

107TH CONGRESS
1ST SESSION

S. 141

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. MCCAIN (for himself, Mrs. MURRAY, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. DOMENICI, and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

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

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

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Pipeline Safety Improvement 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 **SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL REC-**
9 **OMMENDATIONS.**

10 (a) IN GENERAL.—Except as otherwise required by
11 this Act, the Secretary shall implement the safety improve-
12 ment recommendations provided for in the Department of
13 Transportation Inspector General’s Report (RT–2000–
14 069).

15 (b) REPORTS BY THE SECRETARY.—Not later than
16 90 days after the date of enactment of this Act, and every
17 90 days thereafter until each of the recommendations re-
18 ferred to in subsection (a) has been implemented, the Sec-
19 retary shall transmit to the Committee on Commerce,
20 Science, and Transportation of the Senate and the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives a report on the specific actions taken
23 to implement such recommendations.

24 (c) REPORTS BY THE INSPECTOR GENERAL.—The
25 Inspector General shall periodically transmit to the Com-

1 mittees referred to in subsection (b) a report assessing the
2 Secretary's progress in implementing the recommenda-
3 tions referred to in subsection (a) and identifying options
4 for the Secretary to consider in accelerating recommenda-
5 tion implementation.

6 **SEC. 3. NTSB SAFETY RECOMMENDATIONS.**

7 (a) IN GENERAL.—The Secretary of Transportation,
8 the Administrator of Research and Special Program Ad-
9 ministration, and the Director of the Office of Pipeline
10 Safety shall fully comply with section 1135 of title 49,
11 United States Code, to ensure timely responsiveness to
12 National Transportation Safety Board recommendations
13 about pipeline safety.

14 (b) PUBLIC AVAILABILITY.—The Secretary, Adminis-
15 trator, or Director, respectively, shall make a copy of each
16 recommendation on pipeline safety and response, as de-
17 scribed in sections 1135 (a) and (b) of title 49, United
18 States Code, available to the public at reasonable cost.

19 (c) REPORTS TO CONGRESS.—The Secretary, Admin-
20 istrator, or Director, respectively, shall submit to the Con-
21 gress by January 1 of each year a report containing each
22 recommendation on pipeline safety made by the Board
23 during the prior year and a copy of the response to each
24 such recommendation.

1 **SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.**

2 (a) **QUALIFICATION PLAN.**—Each pipeline operator
3 shall make available to the Secretary of Transportation,
4 or, in the case of an intrastate pipeline facility operator,
5 the appropriate State regulatory agency, a plan that is de-
6 signed to enhance the qualifications of pipeline personnel
7 and to reduce the likelihood of accidents and injuries. The
8 plan shall be made available not more than 6 months after
9 the date of enactment of this Act, and the operator shall
10 revise or update the plan as appropriate.

11 (b) **REQUIREMENTS.**—The enhanced qualification
12 plan shall include, at a minimum, criteria to demonstrate
13 the ability of an individual to safely and properly perform
14 tasks identified under section 60102 of title 49, United
15 States Code. The plan shall also provide for training and
16 periodic reexamination of pipeline personnel qualifications
17 and provide for requalification as appropriate. The Sec-
18 retary, or, in the case of an intrastate pipeline facility op-
19 erator, the appropriate State regulatory agency, may re-
20 view and certify the plans to determine if they are suffi-
21 cient to provide a safe operating environment and shall
22 periodically review the plans to ensure the continuation of
23 a safe operation. The Secretary may establish minimum
24 standards for pipeline personnel training and evaluation,
25 which may include written examination, oral examination,
26 work performance history review, observation during per-

1 formance on the job, on the job training, simulations, or
 2 other forms of assessment.

3 (c) REPORT TO CONGRESS.—

4 (1) IN GENERAL.—The Secretary shall submit
 5 a report to the Congress evaluating the effectiveness
 6 of operator qualification and training efforts,
 7 including—

8 (A) actions taken by inspectors;

9 (B) recommendations made by inspectors
 10 for changes to operator qualification and train-
 11 ing programs; and

12 (C) industry responses to those actions and
 13 recommendations.

14 (2) CRITERIA.—The Secretary may establish
 15 criteria for use in evaluating and reporting on oper-
 16 ator qualification and training for purposes of this
 17 subsection.

18 (3) DUE DATE.—The Secretary shall submit
 19 the report required by paragraph (1) to the Con-
 20 gress 3 years after the date of enactment of this
 21 Act.

22 **SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.**

23 Section 60109 is amended by adding at the end the
 24 following:

25 “(c) INTEGRITY MANAGEMENT.—

1 “(1) GENERAL REQUIREMENT.—The Secretary
 2 shall promulgate regulations requiring operators of
 3 hazardous liquid pipelines and natural gas trans-
 4 mission pipelines to evaluate the risks to the opera-
 5 tor’s pipeline facilities in areas identified pursuant
 6 to subsection (a)(1), and to adopt and implement a
 7 program for integrity management that reduces the
 8 risk of an incident in those areas. The regulations
 9 shall be issued no later than one year after the Sec-
 10 retary has issued standards pursuant to subsections
 11 (a) and (b) of this section or by December 31, 2002,
 12 whichever is sooner.

13 “(2) STANDARDS FOR PROGRAM.—In promul-
 14 gating regulations under this section, the Secretary
 15 shall require an operator’s integrity management
 16 plan to be based on risk analysis and each plan shall
 17 include, at a minimum—

18 “(A) periodic assessment of the integrity of
 19 the pipeline through methods including internal
 20 inspection, pressure testing, direct assessment,
 21 or other effective methods;

22 “(B) clearly defined criteria for evaluating
 23 the results of the periodic assessment methods
 24 carried out under subparagraph (A) and proce-

1 dures to ensure identified problems are cor-
2 rected in a timely manner; and

3 “(C) measures, as appropriate, that pre-
4 vent and mitigate unintended releases, such as
5 leak detection, integrity evaluation, restrictive
6 flow devices, or other measures.

