

107TH CONGRESS
1ST SESSION

H. R. 2749

To amend title 49, United States Code, to improve pipeline safety and enhance community access to pipeline safety information.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Ms. DUNN of Washington (for herself, Mr. LARSEN of Washington, Mr. DICKS, and Mr. SOUDER) 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 improve pipeline safety and enhance community access to pipeline safety information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Pipeline Safety Act of 2001”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES
 2 CODE.—Except as otherwise expressly provided, whenever
 3 in this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or a repeal of, a section or other
 5 provision, the reference shall be considered to be made to
 6 a section or other provision of title 49, United States
 7 Code.

8 (c) TABLE OF CONTENTS.—

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. Qualifications of pipeline personnel.
- Sec. 3. Risk analysis and integrity management programs.
- Sec. 4. Research and development.
- Sec. 5. Community right-to-know and emergency preparedness.
- Sec. 6. State oversight role.
- Sec. 7. Penalties.
- Sec. 8. Population encroachment.
- Sec. 9. Records, reports, and information.
- Sec. 10. National pipeline mapping system.
- Sec. 11. State pipeline advisory committees.
- Sec. 12. Pipeline rights-of-way and the environment.
- Sec. 13. Authorization of appropriations.

9 SEC. 2. QUALIFICATIONS OF PIPELINE PERSONNEL.

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

12 “§ 60129. Qualifications of pipeline personnel

13 “(a) REVIEW OF QUALIFICATIONS PROGRAMS.—

14 “(1) IN GENERAL.—The Secretary of Transpor-
 15 tation or a State authority responsible for enforcing
 16 standards prescribed under this chapter shall con-
 17 duct a periodic review of each operator of a gas
 18 pipeline or hazardous liquid pipeline facility to en-
 19 sure that the operator has in effect a written quali-

1 fication program that ensures that all individuals
2 performing covered tasks for the facility are quali-
3 fied to perform such tasks.

4 “(2) CONTEXT OF REVIEW.—The Secretary or
5 State authority may conduct a review under para-
6 graph (1) as an element of its inspection of an oper-
7 ator.

8 “(3) INADEQUATE PROGRAMS.—If the Sec-
9 retary or State authority determines that a quali-
10 fication program is inadequate for the safe operation
11 of a pipeline facility, the Secretary or State author-
12 ity shall act under section 60108(a)(2) to require
13 the operator to revise the qualification program.

14 “(4) AMENDMENTS TO PROGRAMS.—In order to
15 facilitate reviews under this subsection, an operator
16 shall notify the Secretary or State authority, as ap-
17 propriate, of any amendment made to the operator’s
18 qualification program not later than 30 days after
19 the date of adoption of the amendment.

20 “(5) COVERED TASK DEFINED.—In this sub-
21 section, the term ‘covered task’—

22 “(A) with respect to a gas pipeline facility,
23 has the meaning such term has under section
24 192.801 of title 49, Code of Federal Regula-

1 tions, as in effect on the date of enactment of
2 this section; and

3 “(B) with respect to a hazardous liquid
4 pipeline facility, has the meaning such term has
5 under section 195.501 of such title, as in effect
6 on the date of enactment of this section.

7 “(b) CERTIFICATION OF SUPERVISORY CONTROL
8 AND DATA ACQUISITION PERSONNEL.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this section, the Secretary
11 shall—

12 “(A) develop a program consisting of writ-
13 ten, oral, or simulation tests and other require-
14 ments for certifying the qualifications of indi-
15 viduals who operate computer-based systems for
16 controlling the operations of pipelines; and

17 “(B) enter into a cooperative agreement or
18 contract with a public or private entity to im-
19 plement the certification program developed
20 under subparagraph (A).

21 “(2) IMPLEMENTATION OF CERTIFICATION PRO-
22 GRAM.—

23 “(A) PILOT PROGRAM.—Beginning 1 year
24 after the date of enactment of this section, the
25 Secretary shall select pipeline facilities to par-

1 ticipate in the certification program developed
2 under paragraph (1)(A) and require such par-
3 ticipation.

4 “(B) APPLICABILITY TO ALL OPERA-
5 TORS.—Not later than 4 years after the date of
6 enactment of this section, each operator of a
7 gas pipeline or hazardous liquid pipeline facility
8 shall ensure that all employees of the operator
9 who are subject to the certification program de-
10 veloped under paragraph (1)(A) are certified
11 under the program by the entity referred to in
12 paragraph (1)(B).

13 “(3) REPORT.—

14 “(A) IN GENERAL.—Not later than 5 years
15 after the date of enactment of this section, the
16 Secretary shall transmit to Congress a report
17 on the results of the certification program de-
18 veloped under paragraph (1)(A).

19 “(B) CONTENTS.—The report shall
20 include—

21 “(i) a description of the certification
22 program and implementation of the certifi-
23 cation program;

24 “(ii) an evaluation of the certification
25 program, including the effectiveness of the

1 process for certifying individuals who oper-
 2 ate computer-based systems for controlling
 3 the operations of pipelines; and
 4 “(iii) an assessment of the ramifica-
 5 tions of requiring the certification of other
 6 individuals performing safety-sensitive
 7 functions for a pipeline facility.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
 9 chapter 601 is amended by adding at the end the fol-
 10 lowing:

“60129. Qualifications of pipeline personnel.”.

11 **SEC. 3. RISK ANALYSIS AND INTEGRITY MANAGEMENT**
 12 **PROGRAMS.**

13 (a) IN GENERAL.—Section 60109 is amended by
 14 adding at the end the following:

15 “(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT
 16 PROGRAMS.—

17 “(1) IN GENERAL.—Not later than 1 year after
 18 the date of enactment of this subsection, the Sec-
 19 retary shall prescribe minimum safety standards to
 20 require each operator of a gas transmission or haz-
 21 ardous liquid pipeline facility—

22 “(A) to evaluate the risks to the operator’s
 23 facilities in areas identified under subsection
 24 (a)(1); and

1 “(B) to adopt and implement, not later
2 than 1 year after the date of issuance of such
3 minimum standards, an integrity management
4 program to reduce such risks.

