

114TH CONGRESS
2D SESSION

H. R. 4937

To amend title 49, United States Code, to reauthorize pipeline safety programs and enhance pipeline safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2016

Mr. DENHAM (for himself, Mr. CAPUANO, Mr. SHUSTER, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to reauthorize pipeline safety programs and enhance pipeline safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Protecting our Infrastructure of Pipelines and Enhanc-
7 ing Safety Act of 2016” or the “PIPES Act of 2016”.

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

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Authorization of appropriations.
- Sec. 3. Failure of PHMSA to implement statutory mandates.
- Sec. 4. Natural gas integrity management review.
- Sec. 5. Hazardous liquid integrity management review.
- Sec. 6. Technical safety standards committees.
- Sec. 7. Inspection report information.
- Sec. 8. Improving damage prevention technology.
- Sec. 9. Workforce management.
- Sec. 10. Information-sharing system.
- Sec. 11. Nationwide integrated pipeline safety regulatory database.
- Sec. 12. Underground natural gas storage facilities.
- Sec. 13. Joint inspection and oversight.
- Sec. 14. Safety data sheets.
- Sec. 15. Hazardous materials identification numbers.
- Sec. 16. Emergency order authority.
- Sec. 17. State grant funds.
- Sec. 18. Response plans.
- Sec. 19. High consequence areas.
- Sec. 20. Pipeline safety technical assistance grants.
- Sec. 21. Study of materials and corrosion prevention in pipeline transportation.

3 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) GAS AND HAZARDOUS LIQUID.—Section
 5 60125(a) of title 49, United States Code is amended—
 6 (1) in paragraph (1) by striking “there is au-
 7 thorized to be appropriated to the Department of
 8 Transportation for each of fiscal years 2012 through
 9 2015, from fees collected under section 60301,
 10 \$90,679,000, of which \$4,746,000 is for carrying
 11 out such section 12 and \$36,194,000 is for making
 12 grants.” and inserting the following: “there is au-
 13 thorized to be appropriated to the Department of
 14 Transportation from fees collected under sections
 15 60301 and 60302—

1 “(A) \$124,500,000 for fiscal year 2016, of
2 which \$9,000,000 shall be expended for car-
3 rying out such section 12 and \$39,385,000
4 shall be expended for making grants;

5 “(B) \$128,000,000 for fiscal year 2017 of
6 which \$9,000,000 shall be expended for car-
7 rying out such section 12 and \$41,885,000
8 shall be expended for making grants;

9 “(C) \$131,000,000 for fiscal year 2018, of
10 which \$9,000,000 shall be expended for car-
11 rying out such section 12 and \$44,885,000
12 shall be expended for making grants; and

13 “(D) \$134,000,000 for fiscal year 2019, of
14 which \$9,000,000 shall be expended for car-
15 rying out such section 12 and \$47,885,000
16 shall be expended for making grants.”; and

17 (2) in paragraph (2) by striking “there is au-
18 thorized to be appropriated for each of fiscal years
19 2012 through 2015 from the Oil Spill Liability
20 Trust Fund to carry out the provisions of this chap-
21 ter related to hazardous liquid and section 12 of the
22 Pipeline Safety Improvement Act of 2002 (49
23 U.S.C. 60101 note; Public Law 107–355),
24 \$18,573,000, of which \$2,174,000 is for carrying
25 out such section 12 and \$4,558,000 is for making

1 grants.” and inserting the following: “there is au-
2 thorized to be appropriated from the Oil Spill Liabil-
3 ity Trust Fund to carry out the provisions of this
4 chapter related to hazardous liquid and section 12 of
5 the Pipeline Safety Improvement Act of 2002 (49
6 U.S.C. 60101 note; Public Law 107–355)—

7 “(A) \$22,123,000 for fiscal year 2016, of
8 which \$3,000,000 shall be expended for car-
9 rying out such section 12 and \$8,067,000 shall
10 be expended for making grants;

11 “(B) \$22,123,000 for fiscal year 2017, of
12 which \$3,000,000 shall be expended for car-
13 rying out such section 12 and \$8,067,000 shall
14 be expended for making grants;

15 “(C) \$23,000,000 for fiscal year 2018, of
16 which \$3,000,000 shall be expended for car-
17 rying out such section 12 and \$8,067,000 shall
18 be expended for making grants; and

19 “(D) \$23,000,000 for fiscal year 2019, of
20 which \$3,000,000 shall be expended for car-
21 rying out such section 12 and \$8,067,000 shall
22 be expended for making grants.”.