7 “(3) CRITERIA FOR PROGRAM STANDARDS.—In
8 deciding how frequently the integrity assessment
9 methods carried out under paragraph (2)(A) must
10 be conducted, an operator shall take into account
11 the potential for new defects developing or previously
12 identified structural defects caused by construction
13 or installation, the operational characteristics of the
14 pipeline, and leak history. In addition, the Secretary
15 may establish a minimum testing requirement for
16 operators of pipelines to conduct internal inspec-
17 tions.

18 “(4) STATE ROLE.—A State authority that has
19 an agreement in effect with the Secretary under sec-
20 tion 60106 is authorized to review and assess an op-
21 erator’s risk analyses and integrity management
22 plans required under this section for interstate pipe-
23 lines located in that State. The reviewing State au-
24 thority shall provide the Secretary with a written as-
25 sessment of the plans, make recommendations, as

1 appropriate, to address safety concerns not ade-
2 quately addressed in the operator's plans, and sub-
3 mit documentation explaining the State-proposed
4 plan revisions. The Secretary shall carefully consider
5 the State's proposals and work in consultation with
6 the States and operators to address safety concerns.

7 “(5) MONITORING IMPLEMENTATION.—The
8 Secretary of Transportation shall review the risk
9 analysis and program for integrity management re-
10 quired under this section and provide for continued
11 monitoring of such plans. Not later than 2 years
12 after the implementation of integrity management
13 plans under this section, the Secretary shall com-
14 plete an assessment and evaluation of the effects on
15 safety and the environment by extending all of the
16 requirements mandated by the regulations described
17 in paragraph (1) to additional areas. The Secretary
18 shall submit the assessment and evaluation to Con-
19 gress along with any recommendations to improve
20 and expand the utilization of integrity management
21 plans.

22 “(6) OPPORTUNITY FOR LOCAL INPUT ON IN-
23 TEGRITY MANAGEMENT.—Within 18 months after
24 the date of enactment of the Pipeline Safety Im-
25 provement Act of 2001, the Secretary shall, by regu-

1 lation, establish a process for raising and addressing
2 local safety concerns about pipeline integrity and the
3 operator’s pipeline integrity plan. The process shall
4 include—

5 “(A) a requirement that an operator of a
6 hazardous liquid or natural gas transmission
7 pipeline facility provide information about the
8 risk analysis and integrity management plan re-
9 quired under this section to local officials in a
10 State in which the facility is located;

11 “(B) a description of the local officials re-
12 quired to be informed, the information that is
13 to be provided to them and the manner, which
14 may include traditional or electronic means, in
15 which it is provided;

16 “(C) the means for receiving input from
17 the local officials that may include a public
18 forum sponsored by the Secretary or by the
19 State, or the submission of written comments
20 through traditional or electronic means;

21 “(D) the extent to which an operator of a
22 pipeline facility must participate in a public
23 forum sponsored by the Secretary or in another
24 means for receiving input from the local offi-
25 cials or in the evaluation of that input; and

1 “(E) the manner in which the Secretary
 2 will notify the local officials about how their
 3 concerns are being addressed.”.

4 **SEC. 6. ENFORCEMENT.**

5 (a) IN GENERAL.—Section 60112 is amended—

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

8 “(a) GENERAL AUTHORITY.—After notice and an op-
 9 portunity for a hearing, the Secretary of Transportation
 10 may decide a pipeline facility is hazardous if the Secretary
 11 decides that—

12 “(1) operation of the facility is or would be haz-
 13 ardous to life, property, or the environment; or

14 “(2) the facility is, or would be, constructed or
 15 operated, or a component of the facility is, or would
 16 be, constructed or operated with equipment, mate-
 17 rial, or a technique that the Secretary decides is
 18 hazardous to life, property, or the environment.”;
 19 and

20 (2) by striking “is hazardous,” in subsection
 21 (d) and inserting “is, or would be, hazardous,”.

22 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**
 23 **AND COMMUNITY RIGHT TO KNOW.**

24 (a) Section 60116 is amended to read as follows:

1 **“§ 60116. Public education, emergency preparedness,**
2 **and community right to know**

3 “(a) PUBLIC EDUCATION PROGRAMS.—

4 “(1) Each owner or operator of a gas or haz-
5 ardous liquid pipeline facility shall carry out a con-
6 tinuing program to educate the public on the use of
7 a one-call notification system prior to excavation and
8 other damage prevention activities, the possible haz-
9 ards associated with unintended releases from the
10 pipeline facility, the physical indications that such a
11 release may have occurred, what steps should be
12 taken for public safety in the event of a pipeline re-
13 lease, and how to report such an event.

14 “(2) Within 12 months after the date of enact-
15 ment of the Pipeline Safety Improvement Act of
16 2001, each owner or operator of a gas or hazardous
17 liquid pipeline facility shall review its existing public
18 education program for effectiveness and modify the
19 program as necessary. The completed program shall
20 include activities to advise affected municipalities,
21 school districts, businesses, and residents of pipeline
22 facility locations. The completed program shall be
23 submitted to the Secretary or, in the case of an
24 intrastate pipeline facility operator, the appropriate
25 State agency and shall be periodically reviewed by

1 the Secretary or, in the case of an intrastate pipeline
2 facility operator, the appropriate State agency.

3 “(3) The Secretary may issue standards pre-
4 scribing the elements of an effective public education
5 program. The Secretary may also develop material
6 for use in the program.