5 “(2) ELEMENTS OF INTEGRITY MANAGEMENT
6 PROGRAMS.—An integrity management program
7 adopted by an operator under paragraph (1) shall
8 provide for, at a minimum, the following:

9 “(A) A baseline integrity assessment of
10 each of the operator’s facilities in areas identi-
11 fied pursuant to subsection (a)(1) within 5
12 years of the date of adoption of the plan unless
13 the operator has previously performed such an
14 assessment.

15 “(B) Periodic inspection of the facility, at
16 intervals of once every 5 years or at more fre-
17 quent intervals as determined under paragraph
18 (3)(C), by internal inspection device, pressure
19 testing, direct assessment, or an alternative
20 method that the Secretary determines would
21 provide an equal or greater level of safety.

22 “(C) Clearly defined criteria for evaluating
23 the results of such inspections.

1 “(D) A description of actions to be taken
2 by the operator to promptly address any integ-
3 rity issue raised by such evaluations.

4 “(E) A method for conducting an analysis
5 on a continuing basis that integrates all avail-
6 able information about the integrity of the facil-
7 ity and the consequences of releases from the
8 facility.

9 “(F) A description of actions to be taken
10 by the operator to prevent and mitigate the
11 consequences of releases from the facility.

12 “(G) A method for monitoring cathodic
13 protection systems throughout the pipeline sys-
14 tem of the operator.

15 “(H) A description of the actions to be
16 taken by the operator to address any safety
17 concerns raised by the Secretary, including
18 issues raised with the Secretary by States and
19 local authorities.

20 “(3) INSPECTION REQUIREMENTS.—

21 “(A) INSPECTIONS BY DIRECT ASSESS-
22 MENT.—Not later than 1 year after the date of
23 enactment of this section, the Secretary shall
24 prescribe standards for inspection of a pipeline
25 facility by direct assessment.

1 “(B) INSPECTIONS BY INTERNAL INSPEC-
2 TION DEVICES.—After reviewing an integrity
3 management program, the Secretary may re-
4 quire a pipeline facility that is located in an
5 area identified pursuant to subsection (a)(1)
6 and that can accommodate an internal inspec-
7 tion device to be inspected by such a device
8 under section 60108.

9 “(C) FREQUENCY OF INSPECTIONS.—In
10 adopting an integrity management program
11 under paragraph (1), an operator shall deter-
12 mine whether to require inspection of a facility
13 at more frequent intervals than the minimum
14 intervals required under paragraph (2)(B) after
15 consideration of the following factors:

16 “(i) The potential for development of
17 new defects in the facility (including the
18 potential for damage by an outside force).

19 “(ii) The operational characteristics of
20 the facility, including age, operating pres-
21 sure, block valve location, corrosion his-
22 tory, spill history, and any known defi-
23 ciencies in the method of pipeline construc-
24 tion or installation.

1 “(iii) The possible growth of new and
2 existing defects.

3 “(D) MINIMIZATION OF ENVIRONMENTAL
4 AND SAFETY RISKS.—The Secretary may re-
5 quire an operator of a pipeline facility to imple-
6 ment pressure testing and other integrity man-
7 agement techniques in a manner that minimizes
8 environmental or safety risks, such as by use of
9 water for pressure testing.

10 “(E) WAIVERS.—The Secretary may waive
11 or modify inspection requirements under this
12 subsection if the Secretary determines that—

13 “(i) there are other technically appro-
14 priate methods of monitoring; or

15 “(ii)(I) sufficient internal inspection
16 devices are not available; and

17 “(II) the waiver or modification is not
18 inconsistent with pipeline safety.

19 “(4) SYSTEMS TO MONITOR PRESSURE AND DE-
20 TECT LEAKS; USE OF EMERGENCY FLOW RESTRICT-
21 ING DEVICES.—The Secretary may prescribe stand-
22 ards requiring an operator of a pipeline facility to
23 include in an integrity management program under
24 paragraph (1)—

1 “(A) changes to valves or the establish-
2 ment or modification of systems that monitor
3 pressure and detect leaks based on the opera-
4 tor’s risk analysis; and

5 “(B) the use of emergency flow restricting
6 devices.

7 “(5) OPPORTUNITY FOR LOCAL INPUT ON IN-
8 TEGRITY MANAGEMENT.—Not later than 18 months
9 after the date of enactment of this subsection, the
10 Secretary shall, by regulation, establish a process for
11 raising and addressing local safety concerns about
12 pipeline integrity and the operator’s pipeline integ-
13 rity program. The process shall include—

14 “(A) a requirement that an operator of a
15 gas transmission pipeline or hazardous liquid
16 pipeline facility make available upon request to
17 State and local officials in a State in which the
18 facility is located information about the risk
19 analysis and integrity management program re-
20 quired under paragraph (1) (including a copy of
21 the operator’s integrity management program)
22 and the results of inspections conducted under
23 the operator’s integrity management program;

24 “(B) a description of the local officials re-
25 quired to be informed, the information that is

1 to be provided to them, and the manner, which
2 may include traditional or electronic means, in
3 which it is provided;

4 “(C) the means for receiving input from
5 the local officials that may include a public
6 forum sponsored by the Secretary or by the
7 State, or the submission of written comments
8 through traditional or electronic means;

9 “(D) the extent to which an operator of a
10 pipeline facility must participate in a public
11 forum sponsored by the Secretary or in another
12 means for receiving input from the local offi-
13 cials or in the evaluation of that input; and

14 “(E) the manner in which the Secretary
15 will notify the local officials about how their
16 concerns are being addressed.

