) by inserting “and supporting analyses” be-  
23 fore the first comma in the first sentence of para-  
24 graph (2);

1 (4) by inserting “and submit to the Secretary”  
 2 in the first sentence of paragraph (2) after “pre-  
 3 pare”;

4 (5) by inserting “cost-effectiveness,” in the first  
 5 sentence of paragraph (2) after “reasonableness,”;  
 6 and

7 (6) by inserting “and include in the report rec-  
 8 ommended actions” before the period at the end of  
 9 the first sentence of paragraph (2); and

10 (7) by inserting “any recommended actions  
 11 and” in the second sentence of paragraph (2) after  
 12 “including”.

13 (d) MEETINGS.—Section 60115(e) is amended by  
 14 striking “twice” and inserting “up to 4 times”.

15 (e) EXPENSES.—Section 60115(f) is amended—

16 (1) by striking “PAY AND” in the subsection  
 17 heading;

18 (2) by striking the first 2 sentences; and

19 (3) by inserting “of a committee under this sec-  
 20 tion” after “A member”.

21 **SEC. 11. PUBLIC EDUCATION PROGRAMS.**

22 Section 60116 is amended—

23 (1) by striking “person transporting gas” and  
 24 inserting “owner or operator of a gas pipeline facil-  
 25 ity”;

1           (2) by inserting “the use of a one-call notifica-  
2           tion system prior to excavation,” after “educate the  
3           public on”; and

4           (3) by inserting a comma after “gas leaks”.

5 **SEC. 12. ADMINISTRATIVE.**

6           Section 60117 is amended—

7           (1) by adding at the end of subsection (b) the  
8           following: “The Secretary may require owners and  
9           operators of gathering lines to provide the Secretary  
10          information pertinent to the Secretary’s ability to  
11          make a determination as to whether and to what ex-  
12          tent to regulate gathering lines.”;

13          (2) by adding at the end thereof the following:

14          “(k) **AUTHORITY FOR COOPERATIVE AGREE-**  
15 **MENTS.**—To carry out this chapter, the Secretary may  
16 enter into grants, cooperative agreements, and other  
17 transactions with any person, agency, or instrumentality  
18 of the United States, any unit of State or local govern-  
19 ment, any educational institution, or any other entity to  
20 further the objectives of this chapter. The objectives of  
21 this chapter include the development, improvement, and  
22 promotion of one-call damage prevention programs, re-  
23 search, risk assessment, and mapping.”; and

24          (3) by striking “transporting gas or hazardous  
25          liquid” in subsection (b) and inserting “owning”.

1 **SEC. 13. COMPLIANCE.**

2 (a) Section 60118 (a) is amended—

3 (1) by striking “transporting gas or hazardous  
4 liquid or” in subsection (a); and

5 (2) by striking paragraph (1) and inserting the  
6 following:

7 “(1) comply with applicable safety standards  
8 prescribed under this chapter, except as provided in  
9 this section or in section 60126;”.

10 (b) Section 60118 (b) is amended to read as follows:

11 “(b) COMPLIANCE ORDERS.—The Secretary of  
12 Transportation may issue orders directing compliance  
13 with this chapter, an order under section 60126, or a reg-  
14 ulation prescribed under this chapter. An order shall state  
15 clearly the action a person must take to comply.”.

16 (c) Section 60118(c) is amended by striking “trans-  
17 porting gas or hazardous liquid” and inserting “owning”.

18 **SEC. 14. DAMAGE REPORTING.**

19 Section 60123(d)(2) is amended—

20 (1) by striking “or” at the end of subparagraph  
21 (A);

22 (2) by redesignating subparagraph (B) as sub-  
23 paragraph (C); and

24 (3) by inserting after subparagraph (A) the fol-  
25 lowing:

1                   “(B) a pipeline facility that does not report  
 2                   the damage promptly to the operator of the  
 3                   pipeline facility and to other appropriate au-  
 4                   thorities; or”.

5 **SEC. 15. BIENNIAL REPORTS.**

6           (a) BIENNIAL REPORTS.—

7                   (1) SECTION HEADING.—The section heading of  
 8                   section 60124 is amended to read as follows:

9 **“§ 60124. Biennial reports”.**

10                   (2) REPORTS.—Section 60124(a) is amended  
 11                   by striking the first sentence and inserting the fol-  
 12                   lowing: “Not later than August 15, 1997, and every  
 13                   2 years thereafter, the Secretary of Transportation  
 14                   shall submit to Congress a report on carrying out  
 15                   this chapter for the 2 immediately preceding cal-  
 16                   endar years for gas and a report on carrying out  
 17                   this chapter for such period for hazardous liquid.”.

