To amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. Speier (for herself, Mrs. Napolitano, Mr. Stark, Mr. Honda, Ms. Lee of California, Mr. Thompson of California, and Mr. Garamendi) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pipeline Safety and Community Empowerment Act of 2011”.
Sec. 1. Short title; table of contents.
Sec. 2. References to title 49, United States Code.
Sec. 3. Notice to property owners and residents.
Sec. 4. Facility operation information standards.
Sec. 5. Required periodic inspection of pipelines by instrumented internal inspection devices.
Sec. 6. Automatic or remote shut off valves.
Sec. 7. Availability of industry standards and procedures adopted in regulations by reference.
Sec. 8. Leak detection.
Sec. 9. Considerations for identification of high consequence areas.
Sec. 10. Public education programs.

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

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

SEC. 3. NOTICE TO PROPERTY OWNERS AND RESIDENTS.

Section 60102(c)(4) is amended by adding at the end the following:

“(C) NOTICE TO PROPERTY OWNERS AND RESIDENTS.—

“(i) IN GENERAL.—Not later than one year after the date of enactment of this sub-paragraph, the Secretary shall prescribe minimum standards to require the owner or operator of a pipeline facility to notify all owners and residents of property located within 2,000 feet of a transmission line of the facility of—
“(I) the proximity of the property to
the transmission line; and

“(II) in the case of a transmission
line located on private residential property,
the specific location of the line on the
property.

“(ii) REQUIRED INFORMATION.—The no-
tice under clause (i) shall include, at a min-
umum—

“(I) a method for electronic access to
the information described in clause (i)
through an Internet Web site and toll free
telephone number;

“(II) information on how to obtain a
map of the pipeline system through the
National Pipeline Mapping System; and

“(III) such other information as the
Secretary considers appropriate.

“(iii) DEADLINES.—The notice under
clause (i) shall be provided not later than 2
years after the date of enactment of this sub-
paragraph and at least once every 3 years
thereafter.”.
SEC. 4. FACILITY OPERATION INFORMATION STANDARDS.

Section 60102(d) is amended by striking the first sentence and inserting the following: “Not later than one year after the date of enactment of the Pipeline Safety and Community Empowerment Act of 2011, the Secretary shall prescribe minimum standards under this section requiring an operator of a pipeline facility subject to this chapter to maintain information related to operating the facility as required by the standards prescribed under this chapter and to provide that information, including any updates and changes, to the Secretary, State regulatory officials, State and local emergency responders, and such other entities as the Secretary considers appropriate (except that in the case of a local emergency responder the Secretary shall provide the information described in paragraphs (1), (2), (5), and (6) only to the extent applicable to the local district). The Secretary shall keep on file the information submitted to the Secretary under the preceding sentence.”.

SEC. 5. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

Section 60102(f)(2) is amended to read as follows:

“(2) PERIODIC INSPECTIONS.—

“(A) IN GENERAL.—Not later than 270 days after the date of enactment of the Pipeline
Safety and Community Empowerment Act of 2011, the Secretary shall prescribe additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

“(B) INSPECTION WITH INTERNAL INSPECTION DEVICE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection be conducted at least once every 5 years with an instrumented internal inspection device.

“(ii) EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

“(I) detecting corrosion;

“(II) detecting pipe stress; and

“(III) otherwise providing for the safety of the pipeline.
“(C) Operation under high pressure.—The Secretary shall prohibit a pipeline segment from operating under high pressure if the pipeline segment cannot be inspected—

“(i) with a device described in subparagraph (B)(i) in accordance with the standards prescribed pursuant to such subparagraph; or

“(ii) using an inspection method described in subparagraph (B)(ii) in accordance with the standards prescribed pursuant to such subparagraph.”.

SEC. 6. AUTOMATIC OR REMOTE SHUT OFF VALVES.

Section 60102(j) is amended by adding at the end the following:

“(4) Automatic or Remote Shut Off Valves.—

“(A) Minimum Standards.—Not later than one year after the date of enactment of this paragraph, the Secretary shall prescribe minimum standards to require an owner or operator of a covered pipeline facility to install and use automatic or remote shut off valves to reduce risks in the event of a rupture.

