

112TH CONGRESS  
1ST SESSION

# H. R. 22

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.

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## 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

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## 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.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Pipeline Safety and Community Empowerment Act of  
6 2011”.

## 1 (b) TABLE OF CONTENTS.—

- 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.

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

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

9 **SEC. 3. NOTICE TO PROPERTY OWNERS AND RESIDENTS.**

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

12 “(C) NOTICE TO PROPERTY OWNERS AND RESI-  
 13 DENTS.—

14 “(i) IN GENERAL.—Not later than one  
 15 year after the date of enactment of this sub-  
 16 paragraph, the Secretary shall prescribe min-  
 17 imum standards to require the owner or oper-  
 18 ator of a pipeline facility to notify all owners  
 19 and residents of property located within 2,000  
 20 feet of a transmission line of the facility of—

1           “(I) the proximity of the property to  
2           the transmission line; and

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

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

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

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

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

19           “(iii) DEADLINES.—The notice under  
20           clause (i) shall be provided not later than 2  
21           years after the date of enactment of this sub-  
22           paragraph and at least once every 3 years  
23           thereafter.”.

1 **SEC. 4. FACILITY OPERATION INFORMATION STANDARDS.**

2 Section 60102(d) is amended by striking the first  
3 sentence and inserting the following: “Not later than one  
4 year after the date of enactment of the Pipeline Safety  
5 and Community Empowerment Act of 2011, the Secretary  
6 shall prescribe minimum standards under this section re-  
7 quiring an operator of a pipeline facility subject to this  
8 chapter to maintain information related to operating the  
9 facility as required by the standards prescribed under this  
10 chapter and to provide that information, including any up-  
11 dates and changes, to the Secretary, State regulatory offi-  
12 cials, State and local emergency responders, and such  
13 other entities as the Secretary considers appropriate (ex-  
14 cept that in the case of a local emergency responder the  
15 Secretary shall provide the information described in para-  
16 graphs (1), (2), (5), and (6) only to the extent applicable  
17 to the local district). The Secretary shall keep on file the  
18 information submitted to the Secretary under the pre-  
19 ceding sentence.”.

20 **SEC. 5. REQUIRED PERIODIC INSPECTION OF PIPELINES**

21 **BY INSTRUMENTED INTERNAL INSPECTION**  
22 **DEVICES.**

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

24 “(2) PERIODIC INSPECTIONS.—

25 “(A) IN GENERAL.—Not later than 270  
26 days after the date of enactment of the Pipeline

1 Safety and Community Empowerment Act of  
2 2011, the Secretary shall prescribe additional  
3 standards requiring the periodic inspection of  
4 each pipeline the operator of the pipeline identi-  
5 fies under section 60109.

6 “(B) INSPECTION WITH INTERNAL INSPEC-  
7 TION DEVICE.—

8 “(i) IN GENERAL.—Except as pro-  
9 vided in clause (ii), the standards pre-  
10 scribed under subparagraph (A) shall re-  
11 quire that an inspection be conducted at  
12 least once every 5 years with an instru-  
13 mented internal inspection device.

14 “(ii) EXCEPTION FOR SEGMENTS  
15 WHERE DEVICES CANNOT BE USED.—If a  
16 device described in clause (i) cannot be  
17 used in a segment of a pipeline, the stand-  
18 ards prescribed in subparagraph (A) shall  
19 require use of an inspection method that  
20 the Secretary certifies to be at least as ef-  
21 fective as using the device in—

22 “(I) detecting corrosion;

23 “(II) detecting pipe stress; and

24 “(III) otherwise providing for the  
25 safety of the pipeline.

1           “(C) OPERATION UNDER HIGH PRES-  
2           SURE.—The Secretary shall prohibit a pipeline  
3           segment from operating under high pressure if  
4           the pipeline segment cannot be inspected—

5                     “(i) with a device described in sub-  
6                     paragraph (B)(i) in accordance with the  
7                     standards prescribed pursuant to such sub-  
8                     paragraph; or

9                     “(ii) using an inspection method de-  
10                    scribed in subparagraph (B)(ii) in accord-  
11                    ance with the standards prescribed pursu-  
12                    ant to such subparagraph.”.