17 “(6) REVIEW OF INTEGRITY MANAGEMENT
18 PROGRAMS.—

19 “(A) REVIEW OF PROGRAMS.—

20 “(i) IN GENERAL.—The Secretary
21 shall periodically review a risk analysis and
22 integrity management program under
23 paragraph (1) and record the results of
24 that review for use in the next review of an
25 operator’s program.

1 “(ii) CONTEXT OF REVIEW.—The Sec-
2 retary may conduct a review under clause
3 (i) as an element of the Secretary’s inspec-
4 tion of an operator.

5 “(iii) INADEQUATE PROGRAMS.—If
6 the Secretary determines that a risk anal-
7 ysis or integrity management program is
8 inadequate for the safe operation of a pipe-
9 line facility, the Secretary shall act under
10 section 60108(a)(2) to require the operator
11 to revise the risk analysis or integrity man-
12 agement program.

13 “(B) AMENDMENTS TO PROGRAMS.—In
14 order to facilitate reviews under this paragraph,
15 an operator of a pipeline facility shall notify the
16 Secretary of any amendment made to the oper-
17 ator’s integrity management program not later
18 than 30 days after the date of adoption of the
19 amendment.

20 “(7) STATE REVIEW OF INTEGRITY MANAGE-
21 MENT PLANS.—A State authority that enters into an
22 agreement pursuant to section 60106, permitting the
23 State authority to review the risk analysis and writ-
24 ten program for integrity management pursuant to
25 paragraph (6), may provide the Secretary with a

1 written assessment of the risk analysis and integrity
2 management program, make recommendations, as
3 appropriate, to address safety concerns not ade-
4 quately addressed by the operator's risk analysis or
5 integrity management program, and submit docu-
6 mentation explaining the State-proposed revisions.
7 The Secretary shall carefully consider the State's
8 proposals and work in consultation with the States
9 and operators to address safety concerns.

10 “(8) APPLICATION OF STANDARDS.—Section
11 60104(b) shall not apply to this section.

12 “(9) REPORTS TO CONGRESS.—If the Secretary
13 does not prescribe minimum safety standards for
14 risk analysis and integrity management programs
15 under paragraph (1) by the date specified in para-
16 graph (1), the Secretary shall transmit, until the
17 standards have been prescribed, an annual report to
18 the Committee on Energy and Commerce and the
19 Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Sen-
22 ate. The annual report shall contain the following in-
23 formation:

24 “(A) An explanation for the delay in pre-
25 scribing the standards.

1 “(B) A list of any remaining steps and
2 outstanding issues to be resolved before the
3 standards can be prescribed.

4 “(C) An estimate of the time needed for
5 completion of the standards.”.

6 (b) ASSESSMENT AND EVALUATION.—Section 60109
7 is further amended by adding at the end the following:
8 “(d) ASSESSMENT AND EVALUATION.—Not later
9 than 3 years after the date of enactment of this sub-
10 section, the Secretary shall complete an assessment and
11 evaluation of the effects on public safety and the environ-
12 ment of the implementation of integrity management pro-
13 grams under subsection (c).”.

14 (c) CONFORMING AMENDMENTS.—Section 60118(a)
15 is amended—

16 (1) by striking “and” at the end of paragraph
17 (2);

18 (2) by striking the period at the end of para-
19 graph (3) and inserting “; and”; and

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

21 “(4) conduct a risk analysis, and adopt and im-
22 plement an integrity management program, for pipe-
23 line facilities as required under section 60109(c).”.

1 **SEC. 4. RESEARCH AND DEVELOPMENT.**

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

4 **“§ 60130. Research and development**

5 “(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

6 “(1) IN GENERAL.—As part of the Department
7 of Transportation’s research and development pro-
8 gram, the Secretary of Transportation shall direct
9 research attention to the development of alternative
10 technologies—

11 “(A) to expand the capabilities of internal
12 inspection devices to identify and accurately
13 measure defects and anomalies;

14 “(B) to inspect pipelines that cannot ac-
15 commodate internal inspection devices available
16 on the date of enactment of this section;

17 “(C) to develop innovative techniques
18 measuring the structural integrity of pipelines;

19 “(D) to improve the capability, reliability,
20 and practicality of external leak and rupture de-
21 tection devices; and

22 “(E) to develop and improve alternative
23 technologies to identify and monitor outside
24 force damage to pipelines.

25 “(2) COOPERATIVE.—The Secretary may par-
26 ticipate in additional technological development

1 through cooperative agreements with trade associa-
2 tions, academic institutions, or other qualified orga-
3 nizations.

4 “(b) PIPELINE SAFETY AND RELIABILITY RESEARCH
5 AND DEVELOPMENT.—

6 “(1) IN GENERAL.—The Secretary of Transpor-
7 tation, in coordination with the Secretary of Energy,
8 shall develop and implement an accelerated coopera-
9 tive program of research and development to ensure
10 the integrity of natural gas and hazardous liquid
11 pipelines. This research and development program—

12 “(A) may include materials inspection
13 techniques, risk assessment methodology, and
14 information systems surety; and

15 “(B) shall complement, and not replace,
16 the research program of the Department of En-
17 ergy addressing natural gas pipeline issues ex-
18 isting on the date of enactment of this section.

