

106TH CONGRESS
2D SESSION

H. R. 3558

To amend title 49, United States Code, to improve pipeline safety.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2000

Mr. METCALF (for himself, Mr. INSLEE, Ms. DUNN, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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 improve pipeline safety.

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.**

4 This Act may be cited as the “Safe Pipelines Act of
5 2000”.

6 **SEC. 2. FEDERAL SAFETY CERTIFICATION OF PIPELINE EM-**
7 **PLOYEES.**

8 Section 60102(a)(1)(C) of title 49, United States
9 Code, is amended to read as follows:

1 “(C) shall include a requirement that all
2 individuals responsible for the operation and
3 maintenance of pipeline facilities shall be tested
4 for qualification to perform such functions and
5 certified by the Secretary to perform such func-
6 tions.”.

7 **SEC. 3. CORROSION TESTING.**

8 Section 60102(f) of title 49, United States Code, is
9 amended by adding at the end the following:

10 “(3) CORROSION TESTING.—Not later than 180
11 days after the date of enactment of this paragraph,
12 the Secretary shall require that the operator of a
13 pipeline facility with an instrumented internal in-
14 spection device periodically test the facility for corro-
15 sion and anomalies and make the results of the test
16 available to the public. The period between each test
17 shall be no longer than 5 years.”.

18 **SEC. 4. NOTIFICATION OF SPILLS.**

19 Section 60102(h)(1) of title 49, United States Code,
20 is amended—

21 (1) by redesignating subparagraphs (A) and
22 (B) as subparagraphs (C) and (D), respectively; and
23 (2) by inserting before subparagraph (C) (as so
24 redesignated) the following:

25 “(A) spill of more than 40 gallons;

1 “(B) rupture of a pipeline;”.

2 **SEC. 5. HYDROSTATIC TESTING.**

3 Section 60108 of title 49, United States Code, is
4 amended—

5 (1) by adding at the end of subsection (b) the
6 following:

7 “(4) HYDROSTATIC TESTING.—See subsection
8 (d).”; and

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

10 “(d) HYDROSTATIC TESTING.—

11 “(1) IN GENERAL.—Subject to this subsection,
12 the Secretary shall require that the operator of a
13 covered pipeline facility hydrostatically test the facil-
14 ity and make the results of the test available to the
15 public.

16 “(2) INITIAL TESTING.—A pipeline facility shall
17 be hydrostatically tested not later than 30 days after
18 the date on which the facility becomes a covered
19 pipeline facility under this subsection.

20 “(3) INTERVALS OF TESTING.—Hydrostatic
21 testing required pursuant to this subsection shall be
22 conducted not less than once every 5 years

23 “(4) ALTERNATIVE METHODS.—Upon request
24 of the operator of a covered pipeline facility (other
25 than a facility that is on the Secretary’s list of high-

1 risk pipelines), the Secretary may approve an alter-
2 native method of testing the facility (including in-
3 spection by an instrumented internal inspection de-
4 vice) for structural weaknesses instead of hydrostatic
5 testing of the facility if the Secretary first provides
6 written notification in the Federal Register and to
7 interested State and local governments and other
8 persons of the proposed approval and provides a pe-
9 riod of 90 days for public comment on the proposed
10 approval.

11 “(5) LIST OF HIGH-RISK PIPELINES.—

12 “(A) IN GENERAL.—Not later than 90
13 days after the date of enactment of this sub-
14 section, the Secretary shall establish a list of
15 high-risk pipelines. A pipeline facility shall be
16 placed on the list if the facility—

17 “(i) has experienced 2 or more report-
18 able leaks (not including leaks that oc-
19 curred during a hydrostatic test of the
20 pipeline facility) due to corrosion or defect
21 in the preceding 3-year period;

22 “(ii) has experienced 3 or more re-
23 portable leaks (not including leaks that oc-
24 curred during a hydrostatic test of the
25 pipeline facility) due to corrosion, defect,

1 or in whole or in part by external forces in
2 the preceding 3-year period;

3 “(iii) is less than 50 miles long and
4 has experienced a reportable leak (not in-
5 cluding a leak that occurred during a hy-
6 drostatic test of the pipeline facility) due
7 to corrosion or defect in the preceding 3-
8 year period; and

9 “(iv) has experienced a reportable leak
10 in the preceding 5-year period due to cor-
11 rosion or defect (except during a hydro-
12 static test of the pipeline facility) on a sec-
13 tion of pipeline that has been in operation
14 for more than 30 years.

15 “(B) MAINTENANCE.—The Secretary shall
16 maintain and periodically update the list under
17 this paragraph. A pipeline facility placed on the
18 list shall remain on the list until the last day
19 of the 5-year period beginning on the date of
20 the last reportable leak of the pipeline facility
21 due to corrosion or defect.

22 “(C) SPECIAL RULE FOR DETERMINATION
23 OF PIPELINE LENGTH.—For purposes of this
24 paragraph, the length of a pipeline with more

1 than 2 termini shall be the longest distance be-
 2 tween any 2 termini on the pipeline.

