§ 60102 PURPOSE AND GENERAL AUTHORITY

(a) PURPOSE AND MINIMUM SAFETY STANDARDS.—

(1) PURPOSE.—The purpose of this chapter is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.

(2) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to owners and operators of pipeline facilities; and

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

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

(3) QUALIFICATIONS OF PIPELINE OPERATORS.—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.—

(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 60103(b), 60108, 60109, or 60110, 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—
      (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.

(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 in-
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.

(d) Facility Operation Information Standards.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain for the Secretary, to the extent practicable, an inventory with appropriate information about the types of pipe used for the transportation of gas or hazardous liquid, as appropriate, in the operator’s system and additional information, including the material’s history and the leak history of the pipe. The inventory—

(1) for a gas pipeline facility, shall include—

(A) the business name, address, and telephone number, including an operations emergency telephone number, of the operator;

(B) major gas pipeline facilities of the operator, including transmission lines and significant distribution lines; and

(C) products transported through the operator’s pipelines in the State;

(2) for a hazardous liquid pipeline facility, shall include—

(A) the characteristics of the operator’s pipelines in the State; and

(B) products transported through the operator’s pipelines in the State;

(3) a description of—

(A) an inventory of any circumstances under which an inspection shall be conducted with an instrumented internal inspection device and, if the device is not required, use of an inspection method that
is at least as effective as using the device in providing for the safety of the pipeline.

(g) EFFECTIVE DATES.—A standard prescribed under this section and section 60110 of this title is effective on the 30th day after the Secretary prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(h) SAFETY CONDITION REPORTS.—(1) The Secretary shall prescribe regulations requiring each operator of a pipeline facility (except a master meter) to submit to the Secretary a written report on any—
   (A) condition that is a hazard to life, property, or the environment; and
   (B) safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility.

(2) The Secretary must receive the report not later than 5 working days after a representative of a person to which this section applies first establishes that the condition exists. Notice of the condition shall be given concurrently to appropriate State authorities.

(i) CARBON DIOXIDE REGULATION.—The Secretary shall regulate carbon dioxide transported by a hazardous liquid pipeline facility. The Secretary shall prescribe standards related to hazardous liquid to ensure the safe transportation of carbon dioxide by such a facility.

(j) EMERGENCY FLOW Restricting Devices.—
   (1) Not later than October 24, 1994, the Secretary shall survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate hazardous liquid pipeline ruptures and minimize product releases from hazardous liquid pipeline facilities.

(2) Not later than 2 years after the survey and assessment are completed, the Secretary shall prescribe standards on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device or other procedure, system, or equipment described in paragraph (1) of this subsection on the facility.

(k) 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.

(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.

(l) Low-Stress Hazardous Liquid Pipelines.—
   (1) Minimum Standards.—Not later than December 31, 2007, the Secretary shall issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines, except as provided in paragraph (3). The implementation of the applicable standards and regulatory requirements may be phased in. The regulations issued under this paragraph shall not apply to gathering lines.

   (2) General Prohibition Against Low Internal Stress Exception.—Except as provided in paragraph (3), the Secretary may not provide an exception to the requirements of this chapter for a hazardous liquid pipeline because the pipeline operates at low internal stress.

   (3) Limited Exceptions.—The Secretary shall provide or continue in force exceptions to this subsection for low-stress hazardous liquid pipelines that—
      (A) are subject to safety regulations of the United States Coast Guard; or
      (B) serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation
   until regulations issued under paragraph (1) become effective. After such regulations become effective, the Secretary may retain or remove those exceptions as appropriate.

   (4) Relationship to Other Laws.—Nothing in this subsection shall be construed to prohibit or otherwise affect the applicability of any other statutory or regulatory exemption to any hazardous liquid pipeline.

   (5) Definition.—For purposes of this subsection, the term “low-stress hazardous liquid pipeline” means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

   (6) Effective Date.—The requirements of this subsection shall not take effect as to low-stress hazardous liquid pipeline operators before the effective date of the rules promulgated by the Secretary under this subsection.

(m) INSPECTIONS BY DIRECT ASSESSMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.

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In this section, the word “Federal” is omitted as surplus.

In subsection (a)(1), before clause (A), the word “prescribe” is substituted for “establish by regulation, establish” for consistency in the revised title and with other titles of the United States Code. Standards are made applicable to transporters of gas and to owners and operators of gas pipeline facilities because of 49 App.:2002(a)(1), restated in section 61018 of the revised title.

In subsection (b), before clause (1), the words “Except as provided in section 61013 of this title” are added for clarity. In clause (3), the word “proposed” is omitted as surplus.

In subsection (c)(1), before clause (A), the words “Not later than 12 months after November 30, 1979” are omitted as executory. The word “proposed” is added because of the restatement. In clause (B), the word “specific” is omitted as surplus. In clause (C), the words “will protect” are substituted for “is being carried out in a manner to assure protection” to eliminate unnecessary words.

