

112TH CONGRESS  
1ST SESSION

# S. 234

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2011

Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States 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; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States Code.
- Sec. 3. Additional resources for Pipeline and Hazardous Materials Safety Administration.
- Sec. 4. Civil penalties.
- Sec. 5. Collection of data on transportation-related oil flow lines.
- Sec. 6. Required installation and use in pipelines of remotely or automatically controlled valves.
- Sec. 7. Standards for natural gas pipeline leak detection.
- Sec. 8. Verification of maximum allowable operating pressure.
- Sec. 9. Considerations for identification of high consequence areas.
- Sec. 10. Regulation by Secretary of Transportation of gas and hazardous liquid gathering lines.
- Sec. 11. Inclusion of non-petroleum fuels and biofuels in definition of hazardous liquid.
- Sec. 12. Required periodic inspection of pipelines by instrumented internal inspection devices.
- Sec. 13. Minimum safety standards for transportation of carbon dioxide by pipeline.
- Sec. 14. Cost recovery for pipeline design reviews by Secretary of Transportation.
- Sec. 15. International cooperation and consultation on pipeline safety and regulation.
- Sec. 16. Waivers of pipeline standards by Secretary of Transportation.
- Sec. 17. Collection of data on pipeline infrastructure for national pipeline mapping system.
- Sec. 18. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 19. Clarification of provisions of law relating to pipeline safety.

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

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

1 **SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZ-**  
2 **ARDOUS MATERIALS SAFETY ADMINISTRA-**  
3 **TION.**

4 (a) IN GENERAL.—The Secretary shall increase the  
5 number of full-time equivalent employees of the Pipeline  
6 and Hazardous Materials Safety Administration by not  
7 fewer than 100 compared to the number of full-time equiv-  
8 alent employees of the Administration employed on the  
9 day before the date of the enactment of this Act to carry  
10 out the pipeline safety program, of which—

11 (1) not fewer than 25 full-time equivalent em-  
12 ployees shall be added in fiscal year 2011;

13 (2) not fewer than 25 full-time equivalent em-  
14 ployees shall be added in fiscal year 2012;

15 (3) not fewer than 25 full-time equivalent em-  
16 ployees shall be added in fiscal year 2013; and

17 (4) not fewer than 25 full-time equivalent em-  
18 ployees shall be added in fiscal year 2014.

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

22 (1) to conduct data collection, analysis, and re-  
23 porting;

24 (2) to develop, implement, and update informa-  
25 tion technology;

1           (3) to conduct inspections of pipeline facilities  
2           to determine compliance with applicable regulations  
3           and standards;

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

6           (5) to support the overall pipeline safety mis-  
7           sion of the Pipeline and Hazardous Materials Safety  
8           Administration, including training pipeline enforce-  
9           ment personnel.

10 **SEC. 4. CIVIL PENALTIES.**

11           (a) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-  
12           TIONS.—Section 60122 is amended by striking subsection  
13           (c) and inserting the following:

14           “(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-  
15           TIONS.—

16           “(1) IN GENERAL.—If the Secretary deter-  
17           mines, after written notice and an opportunity for a  
18           hearing, that a person has committed a major con-  
19           sequence violation of subsection (b) or (d) of section  
20           60114, section 60118(a), or a regulation prescribed  
21           or order issued under this chapter such person shall  
22           be liable to the United States Government for a civil  
23           penalty of not more than \$250,000 for each such  
24           violation.

1           “(2) SEPARATE VIOLATIONS.—A separate viola-  
2           tion occurs for each day the violation continues.

3           “(3) MAXIMUM CIVIL PENALTY.—The max-  
4           imum civil penalty under this subsection for a re-  
5           lated series of major consequence violations is  
6           \$2,500,000.

7           “(4) DEFINITION.—In this subsection, the term  
8           ‘major consequence violation’ means a violation that  
9           contributed to an incident resulting in any of the fol-  
10          lowing:

11                   “(A) One or more deaths.

12                   “(B) One or more injuries or illnesses re-  
13                   quiring hospitalization.

14                   “(C) Environmental harm exceeding  
15                   \$250,000 in estimated damage to the environ-  
16                   ment including property loss.