3 “(6) COVERED PIPELINE FACILITY DEFINED.—

4 In this subsection, the term ‘covered pipeline facility’
 5 means a pipeline facility subject to this chapter—

6 “(A) that is not covered by a certification
 7 under section 60105 or an agreement under
 8 section 60106; and

9 “(B)(i) that has been in operation (before,
 10 on, or after the date of enactment of this sub-
 11 section) for a period of 10 years or more; or

12 “(ii) that is on the Secretary’s list of high-
 13 risk pipelines under paragraph (5).”.

14 **SEC. 6. AVAILABILITY OF PIPELINE MAPS ON INTERNET.**

15 Section 60108 of title 49, United States Code, is
 16 amended by adding at the end the following:

17 “(e) AVAILABILITY OF PIPELINE MAPS ON INTER-
 18 NET.—Not later than October 1, 2000, the Secretary shall
 19 make available on the Internet nationwide maps of the lo-
 20 cation of all pipeline facilities subject to this chapter.”.

21 **SEC. 7. DELEGATION OF AUTHORITY TO STATES.**

22 (a) IN GENERAL.—Chapter 601 of title 49, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing:

1 **“§ 60129. Delegation of authority to States**

2 “(a) SUBMISSION OF STATE PROGRAM.—The Gov-
3 ernor of each State desiring to administer its own pipeline
4 safety standards for interstate pipelines within its jurisdic-
5 tion may submit to the Secretary of Transportation a full
6 and complete description of the program the State pro-
7 poses to establish and administer under State law or under
8 an interstate compact. In addition, the State shall submit
9 a statement from the attorney general (or the attorney
10 for those State pipeline regulatory agencies which have
11 independent legal counsel), or from the chief legal officer
12 in the case of an interstate agency, that the laws of the
13 State or the interstate compact, as the case may be, pro-
14 vide adequate authority to carry out the proposed pro-
15 gram.

16 “(b) APPROVAL.—No State program may contain
17 any standard that is less stringent a standard than estab-
18 lished by Federal regulation. The Secretary shall approve
19 each program no later than 90 days after the date on
20 which the program is submitted by the State, unless the
21 Secretary determines that the submitting State does not
22 have the resources or expertise necessary to carry out the
23 program or that the program would overburden the inter-
24 state nature of the pipeline in such a way as to com-
25 promise safety or that the program includes a standard

1 that is less stringent than a standard established by Fed-
 2 eral regulation.

3 “(c) WITHDRAWAL OF APPROVAL.—Whenever the
 4 Secretary determines after a public hearing that a State
 5 is not administering a program approved under this sec-
 6 tion in accordance with requirements of this section, the
 7 Secretary shall so notify the State and, if appropriate cor-
 8 rective action is not taken within a reasonable time (not
 9 to exceed 90 days), the Secretary shall withdraw approval
 10 of the program. The Secretary shall not withdraw approval
 11 of any program under this subsection unless the Secretary
 12 first has notified the State, and made public, in writing
 13 the reasons for such withdrawal.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
 15 such chapter is amended by adding at the end the fol-
 16 lowing:

“Sec. 60129. Delegation of authority to States.”.

17 **SEC. 8. EFFECTIVENESS OF EXTERNAL LEAK DETECTION**
 18 **SYSTEMS.**

19 (a) STUDY.—The Secretary of Transportation shall
 20 conduct a study to determine the effectiveness external
 21 leak detection systems, including hydrocarbon sensor ca-
 22 bles, for the purpose of improving pipeline leak detection.

23 (b) REPORT.—Not later than October 1, 2000, the
 24 Secretary shall transmit to Congress a report on the re-
 25 sults of the study.

1 **SEC. 9. COST-BENEFIT ANALYSES OF NATIONAL TRANSPOR-**
2 **TATION SAFETY BOARD RECOMMENDATIONS.**

3 Not later than 2 years after the date of enactment
4 of this Act, the Secretary of Transportation shall complete
5 cost-benefit analyses of all recommendations made by the
6 National Transportation Safety Board to the Secretary
7 that the Board classifies as being “open”.

8 **SEC. 10. EFFECTIVENESS OF DOUBLE-WALLED PIPELINES.**

9 (a) STUDY.—The Secretary of Transportation shall
10 conduct a study to determine the effectiveness of double-
11 walled pipelines for the purpose of preventing ruptures
12 and leaks.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary shall transmit to
15 Congress a report on the results of the study.

16 **SEC. 11. OPTIMAL MINIMUM BURIAL DEPTH.**

17 (a) STUDY.—The Secretary of Transportation shall
18 conduct a study to determine the optimal minimum burial
19 depth of underground pipelines for the purpose of pre-
20 venting release of hazardous materials into the air.

21 (b) REPORT AND RULEMAKING.—Not later than 1
22 year after the date of enactment of this Act, the Secretary
23 shall transmit to Congress a report on the results of the
24 study and shall issue a notice of proposed rulemaking to
25 modify regulations of the Department of Transportation

- 1 relating to pipeline burial depth to take into account the
- 2 results of the study.