23 (b) OPERATIONAL EXPENSES.—There are authorized
24 to be appropriated to the Secretary for the necessary oper-

1 ational expenses of the Pipeline and Hazardous Materials
2 Safety Administration the following amounts:

3 (1) \$21,000,000 for fiscal year 2016;

4 (2) \$22,000,000 for fiscal year 2017;

5 (3) \$22,000,000 for fiscal year 2018; and

6 (4) \$23,000,000 for fiscal year 2019.

7 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section
8 6107(a) of title 49, United States Code, is amended to
9 read as follows: “Of the amounts provided under section
10 60125(a)(1), the Secretary shall withhold \$1,058,000 for
11 each of fiscals years 2016 through 2019 to carry out this
12 section.”.

13 (d) PIPELINE SAFETY INFORMATION GRANTS TO
14 COMMUNITIES.—The first sentence of section 60130(c) of
15 title 49, United States Code, is amended to read as fol-
16 lows: “Of the amounts made available under section 2(b)
17 of the PIPES Act of 2016, the Secretary shall withhold
18 \$1,500,000 for each of fiscal years 2016 through 2019
19 to carry out this section.”

20 (e) PIPELINE INTEGRITY PROGRAM.—Section 12(f)
21 of the Pipeline Safety Improvement Act of 2002 (49
22 U.S.C. 60101 note) is amended by striking “2012 through
23 2015” and inserting “2016 through 2019”.

1 **SEC. 3. FAILURE OF PHMSA TO IMPLEMENT STATUTORY**
2 **MANDATES.**

3 (a) REPORT BY THE INSPECTOR GENERAL.—Not
4 later than 45 days after the date of enactment of this Act,
5 the Inspector General of the Department of Transpor-
6 tation shall submit to the Secretary of Transportation, the
7 Administrator of the Pipeline and Hazardous Materials
8 Safety Administration, the Committee on Transportation
9 and Infrastructure and the Committee on Energy and
10 Commerce of the House of Representatives, and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report containing the following:

13 (1) A list of each statutory mandate contained
14 in the Pipeline Safety, Regulatory Certainty, and
15 Job Creation Act of 2011 (Public Law 112–90) that
16 has not been implemented.

17 (2) A list of each statutory mandate regarding
18 pipeline safety from this Act and all other Acts en-
19 acted prior to the date of enactment of this Act,
20 other than those contained in the Pipeline Safety,
21 Regulatory Certainty, and Job Creation Act of 2011
22 (Public Law 112–90), that has not been imple-
23 mented.

24 (b) REPORTS BY THE SECRETARY.—

25 (1) STATUTORY MANDATES.—Not later than 90
26 days after the date of enactment of this Act, and

1 every 60 days thereafter until each of the mandates
2 listed pursuant to subsection (a) has been imple-
3 mented, the Secretary shall submit to the Committee
4 on Transportation and Infrastructure and the Com-
5 mittee on Energy and Commerce of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report
8 on the specific actions taken to implement such
9 mandates.

10 (2) PUBLIC AVAILABILITY.—The Secretary
11 shall make the report referred to in paragraph (1)
12 publicly available on the Department of Transpor-
13 tation’s Internet Web site.

14 (3) CONTENTS OF REPORTS.—The reports shall
15 provide, for each mandate listed pursuant to sub-
16 section (a)—

17 (A) a description of the mandate;

18 (B) the deadline imposed for the mandate;

19 (C) the status of the implementation of the
20 mandate;

21 (D) a detailed explanation of the reasons
22 the mandate has not been implemented, includ-
23 ing a description of any actions taken by the
24 Administrator of the Pipeline and Hazardous
25 Materials Safety Administration, the Office of

1 the Secretary, or the Office of Management and
2 Budget that delayed implementation of the
3 mandate;

4 (E) an estimated completion date for the
5 mandate;

6 (F) the specific date on which any draft,
7 interim, or final guidance, advisory, report, ad-
8 vance notice of proposed rulemaking, notice of
9 proposed rulemaking, final rule, or other docu-
10 ment required to implement the mandate was
11 sent to the Secretary by the Administrator for
12 review and subsequently transmitted by the
13 Secretary or the Administrator to the Office of
14 Management and Budget;

15 (G) a description of each concern with a
16 document described under subparagraph (F)
17 raised by the Secretary or the Office of Man-
18 agement and Budget; and

19 (H) the date and reasons the Secretary or
20 the Office of Management and Budget re-
21 quested any extension on acting on the man-
22 date, including an extension authorized by Ex-
23 ecutive Order 12866.

1 **SEC. 4. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.**

2 (a) REPORT.—Not later than 18 months after the
3 publication of a final rule regarding the safety of gas
4 transmission pipelines related to the notice of proposed
5 rulemaking issued on April 8, 2016, titled “Pipeline Safe-
6 ty: Safety of Gas Transmission and Gathering Pipelines”
7 (81 Fed. Reg. 20721), the Comptroller General of the
8 United States shall submit to the Committee on Transpor-
9 tation and Infrastructure and the Committee on Energy
10 and Commerce of the House of Representatives and the
11 Committee on Commerce, Science, and Transportation of
12 the Senate a report regarding the natural gas integrity
13 management programs required under section 60109(c) of
14 title 49, United States Code.