17                   “(D) A release of gas or hazardous liquid  
18                   that ignites or otherwise presents a safety  
19                   threat to the public or presents a threat to the  
20                   environment in a high consequence area, as de-  
21                   fined by the Secretary in accordance with sec-  
22                   tion 60109.”.

23           (b) PENALTY FOR OBSTRUCTION OF INSPECTIONS  
24           AND INVESTIGATIONS.—Section 60118(e) is amended—

1           (1) by striking “If the Secretary” and inserting  
2           the following:

3           “(1) IN GENERAL.—If the Secretary”; and

4           (2) by adding at the end the following:

5           “(2) CIVIL PENALTIES.—The Secretary may  
6           impose a civil penalty under section 60122 on a per-  
7           son who obstructs or prevents the Secretary from  
8           carrying out an inspection or investigation under  
9           this chapter.”.

10          (c) NONAPPLICABILITY OF ADMINISTRATIVE PEN-  
11          ALTY CAPS.—Section 60120 is amended by adding at the  
12          end the following:

13          “(d) NONAPPLICABILITY OF ADMINISTRATIVE PEN-  
14          ALTY CAPS.—The maximum amount of civil penalties for  
15          administrative enforcement actions under section 60122  
16          shall not apply to enforcement actions under this sec-  
17          tion.”.

18          (d) JUDICIAL REVIEW OF ADMINISTRATIVE EN-  
19          FORCEMENT ORDERS.—

20                 (1) IN GENERAL.—Section 60119(a)(1) is  
21                 amended by striking “about an application for a  
22                 waiver under section 60118(e) or (d) of” and insert-  
23                 ing “under”.

24                 (2) CLERICAL AMENDMENT.—The heading for  
25                 section 60119(a) is amended to read as follows:

1 “REVIEW OF REGULATIONS, ORDERS, AND OTHER  
2 FINAL AGENCY ACTIONS”.

3 **SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RE-**  
4 **LATED OIL FLOW LINES.**

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

7 “(n) COLLECTION OF DATA ON TRANSPORTATION-  
8 RELATED OIL FLOW LINES.—

9 “(1) IN GENERAL.—The Secretary may collect  
10 geospatial, technical, or other pipeline data on trans-  
11 portation-related oil flow lines, including unregulated  
12 transportation-related oil flow lines.

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

20 “(3) CONSTRUCTION.—Nothing in this sub-  
21 section may be construed to authorize the Secretary  
22 to prescribe standards for the movement of oil  
23 through—

24 “(A) production, refining, or manufac-  
25 turing facilities; or

1           “(B) oil production flow lines located on  
2           the grounds of production facilities.”.

3 **SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES**  
4           **OF REMOTELY OR AUTOMATICALLY CON-**  
5           **TROLLED VALVES.**

6           Section 60102(j) is amended by striking paragraph  
7 (3) and inserting the following:

8           “(3) REMOTELY OR AUTOMATICALLY CON-  
9           TROLLED VALVES.—

10           “(A) IN GENERAL.—Not later than 18  
11           months after the date of the enactment of the  
12           Strengthening Pipeline Safety and Enforcement  
13           Act of 2011, the Secretary shall prescribe regu-  
14           lations requiring the installation and use in  
15           pipelines and pipeline facilities, wherever tech-  
16           nically and economically feasible, of remotely or  
17           automatically controlled valves that are reliable  
18           and capable of shutting off the flow of gas in  
19           the event of an accident, including accidents in  
20           which there is a loss of the primary power  
21           source.

22           “(B) CONSULTATIONS.—In developing regu-  
23           lations prescribed in accordance with subpara-  
24           graph (A), the Secretary shall consult with ap-



1           appropriate groups from the gas pipeline industry  
2           and pipeline safety experts.”.

3 **SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DE-**  
4           **TECTION.**

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

7           “(o) NATURAL GAS LEAK DETECTION.—Not later  
8 than 1 year after the date of the enactment of the  
9 Strengthening Pipeline Safety and Enforcement Act of  
10 2011, the Secretary shall establish standards for natural  
11 gas leak detection equipment and methods, with the goal  
12 of establishing a pipeline system in which substantial leaks  
13 in high consequence areas are identified as expeditiously  
14 as technologically possible.”.

