

Calendar No. 96112TH CONGRESS
1ST SESSION**S. 275****[Report No. 112-30]**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. MENENDEZ, Mr. BEGICH, Mr. CASEY, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 7, 2011

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

8 (b) **AMENDMENT OF TITLE 49, UNITED STATES**
 9 **CODE.**—Except as otherwise expressly provided, whenever
 10 in this Act an amendment or repeal is expressed in terms
 11 of an amendment to, or a repeal of, a section or other
 12 provision, the reference shall be considered to be made to
 13 a section or other provision of title 49, United States
 14 Code.

15 (c) **TABLE OF CONTENTS.**—The table of contents for
 16 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.

1 **SEC. 2. CIVIL PENALTIES.**

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

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

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

8 (3) by inserting after subsection (b) the fol-
 9 lowing:

10 “(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-
 11 TIONS.—

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

20 A separate violation occurs for each day the violation
 21 continues. The maximum civil penalty under this

1 paragraph for a related series of major consequence
2 violations is \$2,500,000.

3 “(2) PENALTY CONSIDERATIONS.—In deter-
4 mining the amount of a civil penalty for a major
5 consequence violation under this subsection, the Sec-
6 retary shall consider the factors prescribed in sub-
7 section (b).

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

12 “(A) 1 or more deaths;

13 “(B) 1 or more injuries or illnesses requir-
14 ing in-patient hospitalization; or

15 “(C) environmental harm exceeding
16 \$250,000 in estimated damage to the environ-
17 ment including property loss other than the
18 value of natural gas or hazardous liquid lost, or
19 damage to pipeline equipment.”.

20 (b) PENALTY FOR OBSTRUCTION OF INSPECTIONS
21 AND INVESTIGATIONS.—Section 60118(e) is amended by
22 adding at the end the following: “The Secretary may im-
23 pose a civil penalty under section 60122 of this title on
24 a person who obstructs or prevents the Secretary from

1 carrying out inspections or investigations under this chap-
 2 ter.”.

3 (c) ADMINISTRATIVE PENALTY CAPS INAPPLI-
 4 CABLE.—Section 60120(a)(1) is amended by adding at the
 5 end the following: “The maximum amount of civil pen-
 6 alties for administrative enforcement actions under section
 7 60122 of this title shall not apply to enforcement actions
 8 under this section.”.

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

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

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

17 **SEC. 3. PIPELINE DAMAGE PREVENTION.**

18 (a) MINIMUM STANDARDS FOR STATE ONE-CALL
 19 NOTIFICATION PROGRAMS.—Section 6103(a) is amended
 20 to read as follows:

21 “(a) MINIMUM STANDARDS.—

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

1 “(A) appropriate participation by all un-
 2 derground facility operators, including all gov-
 3 ernment operators;

4 “(B) appropriate participation by all exca-
 5 vators, including all government and contract
 6 excavators; and

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

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

14 (b) STATE DAMAGE PREVENTION PROGRAMS.—See-
 15 tion 60134(a) is amended—

16 (1) by striking “and” after the semicolon in
 17 paragraph (1);

18 (2) by striking “(b).” in paragraph (2) and in-
 19 serting “(b); and”; and

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

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

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

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

5 Section 60102(k)(1) is amended by striking the last
 6 sentence and inserting “Not later than 1 year after the
 7 date of enactment of the Pipeline Transportation Safety
 8 Improvement Act of 2011, the Secretary shall issue regu-
 9 lations, after notice and an opportunity for a hearing, sub-
 10 jecting offshore hazardous liquid gathering pipelines and
 11 hazardous liquid gathering pipelines located within the in-
 12 lets of the Gulf of Mexico to the same standards and regu-
 13 lations as other hazardous liquid pipelines. The regula-
 14 tions issued under this paragraph shall not apply to low-
 15 stress distribution pipelines.”.

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

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

20 “(n) **AUTOMATIC AND REMOTE-CONTROLLED SHUT-**
 21 **OFF VALVES.**—Not later than 2 years after the date of
 22 enactment of the Pipeline Transportation Safety Improve-
 23 ment Act of 2011, the Secretary shall by regulation, after
 24 notice and an opportunity for a hearing, require the use
 25 of automatic or remote-controlled shut-off valves, or equiv-

1 alent technology, where economically, technically, and
 2 operationally feasible on transmission pipelines con-
 3 structed or entirely replaced after the date on which the
 4 Secretary issues a final rule.”.

5 **SEC. 6. EXCESS FLOW VALVES.**

6 Section 60109(e)(3) is amended—

7 (1) by redesignating subparagraph (B) as sub-
 8 paragraph (C); and

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

11 “(B) DISTRIBUTION BRANCH SERVICES,
 12 MULTI-FAMILY FACILITIES, AND SMALL COM-
 13 Mercial FACILITIES.—Not later than 2 years
 14 after the date of enactment of the Pipeline
 15 Transportation Safety Improvement Act of
 16 2011, the Secretary shall prescribe regulations,
 17 after notice and an opportunity for hearing, to
 18 require the use of excess flow valves, where eco-
 19 nomically and technically feasible, on new or en-
 20 tirely replaced distribution branch services,
 21 multi-family facilities, and small commercial fa-
 22 cilities.”.

1 **SEC. 7. INTEGRITY MANAGEMENT.**

2 (a) **EVALUATION.**—Within 1 year after the date of
3 enactment of this Act, the Secretary of Transportation
4 shall evaluate—

5 (1) whether integrity management system re-
6 quirements, or elements thereof, should be expanded
7 beyond high consequence areas (as defined under
8 section 60109(a) of title 49, United States Code);
9 and

10 (2) with respect to gas pipeline facilities, wheth-
11 er applying the integrity management program re-
12 quirements to additional areas would mitigate the
13 need for class location requirements.

14 (b) **STANDARDS.**—Not later than 1 year after com-
15 pletion of the evaluation, the Secretary shall prescribe
16 such regulations, after notice and an opportunity for a
17 hearing.

18 (c) **DATA REPORTING.**—The Secretary shall collect
19 any relevant data necessary to complete the evaluation re-
20 quired by subsection (a) and may collect such additional
21 data pursuant to regulations promulgated under sub-
22 section (b) as may be necessary.

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

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

1 **“SEC. § 60138. PUBLIC EDUCATION AND AWARENESS**

2 “(a) ~~IN GENERAL.~~—Not later than 1 year after the
3 date of enactment of the Pipeline Transportation Safety
4 Improvement Act of 2011, the Secretary shall—

5 “(1) maintain a monthly updated summary of
6 all completed and final natural gas and hazardous
7 liquid pipeline inspections conducted by or reported
8 to the Pipeline and Hazardous Materials Safety Ad-
9 ministration that includes—

10 “(A) identification of the operator in-
11 spected;

12 “(B) the type of inspection;

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

15 “(D) any corrective actions required to be
16 taken by the operator to remediate such defi-
17 ciencies;

18 “(2) maintain a comprehensive list, to be up-
19 dated annually, and individual copy of each gas
20 emergency response plan pursuant to section
21 60102(d)(5) of this title and of each hazardous liq-
22 uid pipeline operator’s facility response plan pursu-
23 ant to section 311(j)(5) of the Federal Water Pollu-
24 tion Control Act (33 U.S.C. 1321(j)(5)), excluding
25 any proprietary or security-sensitive information
26 that may be contained in an operator’s plan;

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

7 “(4) maintain a current copy of any industry-
8 developed or professional organization pipeline safety
9 standards that have been incorporated by reference
10 into regulations, to the extent consistent with fair
11 use.