7 “(b) EMERGENCY PREPAREDNESS.—

8 “(1) OPERATOR LIAISON.—Within 12 months
9 after the date of enactment of the Pipeline Safety
10 Improvement Act of 2001, an operator of a gas
11 transmission or hazardous liquid pipeline facility
12 shall initiate and maintain liaison with the State
13 emergency response commissions, and local emer-
14 gency planning committees in the areas of pipeline
15 right-of-way, established under section 301 of the
16 Emergency Planning and Community Right-To-
17 Know Act of 1986 (42 U.S.C. 11001) in each State
18 in which it operates.

19 “(2) INFORMATION.—An operator shall, upon
20 request, make available to the State emergency re-
21 sponse commissions and local emergency planning
22 committees, and shall make available to the Office of
23 Pipeline Safety in a standardized form for the pur-
24 pose of providing the information to the public, the
25 information described in section 60102(d), the oper-

1 ator’s program for integrity management, and infor-
2 mation about implementation of that program. The
3 information about the facility shall also include, at
4 a minimum—

5 “(A) the business name, address, telephone
6 number of the operator, including a 24-hour
7 emergency contact number;

8 “(B) a description of the facility, including
9 pipe diameter, the product or products carried,
10 and the operating pressure;

11 “(C) with respect to transmission pipeline
12 facilities, maps showing the location of the facil-
13 ity and, when available, any high consequence
14 areas which the pipeline facility traverses or ad-
15 joins and abuts;

16 “(D) a summary description of the integ-
17 rity measures the operator uses to assure safety
18 and protection for the environment; and

19 “(E) a point of contact to respond to ques-
20 tions from emergency response representative.

21 “(3) SMALLER COMMUNITIES.—In a community
22 without a local emergency planning committee, the
23 operator shall maintain liaison with the local fire,
24 police, and other emergency response agencies.

1 “(4) PUBLIC ACCESS.—The Secretary shall pre-
2 scribe requirements for public access, as appropriate,
3 to this information, including a requirement that the
4 information be made available to the public by wide-
5 ly accessible computerized database.

6 “(c) COMMUNITY RIGHT TO KNOW.—Not later than
7 12 months after the date of enactment of the Pipeline
8 Safety Improvement Act of 2001, and annually thereafter,
9 the owner or operator of each gas transmission or haz-
10 ardous liquid pipeline facility shall provide to the gov-
11 erning body of each municipality in which the pipeline fa-
12 cility is located, a map identifying the location of such fa-
13 cility. The map may be provided in electronic form. The
14 Secretary may provide technical assistance to the pipeline
15 industry on developing public safety and public education
16 program content and best practices for program delivery,
17 and on evaluating the effectiveness of the programs. The
18 Secretary may also provide technical assistance to State
19 and local officials in applying practices developed in these
20 programs to their activities to promote pipeline safety.

21 “(d) PUBLIC AVAILABILITY OF REPORTS.—The Sec-
22 retary shall—

23 “(1) make available to the public—

24 “(A) a safety-related condition report filed
25 by an operator under section 60102(h);

1 “(B) a report of a pipeline incident filed by
2 an operator;

3 “(C) the results of any inspection by the
4 Office of Pipeline Safety or a State regulatory
5 official; and

6 “(D) a description of any corrective action
7 taken in response to a safety-related condition
8 reported under subparagraph (A), (B), or (C);
9 and

10 “(2) prescribe requirements for public access,
11 as appropriate, to integrity management program in-
12 formation prepared under this chapter, including re-
13 quirements that will ensure data accessibility to the
14 greatest extent feasible.”.

15 (b) SAFETY CONDITION REPORTS.—Section
16 60102(h)(2) is amended by striking “authorities.” and in-
17 serting “officials, including the local emergency respond-
18 ers.”.

19 (c) CONFORMING AMENDMENT.—The chapter anal-
20 ysis for chapter 601 is amended by striking the item relat-
21 ing to section 60116 and inserting the following:

“60116. Public education, emergency preparedness, community right to know.”.

22 **SEC. 8. PENALTIES.**

23 (a) CIVIL PENALTIES.—Section 60122 is amended—

24 (1) by striking “\$25,000” in subsection (a)(1)
25 and inserting “\$500,000”;

1 (2) by striking “\$500,000” in subsection (a)(1)
 2 and inserting “\$1,000,000”;

3 (3) by adding at the end of subsection (a)(1)
 4 the following: “The preceding sentence does not
 5 apply to judicial enforcement action under section
 6 60120 or 60121.”; and

7 (4) by striking subsection (b) and inserting the
 8 following:

9 “(b) PENALTY CONSIDERATIONS.—In determining
 10 the amount of a civil penalty under this section—

11 “(1) the Secretary shall consider—

12 “(A) the nature, circumstances, and grav-
 13 ity of the violation, including adverse impact on
 14 the environment;

15 “(B) with respect to the violator, the de-
 16 gree of culpability, any history of prior viola-
 17 tions, the ability to pay, any effect on ability to
 18 continue doing business; and

19 “(C) good faith in attempting to comply;
 20 and

21 “(2) the Secretary may consider—

22 “(A) the economic benefit gained from the
 23 violation without any discount because of subse-
 24 quent damages; and

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

1 (b) EXCAVATOR DAMAGE.—Section 60123(d) is
 2 amended—

3 (1) by striking “knowingly and willfully”;

4 (2) by inserting “knowingly and willfully” be-
 5 fore “engages” in paragraph (1); and

6 (3) striking paragraph (2)(B) and inserting the
 7 following:

8 “(B) a pipeline facility, is aware of dam-
 9 age, and does not report the damage promptly
 10 to the operator of the pipeline facility and to
 11 other appropriate authorities; or”.