15 **SEC. 8. VERIFICATION OF MAXIMUM ALLOWABLE OPER-**  
16           **ATING PRESSURE.**

17           Section 60102, as amended by sections 5 and 7, is  
18 further amended by adding at the end the following:

19           “(p) VERIFICATION OF MAXIMUM ALLOWABLE OP-  
20 ERATING PRESSURE.—

21           “(1) ESTABLISHMENT OF RECORDS.—

22           “(A) IN GENERAL.—Not later than 6  
23 months after the date of the enactment of the  
24 Strengthening Pipeline Safety and Enforcement  
25 Act of 2011, the Secretary shall require pipeline

1 operators to submit to the Secretary a trace-  
2 able, verifiable, and complete record of all inter-  
3 state and intrastate natural gas transmission  
4 lines in class 3 and class 4 locations and class  
5 1 and class 2 high consequence areas that have  
6 not had a maximum allowable operating pres-  
7 sure established through prior, verifiable pres-  
8 sure hydrostatic testing or an equivalent pres-  
9 sure testing method.

10 “(B) ELEMENTS.—Each traceable,  
11 verifiable, and complete record under subpara-  
12 graph (A) shall include, with respect to a trans-  
13 mission line, the following:

14 “(i) As-built drawings.

15 “(ii) Alignment sheets.

16 “(iii) Specifications.

17 “(iv) All design, construction, inspec-  
18 tion, testing, maintenance, and other re-  
19 lated records relating to transmission line  
20 system components, such as pipe segments,  
21 valves, fittings, and weld seams.

22 “(v) Such other elements as the Sec-  
23 retary considers appropriate.

24 “(2) ESTABLISHMENT OF MAXIMUM ALLOW-  
25 ABLE OPERATING PRESSURE.—

1           “(A) IN GENERAL.—Not later than 9  
2 months after the date of the enactment of the  
3 Strengthening Pipeline Safety and Enforcement  
4 Act of 2011, the Secretary shall require the op-  
5 erator of each natural gas transmission line de-  
6 scribed in paragraph (1)(A) to determine the  
7 maximum allowable operating pressure for the  
8 transmission line based on the weakest section  
9 of the transmission line or component thereof.

10           “(B) USE OF TRACEABLE, VERIFIABLE,  
11 AND COMPLETE RECORD.—In establishing the  
12 maximum allowable operating pressure of a  
13 transmission line under subparagraph (A), the  
14 operator shall use the traceable, verifiable, and  
15 complete record required for such transmissions  
16 line under paragraph (1).

17           “(C) LIMITATION.—A new maximum al-  
18 lowable operating pressure established under  
19 this paragraph for a transmission line shall not  
20 be higher than the maximum pressure at which  
21 the transmission line has operated previously.

22           “(3) MANDATORY PRESSURE TESTING.—For  
23 any segment of a transmission line described in  
24 paragraph (1)(A) for which a traceable, verifiable,  
25 and complete record is not available under para-

1 graph (1) or for which a valid maximum allowable  
2 operating pressure cannot be established under para-  
3 graph (2), the Secretary shall require the operator  
4 of the transmission line to, not later than 5 years  
5 after the date of the enactment of the Strengthening  
6 Pipeline Safety and Enforcement Act of 2011—

7 “(A) conduct a pressure test and a pres-  
8 sure spike test as expeditiously as economically  
9 feasible; or

10 “(B) replace the transmission line seg-  
11 ment.

12 “(4) ESTABLISHMENT OF INTERIM MAXIMUM  
13 ALLOWABLE OPERATING PRESSURE.—For any trans-  
14 mission line described in paragraph (1)(A) for which  
15 a traceable, verifiable, and complete record is not  
16 available under paragraph (1) or for which a valid  
17 maximum allowable operating pressure cannot be es-  
18 tablished under paragraph (2), the Secretary shall  
19 require the operator of the transmission line to es-  
20 tablish an interim maximum allowable operating  
21 pressure for the transmission line that does not ex-  
22 ceed 80 percent of the highest pressure at which the  
23 transmission line segment has previously operated,  
24 until a pressure test and a pressure spike test are  
25 completed under paragraph (3).”