19 “(2) PURPOSE.—The purpose of the cooperative
20 research program shall be to promote pipeline safety
21 research and development to—

22 “(A) ensure long-term safety, reliability,
23 and service life for existing pipelines;

1 “(B) expand capabilities of internal inspec-
2 tion devices to identify and accurately measure
3 defects and anomalies;

4 “(C) develop inspection techniques for
5 pipelines that cannot accommodate the internal
6 inspection devices available on the date of en-
7 actment of this section;

8 “(D) develop innovative techniques to
9 measure the structural integrity of pipelines to
10 prevent pipeline failures;

11 “(E) develop improved materials and coat-
12 ings for use in pipelines;

13 “(F) improve the capability, reliability, and
14 practicality of external leak and rupture detec-
15 tion devices;

16 “(G) identify underground environments
17 that might lead to shortened service life;

18 “(H) enhance safety in pipeline siting and
19 land use;

20 “(I) minimize the environmental impact of
21 pipelines;

22 “(J) demonstrate technologies that im-
23 prove pipeline safety, reliability, and integrity;

24 “(K) provide risk assessment tools for opti-
25 mizing risk mitigation strategies; and

1 “(L) provide highly secure information sys-
2 tems for controlling the operation of pipelines.

3 “(3) AREAS.—In carrying out this subsection,
4 the Secretary of Transportation, in coordination
5 with the Secretary of Energy, may consider research
6 and development on natural gas, crude oil, and pe-
7 troleum product pipelines for—

8 “(A) early crack, defect, and damage de-
9 tection, including real-time damage monitoring;

10 “(B) automated internal pipeline inspec-
11 tion sensor systems;

12 “(C) land use guidance and set back man-
13 agement along pipeline rights-of-way for com-
14 munities;

15 “(D) internal corrosion control;

16 “(E) corrosion-resistant coatings;

17 “(F) improved cathodic protection;

18 “(G) inspection techniques where internal
19 inspection is not feasible, including measure-
20 ment of structural integrity;

21 “(H) external leak and rupture detection,
22 including portable real-time video imaging tech-
23 nology, and the advancement of computerized
24 control center leak and rupture detection sys-
25 tems utilizing real-time remote field data input;

1 “(I) longer life, high strength, non-corro-
2 sive pipeline materials;

3 “(J) assessing the remaining strength of
4 existing pipes;

5 “(K) risk and reliability analysis models, to
6 be used to identify safety improvements that
7 could be realized in the near term resulting
8 from analysis of data obtained from a pipeline
9 performance tracking initiative;

10 “(L) identification, monitoring, and pre-
11 vention of outside force damage, including sat-
12 ellite surveillance; and

13 “(M) any other areas necessary to ensur-
14 ing the public safety and protecting the environ-
15 ment.

16 “(4) POINTS OF CONTACT.—

17 “(A) IN GENERAL.—To coordinate and im-
18 plement the research and development pro-
19 grams and activities authorized under this
20 subsection—

21 “(i) the Secretary of Transportation
22 shall designate, as the point of contact for
23 the Department of Transportation, an offi-
24 cer of the Department of Transportation

1 who has been appointed by the President
2 and confirmed by the Senate; and

3 “(ii) the Secretary of Energy shall
4 designate, as the point of contact for the
5 Department of Energy, an officer of the
6 Department of Energy who has been ap-
7 pointed by the President and confirmed by
8 the Senate.

9 “(B) DUTIES.—

10 “(i) DOT POINT OF CONTACT.—The
11 point of contact for the Department of
12 Transportation shall have the primary re-
13 sponsibility for coordinating and overseeing
14 the implementation of the research, devel-
15 opment, and demonstration program plan
16 under paragraphs (5) and (6).

17 “(ii) JOINT RESPONSIBILITIES.—The
18 points of contact shall jointly assist in ar-
19 ranging cooperative agreements for re-
20 search, development, and demonstration in-
21 volving their respective Departments, na-
22 tional laboratories, universities, and indus-
23 try research organizations.

24 “(5) RESEARCH AND DEVELOPMENT PROGRAM
25 PLAN.—Not later than 1 year after the date of en-

1 actment of this section, the Secretary of Transpor-
2 tation, in coordination with the Secretary of Energy,
3 shall prepare and submit to Congress a 5-year pro-
4 gram plan to guide activities under this subsection.
5 In preparing the program plan, the Secretary shall
6 consult with appropriate representatives of the nat-
7 ural gas, crude oil, and petroleum product pipeline
8 industries to select and prioritize appropriate project
9 proposals. The Secretary may also seek the advice of
10 utilities, manufacturers, institutions of higher learn-
11 ing, Federal agencies, pipeline research institutions,
12 national laboratories, State pipeline safety officials,
13 environmental organizations, pipeline safety advo-
14 cates, and professional and technical societies.

15 “(6) IMPLEMENTATION.—The Secretary of
16 Transportation shall have primary responsibility for
17 ensuring the 5-year plan provided for in paragraph
18 (5) is implemented as intended. In carrying out the
19 research, development, and demonstration activities
20 under this paragraph, the Secretary of Transpor-
21 tation and the Secretary of Energy may use, to the
22 extent authorized under applicable provisions of law,
23 contracts, cooperative agreements, cooperative re-
24 search and development agreements under the Ste-
25 venson-Wydler Technology Innovation Act of 1980

1 (15 U.S.C. 3701 et seq.), grants, joint ventures,
 2 other transactions, and any other form of agreement
 3 available to the Secretary.

4 “(7) REPORTS TO CONGRESS.—The Secretary
 5 of Transportation shall report to the Congress annu-
 6 ally as to the status and results to date of the imple-
 7 mentation of the research and development program
 8 plan. The report shall include the activities of the
 9 Departments of Transportation and Energy, na-
 10 tional laboratories, universities, and any other re-
 11 search organizations, including industry research or-
 12 ganizations.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
 14 chapter 601 is amended by adding at the end the fol-
 15 lowing:

“60130. Research and development.”.

