Public Law 104–304
104th Congress

An Act

To reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

Oct. 12, 1996
[S. 1505]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Accountable Pipeline Safety and Partnership Act of 1996.
49 USC 60101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accountable Pipeline Safety and Partnership Act of 1996".

SEC. 2. REFERENCES.

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

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

"(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;"; and

(3) by adding at the end the following:

"(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

"(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

"(25) 'Secretary' means the Secretary of Transportation.".

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(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting ", if appropriate," after "Secretary" the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking "transporters of gas and hazardous liquid and to" in paragraph (1)(A);

(2) by striking paragraph (1)(C) and inserting the following:

"(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities."; and

(3) by striking paragraph (2) and inserting the following:

"(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.".

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

"(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

"(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

"(A) practicable; and

"(B) designed to meet the need for—

"(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

"(ii) protecting the environment.

"(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

"(A) relevant available—

"(i) gas pipeline safety information;

"(ii) hazardous liquid pipeline safety information; and

"(iii) environmental information;

"(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

"(C) the reasonableness of the standard;

"(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

"(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

"(F) comments and information received from the public; and

"(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

"(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

"(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

"(B) identify the costs and benefits associated with the proposed standard;

"(C) include—

"(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

"(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

"(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

"(4) REVIEW.—

"(A) IN GENERAL.—The Secretary shall—

"(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

"(ii) make that risk assessment information available to the general public.

"(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes— Reports.

"(i) an evaluation of the merit of the data and methods used; and

"(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

"(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

"(i) shall review the report;

"(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

"(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

"(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs. Standards.

"(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

"(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

"(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

"(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

"(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

"(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

"(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.".

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting "as required by the standards prescribed under this chapter" after "operating the facility";

(2) by striking "to provide the information" and inserting "to make the information available"; and

(3) by inserting "as determined by the Secretary" after "to the Secretary and an appropriate State official".

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking "and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),"; and

(2) by striking "transmission" and inserting "transportation".

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

"(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

"(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

"(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices

(commonly referred to as 'smart pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.".

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking "(2) Not later than" and inserting the following:

"(2) PERIODIC INSPECTIONS.—Not later than"; and

(B) by inserting ", if necessary, additional" after "the Secretary shall prescribe".

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following:

"(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.".

(g) MAPPING.—Section 60102(c) is amended by adding at the end thereof the following:

"(4) PROMOTING PUBLIC AWARENESS.—

"(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

"(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

"(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.". Rulemaking. Reports.

(h) REMOTE CONTROL.—Section 60102(j) is amended by adding at the end thereof the following:

"(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about

whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

Standards.

"(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.".

SEC. 5. RISK MANAGEMENT.

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

"§ 60126. Risk management

"(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

"(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

"(B) to evaluate the safety and cost-effectiveness of the program.

"(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

"(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

"(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

"(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

"(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

"(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(3) provide for—

"(A) collaborative government and industry training;

"(B) methods to measure the safety performance of risk management plans;

"(C) the development and application of new technologies;

"(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

"(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

"(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

"(G) the development of project elements that are necessary to ensure that—

"(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

"(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

"(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

"(i) changed circumstances; or

"(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

"(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

"(J) an opportunity for public comment in the approval process; and

"(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

"(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

"(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

"(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

"(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

"(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.".

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

"60126. Risk management.".

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking "NAVIGABLE WATERS" in the heading for subsection (c) and inserting "OTHER WATERS"; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

"(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.".

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking "a navigable waterway (as the Secretary defines by regulation)" and inserting "waters where a substantial likelihood of commercial navigation exists".

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

"(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

"(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

"(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.".

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting ", if any," in the first sentence of subsection (b)(1) after "circumstances";

(2) by inserting ", operating, and maintaining" in subsection (b)(4) after "cost of installing";

(3) by inserting ", maintenance, and replacement" in subsection (c)(1)(C) after "installation"; and

(4) by inserting after the first sentence in subsection (e) the following: "The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.".

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: "The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.".

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting "or risk management principles" in paragraph (1) before the period at the end;

(2) by inserting "or risk management principles" in paragraph (2) before the period at the end;

(3) by striking "4" in paragraph (3)(B) and inserting "5";

(4) by striking "6" in paragraph (3)(C) and inserting "5";

(5) by adding at the end of paragraph (4)(B) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).'; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: "At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.".