1 **SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH**  
 2 **CONSEQUENCE AREAS.**

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

5 “(g) CONSIDERATIONS FOR IDENTIFICATION OF  
 6 HIGH CONSEQUENCE AREAS.—In identifying high con-  
 7 sequence areas under this section, the Secretary shall con-  
 8 sider—

9 “(1) the seismicity of the area;

10 “(2) the age of the pipe; and

11 “(3) whether the pipe at issue can be inspected  
 12 using the most modern instrumented internal inspec-  
 13 tion devices.”.

14 **SEC. 10. REGULATION BY SECRETARY OF TRANSPOR-**  
 15 **TATION OF GAS AND HAZARDOUS LIQUID**  
 16 **GATHERING LINES.**

17 (a) GAS GATHERING LINES.—Paragraph (21) of sec-  
 18 tion 60101(a) is amended to read as follows:

19 “(21) ‘transporting gas’ means the gathering,  
 20 transmission, or distribution of gas by pipeline, or  
 21 the storage of gas, in interstate or foreign com-  
 22 merce.”.

23 (b) HAZARDOUS LIQUID GATHERING LINES.—Sec-  
 24 tion 60101(a)(22)(B) is amended—

25 (1) by striking clause (i); and

1           (2) by redesignating clauses (ii) and (iii) as  
2           clauses (i) and (ii), respectively.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on the date that is 1 year  
5 after the date of the enactment of this Act.

6 **SEC. 11. INCLUSION OF NON-PETROLEUM FUELS AND**  
7                           **BIOFUELS IN DEFINITION OF HAZARDOUS**  
8                           **LIQUID.**

9           Section 60101(a)(4) is amended—

10           (1) in subparagraph (A), by striking “and” at  
11           the end;

12           (2) by redesignating subparagraph (B) as sub-  
13           paragraph (C); and

14           (3) by inserting after subparagraph (A) the fol-  
15           lowing:

16                           “(B) non-petroleum fuels, including  
17                           biofuels that are flammable, toxic, corrosive, or  
18                           would be harmful to the environment if released  
19                           in significant quantities; and”.

20 **SEC. 12. REQUIRED PERIODIC INSPECTION OF PIPELINES**  
21                           **BY INSTRUMENTED INTERNAL INSPECTION**  
22                           **DEVICES.**

23           Section 60102(f) is amended by striking paragraph  
24 (2) and inserting the following:

25                           “(2) PERIODIC INSPECTIONS.—

1           “(A) IN GENERAL.—Not later than 270  
2 days after the date of the enactment of the  
3 Strengthening Pipeline Safety and Enforcement  
4 Act of 2011, the Secretary shall prescribe addi-  
5 tional standards requiring the periodic inspec-  
6 tion of each pipeline the operator of the pipeline  
7 identifies under section 60109.

8           “(B) INSPECTION WITH INTERNAL INSPEC-  
9 TION DEVICE.—

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

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

24                   “(I) detecting corrosion;

25                   “(II) detecting pipe stress;

1 “(III) detecting seam and weld  
2 stress, weakness, or defect; and

3 “(IV) otherwise providing for the  
4 safety of the pipeline.

5 “(C) OPERATION UNDER HIGH PRES-  
6 SURE.—The Secretary shall prohibit a pipeline  
7 segment from operating above 80 percent of its  
8 maximum allowable operating pressure if the  
9 pipeline segment cannot be inspected—

10 “(i) with a device described in clause  
11 (i) of subparagraph (B) in accordance with  
12 the standards prescribed pursuant to such  
13 clause; or

14 “(ii) using an inspection method de-  
15 scribed in clause (ii) of such subparagraph  
16 in accordance with the standards pre-  
17 scribed pursuant to such clause.”.