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

17 “(c) RELATIONSHIP TO FOIA.—Nothing in this sec-
18 tion shall be construed to require disclosure of information
19 or records that are exempt from disclosure under section
20 552 of title 5.”.

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

“60138. Public education and awareness”.

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

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

17 **SEC. 10. LEAK DETECTION.**

18 (a) **LEAK DETECTION STUDY UPDATE.**—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary of Transportation shall submit to the Senate
21 Committee on Commerce, Science, and Transportation
22 and the House of Representatives Committees on Trans-
23 portation and Infrastructure and on Energy and Com-
24 merce an updated report on leak detection systems utilized
25 by operators of hazardous liquid pipelines and transpor-
26 tation-related flow lines. The report shall include an anal-

1 ysis of the technical limitations of current leak detection
2 systems, including the systems' ability to detect ruptures
3 and small leaks that are ongoing or intermittent, and what
4 can be done to foster development of better technologies.

5 (b) LEAK DETECTION STANDARDS.—Not later than
6 1 year after completion of the report, the Secretary may,
7 based on the study in subsection (a), prescribe regulations,
8 after notice and an opportunity for a hearing, requiring
9 an operator of a hazardous liquid pipeline to use leak de-
10 tection technologies, particularly in high consequence
11 areas.

12 **SEC. 11. INCIDENT NOTIFICATION.**

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

15 (1) prescribe regulations, after notice and an
16 opportunity for a hearing, that establish time limits
17 for accident and incident telephonic or electronic no-
18 tification by pipeline operators to State and local
19 government officials and emergency responders when
20 a spill or rupture occurs; and

21 (2) review procedures for pipeline operators and
22 the National Response Center to provide thorough
23 and coordinated notification to all relevant emer-
24 gency response officials and revise such procedures
25 as appropriate.

1 **SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY**
 2 **RESPONSE PLAN COMPLIANCE.**

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

8 (b) **CONFORMING AMENDMENT.**—Section
 9 311(b)(6)(A) of the Federal Water Pollution Control Act
 10 (33 U.S.C. 1321(b)(6)(A)) is amended by striking “oper-
 11 ating or” and inserting “operating, the Secretary of
 12 Transportation, or”.

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

14 (a) **IN GENERAL.**—Section 60132(a) is amended—

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

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

17 “(4) Any other geospatial, technical, or other
 18 related pipeline data, including design and material
 19 specifications, that the Secretary determines is nec-
 20 essary to carry out the purposes of this section. The
 21 Secretary shall give reasonable notice to operators
 22 that the data are being requested.”.

23 (b) **DISCLOSURE LIMITED TO FOIA REQUIRE-**
 24 **MENTS.**—Section 60132 is amended by adding at the end
 25 the following:

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

5 **SEC. 14. INTERNATIONAL COOPERATION AND CONSULTA-**
6 **TION.**

7 Section 60117 is amended by adding at the end the
8 following:

9 “(e) INTERNATIONAL COOPERATION AND CONSULTA-
10 TION.—

11 “(1) INFORMATION EXCHANGE AND TECHNICAL
12 ASSISTANCE.—If the Secretary determines that it
13 would benefit the United States, subject to guidance
14 from the Secretary of State, the Secretary may en-
15 gage in activities supporting cooperative inter-
16 national efforts to share information about the risks
17 to the public and the environment from pipelines
18 and means of protecting against those risks. Such
19 cooperation may include the exchange of information
20 with domestic and appropriate international organi-
21 zations to facilitate efforts to develop and improve
22 safety standards and requirements for pipeline
23 transportation in or affecting interstate or foreign
24 commerce.

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

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

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

17 Not later than 2 years after the date of enactment
18 of this Act, the Secretary of Transportation shall complete
19 a review of all exemptions for gas and hazardous liquid
20 gathering lines. Based on this review the Secretary shall
21 submit a report to the Senate Committee on Commerce,
22 Science, and Transportation and the House of Represent-
23 atives Committees on Transportation and Infrastructure
24 and on Energy and Commerce containing the Secretary’s

1 recommendations with respect to the modification or rev-
2 ocation of existing exemptions.

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

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

6 “(a) ~~TRANSPORTATION-RELATED OIL FLOW~~
7 ~~LINES.—~~

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

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

19 “(3) ~~LIMITATION.—~~Nothing in this subsection
20 authorizes the Secretary to prescribe standards for
21 the movement of oil through production, refining, or
22 manufacturing facilities, or through oil production
23 flow lines located on the grounds of wells.”.

1 **SEC. 17. ALASKA PROJECT COORDINATION.**

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

5 **“SEC. § 60139. ALASKA PROJECT COORDINATION**

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

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

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

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

23 “(4) entering into cooperative agreements,
24 grants, or other transactions with the State of Alas-
25 ka, the Joint Pipeline Office, other Federal agencies,

1 and other public and private agencies to carry out
2 the objectives of this section.”.

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

“60139. Alaska project coordination”.

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

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

9 “(n) **COST RECOVERY FOR DESIGN REVIEWS.**—

10 “(1) **IN GENERAL.**—

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

1 collect fees under this section. This authority is
2 in addition to the authority provided in section
3 60301 of this title, but the Secretary may not
4 collect fees under this section and section
5 60301 for the same design safety review.

6 “(B) PROJECTS TO WHICH APPLICABLE.—

7 Subparagraph (A) applies to any project that—

8 “(i) has design and construction costs
9 totaling at least \$3,400,000,000; or

10 “(ii) uses new or novel technologies or
11 designs.

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

19 “(3) DEPOSIT AND USE.—There is established
20 a Pipeline Safety Design Review Fund in the Treas-
21 ury of the United States. The Secretary shall deposit
22 funds paid under this subsection into the Fund.
23 Funds deposited under this section are authorized to
24 be appropriated for the purposes set forth in this
25 chapter. Fees authorized under this section shall be

1 collected and available for obligation only to the ex-
 2 tent and in the amount provided in advance in ap-
 3 propriations Acts.”.

4 **SEC. 19. SPECIAL PERMITS.**

5 Section 60118(e)(1) is amended to read as follows:

6 “(1) ISSUANCE OF WAIVERS.—

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

15 “(B) CONSIDERATIONS.—In determining
 16 whether to grant a waiver, the Secretary shall
 17 consider—

18 “(i) the fitness of the applicant to
 19 conduct the activity authorized by the
 20 waiver in a manner that is consistent with
 21 pipeline safety;

22 “(ii) the applicant’s compliance his-
 23 tory;

24 “(iii) the applicant’s accident history;
 25 and

1 “(iv) any other information or data
2 the Secretary considers relevant to making
3 the determination.

4 “(C) EFFECTIVE PERIOD.—A waiver of
5 one or more pipeline operating requirements
6 shall be reviewed by the Secretary 5 years after
7 its effective date. In reviewing a waiver, the
8 Secretary shall consider any change in owner-
9 ship or control of the pipeline, any change in
10 the conditions around the pipeline, and other
11 factors as appropriate. The Secretary may mod-
12 ify, suspend, or revoke a waiver after such re-
13 view under with subparagraph (E).