15 (b) CONTENTS.—The report required under sub-
16 section (a) shall include—

17 (1) an analysis of the extent to which the nat-
18 ural gas integrity management programs required
19 under section 60109(c) of title 49, United States
20 Code, have improved the safety of natural gas trans-
21 mission pipeline facilities;

22 (2) an analysis and recommendations, taking
23 into consideration technical, operational, and eco-
24 nomic feasibility, regarding changes to the programs
25 to improve safety, prevent inadvertent releases from
26 pipelines, and mitigate any adverse consequences of

1 an inadvertent release, including changes to the defi-
2 nition of high consequence area, or expanding integ-
3 rity management beyond high consequence areas;

4 (3) a review of the benefits, including safety
5 benefits, and cost effectiveness of the legacy class lo-
6 cation regulations;

7 (4) an analysis of, and recommendations re-
8 garding, what impact pipeline features and condi-
9 tions, including the age, condition, materials, and
10 construction of a pipeline, have on safety and risk
11 analysis of a particular pipeline;

12 (5) a description of any challenges affecting
13 Federal or State regulators in the oversight of nat-
14 ural gas transmission pipeline facilities and how the
15 challenges are being addressed; and

16 (6) a description of any challenges affecting the
17 natural gas industry in complying with the pro-
18 grams, and how the challenges are being addressed,
19 including any challenges faced by publicly-owned
20 natural gas distribution systems.

21 (c) DEFINITION OF HIGH CONSEQUENCE AREA.—In
22 this section, the term “high consequence area” has the
23 meaning given the term in section 195.450 of title 49,
24 Code of Federal Regulations (as in effect on the date of
25 enactment of this Act).

1 **SEC. 5. HAZARDOUS LIQUID INTEGRITY MANAGEMENT RE-**
2 **VIEW.**

3 (a) SAFETY STUDY.—Not later than 18 months after
4 the publication of a final rule regarding the safety of haz-
5 ardous liquid pipeline facilities related to the notice of pro-
6 posed rulemaking issued on October 13, 2015, titled
7 “Pipeline Safety: Safety of Hazardous Liquid Pipelines”
8 (80 Fed. Reg. 61610), the Comptroller General of the
9 United States shall submit to the Committee on Transpor-
10 tation and Infrastructure and the Committee on Energy
11 and Commerce of the House of Representatives and the
12 Committee on Commerce, Science, and Transportation of
13 the Senate a report regarding the hazardous liquid integ-
14 rity management programs, as regulated under sections
15 195.450 and 195.452 of title 49, Code of Federal Regula-
16 tions.

17 (b) CONTENTS.—The report required under sub-
18 section (a) shall include—

19 (1) an analysis of the extent to which haz-
20 ardous liquid pipeline facility integrity management
21 in high consequence areas, as regulated under sec-
22 tions 195.450 and 195.452 of title 49, Code of Fed-
23 eral Regulations, has improved the safety of haz-
24 ardous liquid pipeline facilities;

25 (2) an analysis and recommendations, taking
26 into consideration technical, operational, and eco-

1 nomic feasibility, regarding changes to the programs
2 to improve safety, prevent inadvertent releases from
3 pipelines, and mitigate any adverse consequences of
4 an inadvertent release, including changes to the defi-
5 nition of high consequence area;

6 (3) an analysis of how surveying, assessment,
7 mitigation, and monitoring activities, including real-
8 time hazardous liquid pipeline monitoring during
9 significant flood events and information sharing with
10 Federal agencies, are being used to address risks as-
11 sociated with the dynamic and unique nature of riv-
12 ers, flood plains, lakes, and coastal areas;

13 (4) an analysis of, and recommendations re-
14 garding, what impact pipeline features and condi-
15 tions, including the age, condition, materials, and
16 construction of a pipeline, have on safety and risk
17 analysis of a particular pipeline and what changes to
18 the definition of high consequence area could be
19 made to improve pipeline safety; and

20 (5) a description of any challenges affecting
21 Federal or State regulators in the oversight of haz-
22 ardous liquid pipeline facilities and how those chal-
23 lenges are being addressed.

24 (c) DEFINITION OF HIGH CONSEQUENCE AREA.—In
25 this section, the term “high consequence area” has the

1 meaning given the term in section 195.450 of title 49,
2 Code of Federal Regulations.