13 **SEC. 6. AUTOMATIC OR REMOTE SHUT OFF VALVES.**

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

16           “(4) AUTOMATIC OR REMOTE SHUT OFF VALVES.—

17                     “(A) MINIMUM STANDARDS.—Not later than  
18                     one year after the date of enactment of this para-  
19                     graph, the Secretary shall prescribe minimum stand-  
20                     ards to require an owner or operator of a covered  
21                     pipeline facility to install and use automatic or re-  
22                     mote shut off valves to reduce risks in the event of  
23                     a rupture.

24                     “(B) APPLICABILITY OF MINIMUM STAND-  
25                     ARDS.—

1           “(i) NEW FACILITIES.—The minimum  
2 standards shall apply to a covered pipeline facil-  
3 ity that is newly constructed or entirely re-  
4 placed after the date of issuance of the stand-  
5 ards.

6           “(ii) EXISTING FACILITIES.—

7           “(I) FACILITIES LOCATED NEAR  
8 EARTHQUAKE FAULTS.—The minimum  
9 standards shall apply to a covered pipeline  
10 facility that exists as of the date of  
11 issuance of the standards and is located  
12 within 10 miles of a significant earthquake  
13 fault beginning on the earliest date that  
14 the Secretary determines is technically fea-  
15 sible and not later than 2 years after the  
16 date of issuance of the standards.

17           “(II) OTHER FACILITIES.—The min-  
18 imum standards shall apply to a covered  
19 pipeline facility that exists as of the date  
20 of issuance of the standards (other than a  
21 facility described in subclause (I)) not later  
22 than 5 years after the date of issuance of  
23 the standards.

24           “(C) DEFINITIONS.—In this paragraph, the fol-  
25 lowing definitions apply:





1 This subsection shall apply to regulations issued before,  
2 on, or after the date of enactment of this subsection.”.

3 **SEC. 8. LEAK DETECTION.**

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

6 “(o) LEAK DETECTION.—

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

11 “(2) PERFORMANCE STANDARDS.—Not later  
12 than 18 months after the date of enactment of this  
13 subsection, the Secretary shall issue a final rule es-  
14 tablishing performance standards for such leak de-  
15 tection systems. In establishing the performance  
16 standards, the Secretary shall consider, at a min-  
17 imum, requiring—

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

22 “(B) natural gas transmission pipeline fa-  
23 cilities to provide for flow verification through  
24 an accounting method such as volume balance

1 and rate of pressure at least once every 24  
2 hours;

3 “(C) in the case of a remote pipeline, in-  
4 creased aerial surveillance of the pipeline; and

5 “(D) owners and operators of pipeline fa-  
6 cilities to meet other requirements as the Sec-  
7 retary determines necessary and practicable to  
8 enhance the ability of such owners and opera-  
9 tors to promptly detect a leak.”.

10 **SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH**  
11 **CONSEQUENCE AREAS.**

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

14 “(g) CONSIDERATIONS FOR IDENTIFICATION OF  
15 HIGH CONSEQUENCE AREAS.—In identifying high con-  
16 sequence areas under this section, the Secretary shall con-  
17 sider—

18 “(1) the seismicity of the area;

19 “(2) the age of the pipe; and

20 “(3) whether the pipe at issue can be inspected  
21 using the most modern instrumented internal inspec-  
22 tion devices.”.

23 **SEC. 10. PUBLIC EDUCATION PROGRAMS.**

24 Section 60116 is amended by adding at the end the  
25 following:

1 “(d) APPROVAL PROCESS.—

2 “(1) IN GENERAL.—The Secretary shall ap-  
3 prove or disapprove a public education program sub-  
4 mitted to the Secretary by the owner or operator of  
5 a pipeline facility under subsection (b).

6 “(2) CONTEXT OF REVIEW.—The Secretary  
7 may conduct the approval process under paragraph  
8 (1) as an element of the Secretary’s inspection of an  
9 owner or operator.

10 “(3) INADEQUATE PROGRAMS.—If the Sec-  
11 retary determines that a public education program  
12 does not comply with the requirements of this sec-  
13 tion or regulations issued under this section or has  
14 not been adequately implemented, the Secretary may  
15 conduct proceedings under this chapter.

16 “(e) EFFECTIVENESS OF PUBLIC EDUCATION PRO-  
17 GRAMS.—

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

22 “(2) REPORT TO CONGRESS.—Not later than  
23 one year after the date of enactment of this sub-

1 section, the Comptroller General shall submit to  
2 Congress a report on the results of the assessment.”.

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