14 “(D) PUBLIC NOTICE AND HEARING.—The
15 Secretary may act on a waiver under this sec-
16 tion only after public notice and an opportunity
17 for a hearing, which may consist of publication
18 of notice in the Federal Register that an appli-
19 cation for a waiver has been filed and providing
20 the public with the opportunity to review and
21 comment on the application. If a waiver is
22 granted, the Secretary shall state in the order
23 and associated analysis the reasons for granting
24 it.

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

15 **SEC. 20. BIOFUEL PIPELINES.**

16 Section 60101(a)(4) is amended—

17 (1) by striking “and” after the semicolon in
 18 subparagraph (A);

19 (2) by redesignating subparagraph (B) as sub-
 20 paragraph (C); and

21 (3) by inserting after subparagraph (A) the fol-
 22 lowing:

23 “(B) non-petroleum fuels, including
 24 biofuels that are flammable, toxic, or corrosive

1 or would be harmful to the environment if re-
2 leased in significant quantities, and”.

3 **SEC. 21. CARBON DIOXIDE PIPELINES.**

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

5 “(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—

6 The Secretary shall prescribe minimum safety standards
7 for the transportation of carbon dioxide by pipeline in ei-
8 ther a liquid or gaseous state.”.

9 **SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS**
10 **CRUDE OIL.**

11 Not later than 18 months after the date of enactment
12 of this Act, the Secretary of Transportation shall complete
13 a comprehensive review of hazardous liquid pipeline regu-
14 lations to determine whether these regulations are suffi-
15 cient to regulate pipelines used for the transportation of
16 tar sands crude oil. In conducting this review, the Sec-
17 retary shall conduct an analysis of whether any increase
18 in risk of release exists for pipelines transporting tar
19 sands crude oil. The Secretary shall report the results of
20 this review to the Senate Committee on Commerce,
21 Science, and Transportation, and the House of Represent-
22 atives Committees on Transportation and Infrastructure
23 and on Energy and Commerce.

1 **SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**
2 **TRANSPORTED BY PIPELINE.**

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

20 **SEC. 24. CLARIFICATIONS.**

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

24 (b) **OWNER AND OPERATOR CLARIFICATION.**—Sec-
25 tion 60102(a)(2)(A) is amended by striking “owners and

1 operators” and inserting in their place the words “any or
2 all of the owners or operators”.

3 (c) ~~ONE-CALL ENFORCEMENT CLARIFICATION.~~—Sec-
4 tion 60114(f) is amended by adding at the end the fol-
5 lowing: “This subsection does not apply to proceedings
6 against persons who are pipeline operators.”.

7 **SEC. 25. ADDITIONAL RESOURCES.**

8 (a) ~~IN GENERAL.~~—To the extent funds are appro-
9 priated, the Secretary of Transportation shall increase the
10 personnel of the Pipeline and Hazardous Materials Safety
11 Administration by a total of ~~39~~ full-time employees to
12 carry out the pipeline safety program and the administra-
13 tion of that program, of which at least—

14 (1) ~~9~~ employees shall be added in fiscal year
15 ~~2011~~;

16 (2) ~~10~~ employees shall be added in fiscal year
17 ~~2012~~;

18 (3) ~~10~~ employees shall be added in fiscal year
19 ~~2013~~; and

20 (4) ~~10~~ employees shall be added in fiscal year
21 ~~2014~~.

22 (b) ~~FUNCTIONS.~~—In increasing the number of em-
23 ployees under subsection (a), the Secretary shall focus on
24 hiring employees—

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

3 (2) to develop, implement, and update informa-
4 tion technology;

5 (3) to conduct inspections of pipeline facilities
6 to determine compliance with applicable regulations
7 and standards;

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

10 (5) to support the overall pipeline safety mis-
11 sion of the Pipeline and Hazardous Materials Safety
12 Administration, including training of pipeline en-
13 forcement personnel.

14 **SEC. 26. MAINTENANCE OF EFFORT.**

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

16 “(b) PAYMENTS.—After notifying and consulting
17 with a State authority, the Secretary may withhold any
18 part of a payment when the Secretary decides that the
19 authority is not carrying out satisfactorily a safety pro-
20 gram or not acting satisfactorily as an agent. The Sec-
21 retary may pay an authority under this section only when
22 the authority ensures the Secretary that it will provide the
23 remaining costs of a safety program and that the total
24 State amount spent for a safety program (excluding
25 grants of the United States Government) will at least

1 equal the average amount spent for gas and hazardous
 2 liquid safety programs for fiscal years 2004 through 2006,
 3 except when the Secretary waives the requirements of this
 4 subsection. The Secretary shall grant such a waiver if a
 5 State can demonstrate an inability to maintain or increase
 6 the required funding share of its pipeline safety program
 7 at or above the level required by this subsection due to
 8 economic hardship in that State.”.

9 **SEC. 27. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) GAS AND HAZARDOUS LIQUID.—

11 (1) Section 60125(a)(1) is amended by striking
 12 subparagraphs (A) through (D) and inserting the
 13 following:

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

17 “(B) for fiscal year 2012, \$96,144,000, of
 18 which \$9,600,000 for carrying out such section
 19 12 and \$39,611,000 is for making grants;

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

24 “(D) for fiscal year 2014, \$102,807,000,
 25 of which \$10,200,000 is for carrying out such

1 section 12 and \$42,356,000 is for making
2 grants.”.

3 (2) Section 60125(a)(2) is amended by striking
4 subparagraphs (A) through (D) and inserting the
5 following:

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

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

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

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

19 (b) EMERGENCY RESPONSE GRANTS.—Section
20 60125(b)(2) is amended by striking “2007 through 2010”
21 and inserting “2011 through 2014”.

22 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
23 6107 is amended—

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

1 (2) by striking “2007 through 2010.” in sub-
 2 section (b) and inserting “2011 through 2014.”; and
 3 (3) by striking subsection (c).

4 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-
 5 tion 60134 is amended by adding at the end the following:
 6 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Secretary to pro-
 8 vide grants under this section \$2,000,000 for each of fiscal
 9 years 2011 through 2014. The funds shall remain avail-
 10 able until expended.”.