16 **SEC. 5. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY**
 17 **PREPAREDNESS.**

18 Section 60116 is amended to read as follows:

19 **“§ 60116. Community right-to-know and emergency**
 20 **preparedness**

21 “(a) PUBLIC EDUCATION PROGRAMS.—

22 “(1) IN GENERAL.—Each operator of a gas
 23 pipeline or hazardous liquid pipeline facility shall
 24 carry out a continuing program to educate the pub-
 25 lic on—

1 “(A) the use of a one-call notification sys-
2 tem prior to excavation and other damage pre-
3 vention activities;

4 “(B) the possible hazards associated with
5 unintended releases from the pipeline facility;

6 “(C) the physical indications that such a
7 release may have occurred;

8 “(D) what steps should be taken for public
9 safety in the event of a pipeline release; and

10 “(E) how to report such an event.

11 “(2) REVIEW OF EXISTING PROGRAMS.—Not
12 later than 1 year after the date of enactment of this
13 paragraph, each operator of a gas pipeline or haz-
14 ardous liquid pipeline facility shall review its existing
15 public education program for effectiveness and mod-
16 ify the program as necessary. The completed pro-
17 gram shall be reviewed by the Secretary of Trans-
18 portation as an element of Departmental inspec-
19 tions.

20 “(3) STANDARDS.—The Secretary may issue
21 standards prescribing the details of a public edu-
22 cation program and providing for periodic review of
23 the program’s effectiveness and modification as
24 needed. The Secretary may also develop material for
25 use in the program.

1 “(4) TECHNICAL ASSISTANCE.—The Secretary
2 may provide technical assistance on public safety
3 and public education programming regarding pipe-
4 line safety as follows:

5 “(A) TO PIPELINE INDUSTRY.—To the
6 pipeline industry, technical assistance on—

7 “(i) developing public safety and pub-
8 lic education program content; and

9 “(ii) using best practices for program
10 delivery and on evaluating the effectiveness
11 of the programs.

12 “(B) TO STATE AND LOCAL OFFICIALS.—
13 To State and local officials, technical assistance
14 on applying practices developed in the public
15 safety and public education programs to their
16 activities to promote pipeline safety.

17 “(b) PUBLIC AVAILABILITY OF REPORTS.—The Sec-
18 retary shall make available to the public a safety-related
19 condition report filed by an operator under section
20 60102(h) and a report of a pipeline incident filed by an
21 operator under this chapter.

22 “(c) EMERGENCY PREPAREDNESS.—

23 “(1) OPERATOR LIAISON.—Not later than 1
24 year after the date of enactment of this section, each
25 operator of a gas pipeline or hazardous liquid pipe-

1 line facility shall initiate and maintain liaison with
 2 the State emergency response commissions, and local
 3 emergency planning committees in the areas of pipe-
 4 line right-of-way, established under section 301 of
 5 the Emergency Planning and Community Right-To-
 6 Know Act of 1986 (42 U.S.C. 11001) in each State
 7 in which it operates.

8 “(2) EMERGENCY RESPONSE PLANS.—The Sec-
 9 retary shall prescribe standards to require each op-
 10 erator of a gas pipeline or hazardous liquid pipeline
 11 facility—

12 “(A) to develop an emergency response
 13 plan for responding to incidents involving the
 14 facility; and

15 “(B) to make the plan available upon re-
 16 quest to State and local officials.

17 “(3) COOPERATION WITH LOCAL OFFICIALS.—
 18 Each operator of a gas pipeline or hazardous liquid
 19 pipeline facility shall work in cooperation with State
 20 and local officials in the development of State and
 21 local emergency response plans for responding to in-
 22 cidents involving the facility.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
 24 chapter 601 is amended by striking the item relating to
 25 section 60116 and inserting the following:

“60116. Community right-to-know and emergency preparedness.”.

1 **SEC. 6. STATE OVERSIGHT ROLE.**

2 (a) STATE AGREEMENTS WITH CERTIFICATION.—

3 Section 60106 is amended—

4 (1) in the heading for subsection (a) by striking
5 “GENERAL AUTHORITY” and inserting “AGREE-
6 MENTS WITHOUT CERTIFICATION”;

7 (2) by redesignating subsections (b), (c), and
8 (d) as subsections (c), (d), and (e), respectively; and

9 (3) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) AGREEMENTS WITH CERTIFICATION.—

12 “(1) IN GENERAL.—If the Secretary accepts a
13 certification under section 60105 from a State au-
14 thority and makes the determination required under
15 paragraph (2), the Secretary may make an agree-
16 ment with the State authority to develop a plan by
17 which the State authority has a role in the oversight
18 of interstate pipelines—

19 “(A) by participating in special investiga-
20 tions involving interstate pipeline incidents
21 within the boundaries of the State;

22 “(B) by participating in oversight of new
23 construction of interstate pipelines within such
24 boundaries;

25 “(C) by participating as an interstate
26 agent by carrying out inspection responsibilities

1 for interstate pipelines within such boundaries
2 to ensure compliance with Federal pipeline safe-
3 ty standards;

4 “(D) by providing written comments and
5 recommendations on interstate pipeline risk
6 analysis and integrity management programs
7 for interstate pipelines within such boundaries
8 pursuant to section 60109(c)(7); and

9 “(E) by participating in any other activi-
10 ties relating to pipeline safety permissible under
11 this chapter on the day before the date of en-
12 actment of this subparagraph.

13 “(2) DETERMINATIONS REQUIRED.—The Sec-
14 retary may not enter into an agreement under this
15 subsection unless the Secretary determines that—

16 “(A) the agreement is consistent with the
17 Secretary’s program for inspection and with the
18 safety policies and provisions of this chapter;

19 “(B) the agreement would not adversely
20 affect the oversight responsibilities of intrastate
21 pipeline transportation by the State authority;

22 “(C) the State is carrying out a program
23 demonstrated to promote preparedness and risk
24 prevention activities that enhance the safety of
25 communities from the risks of pipelines;

1 “(D) the State meets the minimum stand-
2 ards for State one-call notification set forth in
3 chapter 61; and

4 “(E) the actions planned under the agree-
5 ment would not adversely affect interstate com-
6 merce or public safety.