12 (c) CIVIL ACTIONS.—Section 60120(a)(1) is amended
 13 to read as follows:

14 “(1) On the request of the Secretary of Transpor-
 15 tation, the Attorney General may bring a civil action in
 16 an appropriate district court of the United States to en-
 17 force this chapter, including section 60112 of this chapter,
 18 or a regulation prescribed or order issued under this chap-
 19 ter. The court may award appropriate relief, including a
 20 temporary or permanent injunction, punitive damages,
 21 and assessment of civil penalties considering the same fac-
 22 tors as prescribed for the Secretary in an administrative
 23 case under section 60122.”.

1 **SEC. 9. STATE OVERSIGHT ROLE.**

2 (a) STATE AGREEMENTS WITH CERTIFICATION.—

3 Section 60106 is amended—

4 (1) by striking “GENERAL AUTHORITY.—” in
5 subsection (a) and inserting “AGREEMENTS WITH-
6 OUT CERTIFICATION.—”;

7 (2) by redesignating subsections (b), (c), and
8 (d) as subsections (c), (d), and (e); 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 of this title and
14 makes the determination required under this sub-
15 section, the Secretary may make an agreement with
16 a State authority authorizing it to participate in the
17 oversight of interstate pipeline transportation. Each
18 such agreement shall include a plan for the State
19 authority to participate in special investigations in-
20 volving incidents or new construction and allow the
21 State authority to participate in other activities
22 overseeing interstate pipeline transportation or to
23 assume additional inspection or investigatory duties.
24 Nothing in this section modifies section 60104(c) or
25 authorizes the Secretary to delegate the enforcement

1 of safety standards prescribed under this chapter to
2 a State authority.

3 “(2) DETERMINATIONS REQUIRED.—The Sec-
4 retary may not enter into an agreement under this
5 subsection, unless the Secretary determines that—

6 “(A) the agreement allowing participation
7 of the State authority is consistent with the
8 Secretary’s program for inspection and con-
9 sistent with the safety policies and provisions
10 provided under this chapter;

11 “(B) the interstate participation agreement
12 would not adversely affect the oversight respon-
13 sibilities of intrastate pipeline transportation by
14 the State authority;

15 “(C) the State is carrying out a program
16 demonstrated to promote preparedness and risk
17 prevention activities that enable communities to
18 live safely with pipelines;

19 “(D) the State meets the minimum stand-
20 ards for State one-call notification set forth in
21 chapter 61; and

22 “(E) the actions planned under the agree-
23 ment would not impede interstate commerce or
24 jeopardize public safety.

1 “(3) EXISTING AGREEMENTS.—If requested by
2 the State Authority, the Secretary shall authorize a
3 State Authority which had an interstate agreement
4 in effect after January, 1999, to oversee interstate
5 pipeline transportation pursuant to the terms of that
6 agreement until the Secretary determines that the
7 State meets the requirements of paragraph (2) and
8 executes a new agreement, or until December 31,
9 2002, whichever is sooner. Nothing in this para-
10 graph shall prevent the Secretary, after affording
11 the State notice, hearing, and an opportunity to cor-
12 rect any alleged deficiencies, from terminating an
13 agreement that was in effect before enactment of the
14 Pipeline Safety Improvement Act of 2001 if—

15 “(A) the State Authority fails to comply
16 with the terms of the agreement;

17 “(B) implementation of the agreement has
18 resulted in a gap in the oversight responsibil-
19 ities of intrastate pipeline transportation by the
20 State Authority; or

21 “(C) continued participation by the State
22 Authority in the oversight of interstate pipeline
23 transportation has had an adverse impact on
24 pipeline safety.”.

1 (b) ENDING AGREEMENTS.—Subsection (e) of sec-
 2 tion 60106, as redesignated by subsection (a), is amended
 3 to read as follows:

4 “(e) ENDING AGREEMENTS.—

5 “(1) PERMISSIVE TERMINATION.—The Sec-
 6 retary may end an agreement under this section
 7 when the Secretary finds that the State authority
 8 has not complied with any provision of the agree-
 9 ment.

10 “(2) MANDATORY TERMINATION OF AGREE-
 11 MENT.—The Secretary shall end an agreement for
 12 the oversight of interstate pipeline transportation if
 13 the Secretary finds that—

14 “(A) implementation of such agreement
 15 has resulted in a gap in the oversight respon-
 16 sibilities of intrastate pipeline transportation by
 17 the State authority;

18 “(B) the State actions under the agree-
 19 ment have failed to meet the requirements
 20 under subsection (b); or

21 “(C) continued participation by the State
 22 authority in the oversight of interstate pipeline
 23 transportation would not promote pipeline safe-
 24 ty.

1 “(3) PROCEDURAL REQUIREMENTS.—The Sec-
 2 retary shall give the notice and an opportunity for
 3 a hearing to a State authority before ending an
 4 agreement under this section. The Secretary may
 5 provide a State an opportunity to correct any defi-
 6 ciencies before ending an agreement. The finding
 7 and decision to end the agreement shall be published
 8 in the Federal Register and may not become effec-
 9 tive for at least 15 days after the date of publication
 10 unless the Secretary finds that continuation of an
 11 agreement poses an imminent hazard.”.

12 **SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.**

13 (a) IN GENERAL.—Within 12 months after the date
 14 of enactment of this Act, the Secretary shall develop and
 15 implement a comprehensive plan for the collection and use
 16 of gas and hazardous liquid pipeline data to revise the
 17 causal categories on the incident report forms to eliminate
 18 overlapping and confusing categories and include subcat-
 19 egories. The plan shall include components to provide the
 20 capability to perform sound incident trend analysis and
 21 evaluations of pipeline operator performance using nor-
 22 malized accident data.