11 (e) COMMUNITY PIPELINE SAFETY INFORMATION
 12 GRANTS.—Section 60130 is amended—

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

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

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

20 (1) by adding at the end of subsection (d) the
 21 following:

22 “(3) ONGOING PIPELINE TRANSPORTATION RE-
 23 SEARCH AND DEVELOPMENT.—After the initial 5-
 24 year program plan has been carried out by the par-
 25 ticipating agencies, the Secretary of Transportation

1 shall prepare a research and development program
 2 plan every 5 years thereafter and shall transmit a
 3 report to Congress on the status and results-to-date
 4 of implementation of the program each year that
 5 funds are appropriated for carrying out the plan.”;
 6 and

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

9 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**
 10 **UNITED STATES CODE; TABLE OF CONTENTS.**

11 (a) *SHORT TITLE.*—*This Act may be cited as the*
 12 *“Pipeline Transportation Safety Improvement Act of*
 13 *2011”.*

14 (b) *AMENDMENT OF TITLE 49, UNITED STATES*
 15 *CODE.*—*Except as otherwise expressly provided, whenever*
 16 *in this Act an amendment or repeal is expressed in terms*
 17 *of an amendment to, or a repeal of, a section or other provi-*
 18 *sion, the reference shall be considered to be made to a section*
 19 *or other provision of title 49, United States Code.*

20 (c) *TABLE OF CONTENTS.*—*The table of contents for*
 21 *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. Cast iron gas pipelines.*

- 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 the 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. *Maximum allowable operating pressure.*
 Sec. 28. *Administrative enforcement process.*
 Sec. 29. *Authorization of appropriations.*

1 **SEC. 2. CIVIL PENALTIES.**

2 (a) *PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE*

3 *VIOLATIONS.—Section 60122 is amended—*

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

6 (2) *by redesignating subsections (c) through (f)*
 7 *as subsections (d) through (g), respectively; and*

8 (3) *by inserting after subsection (b) the fol-*
 9 *lowing:*

10 “(c) *PENALTIES FOR MAJOR CONSEQUENCE VIOLA-*
 11 *TIONS.—*

12 “(1) *IN GENERAL.—A person that the Secretary*
 13 *of Transportation decides, after written notice and an*
 14 *opportunity for a hearing, has committed a major*
 15 *consequence violation of section 60114(b), 60114(d),*
 16 *or 60118(a) of this title or a regulation prescribed or*

1 *order issued under this chapter is liable to the United*
 2 *States Government for a civil penalty of not more*
 3 *than \$250,000 for each violation. A separate violation*
 4 *occurs for each day the violation continues. The max-*
 5 *imum civil penalty under this paragraph for a re-*
 6 *lated series of major consequence violations is*
 7 *\$2,500,000.*

8 *“(2) PENALTY CONSIDERATIONS.—In deter-*
 9 *mining the amount of a civil penalty for a major*
 10 *consequence violation under this subsection, the Sec-*
 11 *retary shall consider the factors prescribed in sub-*
 12 *section (b).*

13 *“(3) MAJOR CONSEQUENCE VIOLATION DE-*
 14 *FINED.—In this subsection, the term ‘major con-*
 15 *sequence violation’ means a violation that contributed*
 16 *to an incident resulting in—*

17 *“(A) 1 or more deaths;*

18 *“(B) 1 or more injuries or illnesses requir-*
 19 *ing in-patient hospitalization; or*

20 *“(C) environmental harm exceeding*
 21 *\$250,000 in estimated damage to the environ-*
 22 *ment including property loss other than the*
 23 *value of natural gas or hazardous liquid lost, or*
 24 *damage to pipeline equipment.”.*

1 (b) *PENALTY FOR OBSTRUCTION OF INSPECTIONS AND*
 2 *INVESTIGATIONS.*—Section 60118(e) is amended by adding
 3 at the end the following: “The Secretary may impose a civil
 4 penalty under section 60122 of this title on a person who
 5 obstructs or prevents the Secretary from carrying out in-
 6 spections or investigations under this chapter.”.

7 (c) *ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.*—
 8 Section 60120(a)(1) is amended by adding at the end the
 9 following: “The maximum amount of civil penalties for ad-
 10 ministrative enforcement actions under section 60122 of
 11 this title shall not apply to enforcement actions under this
 12 section.”.

13 (d) *JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCE-*
 14 *MENT ORDERS.*—Section 60119(a) is amended—

15 (1) by striking the subsection caption and insert-
 16 ing “(a) *REVIEW OF REGULATIONS, ORDERS, AND*
 17 *OTHER FINAL AGENCY ACTIONS.*—”; and

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

21 **SEC. 3. PIPELINE DAMAGE PREVENTION.**

22 (a) *MINIMUM STANDARDS FOR STATE ONE-CALL NOTI-*
 23 *FICATION PROGRAMS.*—Section 6103(a) is amended to read
 24 as follows:

25 “(a) *MINIMUM STANDARDS.*—

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

4 “(A) *appropriate participation by all un-*
 5 *derground facility operators, including all gov-*
 6 *ernment operators;*

7 “(B) *appropriate participation by all exca-*
 8 *vators, including all government and contract*
 9 *excavators; and*

10 “(C) *flexible and effective enforcement under*
 11 *State law with respect to participation in, and*
 12 *use of, one-call notification systems.*

13 “(2) *EXEMPTIONS PROHIBITED.*—*A State one-*
 14 *call notification program may not exempt munici-*
 15 *palities, State agencies, or their contractors from its*
 16 *one-call notification system requirements.”.*

17 (b) *STATE DAMAGE PREVENTION PROGRAMS.*—*Sec-*
 18 *tion 60134(a) is amended—*

19 (1) *by striking “and” after the semicolon in*
 20 *paragraph (1);*

21 (2) *by striking “(b).” in paragraph (2) and in-*
 22 *serting “(b); and”; and*

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

1 “(3) does not provide any exemptions to municipi-
2 palities, State agencies, or their contractors from its
3 one-call notification system requirements.”.

4 (c) *EFFECTIVE DATE.*—The amendments made by this
5 section shall take effect 2 years after the date of enactment
6 of this Act.

7 **SEC. 4. OFFSHORE GATHERING PIPELINES.**

8 Section 60102(k)(1) is amended by striking the last
9 sentence and inserting “Not later than 1 year after the date
10 of enactment of the Pipeline Transportation Safety Im-
11 provement Act of 2011, the Secretary shall issue regulations,
12 after notice and an opportunity for a hearing, subjecting
13 offshore hazardous liquid gathering pipelines and haz-
14 ardous liquid gathering pipelines located within the inlets
15 of the Gulf of Mexico to the same standards and regulations
16 as other hazardous liquid gathering pipelines. The regula-
17 tions issued under this paragraph shall not apply to low-
18 stress distribution pipelines.”.

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

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

23 “(n) *AUTOMATIC AND REMOTE-CONTROLLED SHUT-*
24 *OFF VALVES.*—Not later than 2 years after the date of en-
25 actment of the Pipeline Transportation Safety Improve-

1 *ment Act of 2011, the Secretary shall by regulation, after*
 2 *notice and an opportunity for a hearing, require the use*
 3 *of automatic or remote-controlled shut-off valves, or equiva-*
 4 *lent technology, where economically, technically, and oper-*
 5 *ationally feasible on transmission pipelines constructed or*
 6 *entirely replaced after the date on which the Secretary*
 7 *issues a final rule.”.*

8 **SEC. 6. EXCESS FLOW VALVES.**

9 *Section 60109(e)(3) is amended—*

10 *(1) by redesignating subparagraph (B) as sub-*
 11 *paragraph (C); and*

12 *(2) by inserting after subparagraph (A) the fol-*
 13 *lowing:*

14 *“(B) DISTRIBUTION BRANCH SERVICES,*
 15 *MULTI-FAMILY FACILITIES, AND SMALL COMMER-*
 16 *CIAL FACILITIES.—Not later than 2 years after*
 17 *the date of enactment of the Pipeline Transpor-*
 18 *tation Safety Improvement Act of 2011, the Sec-*
 19 *retary shall prescribe regulations, after notice*
 20 *and an opportunity for hearing, to require the*
 21 *use of excess flow valves, where economically and*
 22 *technically feasible, on new or entirely replaced*
 23 *distribution branch services, multi-family facili-*
 24 *ties, and small commercial facilities.”.*