In subsection (c)(2) and (3), the words “to the public with respect to that operator’s pipeline facilities which are” are omitted as surplus.

In subsection (c)(3), the word “prescribe” is substituted for “provide” for consistency in the revised title and with other titles of the Code.

In subsection (d), before clause (1), the words “Not later than 1 year after October 31, 1988” are omitted as obsolete. The word “prescribe” is substituted for “establish by regulation” for consistency in the revised title with and other titles of the Code. The word “maintain” is substituted for “provide, and revise as necessary” and “completed and maintained” to eliminate unnecessary words. The words “may be” are omitted as surplus. In clause (2), before subclause (A), the words “map or” and “appropriate” are omitted as surplus.
omitted as surplus and for consistency in this chapter. In clause (6), the words “and necessary” are omitted as surplus.

In subsections (e) and (f), the word “prescribe” is substituted for “by regulation, establish” for consistency in the revised title and with other titles of the Code.

In subsection (e), before clause (1), the words “not later than 1 year after October 31, 1986” are omitted as obsolete. The words “complete and” and “and to revise as appropriate thereafter” are omitted as surplus.

In subsections (e)(2) and (k), the words “regulation under” are omitted as surplus.

In subsection (g), the words “and amendments there- to” and “recited” are omitted as surplus. The word “different” is substituted for “earlier or later” to eliminate unnecessary words. The words “or amend- ing” are omitted as surplus.

In subsection (h)(1), before clause (A), the words “Not later than 12 months after October 22, 1986” are omitted as surplus.

In subsection (i), the words “In addition to hazardous liquids,” “under this chapter”, and “as necessary and appropriate” are omitted as surplus.

In (k), the words “In exercising any discretion under this chapter” are omitted as surplus. The word “because” is substituted for “on the basis of the fact that” to eliminate unnecessary words.

REFERENCES IN TEXT

The date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, referred to in subsection (c)(4)(A), probably means the date of enactment of the Accountable Pipeline Safety and Partnership Act of 1996, Pub. L. 104–304, which amended this section and was approved Oct. 12, 1996.

The date of the enactment of this subsection, referred to in subsection (m), is the date of enactment of Pub. L. 107–355, which was approved Dec. 17, 2002.

AMENDMENTS

2006—Subsec. (k). Pub. L. 109–488 amended heading and text of subsec. (k) generally. Prior to amendment, text read as follows: “The Secretary may not provide an exception to this chapter for a hazardous liquid pipeline facility only because the facility operates at low internal stress.”


Subsec. (a). Pub. L. 107–355, § 20(a)(1), inserted subsec. heading, added par. (1), redesignated former par. (1) as (2), realigned margins, and substituted “MINIMUM SAFETY STANDARDS” for “Minimum Safety Standards” in heading and “The Secretary” for “The Secretary of Transportation” in introductory provisions, and redesignated former par. (2) as (3) and inserted heading.


Subsec. (a)(1)(C). Pub. L. 104–304, § 4(a)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: “shall include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to operate and maintain those facilities.”

Subsec. (a)(2). Pub. L. 104–304, § 4(a)(3), added par. (2) and struck out former par. (2) which read as follows: “As the Secretary considers appropriate, the operator of a pipeline facility may make the certification under paragraph (1)(C) of this subsection. Testing and certification under paragraph (1)(C) 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.”

Subsec. (b). Pub. L. 104–304, § 4(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “A standard prescribed under subsection (a) of this section shall be practicable and designed to meet the need for gas pipeline safety, for safely transporting hazardous liquid, and for protecting the environment. Except as provided in section 60101 of this title, when prescribing the standard the Secretary shall consider—

“(1) relevant available—

“(A) gas pipeline safety information; or

“(B) hazardous liquid pipeline information;

“(2) the appropriateness of the standard for the particular type of pipeline transportation or facility;

“(3) the reasonableness of the standard; and

“(4) the extent to which the standard will contribute to public safety and the protection of the environment.”


Subsec. (d). Pub. L. 104–304, § 4(c), inserted “as required by the standards prescribed under this chapter” after “operating the facility”, substituted “to make the information available” for “to provide the information”, and inserted “as determined by the Secretary” after “to the Secretary and an appropriate State official”.


Pub. L. 104–304, § 4(d)(1), in introductory provisions, directed striking out “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),” after “subject to this chapter”, which was executed by striking out text which read in part “regulated gathering line” instead of “regulated gather line”, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 104–304, § 4(e)(1), added heading and text of par. (1) and struck out former par. (1) which read as follows: “The Secretary shall prescribe minimum safety standards requiring that the design and construction of a new gas pipeline transmission facility or hazardous liquid pipeline facility, and the required replacement of an existing gas pipeline transmission facility, hazardous liquid pipeline facility, or equipment, be carried out, to the extent practicable, in a way that accommodates the passage through the facility of an instrumented internal inspection device (commonly referred to as a ‘smart pig’). The Secretary may apply the standard to an existing gas or hazardous liquid transmission facility and require the facility to be changed to allow the facility to be inspected with an instrumented internal inspection device if the basic construction of the facility will accommodate the device.”

