

111TH CONGRESS
2D SESSION

S. 3856

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, 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; AMENDMENT OF TITLE 49,**
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Pipeline Transportation Safety Improvement Act of
7 2010”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES
 2 CODE.—Except as otherwise expressly provided, whenever
 3 in this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or a repeal of, a section or other
 5 provision, the reference shall be considered to be made to
 6 a section or other provision of title 49, United States
 7 Code.

8 (c) TABLE OF CONTENTS.—The table of contents for
 9 this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. Civil penalties.
- Sec. 3. Pipeline damage prevention.
- Sec. 4. Offshore gathering pipelines.
- Sec. 5. Automatic and remote-controlled shut-off valves.
- Sec. 6. Excess flow valves.
- Sec. 7. Integrity management.
- Sec. 8. Public education and awareness.
- Sec. 9. Government Accountability Office report.
- Sec. 10. Leak detection.
- Sec. 11. Incident notification.
- Sec. 12. Transportation-related onshore facility response plan compliance.
- Sec. 13. Pipeline infrastructure data collection.
- Sec. 14. International cooperation and consultation.
- Sec. 15. Gas and hazardous liquid gathering lines.
- Sec. 16. Transportation related oil flow lines.
- Sec. 17. Alaska project coordination.
- Sec. 18. Cost recovery for design reviews.
- Sec. 19. Special permits.
- Sec. 20. Biofuel pipelines.
- Sec. 21. Carbon dioxide pipelines.
- Sec. 22. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 23. Clarifications.
- Sec. 24. Additional resources.
- Sec. 25. Maintenance of effort.
- Sec. 26. Authorization of appropriations.

10 **SEC. 2. CIVIL PENALTIES.**

11 (a) PENALTY CONSIDERATIONS; MAJOR CON-
 12 SEQUENCE VIOLATIONS.—Section 60122 is amended—

1 (1) by striking “the ability to pay,” in sub-
2 section (b)(1)(B);

3 (2) by redesignating subsections (e) through (f)
4 as subsections (d) through (g), respectively; and

5 (3) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-
8 TIONS.—

9 “(1) IN GENERAL.—A person that the Sec-
10 retary of Transportation decides, after written notice
11 and an opportunity for a hearing, has committed a
12 major consequence violation of section 60114(b),
13 60114(d), or 60118(a) of this title or a regulation
14 prescribed or order issued under this chapter is lia-
15 ble to the United States Government for a civil pen-
16 alty of not more than \$250,000 for each violation.
17 A separate violation occurs for each day the violation
18 continues. The maximum civil penalty under this
19 paragraph for a related series of major consequence
20 violations is \$2,500,000.

21 “(2) PENALTY CONSIDERATIONS.—In deter-
22 mining the amount of a civil penalty for a major
23 consequence violation under this subsection, the Sec-
24 retary shall consider the factors prescribed in sub-
25 section (b).

1 “(3) MAJOR CONSEQUENCE VIOLATION DE-
 2 FINED.—In this subsection, the term ‘major con-
 3 sequence violation’ means a violation that contrib-
 4 uted to an incident resulting in—

5 “(A) 1 or more deaths;

6 “(B) 1 or more injuries or illnesses requir-
 7 ing hospitalization;

8 “(C) environmental harm exceeding
 9 \$250,000 in estimated damage to the environ-
 10 ment including property loss; or

11 “(D) a release of gas or hazardous liquids
 12 that ignites or otherwise presents a safety
 13 threat to the public or presents a threat to the
 14 environment in an area identified under section
 15 60109(a) of this title.”.

16 (b) PENALTY FOR OBSTRUCTION OF INSPECTIONS
 17 AND INVESTIGATIONS.—Section 60118(e) is amended by
 18 adding at the end “The Secretary may impose a civil pen-
 19 alty under section 60122 of this title on a person who ob-
 20 structs or prevents the Secretary from carrying out inspec-
 21 tions or investigations under this chapter.”.

22 (c) ADMINISTRATIVE PENALTY CAPS INAPPLI-
 23 CABLE.—Section 60120(a)(1) is amended by adding at the
 24 end “The maximum amount of civil penalties for adminis-
 25 trative enforcement actions under section 60122 of this

1 title shall not apply to enforcement actions under this sec-
2 tion.”.