1 **SEC. 7. INTEGRITY MANAGEMENT.**

2 (a) *EVALUATION.*—*Within 1 year after the date of en-*
3 *actment of this Act, the Secretary of Transportation shall*
4 *evaluate—*

5 (1) *whether integrity management system re-*
6 *quirements, or elements thereof, should be expanded*
7 *beyond high consequence areas (as defined under sec-*
8 *tion 60109(a) of title 49, United States Code);*

9 (2) *with respect to gas pipeline facilities, wheth-*
10 *er applying the integrity management program re-*
11 *quirements to additional areas would mitigate the*
12 *need for class location requirements, with an empha-*
13 *sis on class 3 and 4 facilities; and*

14 (3) *whether data collected outside high con-*
15 *sequence areas as part of gas transmission pipeline*
16 *integrity management programs should be included as*
17 *part of the records required to be maintained by oper-*
18 *ators.*

19 (b) *STANDARDS.*—*Not later than 1 year after comple-*
20 *tion of the evaluation, the Secretary shall prescribe such*
21 *regulations, as appropriate, after notice and an oppor-*
22 *tunity for a hearing.*

23 (c) *DATA REPORTING.*—*The Secretary shall collect any*
24 *relevant data necessary to complete the evaluation required*
25 *by subsection (a) and may collect such additional data pur-*

1 *suant to regulations promulgated under subsection (b) as*
 2 *may be necessary.*

3 (d) *SEISMICITY.—In identifying high consequence*
 4 *areas under section 60109, the Secretary shall consider the*
 5 *seismicity of the area.*

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

7 (a) *IN GENERAL.—Chapter 601 is amended by adding*
 8 *at the end the following:*

9 **“§ 60138. Public education and awareness**

10 “(a) *IN GENERAL.—Not later than 1 year after the*
 11 *date of enactment of the Pipeline Transportation Safety*
 12 *Improvement Act of 2011, the Secretary shall—*

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

18 “(A) *identification of the operator in-*
 19 *spected;*

20 “(B) *the type of inspection;*

21 “(C) *the results of the inspection, including*
 22 *any deficiencies identified; and*

23 “(D) *any corrective actions required to be*
 24 *taken by the operator to remediate such defi-*
 25 *ciencies;*

1 “(2) maintain—

2 “(A) a status indication of the review and
3 approval of each gas emergency response plan
4 pursuant to section 60102(d)(5) of this title and
5 of each hazardous liquid pipeline operator’s re-
6 sponse plan pursuant to part 194 of title 49,
7 Code of Federal Regulations;

8 “(B) a comprehensive description of the re-
9 quirements for such plans; and

10 “(C) a detailed summary of each approved
11 plan written by the operator that includes the
12 key elements of the plan, but which may ex-
13 clude—

14 “(i) proprietary information;

15 “(ii) security-sensitive information, in-
16 cluding as referenced in section 1520.5(a) of
17 title 49, code of Federal Regulations;

18 “(iii) specific response resources and
19 tactical resource deployment plans; and

20 “(iv) the specific amount and location
21 of worst-case discharges, including the proc-
22 ess by which an operator determines the
23 worst discharge.

24 “(3) excluding any proprietary or security-sen-
25 sitive information, as part of the National Pipeline

1 *Mapping System maintain a map of all currently*
2 *designated high consequence areas in which pipelines*
3 *are required to meet integrity management safety reg-*
4 *ulations and update the map annually; and*

5 *“(4) maintain a copy or, at a minimum, a de-*
6 *tailed summary of any industry-developed or profes-*
7 *sional organization pipeline safety standards that*
8 *have been incorporated by reference into regulations,*
9 *to the extent consistent with fair use.*

10 *“(b) PUBLIC AVAILABILITY.—The requirements of sub-*
11 *section (a) shall be considered to have been met if the infor-*
12 *mation required to be made public is made available on*
13 *the Pipeline and Hazardous Materials Safety Administra-*
14 *tion’s public Web site.*

15 *“(c) RELATIONSHIP TO FOIA.—Nothing in this sec-*
16 *tion shall be construed to require disclosure of information*
17 *or records that are exempt from disclosure under section*
18 *552 of title 5.”.*

19 *(b) CLERICAL AMENDMENT.—The table of contents for*
20 *chapter 601 is amended by inserting after the item relating*
21 *to section 60137 the following new item:*

“60138. Public education and awareness”.

22 **SEC. 9. CAST IRON GAS PIPELINES.**

23 *(a) SURVEY UPDATE.—Not later than one year after*
24 *the enactment of this Act, the Secretary of Transportation*

1 shall conduct a follow-on survey to the survey conducted
2 under section 60108(d) to determine—

3 (1) the extent to which each operator has adopted
4 a plan for the safe management and replacement of
5 cast iron pipelines;

6 (2) the elements of the plan, including the antici-
7 pated rate of replacement; and

8 (3) the progress that has been made.

9 (b) *SURVEY FREQUENCY*.—Section 60108(d) is amend-
10 ed by adding at the end the following new paragraph:

11 “(4) The secretary shall conduct a follow-up survey to
12 measure progress of plan implementation biannually.”.

13 **SEC. 10. LEAK DETECTION.**

14 (a) *LEAK DETECTION STUDY UPDATE*.—Not later
15 than 1 year after the date of enactment of this Act, the Sec-
16 retary of Transportation shall submit to the Committee on
17 Commerce, Science, and Transportation of the Senate and
18 the Committees on Transportation and Infrastructure and
19 on Energy and Commerce of the House of Representatives
20 an updated report on leak detection systems utilized by op-
21 erators of hazardous liquid pipelines and transportation-
22 related flow lines. The report shall include an analysis of
23 the technical limitations of current leak detection systems,
24 including the systems’ ability to detect ruptures and small

1 *leaks that are ongoing or intermittent, and what can be*
2 *done to foster development of better technologies.*

3 **(b) LEAK DETECTION STANDARDS.**—*Not later than 1*
4 *year after completion of the report, the Secretary shall, as*
5 *appropriate, based on the study in subsection (a), prescribe*
6 *regulations, after notice and an opportunity for a hearing,*
7 *requiring an operator of a hazardous liquid pipeline to use*
8 *leak detection technologies, particularly in high consequence*
9 *areas.*

10 **SEC. 11. INCIDENT NOTIFICATION.**

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

13 (1) *prescribe regulations, after notice and an op-*
14 *portunity for a hearing, that establish time limits for*
15 *accident and incident telephonic or electronic notifi-*
16 *cation by pipeline operators to State and local gov-*
17 *ernment officials and emergency responders when a*
18 *spill or rupture occurs; and*

19 (2) *review procedures for pipeline operators and*
20 *the National Response Center to provide thorough and*
21 *coordinated notification to all relevant emergency re-*
22 *sponse officials and revise such procedures as appro-*
23 *priate.*

1 **SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY**
2 **RESPONSE PLAN COMPLIANCE.**

3 (a) *IN GENERAL.*—Subparagraphs (A) and (B) of sec-
4 tion 311(m)(2) of the Federal Water Pollution Control Act
5 (33 U.S.C. 1321(m)(2)) are each amended by striking “Ad-
6 ministrator or” and inserting “Administrator, the Sec-
7 retary of Transportation, or”.