7 “(3) EXISTING AGREEMENTS.—Except as pro-
8 vided in subsection (e), an agreement between the
9 Secretary and a State authority that is in effect on
10 the date of enactment of this paragraph shall remain
11 in effect until the Secretary determines that the
12 State meets the requirements for a determination
13 under paragraph (2).

14 “(4) CITIZEN PARTICIPATION.—The Secretary
15 or the State authority may provide for citizen par-
16 ticipation with respect to entry into and implementa-
17 tion of an agreement under this subsection.”.

18 (b) SECRETARY’S RESPONSE TO STATE NOTICES OF
19 VIOLATIONS.—Subsection (c) of section 60106 (as redes-
20 ignated by subsection (a)(2) of this section) is amended—

21 (1) by striking “Each agreement” and inserting
22 the following:

23 “(1) IN GENERAL.—Each agreement”;

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

1 “(2) RESPONSE BY SECRETARY.—If a State au-
 2 thority notifies the Secretary under paragraph (1) of
 3 a violation or probable violation of an applicable
 4 safety standard, the Secretary, not later than 60
 5 days after the date of receipt of the notification,
 6 shall—

7 “(A) issue an order under section
 8 60118(b) or take other appropriate enforcement
 9 actions to ensure compliance with this chapter;
 10 or

11 “(B) provide the State authority with a
 12 written explanation as to why the Secretary has
 13 determined not to take such actions.”; and

14 (3) by aligning the text of paragraph (1) (as
 15 designated by this subsection) with paragraph (2)
 16 (as added by this subsection).

17 (c) ENDING AGREEMENTS.—Subsection (e) of section
 18 60106 (as redesignated by subsection (a)(2) of this sec-
 19 tion) is amended to read as follows:

20 “(e) ENDING AGREEMENTS.—

21 “(1) PERMISSIVE TERMINATION.—The Sec-
 22 retary may end an agreement under this section if
 23 the Secretary finds that the State authority has not
 24 complied with a provision of the agreement.

1 “(2) MANDATORY TERMINATION OF AGREE-
2 MENT.—Subject to paragraph (3), the Secretary
3 shall end an agreement for the oversight of inter-
4 state pipeline transportation if the Secretary finds
5 that—

6 “(A) implementation of the agreement has
7 adversely affected the oversight responsibilities
8 of intrastate pipeline transportation by the
9 State authority;

10 “(B) the State actions under the agree-
11 ment have failed to meet the requirements of
12 subsection (b); or

13 “(C) continued participation by the State
14 authority in the oversight of interstate pipeline
15 transportation is not enhancing pipeline safety.

16 “(3) PROCEDURAL REQUIREMENTS.—

17 “(A) NOTICE AND OPPORTUNITY FOR
18 HEARING.—The Secretary shall provide a State
19 authority with notice and an opportunity for a
20 hearing before ending an agreement with the
21 State authority under this section.

22 “(B) PUBLICATION OF FINDING AND DECI-
23 SION IN FEDERAL REGISTER.—A finding and
24 decision of the Secretary to end an agreement
25 with a State authority under this section shall

1 be published in the Federal Register and may
 2 not become effective for at least 15 days after
 3 the date of such publication unless the Sec-
 4 retary finds that continuation of the agreement
 5 poses an imminent hazard to human health or
 6 the environment.”.

7 **SEC. 7. PENALTIES.**

8 (a) CIVIL PENALTIES.—Section 60122(a)(1) is
 9 amended—

10 (1) by striking “\$25,000” and inserting
 11 “\$500,000”;

12 (2) by striking “\$500,000” and inserting
 13 “\$1,000,000”; and

14 (3) by adding at the end the following: “The
 15 preceding sentence does not apply to a judicial en-
 16 forcement action under section 60120 or 60121.”.

17 (b) PENALTY CONSIDERATIONS.—Section 60122(b)
 18 is amended to read as follows:

19 “(b) PENALTY CONSIDERATIONS.—

20 “(1) MANDATORY CONSIDERATIONS.—In deter-
 21 mining the amount of a civil penalty under this sec-
 22 tion, the Secretary shall consider—

23 “(A) the nature, circumstances, and grav-
 24 ity of the violation, including adverse impact on
 25 the environment;

1 “(B) with respect to the violator, the de-
 2 gree of culpability, any history of prior viola-
 3 tions, the ability to pay, any effect on ability to
 4 continue doing business; and

5 “(C) good faith in attempting to comply.

6 “(2) DISCRETIONARY CONSIDERATIONS.—In
 7 determining the amount of a civil penalty under this
 8 section, the Secretary may consider—

9 “(A) the economic benefit gained from the
 10 violation without any discount because of subse-
 11 quent damages; and

12 “(B) other matters that justice requires.”.

13 (c) EXCAVATOR DAMAGE.—Section 60123(d) is
 14 amended—

15 (1) in the matter preceding paragraph (1) by
 16 striking “knowingly and willfully”;

17 (2) in paragraph (1) by inserting “knowingly
 18 and willfully” before “engages”; and

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

21 “(B) a pipeline facility, is aware of dam-
 22 age, and does not report the damage promptly
 23 to the operator of the pipeline facility and to
 24 other appropriate authorities; or”.