3 (d) JUDICIAL REVIEW OF ADMINISTRATIVE EN-
4 FORCEMENT ORDERS.—Section 60119(a) is amended—

5 (1) by striking the subsection caption and in-
6 serting “(a) REVIEW OF REGULATIONS, ORDERS,
7 AND OTHER FINAL AGENCY ACTIONS.—”; and

8 (2) by striking “about an application for a
9 waiver under section 60118(c) or (d) of” and insert-
10 ing “under”.

11 **SEC. 3. PIPELINE DAMAGE PREVENTION.**

12 (a) MINIMUM STANDARDS FOR STATE ONE-CALL
13 NOTIFICATION PROGRAMS.—Section 6103(a) is amended
14 to read as follows:

15 “(a) MINIMUM STANDARDS.—

16 “(1) IN GENERAL.—In order to qualify for a
17 grant under section 6106, a State one-call notifica-
18 tion program shall, at a minimum, provide for—

19 “(A) appropriate participation by all un-
20 derground facility operators, including all gov-
21 ernment operators;

22 “(B) appropriate participation by all exca-
23 vators, including all government and contract
24 excavators; and

1 “(C) flexible and effective enforcement
2 under State law with respect to participation in,
3 and use of, one-call notification systems.

4 “(2) EXEMPTIONS PROHIBITED.—A State one-
5 call notification program may not exempt munici-
6 palities, State agencies, or their contractors from its
7 one-call notification system requirements.”.

8 (b) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
9 tion 60134(a) is amended—

10 (1) by striking “and” after the semicolon in
11 paragraph (1);

12 (2) by striking “(b).” in paragraph (2) and in-
13 serting “(b); and”; and

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

15 “(3) does not provide any exemptions to mu-
16 nicipalities, State agencies, or their contractors from
17 its one-call notification system requirements.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect 2 years after the date of en-
20 actment of this Act.

21 **SEC. 4. OFFSHORE GATHERING PIPELINES.**

22 Section 60102(k)(1) is amended by striking the last
23 sentence and inserting “Not later than 1 year after the
24 date of enactment of the Pipeline Transportation Safety
25 Improvement Act of 2010, the Secretary shall issue regu-

1 lations, after notice and an opportunity for a hearing, sub-
 2 jecting offshore hazardous liquid gathering pipelines and
 3 hazardous liquid gathering pipelines located within the in-
 4 lets of the Gulf of Mexico to the same standards and regu-
 5 lations as other hazardous liquid pipelines. The regula-
 6 tions issued under this paragraph shall not apply to low-
 7 stress distribution pipelines.”.

8 **SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF**
 9 **VALVES.**

10 Section 60102 is amended by adding at the end the
 11 following:

12 “(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-
 13 OFF VALVES.—Not later than 2 years after the date of
 14 enactment of the Pipeline Transportation Safety Improve-
 15 ment Act of 2010, the Secretary shall by regulation, after
 16 notice and an opportunity for a hearing, require the use
 17 of automatic or remote-controlled shut-off valves, or equiv-
 18 alent technology, where economically and technically fea-
 19 sible on pipelines constructed after the date on which the
 20 Secretary issues a final rule.”.

21 **SEC. 6. EXCESS FLOW VALVES.**

22 Section 60109(e)(3) is amended—

23 (1) by redesignating subparagraph (B) as sub-
 24 paragraph (C); and

1 (2) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) BRANCH SERVICES, MULTI-FAMILY
4 FACILITIES, AND SMALL COMMERCIAL FACILI-
5 TIES.—Not later than 2 years after the date of
6 enactment of the Pipeline Transportation Safe-
7 ty Improvement Act of 2010, the Secretary
8 shall prescribe regulations, after notice and an
9 opportunity for hearing, to require the use of
10 excess flow valves, where economically and tech-
11 nically feasible, on new or entirely replaced
12 branch services, multi-family facilities, and
13 small commercial facilities.”.

14 **SEC. 7. INTEGRITY MANAGEMENT.**

15 (a) EVALUATION.—Within 1 year after the date of
16 enactment of this Act, the Secretary of Transportation
17 shall evaluate—

18 (1) whether integrity management system re-
19 quirements should be expanded beyond high con-
20 sequence areas (as defined under section 60109(a)
21 of title 49, United States Code); and

22 (2) with respect to gas pipeline facilities, wheth-
23 er applying the integrity management program re-
24 quirements to additional areas would mitigate the
25 need for class location requirements.

