

112TH CONGRESS  
1ST SESSION

# S. 275

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. MENENDEZ, and Mr. BEGICH) 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, 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 2011”.

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 transportation of tar sands crude oil.
- Sec. 23. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 24. Clarifications.
- Sec. 25. Additional resources.
- Sec. 26. Maintenance of effort.
- Sec. 27. 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 in-patient hospitalization; or

8                   “(C) environmental harm exceeding  
 9           \$250,000 in estimated damage to the environ-  
 10          ment including property loss other than the  
 11          value of natural gas or hazardous liquid lost, or  
 12          damage to pipeline equipment.”.

13          (b) PENALTY FOR OBSTRUCTION OF INSPECTIONS  
 14          AND INVESTIGATIONS.—Section 60118(e) is amended by  
 15          adding at the end the following: “The Secretary may im-  
 16          pose a civil penalty under section 60122 of this title on  
 17          a person who obstructs or prevents the Secretary from  
 18          carrying out inspections or investigations under this chap-  
 19          ter.”.

20          (c) ADMINISTRATIVE PENALTY CAPS INAPPLI-  
 21          CABLE.—Section 60120(a)(1) is amended by adding at the  
 22          end the following: “The maximum amount of civil pen-  
 23          alties for administrative enforcement actions under section  
 24          60122 of this title shall not apply to enforcement actions  
 25          under this section.”.

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

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

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

9 **SEC. 3. PIPELINE DAMAGE PREVENTION.**

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

13 “(a) MINIMUM STANDARDS.—

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

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

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

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

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

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

7           (1) by striking “and” after the semicolon in  
 8           paragraph (1);

9           (2) by striking “(b).” in paragraph (2) and in-  
 10          serting “(b); and”; and

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

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

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

18       **SEC. 4. OFFSHORE GATHERING PIPELINES.**

19          Section 60102(k)(1) is amended by striking the last  
 20          sentence and inserting “Not later than 1 year after the  
 21          date of enactment of the Pipeline Transportation Safety  
 22          Improvement Act of 2011, the Secretary shall issue regu-  
 23          lations, after notice and an opportunity for a hearing, sub-  
 24          jecting offshore hazardous liquid gathering pipelines and  
 25          hazardous liquid gathering pipelines located within the in-

1 lets of the Gulf of Mexico to the same standards and regu-  
 2 lations as other hazardous liquid pipelines. The regula-  
 3 tions issued under this paragraph shall not apply to low-  
 4 stress distribution pipelines.”.

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

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

9 “(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-  
 10 OFF VALVES.—Not later than 2 years after the date of  
 11 enactment of the Pipeline Transportation Safety Improve-  
 12 ment Act of 2011, the Secretary shall by regulation, after  
 13 notice and an opportunity for a hearing, require the use  
 14 of automatic or remote-controlled shut-off valves, or equiv-  
 15 alent technology, where economically, technically, and  
 16 operationally feasible on transmission pipelines con-  
 17 structed or entirely replaced after the date on which the  
 18 Secretary issues a final rule.”.

19 **SEC. 6. EXCESS FLOW VALVES.**

20 Section 60109(e)(3) is amended—

21 (1) by redesignating subparagraph (B) as sub-  
 22 paragraph (C); and

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

1           “(B) DISTRIBUTION BRANCH SERVICES,  
2           MULTI-FAMILY FACILITIES, AND SMALL COM-  
3           MERCIAL FACILITIES.—Not later than 2 years  
4           after the date of enactment of the Pipeline  
5           Transportation Safety Improvement Act of  
6           2011, the Secretary shall prescribe regulations,  
7           after notice and an opportunity for hearing, to  
8           require the use of excess flow valves, where eco-  
9           nomically and technically feasible, on new or en-  
10          tirely replaced distribution branch services,  
11          multi-family facilities, and small commercial fa-  
12          cilities.”.