8 (b) *CONFORMING AMENDMENT.*—Section 311(b)(6)(A)
9 of the Federal Water Pollution Control Act (33 U.S.C.
10 1321(b)(6)(A)) is amended by striking “operating or” and
11 inserting “operating, the Secretary of Transportation, or”.

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

13 (a) *IN GENERAL.*—Section 60132(a) is amended—

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

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

16 “(4) Any other geospatial, technical, or other re-
17 lated pipeline data, including design and material
18 specifications, that the Secretary determines is nec-
19 essary to carry out the purposes of this section. The
20 Secretary shall give reasonable notice to operators
21 that the data are being requested.”.

22 (b) *DISCLOSURE LIMITED TO FOIA REQUIRE-*
23 *MENTS.*—Section 60132 is amended by adding at the end
24 the following:

25 “(d) *PUBLIC DISCLOSURE LIMITED.*—The Secretary
26 may not disclose information collected pursuant to sub-

1 *section (a) except to the extent permitted by section 552 of*
2 *title 5.”.*

3 **SEC. 14. INTERNATIONAL COOPERATION AND CONSULTA-**
4 **TION.**

5 *Section 60117 is amended by adding at the end the*
6 *following:*

7 *“(o) INTERNATIONAL COOPERATION AND CONSULTA-*
8 *TION.—*

9 *“(1) INFORMATION EXCHANGE AND TECHNICAL*
10 *ASSISTANCE.—If the Secretary determines that it*
11 *would benefit the United States, subject to guidance*
12 *from the Secretary of State, the Secretary may engage*
13 *in activities supporting cooperative international ef-*
14 *forts to share information about the risks to the public*
15 *and the environment from pipelines and means of*
16 *protecting against those risks. Such cooperation may*
17 *include the exchange of information with domestic*
18 *and appropriate international organizations to facili-*
19 *tate efforts to develop and improve safety standards*
20 *and requirements for pipeline transportation in or af-*
21 *fecting interstate or foreign commerce.*

22 *“(2) CONSULTATION.—To the extent practicable,*
23 *subject to guidance from the Secretary of State, the*
24 *Secretary may consult with interested authorities in*
25 *Canada, Mexico, and other interested authorities, as*

1 *needed, to ensure that the respective pipeline safety*
2 *standards and requirements prescribed by the Sec-*
3 *retary and those prescribed by such authorities are*
4 *consistent with the safe and reliable operation of*
5 *cross-border pipelines.*

6 “(3) *DIFFERENCES IN INTERNATIONAL STAND-*
7 *ARDS AND REQUIREMENTS.—Nothing in this section*
8 *requires that a standard or requirement prescribed by*
9 *the Secretary under this chapter be identical to a*
10 *standard or requirement adopted by an international*
11 *authority.”.*

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

13 *Not later than 2 years after the date of enactment of*
14 *this Act, the Secretary of Transportation shall complete a*
15 *review of all exemptions for gas and hazardous liquid gath-*
16 *ering lines. Based on this review the Secretary shall submit*
17 *a report to the Committee on Commerce, Science, and*
18 *Transportation of the Senate and the Committees on Trans-*
19 *portation and Infrastructure and on Energy and Commerce*
20 *of the House of Representatives containing the Secretary’s*
21 *recommendations with respect to the modification or rev-*
22 *ocation of existing exemptions.*

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

24 *Section 60102, as amended by section 5, is further*
25 *amended by adding at the end the following:*

1 “(o) *TRANSPORTATION-RELATED OIL FLOW LINES.*—

2 “(1) *DATA COLLECTION.*—*The Secretary may*
3 *collect geospatial, technical, or other pipeline data on*
4 *transportation-related oil flow lines, including un-*
5 *regulated transportation-related oil flow lines.*

6 “(2) *TRANSPORTATION-RELATED OIL FLOW LINE*
7 *DEFINED.*—*In this subsection, the term ‘transport-*
8 *ation-related oil flow line’ means a pipeline trans-*
9 *porting oil off of the grounds of the well where it*
10 *originated across areas not owned by the producer re-*
11 *gardless of the extent to which the oil has been proc-*
12 *essed, if at all.*

13 “(3) *LIMITATION.*—*Nothing in this subsection*
14 *authorizes the Secretary to prescribe standards for the*
15 *movement of oil through production, refining, or*
16 *manufacturing facilities, or through oil production*
17 *flow lines located on the grounds of wells.”.*

18 **SEC. 17. ALASKA PROJECT COORDINATION.**

19 “(a) *IN GENERAL.*—*Chapter 601, as amended by sec-*
20 *tion 8 of this Act, is further amended by adding at the end*
21 *the following:*

22 **“§ 60139. Alaska project coordination**

23 *“The Secretary may provide technical assistance to the*
24 *State of Alaska for the purpose of achieving coordinated and*
25 *effective oversight of the construction, expansion, or oper-*

1 *ation of pipeline systems in Alaska. The assistance may in-*
 2 *clude—*

3 “(1) *conducting coordinated inspections of pipe-*
 4 *line systems subject to the respective authorities of the*
 5 *Department of Transportation and the State of Alas-*
 6 *ka;*

7 “(2) *consulting on the development and imple-*
 8 *mentation of programs designed to manage the integ-*
 9 *egrity risks associated with operating pipeline systems*
 10 *in the unique conditions of Alaska;*

11 “(3) *training inspection and enforcement per-*
 12 *sonnel and consulting on the development and imple-*
 13 *mentation of inspection protocols and training pro-*
 14 *grams; and*

15 “(4) *entering into cooperative agreements,*
 16 *grants, or other transactions with the State of Alaska,*
 17 *the Joint Pipeline Office, other Federal agencies, and*
 18 *other public and private agencies to carry out the ob-*
 19 *jectives of this section.”.*

20 **(b) CLERICAL AMENDMENT.**—*The table of contents for*
 21 *chapter 601, as amended by section 8 of this Act, is further*
 22 *amended by inserting after the item relating to section*
 23 *60138 the following new item:*

“60139. Alaska project coordination”.

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

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

1 “(n) *COST RECOVERY FOR DESIGN REVIEWS.*—

2 “(1) *IN GENERAL.*—

3 “(A) *REVIEW COSTS.*—*For any project de-*
4 *scribed in subparagraph (B), if the Secretary*
5 *conducts facility design safety reviews in connec-*
6 *tion with a proposal to construct, expand, or op-*
7 *erate a new gas or hazardous liquid pipeline or*
8 *liquefied natural gas pipeline facility, including*
9 *construction inspections and oversight, the Sec-*
10 *retary may require the person or entity pro-*
11 *posing the project to pay the costs incurred by*
12 *the Secretary relating to such reviews. If the Sec-*
13 *retary exercises the cost recovery authority de-*
14 *scribed in this section, the Secretary shall pre-*
15 *scribe a fee structure and assessment method-*
16 *ology that is based on the costs of providing these*
17 *reviews and shall prescribe procedures to collect*
18 *fees under this section. This authority is in addi-*
19 *tion to the authority provided in section 60301*
20 *of this title, but the Secretary may not collect*
21 *fees under this section and section 60301 for the*
22 *same design safety review.*

23 “(B) *PROJECTS TO WHICH APPLICABLE.*—

24 *Subparagraph (A) applies to any project that—*

1 “(i) has design and construction costs
2 totaling at least \$3,400,000,000; or

3 “(ii) uses new or novel technologies or
4 designs.