1 (b) STANDARDS.—Not later than 1 year after com-
 2 pletion of the evaluation, the Secretary shall prescribe
 3 such regulations, after notice and an opportunity for a
 4 hearing.

5 (c) DATA REPORTING.—The Secretary may collect
 6 any relevant data necessary to complete the evaluation re-
 7 quired by subsection (a) and may collect such additional
 8 data pursuant to regulations promulgated under sub-
 9 section (b) as may be necessary.

10 **SEC. 8. PUBLIC EDUCATION AND AWARENESS.**

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

13 **“§ 60138. Public education and awareness**

14 “(a) IN GENERAL.—Not later than 1 year after the
 15 date of enactment of the Pipeline Transportation Safety
 16 Improvement Act of 2010, the Secretary shall—

17 “(1) maintain a monthly updated summary of
 18 all gas and hazardous liquid pipeline inspections con-
 19 ducted by or reported to the Pipeline and Hazardous
 20 Materials Safety Administration that includes—

21 “(A) identification of the operator in-
 22 spected;

23 “(B) the type of inspection;

24 “(C) the results of the inspection, includ-
 25 ing any deficiencies identified; and

1 “(D) any corrective actions required to be
2 taken by the operator to remediate such defi-
3 ciencies;

4 “(2) maintain a comprehensive list and indi-
5 vidual copy of each gas and hazardous liquid pipe-
6 line operator’s facility response plan, excluding any
7 proprietary or security-sensitive information that
8 may be contained in an operator’s plan;

9 “(3) excluding any proprietary or security-sen-
10 sitive information, as part of the National Pipeline
11 Mapping System maintain a map of all currently
12 designated high consequence areas in which pipelines
13 are required to meet integrity management safety
14 regulations and update the map annually; and

15 “(4) maintain a current copy of any industry-
16 developed or professional organization pipeline safety
17 standards to the public, to the extent consistent with
18 fair use.

19 “(b) PUBLIC AVAILABILITY.—The requirements of
20 subsection (a) shall be considered to have been met if the
21 information required to be made public is made available
22 on the Pipeline and Hazardous Materials Safety Adminis-
23 tration’s public website.

24 “(c) RELATIONSHIP TO FOIA.—Nothing in this sec-
25 tion shall be construed to require disclosure of information

1 or records that are exempt from disclosure under section
2 552 of title 5.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for chapter 601 is amended by inserting after the item
5 relating to section 60137 the following:

“60138. Public education and awareness.”.

6 **SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

7 The Comptroller General shall conduct a comprehen-
8 sive analysis of the safety risks, including the risk of acci-
9 dent and injury to individuals or the environment, from
10 both onshore and offshore pipelines to which chapter 601
11 of title 49, United States Code, does not apply, including
12 gathering lines. The analysis shall also consider the safety
13 risks and benefits of applying the regulations under sec-
14 tion 60109(e) of title 49, United States Code, to low-stress
15 gas transmission lines. Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit a report on the results of this analysis to the Sen-
18 ate Committee on Commerce, Science, and Transportation
19 and the House of Representatives Committees on Trans-
20 portation and Infrastructure and on Energy and Com-
21 merce.

22 **SEC. 10. LEAK DETECTION.**

23 (a) LEAK DETECTION STUDY UPDATE.—Not later
24 than 1 year after the date of enactment of this Act, the
25 Secretary of Transportation shall submit to the Senate

1 Committee on Commerce, Science, and Transportation
2 and the House of Representatives Committee on Trans-
3 portation and Infrastructure an updated report on leak
4 detection systems utilized by operators of hazardous liquid
5 pipelines. The report shall include an analysis of the tech-
6 nical limitations of current leak detection systems, includ-
7 ing the systems' ability to detect ruptures and small leaks
8 that are ongoing or intermittent, and what can be done
9 to foster development of better technologies.

10 (b) LEAK DETECTION STANDARDS.—Not later than
11 1 year after completion of the report, the Secretary shall,
12 based on the study in subsection (a), prescribe regulations,
13 after notice and an opportunity for a hearing, requiring
14 an operator of a hazardous liquid pipeline to use leak de-
15 tection technologies, particularly in high consequence
16 areas.

17 **SEC. 11. INCIDENT NOTIFICATION.**

18 Not later than 18 months after the date of enactment
19 of this Act, the Secretary of Transportation shall—

20 (1) prescribe regulations, after notice and an
21 opportunity for a hearing, that establish time limits
22 for accident and incident telephonic notification by
23 pipeline operators to State and local government of-
24 ficials and emergency responders when a spill or
25 rupture occurs; and

1 retary shall give reasonable notice to operators that
2 the data are being requested.”.