23 (b) REPORT OF RELEASES EXCEEDING 5 GAL-
 24 LONS.—Section 60117(b) is amended—

25 (1) by inserting “(1)” before “To”;

1 (2) redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B);

3 (3) inserting before the last sentence the fol-
4 lowing:

5 “(2) A person owning or operating a hazardous liquid
6 pipeline facility shall report to the Secretary each release
7 to the environment greater than five gallons of the haz-
8 ardous liquid or carbon dioxide transported. This section
9 applies to releases from pipeline facilities regulated under
10 this chapter. A report must include the location of the re-
11 lease, fatalities and personal injuries, type of product,
12 amount of product release, cause or causes of the release,
13 extent of damage to property and the environment, and
14 the response undertaken to clean up the release.

15 “(3) During the course of an incident investigation,
16 a person owning or operating a pipeline facility shall make
17 records, reports, and information required under sub-
18 section (a) of this section or other reasonably described
19 records, reports, and information relevant to the incident
20 investigation, available to the Secretary within the time
21 limits prescribed in a written request.”; and

22 (4) indenting the first word of the last sentence
23 and inserting “(4)” before “The Secretary” in that
24 sentence.

1 (c) PENALTY AUTHORITIES.—(1) Section 60122(a)
 2 is amended by striking “60114(c)” and inserting
 3 “60117(b)(3)”.

4 (2) Section 60123(a) is amended by striking
 5 “60114(c),” and inserting “60117(b)(3),”.

6 (d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—
 7 Section 60117 is amended by adding at the end the fol-
 8 lowing:

9 “(l) NATIONAL DEPOSITORY.—The Secretary shall
 10 establish a national depository of data on events and con-
 11 ditions, including spill histories and corrective actions for
 12 specific incidents, that can be used to evaluate the risk
 13 of, and to prevent, pipeline failures and releases. The Sec-
 14 retary shall administer the program through the Bureau
 15 of Transportation Statistics, in cooperation with the Re-
 16 search and Special Programs Administration, and shall
 17 make such information available for use by State and local
 18 planning and emergency response authorities and the pub-
 19 lic.”.

20 **SEC. 11. RESEARCH AND DEVELOPMENT.**

21 (a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

22 (1) IN GENERAL.—As part of the Department
 23 of Transportation’s research and development pro-
 24 gram, the Secretary of Transportation shall direct

1 research attention to the development of alternative
2 technologies—

3 (A) to expand the capabilities of internal
4 inspection devices to identify and accurately
5 measure defects and anomalies;

6 (B) to inspect pipelines that cannot accom-
7 modate internal inspection devices available on
8 the date of enactment;

9 (C) to develop innovative techniques meas-
10 uring the structural integrity of pipelines;

11 (D) to improve the capability, reliability,
12 and practicality of external leak detection de-
13 vices; and

14 (E) to develop and improve alternative
15 technologies to identify and monitor outside
16 force damage to pipelines.

17 (2) COOPERATIVE.—The Secretary may partici-
18 pate in additional technological development through
19 cooperative agreements with trade associations, aca-
20 demic institutions, or other qualified organizations.

21 (b) PIPELINE SAFETY AND RELIABILITY RESEARCH
22 AND DEVELOPMENT.—

23 (1) IN GENERAL.—The Secretary of Transpor-
24 tation, in coordination with the Secretary of Energy,
25 shall develop and implement an accelerated coopera-

1 tive program of research and development to ensure
2 the integrity of natural gas and hazardous liquid
3 pipelines. This research and development program—

4 (A) shall include materials inspection tech-
5 niques, risk assessment methodology, and infor-
6 mation systems surety; and

7 (B) shall complement, and not replace, the
8 research program of the Department of Energy
9 addressing natural gas pipeline issues existing
10 on the date of enactment of this Act.

11 (2) PURPOSE.—The purpose of the cooperative
12 research program shall be to promote pipeline safety
13 research and development to—

14 (A) ensure long-term safety, reliability and
15 service life for existing pipelines;

16 (B) expand capabilities of internal inspec-
17 tion devices to identify and accurately measure
18 defects and anomalies;

19 (C) develop inspection techniques for pipe-
20 lines that cannot accommodate the internal in-
21 spection devices available on the date of enact-
22 ment;

23 (D) develop innovative techniques to meas-
24 ure the structural integrity of pipelines to pre-
25 vent pipeline failures;

1 (E) develop improved materials and coat-
 2 ings for use in pipelines;

3 (F) improve the capability, reliability, and
 4 practicality of external leak detection devices;

5 (G) identify underground environments
 6 that might lead to shortened service life;

7 (H) enhance safety in pipeline siting and
 8 land use;

9 (I) minimize the environmental impact of
 10 pipelines;

11 (J) demonstrate technologies that improve
 12 pipeline safety, reliability, and integrity;

13 (K) provide risk assessment tools for opti-
 14 mizing risk mitigation strategies; and

15 (L) provide highly secure information sys-
 16 tems for controlling the operation of pipelines.