18 **SEC. 13. MINIMUM SAFETY STANDARDS FOR TRANSPOR-**  
19 **TATION OF CARBON DIOXIDE BY PIPELINE.**

20 Subsection (i) of section 60102 is amended to read  
21 as follows:

22 “(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—  
23 Not later than 5 years after the date of the enactment  
24 of the Strengthening Pipeline Safety and Enforcement Act  
25 of 2011, the Secretary shall prescribe minimum safety



1 standards for the transportation of carbon dioxide by pipe-  
2 line in either a liquid or gaseous state.”.

3 **SEC. 14. COST RECOVERY FOR PIPELINE DESIGN REVIEWS**

4 **BY SECRETARY OF TRANSPORTATION.**

5 Subsection (n) of section 60117 is amended to read  
6 as follows:

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

8 “(1) IN GENERAL.—If the Secretary conducts  
9 facility design safety reviews in connection with a  
10 proposal to construct, expand, or operate a gas or  
11 hazardous liquid pipeline or liquefied natural gas  
12 pipeline facility, including construction inspections  
13 and oversight, the Secretary may require the person  
14 proposing the construction, expansion, or operation  
15 to pay the costs incurred by the Secretary relating  
16 to such reviews.

17 “(2) FEE STRUCTURE AND COLLECTION PROCE-  
18 DURES.—If the Secretary exercises the authority  
19 under paragraph (1) with respect to conducting fa-  
20 cility design safety reviews, the Secretary shall pre-  
21 scribe—

22 “(A) a fee structure and assessment meth-  
23 odology that is based on the costs of providing  
24 such reviews; and

25 “(B) procedures to collect fees.

1           “(3) ADDITIONAL AUTHORITY.—This authority  
2 is in addition to the authority provided under section  
3 60301.

4           “(4) NOTIFICATION.—For any pipeline con-  
5 struction project beginning after the date of the en-  
6 actment of this subsection in which the Secretary  
7 conducts design reviews, the person proposing the  
8 project shall notify the Secretary and provide the de-  
9 sign specifications, construction plans and proce-  
10 dures, and related materials not later than 120 days  
11 prior to the commencement of such project.

12           “(5) PIPELINE SAFETY DESIGN REVIEW  
13 FUND.—

14           “(A) IN GENERAL.—There is established in  
15 the Treasury of the United States a revolving  
16 fund known as the ‘Pipeline Safety Design Re-  
17 view Fund’ (in this paragraph referred to as  
18 the ‘Fund’).

19           “(B) ELEMENTS.—There shall be depos-  
20 ited in the fund the following, which shall con-  
21 stitute the assets of the Fund:

22           “(i) Amounts paid into the Fund  
23 under any provision of law or regulation  
24 established by the Secretary imposing fees  
25 under this subsection.

1                   “(ii) All other amounts received by  
2                   the Secretary incident to operations relat-  
3                   ing to reviews described in paragraph (1).

4                   “(C) USE OF FUNDS.—The Fund shall be  
5                   available to the Secretary, without fiscal year  
6                   limitation, to carry out the provisions of this  
7                   chapter.”.

8 **SEC. 15. INTERNATIONAL COOPERATION AND CONSULTA-**  
9                   **TION ON PIPELINE SAFETY AND REGULA-**  
10                  **TION.**

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

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

15                   “(1) INFORMATION EXCHANGE AND TECHNICAL  
16 ASSISTANCE.—Subject to guidance from the Sec-  
17 retary of State, the Secretary may engage in activi-  
18 ties supporting cooperative international efforts to  
19 share information about the risks to the public and  
20 the environment from pipelines and means of pro-  
21 tecting against those risks if the Secretary deter-  
22 mines that such activities would benefit the United  
23 States. Such cooperation may include the exchange  
24 of information with domestic and appropriate inter-  
25 national organizations to facilitate efforts to develop

1 and improve safety standards and requirements for  
 2 pipeline transportation in or affecting interstate or  
 3 foreign commerce.

4 “(2) CONSULTATION.—Subject to guidance  
 5 from the Secretary of State, the Secretary may, to  
 6 the extent practicable, consult with interested au-  
 7 thorities in Canada, Mexico, and other interested au-  
 8 thorities to ensure that the respective pipeline safety  
 9 standards and requirements prescribed by the Sec-  
 10 retary and those prescribed by such authorities are  
 11 consistent with the safe and reliable operation of  
 12 cross-border pipelines.