3 **SEC. 6. TECHNICAL SAFETY STANDARDS COMMITTEES.**

4 (1) APPOINTMENT OF MEMBERS.—Section
5 60115(b)(4)(A) of title 49, United States Code, is
6 amended by striking “State commissioners. The Sec-
7 retary shall consult with the national organization of
8 State commissions before selecting those 2 individ-
9 uals.” and inserting “State officials. The Secretary
10 shall consult with national organizations rep-
11 resenting State commissioners or Governors before
12 making a selection under this subparagraph.”.

13 (2) VACANCIES.—Section 60115(b) of title 49,
14 United States Code, is amended by adding at the
15 end the following:

16 “(5) Within 90 days of the date of enactment of the
17 PIPES Act of 2016, the Secretary shall fill all vacancies
18 on the Technical Pipeline Safety Standards Committee,
19 the Technical Hazardous Liquid Pipeline Safety Stand-
20 ards Committee, and any other committee established pur-
21 suant to this section. After that period, the Secretary shall
22 fill a vacancy on any such committee not later than 60
23 days after the vacancy occurs.”.

1 **SEC. 7. INSPECTION REPORT INFORMATION.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 completion of a Pipeline and Hazardous Materials Safety
4 Administration pipeline safety inspection, the Adminis-
5 trator of such Administration, or the State authority cer-
6 tified under section 60105 of title 49, United States Code,
7 to conduct such inspection, shall—

8 (1) conduct a post-inspection briefing with the
9 owner or operator of the gas or hazardous liquid
10 pipeline facility inspected outlining any concerns;
11 and

12 (2) to the extent practicable, provide the owner
13 or operator with written preliminary findings of the
14 inspection.

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, and annually thereafter for 2
17 years, the Administrator shall submit to the Committee
18 on Transportation and Infrastructure and the Committee
19 on Energy and Commerce of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report that includes—

22 (1) a description of the actions that the Pipe-
23 line and Hazardous Materials Safety Administration
24 has taken to ensure that inspections by State au-
25 thorities provide effective and timely oversight; and

1 (2) statistics relating to the timeliness of the
2 actions described in paragraphs (1) and (2) of sub-
3 section (a).

4 **SEC. 8. IMPROVING DAMAGE PREVENTION TECHNOLOGY.**

5 (a) **STUDY.**—The Comptroller General of the United
6 States shall conduct a study on improving existing damage
7 prevention programs through technological improvements
8 in location, mapping, excavation, and communications
9 practices to prevent excavation damage to a pipe or its
10 coating.

11 (b) **CONTENTS.**—The study under subsection (a)
12 shall include—

13 (1) an identification of any methods to improve
14 existing damage prevention programs through loca-
15 tion and mapping practices or technologies in an ef-
16 fort to reduce releases caused by excavation;

17 (2) an analysis of how increased use of global
18 positioning system digital mapping technologies, pre-
19 dictive analytic tools, public awareness initiatives in-
20 cluding one-call initiatives, the use of mobile devices,
21 and other advanced technologies could supplement
22 existing one-call notification and damage prevention
23 programs to reduce the frequency and severity of in-
24 cidents caused by excavation damage;

1 (3) an identification of any methods to improve
2 excavation practices or technologies in an effort to
3 reduce pipeline damage;

4 (4) an analysis of the feasibility of a national
5 data repository for pipeline excavation accident data
6 that creates standardized data models for storing
7 and sharing pipeline accident information;

8 (5) an identification of opportunities for stake-
9 holder engagement in preventing excavation damage;
10 and

11 (6) recommendations, taking into consideration
12 technical, operational, and economic feasibility, on
13 how to incorporate technological improvements and
14 practices that help prevent excavation damage into
15 existing damage prevention programs.

16 (c) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Comptroller General shall
18 submit to the Committee on Commerce, Science, and
19 Transportation of the Senate and the Committee on
20 Transportation and Infrastructure and the Committee on
21 Energy and Commerce of the House of Representatives
22 a report containing the results of the study conducted
23 under subsection (a).

1 **SEC. 9. WORKFORCE MANAGEMENT.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Inspector General of the Department of
4 Transportation shall submit to the Committee on Trans-
5 portation and Infrastructure and the Committee on En-
6 ergy and Commerce of the House of Representatives and
7 the Committee on Commerce, Science, and Transportation
8 of the Senate, a review of Pipeline and Hazardous Mate-
9 rials Safety Administration staff resource management,
10 including geographic allocation plans, hiring challenges,
11 and expected retirement rates and strategies. The review
12 shall include recommendations to address hiring chal-
13 lenges, training needs, and any other identified staff re-
14 source challenges.

15 **SEC. 10. INFORMATION-SHARING SYSTEM.**

16 (a) **IN GENERAL.**—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Trans-
18 portation shall convene a working group to consider the
19 development of a voluntary information-sharing system to
20 encourage collaborative efforts to improve inspection infor-
21 mation feedback and information sharing with the purpose
22 of improving natural gas transmission and hazardous liq-
23 uid pipeline facility integrity risk analysis.