17 (3) AREAS.—In carrying out this subsection,
 18 the Secretary of Transportation, in coordination
 19 with the Secretary of Energy, shall consider research
 20 and development on natural gas, crude oil and petro-
 21 leum product pipelines for—

22 (A) early crack, defect, and damage detec-
 23 tion, including real-time damage monitoring;

24 (B) automated internal pipeline inspection
 25 sensor systems;

1 (C) land use guidance and set back man-
2 agement along pipeline rights-of-way for com-
3 munities;

4 (D) internal corrosion control;

5 (E) corrosion-resistant coatings;

6 (F) improved cathodic protection;

7 (G) inspection techniques where internal
8 inspection is not feasible, including measure-
9 ment of structural integrity;

10 (H) external leak detection, including port-
11 able real-time video imaging technology, and
12 the advancement of computerized control center
13 leak detection systems utilizing real-time remote
14 field data input;

15 (I) longer life, high strength, non-corrosive
16 pipeline materials;

17 (J) assessing the remaining strength of ex-
18 isting pipes;

19 (K) risk and reliability analysis models, to
20 be used to identify safety improvements that
21 could be realized in the near term resulting
22 from analysis of data obtained from a pipeline
23 performance tracking initiative;

1 (L) identification, monitoring, and preven-
2 tion of outside force damage, including satellite
3 surveillance; and

4 (M) any other areas necessary to ensuring
5 the public safety and protecting the environ-
6 ment.

7 (4) POINTS OF CONTACT.—

8 (A) IN GENERAL.—To coordinate and im-
9 plement the research and development pro-
10 grams and activities authorized under this
11 subsection—

12 (i) the Secretary of Transportation
13 shall designate, as the point of contact for
14 the Department of Transportation, an offi-
15 cer of the Department of Transportation
16 who has been appointed by the President
17 and confirmed by the Senate; and

18 (ii) the Secretary of Energy shall des-
19 ignate, as the point of contact for the De-
20 partment of Energy, an officer of the De-
21 partment of Energy who has been ap-
22 pointed by the President and confirmed by
23 the Senate.

24 (B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also

1 seek the advice of utilities, manufacturers, institu-
2 tions of higher learning, Federal agencies, the pipe-
3 line research institutions, national laboratories,
4 State pipeline safety officials, environmental organi-
5 zations, pipeline safety advocates, and professional
6 and technical societies.

7 (6) IMPLEMENTATION.—The Secretary of
8 Transportation shall have primary responsibility for
9 ensuring the 5-year plan provided for in paragraph
10 (5) is implemented as intended. In carrying out the
11 research, development, and demonstration activities
12 under this paragraph, the Secretary of Transpor-
13 tation and the Secretary of Energy may use, to the
14 extent authorized under applicable provisions of law,
15 contracts, cooperative agreements, cooperative re-
16 search and development agreements under the Ste-
17 venson-Wydler Technology Innovation Act of 1980
18 (15 U.S.C. 3701 et seq.), grants, joint ventures,
19 other transactions, and any other form of agreement
20 available to the Secretary consistent with the rec-
21 ommendations of the Advisory Committee.

22 (7) REPORTS TO CONGRESS.—The Secretary of
23 Transportation shall report to the Congress annually
24 as to the status and results to date of the implemen-
25 tation of the research and development program

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

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1 nical contributions to the purposes of the Advisory Com-
 2 mittee.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

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

6 “(a) GAS AND HAZARDOUS LIQUID.—To carry out
 7 this chapter and other pipeline-related damage prevention
 8 activities of this title (except for section 60107), there are
 9 authorized to be appropriated to the Department of
 10 Transportation—

11 “(1) \$26,000,000 for fiscal year 2002, of which
 12 \$20,000,000 is to be derived from user fees for fis-
 13 cal year 2002 collected under section 60301 of this
 14 title; and

15 “(2) \$30,000,000 for each of the fiscal years
 16 2003 and 2004 of which \$23,000,000 is to be de-
 17 rived from user fees for fiscal year 2003 and fiscal
 18 year 2004 collected under section 60301 of this
 19 title.”.

20 (b) GRANTS TO STATES.—Section 60125(c) is
 21 amended to read as follows:

22 “(c) STATE GRANTS.—Not more than the following
 23 amounts may be appropriated to the Secretary to carry
 24 out section 60107—

1 “(1) \$17,000,000 for fiscal year 2002, of which
2 \$15,000,000 is to be derived from user fees for fis-
3 cal year 2002 collected under section 60301 of this
4 title; and

5 “(2) \$20,000,000 for the fiscal years 2003 and
6 2004 of which \$18,000,000 is to be derived from
7 user fees for fiscal year 2003 and fiscal year 2004
8 collected under section 60301 of this title.”.

9 (c) OIL SPILLS.—Sections 60525 is amended by re-
10 designating subsections (d), (e), and (f) as subsections (e),
11 (f), (g) and inserting after subsection (c) the following:
12 “(d) OIL SPILL LIABILITY TRUST FUND.—Of the
13 amounts available in the Oil Spill Liability Trust Fund,
14 \$8,000,000 shall be transferred to carry out programs au-
15 thorized in this Act for fiscal year 2002, fiscal year 2003,
16 and fiscal year 2004.”.

17 (d) PIPELINE INTEGRITY PROGRAM.—(1) There are
18 authorized to be appropriated to the Secretary of Trans-
19 portation for carrying out sections 11(b) and 12 of this
20 Act \$3,000,000, to be derived from user fees under section
21 60125 of title 49, United States Code, for each of the fis-
22 cal years 2002 through 2006.

23 (2) Of the amounts available in the Oil Spill Liability
24 Trust Fund established by section 9509 of the Internal
25 Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall

1 be transferred to the Secretary of Transportation to carry
 2 out programs for detection, prevention and mitigation of
 3 oil spills under sections 11(b) and 12 of this Act for each
 4 of the fiscal years 2002 through 2006.

5 (3) There are authorized to be appropriated to the
 6 Secretary of Energy for carrying out sections 11(b) and
 7 12 of this Act such sums as may be necessary for each
 8 of the fiscal years 2002 through 2006.