Subsec. (f)(2). Pub. L. 104–304, §§ 4(e)(2), 20(g), inserted heading, realigned margins, inserted “, if necessary, additional” after “the Secretary shall prescribe”, and substituted “standards” for “regulations” in two places.

Subsecs. (i), (j)(2). Pub. L. 104–304, § 20(g), substituted “standards for regulations”.


STANDARDS TO IMPLEMENT NTSB RECOMMENDATIONS

Pub. L. 109–468, § 19, Dec. 29, 2006, 120 Stat. 4368, as amended by Pub. L. 110–244, title III, § 302(j), June 6, 2008, 122 Stat. 1618, provided that: “Not later than June 1, 2008, the Secretary of Transportation shall issue standards that implement the following recommendations contained in the National Transportation Safety Board’s report entitled ‘Supervisory Control and Data Acquisition (SCADA) in Liquid Pipelines’ and adopted November 29, 2005:

“(1) Implementation of the American Petroleum Institute’s Recommended Practice 1163 for the use of graphics on the supervisory control and data acquisition screens.

“(2) Implementation of a standard for pipeline companies to review and audit alarms on monitoring equipment.

“(3) Implementation of standards for pipeline controller training that include simulator or noncomput-
ized simulations for controller recognition of abnormal pipeline operating conditions, in particular, leak events.’’

STATE PIPELINE SAFETY ADVISORY COMMITTEES

Pub. L. 107–355, § 24, Dec. 17, 2002, 116 Stat. 3011, provided that: ‘‘Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary’s reasons for acting or not acting upon any of the recommendations.”

§ 60103. Standards for liquefied natural gas pipeline facilities

(a) LOCATION STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the location of a new liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider—

(1) kind and use of the facility;
(2) existing and projected population and demographic characteristics of the location;
(3) existing and proposed land use near the location;
(4) natural physical aspects of the location;
(5) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and
(6) need to encourage remote siting.

(b) DESIGN, INSTALLATION, CONSTRUCTION, INSPECTION, AND TESTING STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for designing, installing, constructing, initially inspecting, and initially testing a new liquefied natural gas pipeline facility. When prescribing a standard, the Secretary shall consider—

(1) the characteristics of material to be used in constructing the facility and of alternative material;
(2) design factors;
(3) the characteristics of the liquefied natural gas to be stored or converted at, or transported by, the facility; and
(4) the public safety factors of the design and of alternative designs, particularly the ability to prevent and contain a liquefied natural gas spill.

(c) NONAPPLICATION.—(1) Except as provided in paragraph (2) of this subsection, a design, location, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, does not apply to any part of a replacement component of an existing liquefied natural gas pipeline facility.

(2)(A) Any design, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, may provide that the standard applies to any part of a replacement component of a liquefied natural gas pipeline facility if the component or part is placed in service after the standard is prescribed and application of the standard—

(i) does not make the component or part incompatible with other components or parts; or
(ii) is not impracticable otherwise.

(B) Any location standard prescribed under this chapter after March 1, 1978, does not apply to any part of a replacement component of an existing liquefied natural gas pipeline facility.

(3) A design, installation, construction, initial inspection, or initial testing standard does not apply to a liquefied natural gas pipeline facility existing when the standard is adopted.

(d) OPERATION AND MAINTENANCE STANDARDS.—The Secretary of Transportation shall prescribe minimum operating and maintenance standards for a liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider—

(1) the conditions, features, and type of equipment and structures that make up or are used in connection with the facility;
(2) the fire prevention and containment equipment at the facility;
(3) security measures to prevent an intentional act that could cause a liquefied natural gas accident;
(4) maintenance procedures and equipment;
(5) the training of personnel in matters specified by this subsection; and
(6) other factors and conditions related to the safe handling of liquefied natural gas.

(e) EFFECTIVE DATES.—A standard prescribed under this section is effective on the 30th day after the Secretary of Transportation prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(f) CONTINGENCY PLANS.—A new liquefied natural gas pipeline facility may be operated only after the operator submits an adequate contingency plan that states the action to be taken if a liquefied natural gas accident occurs. The Secretary of Energy or appropriate State or local authority shall decide if the plan is adequate.

(g) EFFECT ON OTHER STANDARDS.—This section does not preclude applying a standard prescribed under section 60102 of this title to a gas pipeline facility (except a liquefied natural gas pipeline facility) associated with a liquefied natural gas pipeline facility.


HISTORICAL AND REVISION NOTES

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