25 (d) CIVIL ACTIONS.—Section 60120(a) is amended—

1 (1) by striking “(a) CIVIL ACTIONS.—(1)” and
 2 all that follows through “(2) At the request” and in-
 3 serting the following:

4 “(a) CIVIL ACTIONS.—

5 “(1) CIVIL ACTIONS TO ENFORCE THIS CHAP-
 6 TER.—At the request of the Secretary of Transpor-
 7 tation, the Attorney General may bring a civil action
 8 in an appropriate district court of the United States
 9 to enforce this chapter, including section 60112, or
 10 a regulation prescribed or order issued under this
 11 chapter. The court may award appropriate relief, in-
 12 cluding a temporary or permanent injunction, puni-
 13 tive damages, and assessment of civil penalties con-
 14 sidering the same factors as prescribed for the Sec-
 15 retary in an administrative case under section
 16 60122.

17 “(2) CIVIL ACTIONS TO REQUIRE COMPLIANCE
 18 WITH SUBPOENAS OR ALLOW FOR INSPECTIONS.—At
 19 the request”; and

20 (2) by aligning the remainder of the text of
 21 paragraph (2) with the text of paragraph (1).

22 **SEC. 8. POPULATION ENCROACHMENT.**

23 Section 60127 is amended to read as follows:

1 **“§ 60127. Population encroachment**

2 “(a) STUDY.—The Secretary of Transportation, in
3 consultation with appropriate Federal agencies and State
4 and local governments, shall undertake a study of land
5 use practices and zoning ordinances with regard to pipe-
6 line rights-of-way.

7 “(b) PURPOSE OF STUDY.—The purpose of the study
8 shall be to gather information on land use practices and
9 zoning ordinances—

10 “(1) to determine effective practices to limit en-
11 croachment on existing pipeline rights-of-way;

12 “(2) to address and prevent the hazards and
13 risks to the public and the environment associated
14 with encroachment on pipeline rights-of-way; and

15 “(3) to raise the awareness of the risks and
16 hazards of encroachment on pipeline rights-of-way.

17 “(c) CONSIDERATIONS.—In conducting the study, the
18 Secretary shall consider, at a minimum, the following:

19 “(1) The legal authority of Federal agencies
20 and State and local governments in controlling land
21 use and the limitations on such authority.

22 “(2) The current practices of Federal agencies
23 and State and local governments in addressing land
24 use issues involving a pipeline easement.

25 “(3) The most effective way to encourage Fed-
26 eral agencies and State and local governments to

1 monitor and reduce encroachment upon pipeline
2 rights-of-way.

3 “(d) REPORT.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this subsection, the Sec-
6 retary shall publish a report identifying practices,
7 laws, and ordinances that are most successful in ad-
8 dressing issues of encroachment on pipeline rights-
9 of-way so as to more effectively protect public safety
10 and the environment.

11 “(2) DISTRIBUTION OF REPORT.—The Sec-
12 retary shall provide a copy of the report to appro-
13 priate Federal agencies and to States for further
14 distribution to appropriate local authorities.

15 “(3) ADOPTION OF PRACTICES, LAWS, AND OR-
16 DINANCES.—The Secretary shall encourage Federal
17 agencies and State and local governments to adopt
18 and implement appropriate practices, laws, and ordi-
19 nances, as identified in the report, to address the
20 risks and hazards associated with encroachment
21 upon pipeline rights-of-way.”.

22 **SEC. 9. RECORDS, REPORTS, AND INFORMATION.**

23 Section 60117(b) is amended to read as follows:

24 “(b) RECORDS, REPORTS, AND INFORMATION.—

1 “(1) IN GENERAL.—To enable the Secretary to
2 decide whether a person owning or operating a pipe-
3 line facility is complying with this chapter and
4 standards prescribed or orders issued under this
5 chapter, the person shall—

6 “(A) maintain records, make reports, and
7 provide information the Secretary requires; and

8 “(B) make the records, reports, and infor-
9 mation available when the Secretary requests.

10 “(2) RELEASES EXCEEDING 5 GALLONS.—

11 “(A) REPORT REQUIRED.—A person own-
12 ing or operating a hazardous liquid pipeline fa-
13 cility subject to the requirements of this chapter
14 shall submit to the Secretary a report on each
15 release to the environment greater than 5 gal-
16 lons of the hazardous liquid or carbon dioxide
17 transported.

18 “(B) CONTENTS.—A report submitted to
19 the Secretary under subparagraph (A) shall in-
20 clude a description of—

21 “(i) the location of the release;

22 “(ii) any fatalities or personal injuries
23 resulting from the release;

24 “(iii) the type of product released;

25 “(iv) the amount of product released;

1 “(v) the cause or causes of the re-
2 lease,

3 “(vi) the extent of damage to property
4 and the environment; and

5 “(vii) the response undertaken to
6 clean up the release.

7 “(3) AVAILABILITY OF INFORMATION DURING
8 INCIDENT INVESTIGATIONS.—During the course of
9 an incident investigation, a person owning or oper-
10 ating a pipeline facility shall make records, reports,
11 and information required under subsection (a) (and
12 other reasonably described records, reports, and in-
13 formation relevant to the incident investigation)
14 available to the Secretary within the time limits pre-
15 scribed in a written request.

16 “(4) GATHERING LINES.—The Secretary may
17 require owners and operators of gathering lines to
18 provide the Secretary information pertinent to the
19 Secretary’s ability to make a determination as to
20 whether and to what extent to regulate gathering
21 lines.”.

22 **SEC. 10. NATIONAL PIPELINE MAPPING SYSTEM.**

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

1 **“§ 60131. National pipeline mapping system**

2 “(a) INFORMATION TO BE PROVIDED.—Not later
3 than 6 months after the date of enactment of this section,
4 a person owning or operating a natural gas transmission
5 pipeline or a hazardous liquid pipeline facility shall provide
6 to the Secretary the following information with respect to
7 each pipeline it owns or operates:

8 “(1) Geospatial data appropriate for use in the
9 National Pipeline Mapping System.