9 **SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.**

10 (a) IN GENERAL.—If the Department of Transpor-
 11 tation or the National Transportation Safety Board inves-
 12 tigate an accident, the operator involved shall make avail-
 13 able to the representative of the Department or the Board
 14 all records and information that in any way pertain to the
 15 accident (including integrity management plans and test
 16 results), and shall afford all reasonable assistance in the
 17 investigation of the accident.

18 (b) CORRECTIVE ACTION ORDERS.—Section
 19 60112(d) is amended—

20 (1) by inserting “(1)” after “CORRECTIVE AC-
 21 TION ORDERS.—”; and

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

23 “(2) If, in the case of a corrective action order issued
 24 following an accident, the Secretary determines that the
 25 actions of an employee carrying out an activity regulated

1 under this chapter, including duties under section
 2 60102(a), may have contributed substantially to the cause
 3 of the accident, the Secretary shall direct the operator to
 4 relieve the employee from performing those activities, reas-
 5 sign the employee, or place the employee on leave until—

6 “(A) the Secretary determines that the employ-
 7 ee’s performance of duty in carrying out the activity
 8 did not contribute substantially to the cause of the
 9 accident; or

10 “(B) the Secretary determines the employee has
 11 been re-qualified or re-trained as provided for in sec-
 12 tion 4 of the Pipeline Safety Improvement Act of
 13 2001 and can safely perform those activities.

14 “(3) Disciplinary action taken by an operator under
 15 paragraph (2) shall be in accordance with the terms and
 16 conditions of any applicable collective bargaining agree-
 17 ment to the extent it is not inconsistent with the require-
 18 ments of this section.”.

19 **SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPE-**
 20 **LINE SAFETY INFORMATION.**

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

1 **“§ 60129. Protection of employees providing pipeline**
 2 **safety information**

3 “(a) DISCRIMINATION AGAINST PIPELINE EMPLOY-
 4 EES.—No pipeline operator or contractor or subcontractor
 5 of a pipeline may discharge an employee or otherwise dis-
 6 criminate against an employee with respect to compensa-
 7 tion, terms, conditions, or privileges of employment be-
 8 cause the employee (or any person acting pursuant to a
 9 request of the employee)—

10 “(1) provided, caused to be provided, or is
 11 about to provide (with any knowledge of the em-
 12 ployer) or cause to be provided to the employer or
 13 Federal Government information relating to any vio-
 14 lation or alleged violation of any order, regulation,
 15 or standard of the Research and Special Programs
 16 Administration or any other provision of Federal law
 17 relating to pipeline safety under this chapter or any
 18 other law of the United States;

19 “(2) has filed, caused to be filed, or is about to
 20 file (with any knowledge of the employer) or cause
 21 to be filed a proceeding relating to any violation or
 22 alleged violation of any order, regulation, or stand-
 23 ard of the Administration or any other provision of
 24 Federal law relating to pipeline safety under this
 25 chapter or any other law of the United States;

1 “(3) testified or is about to testify in such a
2 proceeding; or

3 “(4) assisted or participated or is about to as-
4 sist or participate in such a proceeding.

5 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
6 DURE.—

7 “(1) FILING AND NOTIFICATION.—A person
8 who believes that he or she has been discharged or
9 otherwise discriminated against by any person in
10 violation of subsection (a) may, not later than 90
11 days after the date on which such violation occurs,
12 file (or have any person file on his or her behalf) a
13 complaint with the Secretary of Labor alleging such
14 discharge or discrimination. Upon receipt of such a
15 complaint, the Secretary of Labor shall notify, in
16 writing, the person named in the complaint and the
17 Administrator of the Research and Special Programs
18 Administration of the filing of the complaint, of the
19 allegations contained in the complaint, of the sub-
20 stance of evidence supporting the complaint, and of
21 the opportunities that will be afforded to such per-
22 son under paragraph (2).

23 “(2) INVESTIGATION; PRELIMINARY ORDER.—

24 “(A) IN GENERAL.—Not later than 60
25 days after the date of receipt of a complaint

1 filed under paragraph (1) and after affording
2 the person named in the complaint an oppor-
3 tunity to submit to the Secretary of Labor a
4 written response to the complaint and an oppor-
5 tunity to meet with a representative of the Sec-
6 retary to present statements from witnesses,
7 the Secretary of Labor shall conduct an inves-
8 tigation and determine whether there is reason-
9 able cause to believe that the complaint has
10 merit and notify in writing the complainant and
11 the person alleged to have committed a violation
12 of subsection (a) of the Secretary's findings. If
13 the Secretary of Labor concludes that there is
14 reasonable cause to believe that a violation of
15 subsection (a) has occurred, the Secretary shall
16 accompany the Secretary's findings with a pre-
17 liminary order providing the relief prescribed by
18 paragraph (3)(B). Not later than 30 days after
19 the date of notification of findings under this
20 paragraph, either the person alleged to have
21 committed the violation or the complainant may
22 file objections to the findings or preliminary
23 order, or both, and request a hearing on the
24 record. The filing of such objections shall not
25 operate to stay any reinstatement remedy con-

1 tained in the preliminary order. Such hearings
 2 shall be conducted expeditiously. If a hearing
 3 is not requested in such 30-day period, the pre-
 4 liminary order shall be deemed a final order
 5 that is not subject to judicial review.

6 “(B) REQUIREMENTS.—

7 “(i) REQUIRED SHOWING BY COM-
 8 PLAINANT.—The Secretary of Labor shall
 9 dismiss a complaint filed under this sub-
 10 section and shall not conduct an investiga-
 11 tion otherwise required under subpara-
 12 graph (A) unless the complainant makes a
 13 prima facie showing that any behavior de-
 14 scribed in paragraphs (1) through (4) of
 15 subsection (a) was a contributing factor in
 16 the unfavorable personnel action alleged in
 17 the complaint.