18           (c) CONFORMING AMENDMENT.—The analysis for  
 19           chapter 601 is amended by striking the item relating to  
 20           section 60124 and inserting the following:

“60124. Biennial reports.”.

21 **SEC. 16. POPULATION ENCROACHMENT.**

22           (a) IN GENERAL.—Chapter 601, as amended by sec-  
 23           tion 5, is further amended by adding at the end the follow-  
 24           ing new section:

1 **“§ 60127. Population encroachment**

2 “(a) LAND USE RECOMMENDATIONS.—The Sec-  
3 retary of Transportation shall make available to an appro-  
4 priate official of each State, as determined by the Sec-  
5 retary, the land use recommendations of the special report  
6 numbered 219 of the Transportation Research Board, en-  
7 titled ‘Pipelines and Public Safety’.

8 “(b) EVALUATION.—The Secretary shall—

9 “(1) evaluate the recommendations in the re-  
10 port referred to in subsection (a);

11 “(2) determine to what extent the recommenda-  
12 tions are being implemented;

13 “(3) consider ways to improve the implementa-  
14 tion of the recommendations; and

15 “(4) consider other initiatives to further im-  
16 prove awareness of local planning and zoning enti-  
17 ties regarding issues involved with population en-  
18 croachment in proximity to the rights-of-way of any  
19 interstate gas pipeline facility or interstate hazard-  
20 ous liquid pipeline facility.”.

21 (b) CONFORMING AMENDMENT.—The analysis for  
22 chapter 601 is amended by inserting after the item relat-  
23 ing to section 60126 the following:

“60127. Population encroachment.”.

1 **SEC. 17. USER FEES.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of the enactment of this Act, the Secretary of Trans-  
4 portation shall transmit to the Congress a report analyz-  
5 ing the present assessment of pipeline safety user fees  
6 solely on the basis of mileage to determine whether—

7 (1) that measure of the resources of the De-  
8 partment of Transportation is the most appropriate  
9 measure of the resources used by the Department of  
10 Transportation in the regulation of pipeline trans-  
11 portation; or

12 (2) another basis of assessment would be a  
13 more appropriate measure of those resources.

14 (b) CONSIDERATIONS.—In making the report, the  
15 Secretary shall consider a wide range of assessment fac-  
16 tors and suggestions and comments from the public.

17 **SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

18 (a) AMENDMENT.—Chapter 601, as amended by sec-  
19 tion 16, is further amended by adding at the end the fol-  
20 lowing new section:

21 **“§ 60128. Dumping within pipeline rights-of-way**

22 “(a) PROHIBITION.—No person shall excavate for the  
23 purpose of unauthorized disposal within the right-of-way  
24 of an interstate gas pipeline facility or interstate hazard-  
25 ous liquid pipeline facility, or any other limited area in  
26 the vicinity of any such interstate pipeline facility estab-

1 lished by the Secretary of Transportation, and dispose  
2 solid waste therein.

3 “(b) DEFINITION.—For purposes of this section, the  
4 term ‘solid waste’ has the meaning given that term in sec-  
5 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.  
6 6903(27)).”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) CROSS-REFERENCE.—Section 60123(a) is  
9 amended by striking “or 60118(a)” and inserting “,  
10 60118(a), or 60128”.

11 (2) CHAPTER ANALYSIS.—The analysis for  
12 chapter 601 is amended by adding at the end the  
13 following new item:

“60128. Dumping within pipeline rights-of-way.”.

14 **SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILI-**  
15 **TIES.**

16 Section 60117(a) is amended by inserting after “and  
17 training activities” the following: “and promotional activi-  
18 ties relating to prevention of damage to pipeline facilities”.

19 **SEC. 20. TECHNICAL CORRECTIONS.**

20 (a) SECTION 60105.—The heading for section 60105  
21 is amended by inserting “**pipeline safety program**”  
22 after “**State**”.

23 (b) SECTION 60106.—The heading for section 60106  
24 is amended by inserting “**pipeline safety**” after  
25 “**State**”.

1 (c) SECTION 60107.—The heading for section 60107  
 2 is amended by inserting “**pipeline safety**” after  
 3 “**State**”.