24 (b) **MEMBERSHIP.**—The working group convened
25 pursuant to subsection (a) shall include representatives
26 from—

1 (1) the Pipeline and Hazardous Materials Safe-
2 ty Administration;

3 (2) industry stakeholders, including operators
4 of pipeline facilities, inspection technology vendors,
5 and pipeline inspection organizations;

6 (3) safety advocacy groups;

7 (4) research institutions;

8 (5) State public utility commissions or State of-
9 ficials responsible for pipeline safety oversight;

10 (6) State pipeline safety inspectors; and

11 (7) labor representatives.

12 (c) CONSIDERATIONS.—The working group convened
13 pursuant to subsection (a) shall consider and provide rec-
14 ommendations to the Secretary on—

15 (1) the need for, and the identification of, a
16 system to ensure that dig verification data are
17 shared with in-line inspection operators to the extent
18 consistent with the need to maintain proprietary and
19 security sensitive data in a confidential manner to
20 improve pipeline safety and inspection technology;

21 (2) ways to encourage the exchange of pipeline
22 inspection information and the development of ad-
23 vanced pipeline inspection technologies and enhanced
24 risk analysis;

1 (3) opportunities to share data, including dig
2 verification data between operators of pipeline facili-
3 ties and in-line inspector vendors to expand knowl-
4 edge of the advantages and disadvantages of the dif-
5 ferent types of in-line inspection technology and
6 methodologies;

7 (4) options to create a secure system that pro-
8 tects proprietary data while encouraging the ex-
9 change of pipeline inspection information and the
10 development of advanced pipeline inspection tech-
11 nologies and enhanced risk analysis; and

12 (5) regulatory, funding, and legal barriers to
13 sharing the information described in paragraphs (1)
14 through (4).

15 (d) PUBLICATION.—The Secretary shall publish the
16 recommendations provided under subsection (c) on a pub-
17 licly available Web site of the Department of Transpor-
18 tation.

19 **SEC. 11. NATIONWIDE INTEGRATED PIPELINE SAFETY REG-**
20 **ULATORY DATABASE.**

21 (a) ESTABLISHMENT.—Not later than 18 months
22 after the date of enactment of this Act, the Secretary of
23 Transportation shall establish a national integrated pipe-
24 line safety regulatory inspection database to improve com-
25 munication and collaboration between the Pipeline and

1 Hazardous Materials Safety Administration and State
2 pipeline regulators.

3 (b) CONSIDERATIONS.—In developing the database,
4 the Secretary shall consider—

5 (1) any efforts underway to test a secure infor-
6 mation-sharing system for the purpose described in
7 subsection (a);

8 (2) any progress in establishing common stand-
9 ards for maintaining, collecting, and presenting pipe-
10 line safety regulatory inspection data, and a method-
11 ology for the sharing of the data;

12 (3) any existing inadequacies or gaps in State
13 and Federal inspection, enforcement, geospatial, or
14 other pipeline safety regulatory inspection data;

15 (4) the potential safety benefits of a national
16 integrated pipeline database; and

17 (5) recommendations of stakeholders for how to
18 implement a secure information-sharing system that
19 protects proprietary and security sensitive informa-
20 tion and data for the purpose described in sub-
21 section (a).

22 (c) CONSULTATION.—In implementing this section,
23 the Secretary shall consult with stakeholders, including
24 State authorities operating under a certification to regu-

1 late intrastate pipelines under section 60105 of title 49,
2 United States Code.

3 **SEC. 12. UNDERGROUND NATURAL GAS STORAGE FACILI-**
4 **TIES.**

5 (a) DEFINED TERM.—Section 60101(a) of title 49,
6 United States Code, is amended—

7 (1) in paragraph (21)(B) by striking the period
8 at the end and inserting a semicolon;

9 (2) in paragraph (22)(B)(iii) by striking the pe-
10 riod at the end and inserting a semicolon;

11 (3) in paragraph (24) by striking “and” at the
12 end;

13 (4) in paragraph (25) by striking the period at
14 the end and inserting “; and”; and

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

16 “(26) ‘underground natural gas storage facility’
17 means a gas pipeline facility that stores gas in an
18 underground facility, including—

19 “(A) a depleted hydrocarbon reservoir;

20 “(B) an aquifer reservoir; or

21 “(C) a solution-mined salt cavern res-
22ervoir.”.