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the semicolon in paragraph (1)(A);

(2) by inserting "including the risk assessment information and other analyses supporting each proposed standard" before the period in paragraph (1)(B);

(3) by inserting "and supporting analyses" before the first comma in the first sentence of paragraph (2);

(4) by inserting "and submit to the Secretary" in the first sentence of paragraph (2) after "prepare";

(5) by inserting "cost-effectiveness," in the first sentence of paragraph (2) after "reasonableness,"; and

(6) by inserting "and include in the report recommended actions" before the period at the end of the first sentence of paragraph (2); and

(7) by inserting "any recommended actions and" in the second sentence of paragraph (2) after "including".

(d) MEETINGS.—Section 60115(e) is amended by striking "twice" and inserting "up to 4 times".

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking "PAY AND" in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting "of a committee under this section" after "A member".

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking "person transporting gas" and inserting "owner or operator of a gas pipeline facility";

(2) by inserting "the use of a one-call notification system prior to excavation," after "educate the public on"; and

(3) by inserting a comma after "gas leaks".

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: "The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.";

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

"(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping."; and

(3) by striking "transporting gas or hazardous liquid" in subsection (b) and inserting "owning".

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking "transporting gas or hazardous liquid or" in subsection (a); and

(2) by striking paragraph (1) and inserting the following:

"(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;".

(b) Section 60118 (b) is amended to read as follows:

"(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.".

(c) Section 60118(c) is amended by striking "transporting gas or hazardous liquid" and inserting "owning".

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

"§ 60124. Biennial reports".

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: "Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

"60124. Biennial reports.".

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

"§ 60127. Population encroachment

"(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

Intergovernmental relations.

"(b) EVALUATION.—The Secretary shall—

"(1) evaluate the recommendations in the report referred to in subsection (a);

"(2) determine to what extent the recommendations are being implemented;

"(3) consider ways to improve the implementation of the recommendations; and

"(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

"60127. Population encroachment.".

SEC. 17. USER FEES.

49 USC 60301 note.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall trans-

Reports.

mit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

"§ 60128. Dumping within pipeline rights-of-way

"(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking "or 60118(a)" and inserting ", 60118(a), or 60128".

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

"60128. Dumping within pipeline rights-of-way.".

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting "**pipeline safety program**" after "**State**".

(b) SECTION 60106.—The heading for section 60106 is amended by inserting "**pipeline safety**" after "**State**".

(c) SECTION 60107.—The heading for section 60107 is amended by inserting "**pipeline safety**" after "**State**".

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking "60120, 60122, and 60123" in subsection (a)(9) and inserting "60120 and 60122";

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting "pipeline safety program" in the item relating to section 60105 after "State";

(2) by inserting "pipeline safety" in the item relating to section 60106 after "State"; and

(3) by inserting "pipeline safety" in the item relating to section 60107 after "State".

(f) SECTION 60101.—Section 60101(b) is amended by striking "define by regulation" each place it appears and inserting "prescribe standards defining".

(g) SECTION 60102.—Section 60102 is amended by striking "regulations" each place it appears in subsections (f)(2), (i), and (j)(2) and inserting "standards".

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking "regulations" in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting "standards"; and

(2) by striking "require by regulation" in subsection (c)(4)(A) and inserting "establish a standard".

(i) SECTION 60109.—Section 60109(a) is amended by striking "regulations" and inserting "standards".

(j) SECTION 60110.—Section 60110 is amended by striking "regulations" in subsections (b), (c)(1), and (c)(2) and inserting "standards".

(k) SECTION 60113.—Section 60113(a) is amended by striking "regulations" and inserting "standards".

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

"(1) $19,448,000 for fiscal year 1996;

"(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

"(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

"(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

"(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

"(D) $12,000,000 for fiscal year 1996.

"(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

"(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

"(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

"(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.".

Approved October 12, 1996.

LEGISLATIVE HISTORY—S. 1505 (H.R. 1323):

HOUSE REPORTS: No. 104–110, Pt. 1 (Comm. on Transportation and Infrastructure) and Pt. 2 (Comm. on Commerce), both accompanying H.R. 1323.

SENATE REPORTS: No. 104–334 (Comm. on Commerce, Science, and Transportation.

CONGRESSIONAL RECORD, Vol. 142 (1996):
Sept. 19, 26, considered and passed Senate.
Sept. 27, considered and passed House.