4 (d) SECTION 60114.—Section 60114 is amended—

5 (1) by striking “60120, 60122, and 60123” in  
 6 subsection (a)(9) and inserting “60120 and 60122”;

7 (2) by striking subsections (b) and (d); and

8 (3) by redesignating subsections (c) and (e) as  
 9 subsections (b) and (d), respectively.

10 (e) CHAPTER ANALYSIS.—The analysis for chapter  
 11 601 is amended—

12 (1) by inserting “pipeline safety program” in  
 13 the item relating to section 60105 after “State”;

14 (2) by inserting “pipeline safety” in the item  
 15 relating to section 60106 after “State”; and

16 (3) by inserting “pipeline safety” in the item  
 17 relating to section 60107 after “State”.

18 (f) SECTION 60101.—Section 60101(b) is amended  
 19 by striking “define by regulation” each place it appears  
 20 and inserting “prescribe standards defining”.

21 (g) SECTION 60102.—Section 60102 is amended by  
 22 striking “regulations” each place it appears in subsections  
 23 (f)(2), (i), and (j)(2) and inserting “standards”.

24 (h) SECTION 60108.—Section 60108 is amended—

1           (1) by striking “regulations” in subsections  
 2           (c)(2)(B), (c)(4)(B), and (d)(3) and inserting  
 3           “standards”; and

4           (2) by striking “require by regulation” in sub-  
 5           section (c)(4)(A) and inserting “establish a stand-  
 6           ard”.

7           (i) SECTION 60109.—Section 60109(a) is amended  
 8           by striking “regulations” and inserting “standards”.

9           (j) SECTION 60110.—Section 60110 is amended by  
 10          striking “regulations” in subsections (b), (c)(1), and  
 11          (c)(2) and inserting “standards”.

12          (k) SECTION 60113.—Section 60113(a) is amended  
 13          by striking “regulations” and inserting “standards”.

14       **SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

15          (a) GAS AND HAZARDOUS LIQUID.—Section 60125  
 16          is amended—

17               (1) by striking subsection (a) and inserting the  
 18               following new subsection:

19               “(a) GAS AND HAZARDOUS LIQUID.—To carry out  
 20               this chapter (except for sections 60107 and 60114(b)) re-  
 21               lated to gas and hazardous liquid, there are authorized  
 22               to be appropriated to the Department of Transportation—

23                       “(1) \$19,448,000 for fiscal year 1996;

24                       “(2) \$20,028,000 for fiscal year 1997, of which  
 25               \$14,600,000 is to be derived from user fees for fis-

1 cal year 1997 collected under section 60301 of this  
2 title;

3 “(3) \$20,729,000 for fiscal year 1998, of which  
4 \$15,100,000 is to be derived from user fees for fis-  
5 cal year 1998 collected under section 60301 of this  
6 title;

7 “(4) \$21,442,000 for fiscal year 1999, of which  
8 \$15,700,000 is to be derived from user fees for fis-  
9 cal year 1999 collected under section 60301 of this  
10 title”; and

11 “(5) \$22,194,000 for fiscal year 2000, of which  
12 \$16,300,000 is to be derived from user fees for fis-  
13 cal year 2000 collected under section 60301 of this  
14 title.”.

15 (b) STATE GRANTS.—Section 60125(c)(1) is amend-  
16 ed by adding at the end the following:

17 “(D) \$12,000,000 for fiscal year 1996.

18 “(E) \$14,000,000 for fiscal year 1997, of which  
19 \$12,500,000 is to be derived from user fees for fis-  
20 cal year 1997 collected under section 60301 of this  
21 title.

22 “(F) \$14,490,000 for fiscal year 1998, of which  
23 \$12,900,000 is to be derived from user fees for fis-  
24 cal year 1998 collected under section 60301 of this  
25 title.

1           “(G) \$15,000,000 for fiscal year 1999, of which  
2       \$13,300,000 is to be derived from user fees for fis-  
3       cal year 1999 collected under section 60301 of this  
4       title.

5           “(H) \$15,524,000 for fiscal year 2000, of  
6       which \$13,700,000 is to be derived from user fees  
7       for fiscal year 2000 collected under section 60301 of  
8       this title.”.

Passed the Senate September 26, 1996.

Attest:

*Secretary.*

104TH CONGRESS  
2D Session

# S. 1505

## AN ACT

To reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.