5 “(2) NOTIFICATION.—For any new pipeline con-
6 struction project in which the Secretary will conduct
7 design reviews, the person or entity proposing the
8 project shall notify the Secretary and provide the de-
9 sign specifications, construction plans and proce-
10 dures, and related materials at least 120 days prior
11 to the commencement of construction.

12 “(3) DEPOSIT AND USE.—There is established a
13 Pipeline Safety Design Review Fund in the Treasury
14 of the United States. The Secretary shall deposit
15 funds paid under this subsection into the Fund.
16 Funds deposited under this section are authorized to
17 be appropriated for the purposes set forth in this
18 chapter. Fees authorized under this section shall be
19 collected and available for obligation only to the ex-
20 tent and in the amount provided in advance in ap-
21 propriations Acts.

22 “(4) NO ADDITIONAL PERMITTING AUTHORITY.—
23 Nothing in this subsection shall be construed as au-
24 thorizing the Secretary to require a person to obtain
25 a permit before beginning design and construction in

1 *connection with a project described in paragraph*
2 *(1)(B).”.*

3 **SEC. 19. SPECIAL PERMITS.**

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

5 “(1) *ISSUANCE OF WAIVERS.—*

6 “(A) *IN GENERAL.—On application of an*
7 *owner or operator of a pipeline facility, the Sec-*
8 *retary by order may waive compliance with any*
9 *part of an applicable standard prescribed under*
10 *this chapter with respect to the facility on terms*
11 *the Secretary considers appropriate, if the Sec-*
12 *retary determines that the waiver is not incon-*
13 *sistent with pipeline safety.*

14 “(B) *CONSIDERATIONS.—In determining*
15 *whether to grant a waiver, the Secretary shall*
16 *consider—*

17 “(i) *the fitness of the applicant to con-*
18 *duct the activity authorized by the waiver*
19 *in a manner that is consistent with pipeline*
20 *safety;*

21 “(ii) *the applicant’s compliance his-*
22 *tory;*

23 “(iii) *the applicant’s accident history;*
24 *and*

1 “(iv) any other information or data
2 the Secretary considers relevant to making
3 the determination.

4 “(C) *EFFECTIVE PERIOD.*—A waiver of one
5 or more pipeline operating requirements shall be
6 reviewed by the Secretary 5 years after its effec-
7 tive date. In reviewing a waiver, the Secretary
8 shall consider any change in ownership or con-
9 trol of the pipeline, any change in the conditions
10 around the pipeline, and other factors as appro-
11 priate. The Secretary may modify, suspend, or
12 revoke a waiver after such review under subpara-
13 graph (E).

14 “(D) *PUBLIC NOTICE AND HEARING.*—The
15 Secretary may act on a waiver under this sec-
16 tion only after public notice and an opportunity
17 for a hearing, which may consist of publication
18 of notice in the *Federal Register* that an applica-
19 tion for a waiver has been filed and providing
20 the public with the opportunity to review and
21 comment on the application. If a waiver is
22 granted, the Secretary shall state in the order
23 and associated analysis the reasons for granting
24 it.

1 “(E) *NONCOMPLIANCE AND MODIFICATION,*
2 *SUSPENSION, OR REVOCATION.*—After notice to a
3 holder of a waiver and opportunity to show
4 cause, the Secretary may modify, suspend, or re-
5 voke a waiver issued under this section for fail-
6 ure to comply with its terms or conditions, inter-
7 vening changes in Federal law, a material
8 change in circumstances affecting safety, includ-
9 ing erroneous information in the application, or
10 any other reason. If necessary to avoid a signifi-
11 cant risk of harm to persons, property, or the en-
12 vironment, the Secretary may waive the show
13 cause procedure and make the action imme-
14 diately effective.”.

15 **SEC. 20. BIOFUEL PIPELINES.**

16 Section 60101(a)(4) is amended—

17 (1) by striking “and” after the semicolon in sub-
18 paragraph (A);

19 (2) by redesignating subparagraph (B) as sub-
20 paragraph (C); and

21 (3) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) *non-petroleum fuels, including biofuels*
24 *that are flammable, toxic, or corrosive or would*

1 *be harmful to the environment if released in sig-*
2 *nificant quantities; and”.*

3 **SEC. 21. CARBON DIOXIDE PIPELINES.**

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

5 “(i) *PIPELINES TRANSPORTING CARBON DIOXIDE.—*
6 *The Secretary shall prescribe minimum safety standards for*
7 *the transportation of carbon dioxide by pipeline in either*
8 *a liquid or gaseous state.”.*

9 **SEC. 22. STUDY OF THE TRANSPORTATION OF TAR SANDS**
10 **CRUDE OIL.**

11 *Not later than 18 months after the date of enactment*
12 *of this Act, the Secretary of Transportation shall complete*
13 *a comprehensive review of hazardous liquid pipeline regula-*
14 *tions to determine whether these regulations are sufficient*
15 *to regulate pipelines used for the transportation of tar sands*
16 *crude oil. In conducting this review, the Secretary shall con-*
17 *duct an analysis of whether any increase in risk of release*
18 *exists for pipelines transporting tar sands crude oil. The*
19 *Secretary shall report the results of this review to the Com-*
20 *mittee on Commerce, Science, and Transportation of the*
21 *Senate and the Committees on Transportation and Infra-*
22 *structure and on Energy and Commerce of the House of*
23 *Representatives.*

1 **SEC. 23. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**
2 **TRANSPORTED BY PIPELINE.**

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

20 **SEC. 24. CLARIFICATIONS.**

21 *(a) AMENDMENT OF PROCEDURES CLARIFICATION.—*
22 *Section 60108(a)(1) is amended by striking “an intrastate”*
23 *and inserting “a”.*

24 *(b) OWNER AND OPERATOR CLARIFICATION.—Section*
25 *60102(a)(2)(A) is amended by striking “owners and opera-*
26 *tors” and inserting “any or all of the owners or operators”.*

1 (c) *ONE-CALL ENFORCEMENT CLARIFICATION.*—*Sec-*
 2 *tion 60114(f) is amended by adding at the end the fol-*
 3 *lowing: “This subsection does not apply to proceedings*
 4 *against persons who are pipeline operators.”.*

5 **SEC. 25. ADDITIONAL RESOURCES.**

6 (a) *IN GENERAL.*—*To the extent funds are appro-*
 7 *priated, the Secretary of Transportation shall increase the*
 8 *personnel of the Pipeline and Hazardous Materials Safety*
 9 *Administration by a total of 39 full-time employees to carry*
 10 *out the pipeline safety program and the administration of*
 11 *that program, of which at least—*

12 (1) *9 employees shall be added in fiscal year*
 13 *2011;*

14 (2) *10 employees shall be added in fiscal year*
 15 *2012;*

16 (3) *10 employees shall be added in fiscal year*
 17 *2013; and*

18 (4) *10 employees shall be added in fiscal year*
 19 *2014.*

20 (b) *FUNCTIONS.*—*In increasing the number of employ-*
 21 *ees under subsection (a), the Secretary shall focus on hiring*
 22 *employees—*

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

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

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

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

8 (5) to support the overall pipeline safety mission
9 of the Pipeline and Hazardous Materials Safety Ad-
10 ministration, including training of pipeline enforce-
11 ment personnel.