13 “(3) CONSTRUCTION REGARDING DIFFERENCES  
 14 IN INTERNATIONAL STANDARDS AND REQUIRE-  
 15 MENTS.—Nothing in this section shall be construed  
 16 to require 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. 16. WAIVERS OF PIPELINE STANDARDS BY SEC-**  
 21 **RETARY OF TRANSPORTATION.**

22 (a) NONEMERGENCY WAIVERS.—Paragraph (1) of  
 23 section 60118(c) is amended to read as follows:

24 “(1) NONEMERGENCY WAIVERS.—

1           “(A) IN GENERAL.—Upon receiving an ap-  
2           plication from an owner or operator of a pipe-  
3           line facility, the Secretary may, by order, waive  
4           compliance with any part of an applicable  
5           standard prescribed under this chapter with re-  
6           spect to the facility on such terms as the Sec-  
7           retary considers appropriate, if the Secretary  
8           determines that such waiver is not inconsistent  
9           with pipeline safety.

10           “(B) CONSIDERATIONS.—In determining  
11           whether to grant a waiver under subparagraph  
12           (A), the Secretary shall consider—

13                   “(i) the fitness of the applicant to  
14                   conduct the activity authorized by the  
15                   waiver in a manner that is consistent with  
16                   pipeline safety;

17                   “(ii) the applicant’s compliance his-  
18                   tory;

19                   “(iii) the applicant’s accident history;  
20                   and

21                   “(iv) any other information the Sec-  
22                   retary considers relevant to making the de-  
23                   termination.

24           “(C) EFFECTIVE PERIOD.—

1           “(i) OPERATING REQUIREMENTS.—A  
2 waiver of 1 or more pipeline operating re-  
3 quirements under subparagraph (A) shall  
4 be effective for an initial period of not  
5 longer than 5 years and may be renewed  
6 by the Secretary upon application for suc-  
7 cessive periods of not longer than 5 years  
8 each.

9           “(ii) DESIGN OR MATERIALS RE-  
10 QUIREMENT.—If the Secretary determines  
11 that a waiver of a design or materials re-  
12 quirement is warranted under subpara-  
13 graph (A), the Secretary may grant the  
14 waiver for any period the Secretary con-  
15 siders appropriate.

16           “(D) PUBLIC NOTICE AND HEARING.—The  
17 Secretary may waive compliance under subpara-  
18 graph (A) only after public notice and hearing,  
19 which may consist of—

20           “(i) publication of notice in the Fed-  
21 eral Register that an application for a  
22 waiver has been filed; and

23           “(ii) providing the public with the op-  
24 portunity to review and comment on the  
25 application.

1           “(E) NONCOMPLIANCE AND MODIFICA-  
2           TION, SUSPENSION, OR REVOCATION.—After no-  
3           tice to a recipient of a waiver under subpara-  
4           graph (A) and opportunity to show cause, the  
5           Secretary may modify, suspend, or revoke such  
6           waiver for—

7                   “(i) failure of the recipient to comply  
8                   with the terms or conditions of the waiver;

9                   “(ii) intervening changes in Federal  
10                  law;

11                  “(iii) a material change in cir-  
12                  cumstances affecting safety; including erro-  
13                  neous information in the application; and

14                  “(iv) such other reasons as the Sec-  
15                  retary considers appropriate.”.

16           (b) FEES.—Section 60118(c) is amended by adding  
17           at the end the following:

18                   “(4) FEES.—

19                   “(A) IN GENERAL.—The Secretary shall  
20                   establish reasonable fees for processing applica-  
21                   tions for waivers under this subsection that are  
22                   based on the costs of activities relating to waiv-  
23                   ers under this subsection. Such fees may in-  
24                   clude a basic filing fee, as well as fees to re-

1 cover the costs of technical studies or environ-  
2 mental analysis for such applications.

3 “(B) PROCEDURES.—The Secretary shall  
4 prescribe procedures for the collection of fees  
5 under subparagraph (A).