3 (b) DISCLOSURE LIMITED TO FOIA REQUIRE-
4 MENTS.—Section 60132 is amended by adding at the end
5 the following:

6 “(d) PUBLIC DISCLOSURE LIMITED.—The Secretary
7 may not disclose information collected pursuant to sub-
8 section (a) except to the extent permitted by section 552
9 of title 5.”.

10 **SEC. 14. INTERNATIONAL COOPERATION AND CONSULTA-**
11 **TION.**

12 Section 60117 is amended by adding at the end the
13 following:

14 “(o) INTERNATIONAL COOPERATION AND CONSULTA-
15 TION.—

16 “(1) INFORMATION EXCHANGE AND TECHNICAL
17 ASSISTANCE.—If the Secretary determines that it
18 would benefit the United States, subject to guidance
19 from the Secretary of State, the Secretary may en-
20 gage in activities supporting cooperative inter-
21 national efforts to share information about the risks
22 to the public and the environment from pipelines
23 and means of protecting against those risks. Such
24 cooperation may include the exchange of information
25 with domestic and appropriate international organi-

1 zations to facilitate efforts to develop and improve
2 safety standards and requirements for pipeline
3 transportation in or affecting interstate or foreign
4 commerce.

5 “(2) CONSULTATION.—To the extent prac-
6 ticable, subject to guidance from the Secretary of
7 State, the Secretary may consult with interested au-
8 thorities in Canada, Mexico, and other interested au-
9 thorities, as needed, to ensure that the respective
10 pipeline safety standards and requirements pre-
11 scribed by the Secretary and those prescribed by
12 such authorities are consistent with the safe and re-
13 liable operation of cross-border pipelines.

14 “(3) DIFFERENCES IN INTERNATIONAL STAND-
15 ARDS AND REQUIREMENTS.—Nothing in this section
16 requires that a standard or requirement prescribed
17 by the Secretary under this chapter be identical to
18 a standard or requirement adopted by an inter-
19 national authority.”.

20 **SEC. 15. GAS AND HAZARDOUS LIQUID GATHERING LINES.**

21 Not later than 2 years after the date of enactment
22 of this Act, the Secretary shall complete a review of all
23 exemptions for gas and hazardous liquid gathering lines.
24 Based on this review the Secretary shall submit a report
25 to the Senate Committee on Commerce, Science, and

1 Transportation and the House of Representatives Com-
2 mittee on Transportation and Infrastructure containing
3 the Secretary’s recommendations with respect to the modi-
4 fication or revocation of existing exemptions.

5 **SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.**

6 Section 60102, as amended by section 5, is further
7 amended by adding at the end the following:

8 “(o) TRANSPORTATION-RELATED OIL FLOW
9 LINES.—

10 “(1) DATA COLLECTION.—The Secretary may
11 collect geospatial, technical, or other pipeline data on
12 transportation-related oil flow lines, including un-
13 regulated transportation-related oil flow lines.

14 “(2) TRANSPORTATION-RELATED OIL FLOW
15 LINE DEFINED.—In this subsection, the term ‘trans-
16 portation-related oil flow line’ means a pipeline
17 transporting oil off of the grounds of the production
18 facility where it originated across areas not owned
19 by the producer regardless of the extent to which the
20 oil has been processed, if at all.

21 “(3) LIMITATION.—Nothing in this subsection
22 authorizes the Secretary to prescribe standards for
23 the movement of oil through production, refining, or
24 manufacturing facilities, or through oil production

1 flow lines located on the grounds of production fa-
2 cilities.”.

3 **SEC. 17. ALASKA PROJECT COORDINATION.**

4 (a) IN GENERAL.—Chapter 601, as amended by sec-
5 tion 8 of this Act, is further amended by adding at the
6 end the following:

7 **“§ 60139. Alaska project coordination**

8 “The Secretary may provide technical assistance to
9 the State of Alaska for the purpose of achieving coordi-
10 nated and effective oversight of the construction, expan-
11 sion, or operation of pipeline systems in Alaska. The as-
12 sistance may include—

13 “(1) conducting coordinated inspections of pipe-
14 line systems subject to the respective authorities of
15 the Department of Transportation and the State of
16 Alaska;