18 “(ii) SHOWING BY EMPLOYER.—Not-
 19 withstanding a finding by the Secretary
 20 that the complainant has made the show-
 21 ing required under clause (i), no investiga-
 22 tion otherwise required under subpara-
 23 graph (A) shall be conducted if the em-
 24 ployer demonstrates, by clear and con-
 25 vincing evidence, that the employer would

1 have taken the same unfavorable personnel
2 action in the absence of that behavior.

3 “(iii) CRITERIA FOR DETERMINATION
4 BY SECRETARY.—The Secretary may de-
5 termine that a violation of subsection (a)
6 has occurred only if the complainant dem-
7 onstrates that any behavior described in
8 paragraphs (1) through (4) of subsection
9 (a) was a contributing factor in the unfa-
10 vorable personnel action alleged in the
11 complaint.

12 “(iv) PROHIBITION.—Relief may not
13 be ordered under subparagraph (A) if the
14 employer demonstrates by clear and con-
15 vincing evidence that the employer would
16 have taken the same unfavorable personnel
17 action in the absence of that behavior.

18 “(3) FINAL ORDER.—

19 “(A) DEADLINE FOR ISSUANCE; SETTLE-
20 MENT AGREEMENTS.—Not later than 120 days
21 after the date of conclusion of a hearing under
22 paragraph (2), the Secretary of Labor shall
23 issue a final order providing the relief pre-
24 scribed by this paragraph or denying the com-
25 plaint. At any time before issuance of a final

1 order, a proceeding under this subsection may
2 be terminated on the basis of a settlement
3 agreement entered into by the Secretary of
4 Labor, the complainant, and the person alleged
5 to have committed the violation.

6 “(B) REMEDY.—If, in response to a com-
7 plaint filed under paragraph (1), the Secretary
8 of Labor determines that a violation of sub-
9 section (a) has occurred, the Secretary of Labor
10 shall order the person who committed such vio-
11 lation to—

12 “(i) take affirmative action to abate
13 the violation;

14 “(ii) reinstate the complainant to his
15 or her former position together with the
16 compensation (including back pay) and re-
17 store the terms, conditions, and privileges
18 associated with his or her employment; and

19 “(iii) provide compensatory damages
20 to the complainant.

21 If such an order is issued under this paragraph,
22 the Secretary of Labor, at the request of the
23 complainant, shall assess against the person
24 whom the order is issued a sum equal to the ag-
25 gregate amount of all costs and expenses (in-

cluding attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

“(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of pro-

ceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order.

1 The appropriate United States district court
2 shall have jurisdiction, without regard to the
3 amount in controversy or the citizenship of the
4 parties, to enforce such order.

5 “(B) ATTORNEY FEES.—The court, in
6 issuing any final order under this paragraph,
7 may award costs of litigation (including reason-
8 able attorney and expert witness fees) to any
9 party whenever the court determines such
10 award costs is appropriate.

11 “(c) MANDAMUS.—Any nondiscretionary duty im-
12 posed by this section shall be enforceable in a mandamus
13 proceeding brought under section 1361 of title 28, United
14 States Code.

15 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
16 TIONS.—Subsection (a) shall not apply with respect to an
17 employee of a pipeline, contractor or subcontractor who,
18 acting without direction from the pipeline contractor or
19 subcontractor (or such person’s agent), deliberately causes
20 a violation of any requirement relating to pipeline safety
21 under this chapter or any other law of the United States.

22 “(e) CONTRACTOR DEFINED.—In this section, the
23 term ‘contractor’ means a company that performs safety-
24 sensitive functions by contract for a pipeline.”.

1 (b) CIVIL PENALTY.—Section 60122(a) is amended
 2 by adding at the end the following:

3 “(3) A person violating section 60129, or an order
 4 issued thereunder, is liable to the Government for a civil
 5 penalty of not more than \$1,000 for each violation. The
 6 penalties provided by paragraph (1) do not apply to a vio-
 7 lation of section 60129 or an order issued thereunder.”.

8 (c) CONFORMING AMENDMENT.—The chapter anal-
 9 ysis for chapter 601 is amended by adding at the end the
 10 following:

“60129. Protection of employees providing pipeline safety information.”.

11 **SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.**

12 Within 90 days after receiving recommendations for
 13 improvements to pipeline safety from an advisory com-
 14 mittee appointed by the Governor of any State, the Sec-
 15 retary of Transportation shall respond in writing to the
 16 committee setting forth what action, if any, the Secretary
 17 will take on those recommendations and the Secretary’s
 18 reasons for acting or not acting upon any of the rec-
 19 ommendations.

20 **SEC. 17. FINES AND PENALTIES.**

21 The Inspector General of the Department of Trans-
 22 portation shall conduct an analysis of the Department’s
 23 assessment of fines and penalties on gas transmission and
 24 hazardous liquid pipelines, including the cost of corrective
 25 actions required by the Department in lieu of fines, and,

1 no later than 6 months after the date of enactment of this
2 Act, shall provide a report to the Senate Committee on
3 Commerce, Science, and Transportation and the House
4 Committee on Transportation and Infrastructure on any
5 findings and recommendations for actions by the Sec-
6 retary or Congress to ensure the fines assessed are an ef-
7 fective deterrent for reducing safety risks.

8 **SEC. 18. STUDY OF RIGHTS-OF-WAY.**

9 The Secretary of Transportation is authorized to con-
10 duct a study on how best to preserve environmental re-
11 sources in conjunction with maintaining pipeline rights-
12 of-way. The study shall recognize pipeline operators' regu-
13 latory obligations to maintain rights-of-way and to protect
14 public safety.

○