13 **SEC. 7. INTEGRITY MANAGEMENT.**

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

17               (1) whether integrity management system re-  
18               quirements, or elements thereof, should be expanded  
19               beyond high consequence areas (as defined under  
20               section 60109(a) of title 49, United States Code);  
21               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 shall 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 2011, the Secretary shall—

17 “(1) maintain a monthly updated summary of  
18 all completed and final natural gas and hazardous  
19 liquid pipeline inspections conducted by or reported  
20 to the Pipeline and Hazardous Materials Safety Ad-  
21 ministration that includes—

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

24 “(B) the type of inspection;

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

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

6           “(2) maintain a comprehensive list, to be up-  
7           dated annually, and individual copy of each gas  
8           emergency response plan pursuant to section  
9           60102(d)(5) of this title and of each hazardous liq-  
10          uid pipeline operator’s facility response plan pursu-  
11          ant to section 311(j)(5) of the Federal Water Pollu-  
12          tion Control Act (33 U.S.C. 1321(j)(5)), excluding  
13          any proprietary or security-sensitive information  
14          that may be contained in an operator’s plan;

15          “(3) excluding any proprietary or security-sen-  
16          sitive information, as part of the National Pipeline  
17          Mapping System maintain a map of all currently  
18          designated high consequence areas in which pipelines  
19          are required to meet integrity management safety  
20          regulations and update the map annually; and

21          “(4) maintain a current copy of any industry-  
22          developed or professional organization pipeline safety  
23          standards that have been incorporated by reference  
24          into regulations, to the extent consistent with fair  
25          use.

1       “(b) PUBLIC AVAILABILITY.—The requirements of  
2 subsection (a) shall be considered to have been met if the  
3 information required to be made public is made available  
4 on the Pipeline and Hazardous Materials Safety Adminis-  
5 tration’s public Web site.

6       “(c) RELATIONSHIP TO FOIA.—Nothing in this sec-  
7 tion shall be construed to require disclosure of information  
8 or records that are exempt from disclosure under section  
9 552 of title 5.”.

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

“60138. Public education and awareness”.

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

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

1 and the House of Representatives Committees on Trans-  
2 portation and Infrastructure and on Energy and Com-  
3 merce.

4 **SEC. 10. LEAK DETECTION.**

5 (a) LEAK DETECTION STUDY UPDATE.—Not later  
6 than 1 year after the date of enactment of this Act, the  
7 Secretary of Transportation shall submit to the Senate  
8 Committee on Commerce, Science, and Transportation  
9 and the House of Representatives Committees on Trans-  
10 portation and Infrastructure and on Energy and Com-  
11 merce an updated report on leak detection systems utilized  
12 by operators of hazardous liquid pipelines and transpor-  
13 tation-related flow lines. The report shall include an anal-  
14 ysis of the technical limitations of current leak detection  
15 systems, including the systems' ability to detect ruptures  
16 and small leaks that are ongoing or intermittent, and what  
17 can be done to foster development of better technologies.

18 (b) LEAK DETECTION STANDARDS.—Not later than  
19 1 year after completion of the report, the Secretary may,  
20 based on the study in subsection (a), prescribe regulations,  
21 after notice and an opportunity for a hearing, requiring  
22 an operator of a hazardous liquid pipeline to use leak de-  
23 tection technologies, particularly in high consequence  
24 areas.

1 **SEC. 11. INCIDENT NOTIFICATION.**

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

4 (1) prescribe regulations, after notice and an  
5 opportunity for a hearing, that establish time limits  
6 for accident and incident telephonic or electronic no-  
7 tification by pipeline operators to State and local  
8 government officials and emergency responders when  
9 a spill or rupture occurs; and

10 (2) review procedures for pipeline operators and  
11 the National Response Center to provide thorough  
12 and coordinated notification to all relevant emer-  
13 gency response officials and revise such procedures  
14 as appropriate.

15 **SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY**  
16 **RESPONSE PLAN COMPLIANCE.**

17 (a) **IN GENERAL.**—Subparagraphs (A) and (B) of  
18 section 311(m)(2) of the Federal Water Pollution Control  
19 Act (33 U.S.C. 1321(m)(2)) are each amended by striking  
20 “Administrator or” and inserting “Administrator, the  
21 Secretary of Transportation, or”.

22 (b) **CONFORMING AMENDMENT.**—Section  
23 311(b)(6)(A) of the Federal Water Pollution Control Act  
24 (33 U.S.C. 1321(b)(6)(A)) is amended by striking “oper-  
25 ating or” and inserting “operating, the Secretary of  
26 Transportation, or”.

1 **SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.**

2 (a) IN GENERAL.—Section 60132(a) is amended—

3 (1) by striking “and gathering lines”; and

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

5 “(4) Any other geospatial, technical, or other  
6 related pipeline data, including design and material  
7 specifications, that the Secretary determines is nec-  
8 essary to carry out the purposes of this section. The  
9 Secretary shall give reasonable notice to operators  
10 that the data are being requested.”.