23 (b) STANDARDS FOR UNDERGROUND NATURAL GAS
24 STORAGE FACILITIES.—Chapter 601 of title 49, United

1 States Code, is amended by adding at the end the fol-
2 lowing:

3 **“§ 60141. Standards for underground natural gas**
4 **storage facilities**

5 “(a) MINIMUM SAFETY STANDARDS.—Not later than
6 2 years after the date of enactment of the PIPES Act
7 of 2016, the Secretary of Transportation, in consultation
8 with the heads of other relevant Federal agencies, shall
9 issue minimum safety standards for underground natural
10 gas storage facilities.

11 “(b) CONSIDERATIONS.—In developing the safety
12 standards required under subsection (a), the Secretary
13 shall, to the extent practicable—

14 “(1) consider consensus standards for the oper-
15 ation, environmental protection, and integrity man-
16 agement of underground natural gas storage facili-
17 ties;

18 “(2) consider the economic impacts of the regu-
19 lations on individual gas customers; and

20 “(3) ensure that the regulations do not have a
21 significant economic impact on end users.

22 “(c) RULES OF CONSTRUCTION.—

23 “(1) IN GENERAL.—Nothing in this section
24 may be construed to affect any Federal regulation
25 relating to gas pipeline facilities that is in effect on

1 the day before the date of enactment of the PIPES
2 Act of 2016.

3 “(2) LIMITATIONS.—Nothing in this section
4 may be construed to authorize the Secretary—

5 “(A) to prescribe the location of an under-
6 ground natural gas storage facility; or

7 “(B) to require the Secretary’s permission
8 to construct a facility referred to in subpara-
9 graph (A).

10 “(d) PREEMPTION.—A State authority may adopt
11 additional or more stringent safety standards for intra-
12 state underground natural gas storage facilities if such
13 standards are compatible with the minimum standards
14 prescribed under this section.”.

15 (e) USER FEES.—Chapter 603 of title 49, United
16 States Code, is amended by inserting after section 60301
17 the following:

18 “§ 60302. **User fees for underground natural gas stor-**
19 **age facilities**

20 “(a) IN GENERAL.—A fee shall be imposed on an en-
21 tity operating an underground natural gas storage facility
22 pursuant to section 60141. Any such fee imposed shall be
23 collected before the end of the fiscal year to which it ap-
24 plies.

1 “(b) MEANS OF COLLECTION.—The Secretary of
2 Transportation shall prescribe procedures to collect fees
3 under this section. The Secretary may use a department,
4 agency, or instrumentality of the United States Govern-
5 ment or of a State or local government to collect the fee
6 and may reimburse the department, agency, or instrumen-
7 tality a reasonable amount for its services.

8 “(c) USE OF FEES.—

9 “(1) ACCOUNT.—There is established an Un-
10 derground Natural Gas Storage Facility Safety Ac-
11 count in the Pipeline Safety Fund established in the
12 Treasury of the United States under section 60301.

13 “(2) USE OF FEES.—A fee collected under this
14 section—

15 “(A) shall be deposited in the Under-
16 derground Natural Gas Storage Facility Safety Ac-
17 count; and

18 “(B) if the fee is related to an under-
19 ground natural gas storage facility pursuant to
20 section 60141, the amount of the fee may be
21 used only for an activity related to underground
22 natural gas storage safety.

23 “(3) LIMITATION.—Amounts collected under
24 this section shall be made available only to the ex-
25 tent provided in advance in an appropriations Act

1 for an activity related to underground natural gas
2 storage safety.”.

3 (d) CLERICAL AMENDMENTS.—

4 (1) CHAPTER 601.—The table of sections for
5 chapter 601 of title 49, United States Code, is
6 amended by adding at the end the following:

“60141. Standards for underground natural gas storage facilities.”.

7 (2) CHAPTER 603.—The table of sections for
8 chapter 603 of title 49, United States Code, is
9 amended by inserting after the item relating to sec-
10 tion 60301 the following:

“60302. User fees for underground natural gas storage facilities.”.

11 **SEC. 13. JOINT INSPECTION AND OVERSIGHT.**

12 Section 60105 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(g) JOINT INSPECTORS.—At the request of a State
15 authority, the Secretary shall allow for a certified State
16 authority under this section to participate in the inspec-
17 tion of an interstate pipeline facility.”.

18 **SEC. 14. SAFETY DATA SHEETS.**

19 (a) IN GENERAL.—Each owner or operator of a haz-
20 ardous liquid pipeline facility, following an accident or in-
21 cident involving such pipeline facility, shall provide safety
22 data sheets on any spilled oil to the designated Federal
23 On-Scene Coordinator and appropriate State officials

1 within 6 hours of a telephonic or electronic notice of the
2 accident or incident to the National Response Center.

3 (b) DEFINITIONS.—In this section:

4 (1) FEDERAL ON-SCENE COORDINATOR.—The
5 term “Federal On-Scene Coordinator” has the
6 meaning given such term in section 311(a) of the
7 Federal Water Pollution Control Act (33 U.S.C.
8 1321(a)).