17 “(2) consulting on the development and imple-
18 mentation of programs designed to manage the in-
19 tegrity risks associated with operating pipeline sys-
20 tems in the unique conditions of Alaska;

21 “(3) training inspection and enforcement per-
22 sonnel and consulting on the development and imple-
23 mentation of inspection protocols and training pro-
24 grams; and

1 “(4) entering into cooperative agreements,
2 grants, or other transactions with the State of Alas-
3 ka, the Joint Pipeline Office, other Federal agencies,
4 and other public and private agencies to carry out
5 the objectives of this section.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 for chapter 601, as amended by section 8 of this Act, is
8 further amended by inserting the following after the item
9 relating to section 60138:

 “60139. Alaska project coordination.”.

10 **SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.**

11 Section 60117(n) is amended to read as follows:

12 “(n) COST RECOVERY FOR DESIGN REVIEWS.—

13 “(1) IN GENERAL.—

14 “(A) REVIEW COSTS.—For any project de-
15 scribed in subparagraph (B), if the Secretary
16 conducts facility design safety reviews in con-
17 nection with a proposal to construct, expand, or
18 operate a new gas or hazardous liquid pipeline
19 or liquefied natural gas pipeline facility, includ-
20 ing construction inspections and oversight, the
21 Secretary may require the person or entity pro-
22 posing the project to pay the costs incurred by
23 the Secretary relating to such reviews. If the
24 Secretary exercises the cost recovery authority
25 described in this section, the Secretary shall

1 prescribe a fee structure and assessment meth-
2 odology that is based on the costs of providing
3 these reviews and shall prescribe procedures to
4 collect fees under this section. This authority is
5 in addition to the authority provided in section
6 60301 of this title, but the Secretary may not
7 collect fees under this section and section
8 60301 for the same design safety review.

9 “(B) PROJECTS TO WHICH APPLICABLE.—

10 Subparagraph (A) applies to any project that—

11 “(i) has design and construction costs
12 totaling at least \$3.4 billion;

13 “(ii) is a multi-state project at least
14 100 miles in length; or

15 “(iii) uses new or novel technologies
16 or designs.

17 “(2) NOTIFICATION.—For any new pipeline
18 construction project in which the Secretary will con-
19 duct design reviews, the person or entity proposing
20 the project shall notify the Secretary and provide the
21 design specifications, construction plans and proce-
22 dures, and related materials at least 120 days prior
23 to the commencement of construction.

24 “(3) DEPOSIT AND USE.—There is established
25 a Pipeline Safety Design Review Fund in the Treas-

1 ury of the United States. The Secretary shall deposit
2 funds paid under this subsection into the Fund.
3 Funds deposited under this section are authorized to
4 be appropriated for the purposes set forth in this
5 chapter. Fees authorized under this section shall be
6 collected and available for obligation only to the ex-
7 tent and in the amount provided in advance in ap-
8 propriations Acts.”.

9 **SEC. 19. SPECIAL PERMITS.**

10 Section 60118(c)(1) is amended to read as follows:

11 “(1) ISSUANCE OF WAIVERS.—

12 “(A) IN GENERAL.—On application of an
13 owner or operator of a pipeline facility, the Sec-
14 retary by order may waive compliance with any
15 part of an applicable standard prescribed under
16 this chapter with respect to the facility on
17 terms the Secretary considers appropriate, if
18 the Secretary determines that the waiver is not
19 inconsistent with pipeline safety.

20 “(B) CONSIDERATIONS.—In determining
21 whether to grant a waiver, the Secretary shall
22 consider—

23 “(i) the fitness of the applicant to
24 conduct the activity authorized by the

1 waiver in a manner that is consistent with
2 pipeline safety;

3 “(ii) the applicant’s compliance his-
4 tory;

5 “(iii) the applicant’s accident history;
6 and

7 “(iv) any other information or data
8 the Secretary considers relevant to making
9 the determination.

10 “(C) EFFECTIVE PERIOD.—A waiver of
11 one or more pipeline operating requirements
12 shall be effective for an initial period of not
13 more than 5 years and may be renewed by the
14 Secretary upon application. In reviewing an ap-
15 plication for renewal, the Secretary shall con-
16 sider any change in ownership or control of the
17 pipeline, any change in the conditions around
18 the pipeline, and other factors as appropriate.