11 (b) DISCLOSURE LIMITED TO FOIA REQUIRE-  
12 MENTS.—Section 60132 is amended by adding at the end  
13 the following:

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

18 **SEC. 14. INTERNATIONAL COOPERATION AND CONSULTA-**  
19 **TION.**

20 Section 60117 is amended by adding at the end the  
21 following:

22 “(o) INTERNATIONAL COOPERATION AND CONSULTA-  
23 TION.—

24 “(1) INFORMATION EXCHANGE AND TECHNICAL  
25 ASSISTANCE.—If the Secretary determines that it  
26 would benefit the United States, subject to guidance

1 from the Secretary of State, the Secretary may en-  
2 gage in activities supporting cooperative inter-  
3 national efforts to share information about the risks  
4 to the public and the environment from pipelines  
5 and means of protecting against those risks. Such  
6 cooperation may include the exchange of information  
7 with domestic and appropriate international organi-  
8 zations to facilitate efforts to develop and improve  
9 safety standards and requirements for pipeline  
10 transportation in or affecting interstate or foreign  
11 commerce.

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

21 “(3) DIFFERENCES IN INTERNATIONAL STAND-  
22 ARDS AND REQUIREMENTS.—Nothing in this section  
23 requires that a standard or requirement prescribed  
24 by the Secretary under this chapter be identical to

1 a standard or requirement adopted by an inter-  
 2 national authority.”.

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

4 Not later than 2 years after the date of enactment  
 5 of this Act, the Secretary of Transportation shall complete  
 6 a review of all exemptions for gas and hazardous liquid  
 7 gathering lines. Based on this review the Secretary shall  
 8 submit a report to the Senate Committee on Commerce,  
 9 Science, and Transportation and the House of Represent-  
 10 atives Committees on Transportation and Infrastructure  
 11 and on Energy and Commerce containing the Secretary’s  
 12 recommendations with respect to the modification or rev-  
 13 ocation of existing exemptions.

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

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

17 “(o) TRANSPORTATION-RELATED OIL FLOW  
 18 LINES.—

19 “(1) DATA COLLECTION.—The Secretary may  
 20 collect geospatial, technical, or other pipeline data on  
 21 transportation-related oil flow lines, including un-  
 22 regulated transportation-related oil flow lines.

23 “(2) TRANSPORTATION-RELATED OIL FLOW  
 24 LINE DEFINED.—In this subsection, the term ‘trans-  
 25 portation-related oil flow line’ means a pipeline



1 transporting oil off of the grounds of the well where  
2 it originated across areas not owned by the producer  
3 regardless of the extent to which the oil has been  
4 processed, if at all.

5 “(3) LIMITATION.—Nothing in this subsection  
6 authorizes the Secretary to prescribe standards for  
7 the movement of oil through production, refining, or  
8 manufacturing facilities, or through oil production  
9 flow lines located on the grounds of wells.”.

10 **SEC. 17. ALASKA PROJECT COORDINATION.**

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

14 **“§ 60139. Alaska project coordination**

15 “The Secretary may provide technical assistance to  
16 the State of Alaska for the purpose of achieving coordi-  
17 nated and effective oversight of the construction, expan-  
18 sion, or operation of pipeline systems in Alaska. The as-  
19 sistance may include—

20 “(1) conducting coordinated inspections of pipe-  
21 line systems subject to the respective authorities of  
22 the Department of Transportation and the State of  
23 Alaska;

24 “(2) consulting on the development and imple-  
25 mentation of programs designed to manage the in-

1 integrity risks associated with operating pipeline sys-  
 2 tems in the unique conditions of Alaska;

3 “(3) training inspection and enforcement per-  
 4 sonnel and consulting on the development and imple-  
 5 mentation of inspection protocols and training pro-  
 6 grams; and

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

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

“60139. Alaska project coordination”.