10 “(2) The name and address of the person with
11 primary operational control to be identified as its op-
12 erator for purposes of this chapter.

13 “(3) A means for a member of the public to
14 contact the operator for additional information
15 about the pipeline facilities it operates.

16 “(b) UPDATES.—A person providing information
17 under subsection (a) shall provide to the Secretary up-
18 dates of the information to reflect changes in the pipeline
19 facility owned or operated by the person and as otherwise
20 required by the Secretary.

21 “(c) TECHNICAL ASSISTANCE TO IMPROVE LOCAL
22 RESPONSE CAPABILITIES.—The Secretary may provide
23 technical assistance to State and local officials to improve
24 local response capabilities for pipeline emergencies by
25 adapting information available through the National Pipe-

1 line Mapping System to software used in first responder
2 vehicles responding to pipeline emergencies.

3 “(d) AVAILABILITY OF MAPS.—

4 “(1) IN GENERAL.—A person owning or oper-
5 ating a natural gas transmission pipeline or haz-
6 ardous liquid pipeline facility shall—

7 “(A) make maps of the facility available
8 for public inspection; and

9 “(B) provide to a State or local official,
10 emergency response agency, or advisory com-
11 mittee established by the Governor of a State
12 upon request a map of the facility (in paper
13 form) in the area represented by the person re-
14 questing the map.

15 “(2) UPDATES.—A person providing a map
16 under paragraph (1)(B) shall provide upon request
17 to the person requesting the map updates of the
18 map to reflect changes in the pipeline facility de-
19 picted on the map.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 601 is amended by adding at the end the fol-
22 lowing:

“60131. National pipeline mapping system.”.

23 **SEC. 11. STATE PIPELINE SAFETY ADVISORY COMMITTEES.**

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

1 **“§ 60132. State pipeline safety advisory committees**

2 “Not later than 90 days after receiving recommenda-
 3 tions for improvements to pipeline safety from an advisory
 4 committee appointed by the Governor of any State, the
 5 Secretary shall respond in writing to the committee setting
 6 forth what action, if any, the Secretary will take on those
 7 recommendations and the Secretary’s reasons for acting
 8 or not acting upon any of the recommendations.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
 10 chapter 601 is amended by adding at the end the fol-
 11 lowing:

“60132. State pipeline safety advisory committees.”.

12 **SEC. 12. PIPELINE RIGHTS-OF-WAY AND THE ENVIRON-**
 13 **MENT.**

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

16 **“§ 60133. Pipeline rights-of-way and the environment**

17 “(a) STUDY.—The Secretary of Transportation may
 18 conduct a study on how best to preserve environmental
 19 resources in conjunction with maintaining pipeline rights-
 20 of-way.

21 “(b) REQUIRED CONSIDERATION.—Any study con-
 22 ducted under this section shall recognize pipeline opera-
 23 tors’ regulatory obligations to maintain rights-of-way and
 24 to protect public safety.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 601 is amended by adding at the end the fol-
 3 lowing:

“60133. Pipeline rights-of-way and the environment.”.

4 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GAS AND HAZARDOUS LIQUID.—Section
 6 60125(a) is amended to read as follows:

7 “(a) GAS AND HAZARDOUS LIQUID.—

8 “(1) AUTHORIZATION OF APPROPRIATIONS.—

9 To carry out this chapter (except for sections 60107
 10 and 60114(b)) related to gas and hazardous liquid,
 11 the following amounts are authorized to be appro-
 12 priated to the Department of Transportation:

13 “(A) \$41,500,000 for fiscal year 2002.

14 “(B) \$44,500,000 for fiscal year 2003.

15 “(C) \$45,800,000 for fiscal year 2004.

16 “(D) \$46,300,000 for fiscal year 2005.

17 “(E) \$46,300,000 for fiscal year 2006.

18 “(2) ALLOCATIONS FOR RESEARCH.—Of the
 19 amounts appropriated pursuant to paragraph (1) for
 20 a fiscal year, not less than the following amounts
 21 shall be used for research of pipeline safety tech-
 22 nologies described in section 60130:

23 “(A) \$4,000,000 for fiscal year 2002.

24 “(B) \$5,500,000 for fiscal year 2003.

25 “(C) \$6,000,000 for fiscal year 2004.

1 “(D) \$6,500,000 for fiscal year 2005.

2 “(E) \$6,500,000 for fiscal year 2006.”.

3 (b) STATE GRANTS.—Section 60125 is amended—

4 (1) by striking subsections (b) and (d) and re-
5 designating subsections (c), (e), and (f) as sub-
6 sections (b), (d), and (e), respectively; and

7 (2) in subsection (b)(1) (as so redesignated) by
8 striking subparagraphs (A) through (H) and insert-
9 ing the following:

10 “(A) \$18,500,000 for fiscal year 2002.

11 “(B) \$20,500,000 for fiscal year 2003.

12 “(C) \$21,500,000 for fiscal year 2004.

13 “(D) \$21,500,000 for fiscal year 2005.

14 “(E) \$21,500,000 for fiscal year 2006.”.

15 (c) OIL SPILLS.—Section 60125 is amended by in-
16 serting after subsection (b) (as redesignated by subsection
17 (b)(1) of this section) the following:

18 “(c) OIL SPILL LIABILITY TRUST FUND.—Of the
19 amounts available in the Oil Spill Liability Trust Fund,
20 \$8,000,000 shall be transferred to the Secretary of Trans-
21 portation in each of fiscal years 2002 through 2006, as
22 provided in appropriation Acts, to carry out programs au-
23 thorized in this Act.”.

- 1 (d) CONFORMING AMENDMENT.—Section 60125(d)
- 2 (as redesignated by subsection (b)(1) of this section) is
- 3 amended by striking “or (b) of this section”.