9 (2) NATIONAL RESPONSE CENTER.—The term
10 “National Response Center” means the center de-
11 scribed under section 300.125(a) of title 40, Code of
12 Federal Regulations.

13 **SEC. 15. HAZARDOUS MATERIALS IDENTIFICATION NUM-**
14 **BERS.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Secretary of Transportation shall issue an
17 advanced notice of proposed rulemaking to take public
18 comment on the petition for rulemaking dated October 28,
19 2015, titled “Corrections to Title 49 C.F.R. §172.336
20 Identification numbers; special provisions” (P-1667).

21 **SEC. 16. EMERGENCY ORDER AUTHORITY.**

22 Section 60117 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(o) EMERGENCY ORDER AUTHORITY.—

1 “(1) IN GENERAL.—If the Secretary determines
2 that a violation of a provision of this chapter, or a
3 regulation issued pursuant to this chapter, or an un-
4 safe condition or practice, or a combination of un-
5 safe conditions and practices, constitutes or is caus-
6 ing an imminent hazard, the Secretary may impose
7 emergency restrictions, prohibitions, and safety
8 measures by issuing an emergency order described in
9 paragraph (3) without prior notice or an opportunity
10 for a hearing, but only to the extent necessary to
11 abate the imminent hazard.

12 “(2) CONSIDERATIONS.—Before issuing an
13 emergency order under paragraph (1), the Secretary
14 shall consider, after consultation with appropriate
15 Federal agencies, State agencies, or other entities,
16 the following, as appropriate:

17 “(A) The impact of the emergency order
18 on public health and safety.

19 “(B) The impact, if any, of the emergency
20 order on the national or regional economy or
21 national security.

22 “(C) The impact of the emergency order
23 on owners and operators of pipeline facilities.

24 “(3) WRITTEN ORDER.—An emergency order
25 issued by the Secretary pursuant to paragraph (1)

1 with respect to an imminent hazard shall contain a
2 written description of—

3 “(A) the violation, condition, or practice
4 that constitutes or is causing the imminent haz-
5 ard;

6 “(B) the entities subject to the order;

7 “(C) the restrictions, prohibitions, or safe-
8 ty measures imposed;

9 “(D) the standards and procedures for ob-
10 taining relief from the order;

11 “(E) how the order is tailored to abate the
12 imminent hazard and the reasons the authori-
13 ties under section 60112 and 60117(1) are in-
14 sufficient to do so; and

15 “(F) how the considerations were taken
16 into account pursuant to subsection (2).

17 “(4) OPPORTUNITY FOR REVIEW.—Upon re-
18 ceipt of a petition for review from an entity subject
19 to, and adversely affected by, an emergency order
20 issued under this subsection, the Secretary shall pro-
21 vide an opportunity for a review of the order under
22 section 554 of title 5 to determine whether the order
23 should remain in effect, be modified, or be termi-
24 nated.

1 “(5) EXPIRATION OF EFFECTIVENESS
2 ORDER.—If a petition for review of an emergency
3 order is filed under paragraph (4) and an agency de-
4 cision with respect to the petition is not issued on
5 or before the last day of the 30-day period beginning
6 on the date on which the petition is filed, the order
7 shall cease to be effective on such day, unless the
8 Secretary determines in writing on or before the last
9 day of such period that the imminent hazard still ex-
10 ists.

11 “(6) JUDICIAL REVIEW OF ORDERS.—After
12 completion of the review process described in para-
13 graph (4) or the issuance of a written determination
14 by the Secretary pursuant to paragraph (5), an enti-
15 ty subject to, and adversely affected by, an emer-
16 gency order issued under this subsection may seek
17 judicial review of the order in a district court of the
18 United States and shall be given expedited consider-
19 ation.

20 “(7) REGULATIONS.—

21 “(A) TEMPORARY REGULATIONS.—Not
22 later than 60 days after the date of enactment
23 of the PIPES Act of 2016, the Secretary shall
24 issue such temporary regulations as are nec-
25 essary to carry out this subsection. The tem-

1 porary regulations shall expire on the date of
2 issuance of the final regulations required under
3 subparagraph (B).

4 “(B) FINAL REGULATIONS.—Not later
5 than 270 days after such date of enactment,
6 the Secretary shall issue such regulations as are
7 necessary to carry out this subsection. Such
8 regulations shall ensure that the review process
9 described in paragraph (4) is consistent with
10 the review process developed under section
11 109.19 of title 49, Code of Federal Regulations,
12 to the greatest extent practicable and not incon-
13 sistent with this section.