6 “(C) ADDITIONAL AUTHORITY.—The au-  
7 thority provided under subparagraph (A) is in  
8 addition to the authority provided under section  
9 60301.

10 “(D) PIPELINE SAFETY SPECIAL PERMIT  
11 FUND.—

12 “(i) IN GENERAL.—There is estab-  
13 lished in the Treasury of the United States  
14 a revolving fund known as the ‘Pipeline  
15 Safety Special Permit Fund’ (in this sub-  
16 paragraph referred to as the ‘Fund’).

17 “(ii) ELEMENTS.—There shall be de-  
18 posited in the Fund the following, which  
19 shall constitute the assets of the Fund:

20 “(I) Amounts paid into the Fund  
21 under any provision of law or regula-  
22 tion established by the Secretary im-  
23 posing fees under this paragraph.

24 “(II) All other amounts received  
25 by the Secretary incident to oper-



1                   ations relating to activities described  
2                   in subparagraph (A).

3                   “(iii) USE OF FUNDS.—The Fund  
4                   shall be available to the Secretary, without  
5                   fiscal year limitation, to process applica-  
6                   tions for waivers under this subsection.”.

7 **SEC. 17. COLLECTION OF DATA ON PIPELINE INFRASTRUC-**  
8                   **TURE FOR NATIONAL PIPELINE MAPPING**  
9                   **SYSTEM.**

10           Section 60132 is amended—

11                   (1) in the matter before paragraph (1), by  
12                   striking “Not later than 6 months after the date of  
13                   the enactment of this section, the” and inserting  
14                   “Each”;

15                   (2) in subsection (a), by adding at the end the  
16                   following:

17                   “(4) Such other geospatial, technical, or other  
18                   pipeline data, including design and material speci-  
19                   fications, as the Secretary considers necessary to  
20                   carry out the purposes of this chapter, including  
21                   preconstruction design reviews and compliance in-  
22                   spection prioritization.”; and

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

1       “(d) NOTICE.—The Secretary shall give reasonable  
2 notice to the operator of a pipeline facility of any data  
3 being requested under this section.”.

4       **SEC. 18. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**  
5                               **TRANSPORTED BY PIPELINE.**

6       (a) AUTHORITY TO CARRY OUT ANALYSIS.—Not  
7 later than 270 days after the date of the enactment of  
8 this Act, the Secretary of Transportation shall conduct an  
9 analysis of the transportation of non-petroleum hazardous  
10 liquids by pipeline for the purpose of identifying the extent  
11 to which pipelines are currently being used to transport  
12 non-petroleum hazardous liquids, such as chlorine, from  
13 chemical production facilities across land areas not owned  
14 by the producer that are accessible to the public. The anal-  
15 ysis shall identify the extent to which the safety of the  
16 lines is unregulated by the States and evaluate whether  
17 the transportation of such chemicals by pipeline across  
18 areas accessible to the public would present significant  
19 risks to public safety, property, or the environment in the  
20 absence of regulation.

21       (b) REPORT.—Not later than 365 days after the date  
22 of the enactment of this Act, the Secretary shall submit  
23 to Congress a report containing the findings of the Sec-  
24 retary with respect to the analysis conducted pursuant to  
25 subsection (a).

1 **SEC. 19. CLARIFICATION OF PROVISIONS OF LAW RELAT-**  
2 **ING TO PIPELINE SAFETY.**

3 (a) **AMENDMENT OF PROCEDURES CLARIFICA-**  
4 **TION.**—Section 60108(a)(1) is amended by striking “an  
5 intrastate” and inserting “a”.

6 (b) **OWNER OPERATOR CLARIFICATION.**—Section  
7 60102(a)(2)(A) is amended by striking “owners and oper-  
8 ators” and inserting “any or all of the owners or opera-  
9 tors”.

10 (c) **ONE CALL ENFORCEMENT CLARIFICATION.**—  
11 Section 60114(f) is amended by adding at the end the fol-  
12 lowing: “This limitation shall not apply to proceedings  
13 against persons who are pipeline operators.”.

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