“(B) Applicability of Minimum Standards.—
“(i) New Facilities.—The minimum standards shall apply to a covered pipeline facility that is newly constructed or entirely replaced after the date of issuance of the standards.

“(ii) Existing Facilities.—

“(I) Facilities located near earthquake faults.—The minimum standards shall apply to a covered pipeline facility that exists as of the date of issuance of the standards and is located within 10 miles of a significant earthquake fault beginning on the earliest date that the Secretary determines is technically feasible and not later than 2 years after the date of issuance of the standards.

“(II) Other Facilities.—The minimum standards shall apply to a covered pipeline facility that exists as of the date of issuance of the standards (other than a facility described in subclause (I)) not later than 5 years after the date of issuance of the standards.

“(C) Definitions.—In this paragraph, the following definitions apply:
“(i) Covered pipeline facility.—The term ‘covered pipeline facility’ means a pipeline facility that is located in a Class 3 or 4 location, as described in section 192.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Pipeline Safety and Community Empowerment Act of 2011.

“(ii) Significant earthquake fault.—The term ‘significant earthquake fault’ means an earthquake fault for which there is a 1 in 10 chance or greater of a magnitude 6.7 or greater earthquake in the next 50 years, as determined by the Secretary based on information compiled by the United States Geological Survey.”.

SEC. 7. AVAILABILITY OF INDUSTRY STANDARDS AND PROCEDURES ADOPTED IN REGULATIONS BY REFERENCE.

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

“(n) Availability of industry standards and procedures adopted in regulations by reference.—The Secretary shall ensure that industry standards and procedures adopted by reference as part of the Federal pipeline safety regulatory program under this chapter are easily available to the public free of charge.
This subsection shall apply to regulations issued before, on, or after the date of enactment of this subsection.”.

SEC. 8. LEAK DETECTION.

Section 60102 (as amended by section 7 of this Act) is further amended by adding at the end the following:

“(o) LEAK DETECTION.—

“(1) IN GENERAL.—An owner or operator of a pipeline facility shall ensure that the facility is equipped with a leak detection system capable of promptly detecting a leak.

“(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue a final rule establishing performance standards for such leak detection systems. In establishing the performance standards, the Secretary shall consider, at a minimum, requiring—

“(A) hazardous liquid pipeline facilities to have the continuous capability to detect a daily discharge equal to not more than one percent of daily throughput;

“(B) natural gas transmission pipeline facilities to provide for flow verification through an accounting method such as volume balance
and rate of pressure at least once every 24 hours;

“(C) in the case of a remote pipeline, increased aerial surveillance of the pipeline; and

“(D) owners and operators of pipeline facilities to meet other requirements as the Secretary determines necessary and practicable to enhance the ability of such owners and operators to promptly detect a leak.”.

SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.

Section 60109 is amended by adding at the end the following:

“(g) CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.—In identifying high consequence areas under this section, the Secretary shall consider—

“(1) the seismicity of the area;

“(2) the age of the pipe; and

“(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.”.

SEC. 10. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended by adding at the end the following:
“(d) Approval Process.—

“(1) In general.—The Secretary shall approve or disapprove a public education program submitted to the Secretary by the owner or operator of a pipeline facility under subsection (b).

“(2) Context of review.—The Secretary may conduct the approval process under paragraph (1) as an element of the Secretary’s inspection of an owner or operator.

“(3) Inadequate programs.—If the Secretary determines that a public education program does not comply with the requirements of this section or regulations issued under this section or has not been adequately implemented, the Secretary may conduct proceedings under this chapter.

“(e) Effectiveness of Public Education Programs.—

“(1) Assessment.—The Comptroller General shall conduct an assessment of the effectiveness of the public education programs carried out under this section.

“(2) Report to Congress.—Not later than one year after the date of enactment of this sub-
section, the Comptroller General shall submit to Congress a report on the results of the assessment.”.