19 “(D) PUBLIC NOTICE AND HEARING.—The
20 Secretary may act on a waiver under this sec-
21 tion only after public notice and an opportunity
22 for a hearing, which may consist of publication
23 of notice in the Federal Register that an appli-
24 cation for a waiver has been filed and providing
25 the public with the opportunity to review and

1 comment on the application. If a waiver is
2 granted, the Secretary shall state in the order
3 and associated analysis the reasons for granting
4 it.

5 “(E) NONCOMPLIANCE AND MODIFICA-
6 TION, SUSPENSION, OR REVOCATION.—After no-
7 tice to a holder of a waiver and opportunity to
8 show cause, the Secretary may modify, suspend,
9 or revoke a waiver issued under this section for
10 failure to comply with its terms or conditions,
11 intervening changes in Federal law, a material
12 change in circumstances affecting safety, in-
13 cluding erroneous information in the applica-
14 tion, or any other reason. If necessary to avoid
15 a significant risk of harm to persons, property,
16 or the environment, the Secretary may waive
17 the show cause procedure and make the action
18 immediately effective.”.

19 **SEC. 20. BIOFUEL PIPELINES.**

20 Section 60101(a)(4) is amended—

21 (1) by striking “and” after the semicolon in
22 subparagraph (A);

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

1 (3) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) non-petroleum fuels, including
4 biofuels that are flammable, toxic, or corrosive
5 or would be harmful to the environment if re-
6 leased in significant quantities, and”.

7 **SEC. 21. CARBON DIOXIDE PIPELINES.**

8 Section 60102(i) is amended to read as follows:

9 “(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—
10 The Secretary shall prescribe minimum safety standards
11 for the transportation of carbon dioxide by pipeline in ei-
12 ther a liquid or gaseous state.”.

13 **SEC. 22. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**
14 **TRANSPORTED BY PIPELINE.**

15 The Secretary of Transportation may conduct an
16 analysis of the transportation of non-petroleum hazardous
17 liquids by pipeline for the purpose of identifying the extent
18 to which pipelines are currently being used to transport
19 non-petroleum hazardous liquids, such as chlorine, from
20 chemical production facilities across land areas not owned
21 by the producer that are accessible to the public. The anal-
22 ysis should identify the extent to which the safety of the
23 lines is unregulated by the States and evaluate whether
24 the transportation of such chemicals by pipeline across
25 areas accessible to the public would present significant

1 risks to public safety, property, or the environment in the
2 absence of regulation. The results of the analysis shall be
3 made available to the Senate Committee on Commerce,
4 Science, and Transportation and the House of Represent-
5 atives Committees on Transportation and Infrastructure
6 and on Energy and Commerce.

7 **SEC. 23. CLARIFICATIONS.**

8 (a) AMENDMENT OF PROCEDURES CLARIFICA-
9 TION.—Section 60108(a)(1) is amended by striking “an
10 intrastate” and inserting “a”.

11 (b) OWNER AND OPERATOR CLARIFICATION.—Sec-
12 tion 60102(a)(2)(A) is amended by striking “owners and
13 operators” and inserting in their place the words “any or
14 all of the owners or operators”.

15 (c) ONE-CALL ENFORCEMENT CLARIFICATION.—
16 Section 60114(f) is amended by adding at the end “This
17 subsection does not apply to proceedings against persons
18 who are pipeline operators.”.

19 **SEC. 24. ADDITIONAL RESOURCES.**

20 (a) IN GENERAL.—To the extent funds are appro-
21 priated, the Secretary shall increase the personnel of the
22 Pipeline and Hazardous Materials Safety Administration
23 by a total of 40 fulltime employees to carry out the pipe-
24 line safety program and the administration of that pro-
25 gram, of which at least—

1 (1) 9 employees shall be added in fiscal year
2 2011;

3 (2) 10 employees shall be added in fiscal year
4 2012;

5 (3) 10 employees shall be added in fiscal year
6 2013; and

7 (4) 10 employees shall be added in fiscal year
8 2014.

9 (b) FUNCTIONS.—In increasing the number of em-
10 ployees under subsection (a), the Secretary shall focus on
11 hiring employees—

12 (1) to conduct data collection, analysis, and re-
13 porting;

14 (2) to develop, implement, and update informa-
15 tion technology;

16 (3) to conduct inspections of pipeline facilities
17 to determine compliance with applicable regulations
18 and standards;

19 (4) to provide administrative, legal, and other
20 support for pipeline enforcement activities; and

21 (5) to support the overall pipeline safety mis-
22 sion of the Pipeline and Hazardous Materials Safety
23 Administration, including training of pipeline en-
24 forcement personnel.