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

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

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

19 “(1) IN GENERAL.—

20 “(A) REVIEW COSTS.—For any project de-  
 21 scribed in subparagraph (B), if the Secretary  
 22 conducts facility design safety reviews in con-  
 23 nection with a proposal to construct, expand, or  
 24 operate a new gas or hazardous liquid pipeline  
 25 or liquefied natural gas pipeline facility, includ-

1           ing construction inspections and oversight, the  
2           Secretary may require the person or entity pro-  
3           posing the project to pay the costs incurred by  
4           the Secretary relating to such reviews. If the  
5           Secretary exercises the cost recovery authority  
6           described in this section, the Secretary shall  
7           prescribe a fee structure and assessment meth-  
8           odology that is based on the costs of providing  
9           these reviews and shall prescribe procedures to  
10          collect fees under this section. This authority is  
11          in addition to the authority provided in section  
12          60301 of this title, but the Secretary may not  
13          collect fees under this section and section  
14          60301 for the same design safety review.

15                 “(B) PROJECTS TO WHICH APPLICABLE.—  
16          Subparagraph (A) applies to any project that—  
17                         “(i) has design and construction costs  
18                         totaling at least \$3,400,000,000; or  
19                         “(ii) uses new or novel technologies or  
20                         designs.

21                 “(2) NOTIFICATION.—For any new pipeline  
22          construction project in which the Secretary will con-  
23          duct design reviews, the person or entity proposing  
24          the project shall notify the Secretary and provide the  
25          design specifications, construction plans and proce-

1 dures, and related materials at least 120 days prior  
2 to the commencement of construction.

3 “(3) DEPOSIT AND USE.—There is established  
4 a Pipeline Safety Design Review Fund in the Treas-  
5 ury of the United States. The Secretary shall deposit  
6 funds paid under this subsection into the Fund.  
7 Funds deposited under this section are authorized to  
8 be appropriated for the purposes set forth in this  
9 chapter. Fees authorized under this section shall be  
10 collected and available for obligation only to the ex-  
11 tent and in the amount provided in advance in ap-  
12 propriations Acts.”.

13 **SEC. 19. SPECIAL PERMITS.**

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

15 “(1) ISSUANCE OF WAIVERS.—

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

1           “(B) CONSIDERATIONS.—In determining  
2 whether to grant a waiver, the Secretary shall  
3 consider—

4           “(i) the fitness of the applicant to  
5 conduct the activity authorized by the  
6 waiver in a manner that is consistent with  
7 pipeline safety;

8           “(ii) the applicant’s compliance his-  
9 tory;

10           “(iii) the applicant’s accident history;  
11 and

12           “(iv) any other information or data  
13 the Secretary considers relevant to making  
14 the determination.

15           “(C) EFFECTIVE PERIOD.—A waiver of  
16 one or more pipeline operating requirements  
17 shall be reviewed by the Secretary 5 years after  
18 its effective date. In reviewing a waiver, the  
19 Secretary shall consider any change in owner-  
20 ship or control of the pipeline, any change in  
21 the conditions around the pipeline, and other  
22 factors as appropriate. The Secretary may mod-  
23 ify, suspend, or revoke a waiver after such re-  
24 view under with subparagraph (E).

1           “(D) PUBLIC NOTICE AND HEARING.—The  
2           Secretary may act on a waiver under this sec-  
3           tion only after public notice and an opportunity  
4           for a hearing, which may consist of publication  
5           of notice in the Federal Register that an appli-  
6           cation for a waiver has been filed and providing  
7           the public with the opportunity to review and  
8           comment on the application. If a waiver is  
9           granted, the Secretary shall state in the order  
10          and associated analysis the reasons for granting  
11          it.

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

1 **SEC. 20. BIOFUEL PIPELINES.**

2 Section 60101(a)(4) is amended—

3 (1) by striking “and” after the semicolon in  
4 subparagraph (A);

5 (2) by redesignating subparagraph (B) as sub-  
6 paragraph (C); and

7 (3) by inserting after subparagraph (A) the fol-  
8 lowing:

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

13 **SEC. 21. CARBON DIOXIDE PIPELINES.**

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

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

19 **SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS**  
20 **CRUDE OIL**

21 Not later than 18 months after the date of enactment  
22 of this Act, the Secretary of Transportation shall complete  
23 a comprehensive review of hazardous liquid pipeline regu-  
24 lations to determine whether these regulations are suffi-  
25 cient to regulate pipelines used for the transportation of  
26 tar sands crude oil. In conducting this review, the Sec-

1 retary shall conduct an analysis of whether any increase  
2 in risk of release exists for pipelines transporting tar  
3 sands crude oil. The Secretary shall report the results of  
4 this review to the Senate Committee on Commerce,  
5 Science, and Transportation, and the House of Represent-  
6 atives Committees on Transportation and Infrastructure  
7 and on Energy and Commerce.