12 **SEC. 26. MAINTENANCE OF EFFORT.**

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

14 “(b) *PAYMENTS.*—After notifying and consulting with
15 a State authority, the Secretary may withhold any part
16 of a payment when the Secretary decides that the authority
17 is not carrying out satisfactorily a safety program or not
18 acting satisfactorily as an agent. The Secretary may pay
19 an authority under this section only when the authority
20 ensures the Secretary that it will provide the remaining
21 costs of a safety program and that the total State amount
22 spent for a safety program (excluding grants of the United
23 States Government) will at least equal the average amount
24 spent for gas and hazardous liquid safety programs for fis-
25 cal years 2004 through 2006, except when the Secretary

1 *waives the requirements of this subsection. The Secretary*
 2 *shall grant such a waiver if a State can demonstrate an*
 3 *inability to maintain or increase the required funding*
 4 *share of its pipeline safety program at or above the level*
 5 *required by this subsection due to economic hardship in that*
 6 *State.”.*

7 **SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

8 (a) *ESTABLISHMENT OF RECORDS.—*

9 (1) *IN GENERAL.—Not later than 6 months after*
 10 *the date of enactment of this Act, the Secretary of*
 11 *Transportation shall require pipeline operators to*
 12 *conduct a verification of records for all interstate and*
 13 *intrastate gas transmission lines in class 3 and class*
 14 *4 locations and class 1 and class 2 high consequence*
 15 *areas that accurately reflect the pipeline’s physical*
 16 *and operational characteristics and confirm the estab-*
 17 *lished maximum allowable operating pressure of those*
 18 *pipelines.*

19 (2) *ELEMENTS.—Verification of each record*
 20 *under paragraph (1) shall include such elements as*
 21 *the Secretary considers appropriate.*

22 (b) *REPORTING.—*

23 (1) *DOCUMENTATION OF CERTAIN PIPELINES.—*
 24 *Not later than 18 months after the date of enactment*
 25 *of this Act, pipeline operators shall submit to the Sec-*

1 *retary documentation of all interstate and intrastate*
2 *gas transmission pipelines in class 3 and class 4 loca-*
3 *tions and class 1 and class 2 high consequence areas*
4 *where the records required under subsection (a) are*
5 *not sufficient to confirm the established maximum al-*
6 *lowable operating pressure of those pipeline segments.*

7 (2) *EXCEEDANCES OF MAXIMUM ALLOWABLE OP-*
8 *ERATING PRESSURE.—All pipeline operators shall re-*
9 *port any exceedance of the maximum allowable oper-*
10 *ating pressure for gas transmission pipelines that ex-*
11 *ceed the build-up allowed for operation of pressure-*
12 *limiting or control devices to the Secretary not later*
13 *than 5 working days after the exceedance occurs. No-*
14 *tice of exceedance by gas transmission pipelines shall*
15 *be provided concurrently to appropriate State au-*
16 *thorities.*

17 (c) *DETERMINATION OF MAXIMUM ALLOWABLE OPER-*
18 *ATING PRESSURE.—*

19 (1) *IN GENERAL.—For any transmission line re-*
20 *ported in subsection (b), the Secretary shall require*
21 *the operator of the transmission line to reconfirm a*
22 *maximum allowable operational pressure as expedi-*
23 *tiously as economically feasible.*

24 (2) *INTERIM ACTIONS.—For cases described in*
25 *paragraph (1), the Secretary will determine what ac-*

1 *tions are appropriate for a pipeline operator to take*
2 *to maintain safety until a maximum allowable oper-*
3 *ating pressure is confirmed. In determining what ac-*
4 *tions an operator should take, the Secretary shall take*
5 *into account consequences to public safety and the en-*
6 *vironment, impacts on pipeline system reliability and*
7 *deliverability, and other factors, as appropriate.*

8 **SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCESS.**

9 *(a) ISSUANCE OF REGULATIONS.—*

10 *(1) IN GENERAL.—Not later than 2 years after*
11 *the date of the enactment of this Act, the Secretary*
12 *shall prescribe regulations—*

13 *(A) requiring hearings under sections*
14 *60112, 60117, 60118, and 60122 to be convened*
15 *before a presiding official;*

16 *(B) providing the opportunity for any per-*
17 *son requesting a hearing under sections 60112,*
18 *60117, 60118, and 60122 to arrange for a tran-*
19 *script of that hearing, at the expense of the re-*
20 *questing person; and*

21 *(C) ensuring expedited review of any order*
22 *issued pursuant to section 60112(e).*

23 *(2) PRESIDING OFFICIAL.—The regulations pre-*
24 *scribed under this subsection shall—*

1 (A) define the term “presiding official” to
2 mean the person who conducts any hearing relat-
3 ing to civil penalty assessments, compliance or-
4 ders, safety orders, or corrective action orders;
5 and

6 (B) require that the presiding official must
7 be an attorney on the staff of the Deputy Chief
8 Counsel that is not engaged in investigative or
9 prosecutorial functions, including the prepara-
10 tion of notices of probable violations, orders re-
11 lating to civil penalty assessments, compliance
12 orders, or corrective action orders.

13 (b) *STANDARDS OF JUDICIAL REVIEW.*—Section
14 60119(a) is amended by adding at the end the following
15 new paragraph:

16 “(3) All judicial review of agency action under this
17 section shall apply the standards of review established in
18 section 706 of title 5.”.

19 **SEC. 29. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) *GAS AND HAZARDOUS LIQUID.*—

21 (1) Section 60125(a)(1) is amended by striking
22 subparagraphs (A) through (D) and inserting the fol-
23 lowing:

1 “(A) for fiscal year 2011, \$92,206,000, of
2 which \$9,200,000 is for carrying out such section
3 12 and \$36,958,000 is for making grants;

4 “(B) for fiscal year 2012, \$96,144,000, of
5 which \$9,600,000 for carrying out such section
6 12 and \$39,611,000 is for making grants;

7 “(C) for fiscal year 2013, \$99,876,000, of
8 which \$9,900,000 is for carrying out such section
9 12 and \$41,148,000 is for making grants; and

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

13 (2) Section 60125(a)(2) is amended by striking
14 subparagraphs (A) through (D) and inserting the fol-
15 lowing:

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

19 “(B) for fiscal year 2012, \$19,661,000, of
20 which \$7,864,000 is for carrying out such section
21 12 and \$7,864,000 is for making grants;

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

1 “(D) for fiscal year 2014, \$20,000,000, of
2 which \$8,000,000 is for carrying out such section
3 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 are
17 authorized to be appropriated to the Secretary to provide
18 grants under this section \$2,000,000 for each of fiscal years
19 2011 through 2014. The funds shall remain available until
20 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 fol-
7 lowing:

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

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

Calendar No. 96

112TH CONGRESS
1ST Session

S. 275

[Report No. 112-30]

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.

JULY 7, 2011

Reported with an amendment