1 **SEC. 25. MAINTENANCE OF EFFORT.**

2 Section 60107(b) is amended to read as follows:

3 “PAYMENTS.—After notifying and consulting with a
4 State authority, the Secretary may withhold any part of
5 a payment when the Secretary decides that the authority
6 is not carrying out satisfactorily a safety program or not
7 acting satisfactorily as an agent. The Secretary may pay
8 an authority under this section only when the authority
9 ensures the Secretary that it will provide the remaining
10 costs of a safety program and that the total State amount
11 spent for a safety program (excluding grants of the United
12 States Government) will at least equal the average amount
13 spent for gas and hazardous liquid safety programs for
14 fiscal years 2004 through 2006, except when the Secretary
15 waives the requirements of this subsection.”.

16 **SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) GAS AND HAZARDOUS LIQUID.—

18 (1) Section 60125(a)(1) is amended by striking
19 subparagraphs (A) through (D) and inserting the
20 following:

21 “(A) for fiscal year 2011, \$92,206,000, of
22 which \$9,200,000 is for carrying out such sec-
23 tion 12 and \$36,958,000 is for making grants;

24 “(B) for fiscal year 2012, \$96,144,000, of
25 which \$9,600,000 for carrying out such section
26 12 and \$39,611,000 is for making grants;

1 “(C) for fiscal year 2013, \$99,876,000, of
2 which \$9,900,000 is for carrying out such sec-
3 tion 12 and \$41,148,000 is for making grants;
4 and

5 “(D) for fiscal year 2014, \$102,807,000,
6 of which \$10,200,000 is for carrying out such
7 section 12 and \$42,356,000 is for making
8 grants.”.

9 (2) Section 60125(a)(2) is amended by striking
10 subparagraphs (A) through (D) and inserting the
11 following:

12 “(A) for fiscal year 2011, \$18,905,000, of
13 which \$7,562,000 is for carrying out such sec-
14 tion 12 and \$7,864,000 is for making grants;

15 “(B) for fiscal year 2012, \$19,661,000, of
16 which \$7,864,000 is for carrying out such sec-
17 tion 12 and \$7,864,000 is for making grants;

18 “(C) for fiscal year 2013, \$20,000,000, of
19 which \$8,000,000 is for carrying out such sec-
20 tion 12 and \$8,000,000 is for making grants;
21 and

22 “(D) for fiscal year 2014, \$20,000,000, of
23 which \$8,000,000 is for carrying out such sec-
24 tion 12 and \$8,000,000 is for making grants.”.

1 (b) EMERGENCY RESPONSE GRANTS.—Section
2 60125(b)(2) is amended by striking “2007 through 2010”
3 and inserting “2011 through 2014”.

4 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
5 6107 is amended—

6 (1) by striking “2007 through 2010.” in sub-
7 section (a) and inserting “2011 through 2014.”;

8 (2) by striking “2007 through 2010.” in sub-
9 section (b) and inserting “2011 through 2014.”; and

10 (3) by striking subsection (c).

11 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
12 tion 60134 is amended by adding at the end the following:

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary to pro-
15 vide grants under this section \$2,000,000 for each of fiscal
16 years 2011 through 2014. The funds shall remain avail-
17 able until expended.”.

18 (e) COMMUNITY PIPELINE SAFETY INFORMATION
19 GRANTS.—Section 60130(d) is amended by striking
20 “2003 through 2010.” and inserting “2011 through
21 2014.”.

22 (f) PIPELINE TRANSPORTATION RESEARCH AND DE-
23 VELOPMENT.—Section 12 of the Pipeline Safety Improve-
24 ment Act of 2002 (49 U.S.C. 60101 note) is amended—

1 (1) by adding the following at the end of sub-
2 section (d):

3 “(3) ONGOING PIPELINE TRANSPORTATION RE-
4 SEARCH AND DEVELOPMENT.—After the initial 5-
5 year program plan has been carried out by the par-
6 ticipating agencies, the Secretary of Transportation
7 shall prepare a research and development program
8 plan every 5 years thereafter and shall transmit a
9 report to Congress on the status and results-to-date
10 of implementation of the program each year that
11 funds are appropriated for carrying out the plan.”;
12 and

13 (2) by striking “2003 through 2006.” in sub-
14 section (f) and inserting “2011 through 2014.”.

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