14 “(8) IMMINENT HAZARD DEFINED.—In this
15 subsection, the term ‘imminent hazard’ means the
16 existence of a condition relating to a gas or haz-
17 ardous liquid pipeline facility that presents—

18 “(A) a substantial likelihood that death,
19 serious illness, or severe personal injury may
20 occur; or

21 “(B) a substantial endangerment to health,
22 property, or the environment.

23 “(9) LIMITATION AND SAVINGS CLAUSE.—An
24 emergency order issued under this subsection may
25 not be construed to—

1 “(A) alter, amend, or limit the Secretary’s
2 obligations under, or the applicability of, section
3 553 of title 5; or

4 “(B) provide the authority to amend the
5 Code of Federal Regulations.”.

6 **SEC. 17. STATE GRANT FUNDS.**

7 (a) PAYMENTS.—Section 60107(b) of title 49, United
8 States Code, is amended to read as follows:

9 “(b) PAYMENTS.—After notifying and consulting
10 with a State authority, the Secretary may withhold any
11 part of a payment when the Secretary decides that the
12 authority is not carrying out satisfactorily a safety pro-
13 gram or not acting satisfactorily as an agent. The Sec-
14 retary may pay an authority under this section only when
15 the authority ensures the Secretary that it will provide the
16 remaining costs of a safety program, unless the Secretary
17 waives the requirement to provide such remaining costs.”.

18 (b) REPURPOSING OF FUNDS.—Section 60107 is
19 amended by adding at the end the following:

20 “(e) REPURPOSING OF FUNDS.—If a State program’s
21 certification is rejected under section 60105(f) or such
22 program is otherwise suspended or interrupted, the Sec-
23 retary may use any undistributed, deobligated or recovered
24 funds authorized under this section to carry out pipeline

1 safety activities for that State within the period of avail-
2 ability for such funds.”.

3 **SEC. 18. RESPONSE PLANS.**

4 Each owner or operator of a hazardous liquid pipeline
5 facility required to prepare a response plan pursuant to
6 part 194 of title 49, Code of Federal Regulations, shall
7 consider the impact of a discharge into or on navigable
8 waters or adjoining shorelines, including those that may
9 be covered in whole or in part by ice.

10 **SEC. 19. HIGH CONSEQUENCE AREAS.**

11 The Secretary of Transportation shall revise section
12 195.6(b) of title 49, Code of Federal Regulations, to ex-
13 plicitly state that the Great Lakes and any marine coastal
14 waters (including coastal estuaries) are USA ecological re-
15 sources for purposes of determining whether a pipeline is
16 in a high consequence area (as defined in section 195.450
17 of such title).

18 **SEC. 20. PIPELINE SAFETY TECHNICAL ASSISTANCE**
19 **GRANTS.**

20 (a) **PUBLIC PARTICIPATION LIMITATION.**—Section
21 60130(a)(4) of title 49, United States Code, is amended
22 by inserting “on technical pipeline safety issues” after
23 “public participation”.

24 (b) **REPORT.**—Not later than 180 days after the date
25 of enactment of this Act, the Inspector General of the De-

1 department of Transportation shall submit to the Secretary
2 of Transportation and the Committee on Transportation
3 and Infrastructure and the Committee on Energy and
4 Commerce of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report evaluating the grant program under sec-
7 tion 60130 of title 49, United States Code. The report
8 shall include—

9 (1) a list of the recipients of all grant funds
10 during fiscal years 2010 through 2015;

11 (2) a description of how each grant was used;

12 (3) an analysis of the compliance with the
13 terms of grant agreements, including subsections (a)
14 and (b) of such section;

15 (4) an evaluation of the competitive process
16 used to award the grant funds; and

17 (5) an evaluation of—

18 (A) the ability of the Pipeline and Haz-
19 arduous Materials Safety Administration to over-
20 see grant funds and usage; and

21 (B) the procedures used for such oversight.

22 **SEC. 21. STUDY OF MATERIALS AND CORROSION PREVEN-**
23 **TION IN PIPELINE TRANSPORTATION.**

24 (a) IN GENERAL.—Not later than 2 years after the
25 date of enactment of the PIPES Act of 2016, the Comp-

1 troller General of the United States shall submit to the
2 Committee on Transportation and Infrastructure and the
3 Committee on Energy and Commerce of the House of
4 Representatives and the Committee on Commerce,
5 Science, and Transportation of the Senate a study on ma-
6 terials and corrosion prevention technologies used in pipe-
7 line transportation.

8 (b) REQUIREMENTS.—The study required under sub-
9 section (a) shall include:

10 (1) the range of piping materials, including
11 plastic materials, used to transport hazardous liq-
12 uids and natural gas in the United States and in
13 other developed countries around the world;

14 (2) the types of technologies used for corrosion
15 prevention; and

16 (3) an analysis of the costs and benefits, includ-
17 ing safety benefits, associated with the use of such
18 materials and technologies.

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