8 **SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**  
9 **TRANSPORTED BY PIPELINE.**

10 The Secretary of Transportation may conduct an  
11 analysis of the transportation of non-petroleum hazardous  
12 liquids by pipeline for the purpose of identifying the extent  
13 to which pipelines are currently being used to transport  
14 non-petroleum hazardous liquids, such as chlorine, from  
15 chemical production facilities across land areas not owned  
16 by the producer that are accessible to the public. The anal-  
17 ysis should identify the extent to which the safety of the  
18 lines is unregulated by the States and evaluate whether  
19 the transportation of such chemicals by pipeline across  
20 areas accessible to the public would present significant  
21 risks to public safety, property, or the environment in the  
22 absence of regulation. The results of the analysis shall be  
23 made available to the Senate Committee on Commerce,  
24 Science, and Transportation and the House of Represent-



1 atives Committees on Transportation and Infrastructure  
2 and on Energy and Commerce.

3 **SEC. 24. CLARIFICATIONS.**

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

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

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

15 **SEC. 25. ADDITIONAL RESOURCES.**

16 (a) IN GENERAL.—To the extent funds are appro-  
17 priated, the Secretary of Transportation shall increase the  
18 personnel of the Pipeline and Hazardous Materials Safety  
19 Administration by a total of 39 full-time employees to  
20 carry out the pipeline safety program and the administra-  
21 tion of that program, of which at least—

22 (1) 9 employees shall be added in fiscal year  
23 2011;

24 (2) 10 employees shall be added in fiscal year  
25 2012;

1           (3) 10 employees shall be added in fiscal year  
2           2013; and

3           (4) 10 employees shall be added in fiscal year  
4           2014.

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

8           (1) to conduct data collection, analysis, and re-  
9           porting;

10          (2) to develop, implement, and update informa-  
11          tion technology;

12          (3) to conduct inspections of pipeline facilities  
13          to determine compliance with applicable regulations  
14          and standards;

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

17          (5) to support the overall pipeline safety mis-  
18          sion of the Pipeline and Hazardous Materials Safety  
19          Administration, including training of pipeline en-  
20          forcement personnel.

21 **SEC. 26. MAINTENANCE OF EFFORT.**

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

23          “(b) PAYMENTS.—After notifying and consulting  
24          with a State authority, the Secretary may withhold any  
25          part of a payment when the Secretary decides that the

1 authority is not carrying out satisfactorily a safety pro-  
2 gram or not acting satisfactorily as an agent. The Sec-  
3 retary may pay an authority under this section only when  
4 the authority ensures the Secretary that it will provide the  
5 remaining costs of a safety program and that the total  
6 State amount spent for a safety program (excluding  
7 grants of the United States Government) will at least  
8 equal the average amount spent for gas and hazardous  
9 liquid safety programs for fiscal years 2004 through 2006,  
10 except when the Secretary waives the requirements of this  
11 subsection. The Secretary shall grant such a waiver if a  
12 State can demonstrate an inability to maintain or increase  
13 the required funding share of its pipeline safety program  
14 at or above the level required by this subsection due to  
15 economic hardship in that State.”.

16 **SEC. 27. 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;

1           “(B) for fiscal year 2012, \$96,144,000, of  
2           which \$9,600,000 for carrying out such section  
3           12 and \$39,611,000 is for making grants;

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

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

12          (2) Section 60125(a)(2) is amended by striking  
13          subparagraphs (A) through (D) and inserting the  
14          following:

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

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

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

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

4           (b) EMERGENCY RESPONSE GRANTS.—Section  
5 60125(b)(2) is amended by striking “2007 through 2010”  
6 and inserting “2011 through 2014”.

7           (c) ONE-CALL NOTIFICATION PROGRAMS.—Section  
8 6107 is amended—

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

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

13          (3) by striking subsection (c).

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

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

21          (e) COMMUNITY PIPELINE SAFETY INFORMATION  
22          GRANTS.—Section 60130 is amended—

23          (1) by striking “\$50,000” in subsection (a)(1)  
24          and inserting “\$100,000”; and

1           (2) by striking “2003 through 2010.” in sub-  
2           section (d) and inserting “2011 through 2014.”.

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

6           (1) by adding at the end of subsection (d) the  
7           following:

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

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

○