

116TH CONGRESS
1ST SESSION

H. R. 2139

To amend title 49, United States Code, to improve pipeline safety, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2019

Mrs. TRAHAN (for herself, Mr. MOULTON, and Mr. KENNEDY) 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 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.**

4 This Act may be cited as the “Leonel Rondon Pipe-
5 line Safety Act”.

1 **SEC. 2. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

2 (a) IN GENERAL.—Section 60109(e) of title 49,
3 United States Code, is amended by adding at the end the
4 following:

5 “(7) IN GENERAL.—

6 “(A) EVALUATION OF RISK.—Not later
7 than 1 year after the date of enactment of this
8 paragraph, the Secretary shall promulgate regu-
9 lations that ensure that each distribution integ-
10 rity management plan developed by an operator
11 of a distribution pipeline includes an evaluation
12 of—

13 “(i) the risks resulting from the pres-
14 ence of cast iron pipes and mains in the
15 distribution system; and

16 “(ii) the risks that could lead to or re-
17 sult from the operation of a distribution
18 pipeline above the maximum allowable op-
19 erating pressure (as described in section
20 192.619 of title 49, Code of Federal Regu-
21 lations (or successor regulations)).

22 “(B) CONSIDERATION.—In the evaluations
23 required in a plan under subparagraph (A), the
24 regulations promulgated by the Secretary shall
25 ensure that the distribution integrity manage-
26 ment plan evaluates future potential threats in

1 a manner that considers factors other than past
2 observed abnormal operating conditions (as de-
3 fined in section 192.803 of title 49, Code of
4 Federal Regulations (or successor regulations))
5 in ranking risks and identifying measures to
6 mitigate those risks under that subparagraph,
7 so that operators avoid using a risk rating of
8 zero for low probability events unless otherwise
9 supported by engineering analysis.

10 “(C) DEADLINES.—

11 “(i) IN GENERAL.—Not later than
12 180 days after the date of enactment of
13 this paragraph, each operator of a dis-
14 tribution pipeline shall submit to the Sec-
15 retary or to the relevant certified State au-
16 thority, if applicable, a copy of—

17 “(I) the distribution integrity
18 management plan of the operator;

19 “(II) the emergency response
20 plan under section 192.615 of title 49,
21 Code of Federal Regulations (or suc-
22 cessor regulations); and

23 “(III) the procedural manual for
24 operations, maintenance, and emer-
25 gencies under section 192.605 of title

1 49, Code of Federal Regulations (or
2 successor regulations).

3 “(ii) UPDATES.—Each operator of a
4 distribution pipeline shall submit to the
5 Secretary an updated plan or manual de-
6 scribed in clause (i) by not later than 60
7 days after the date of the update.”.

8 (b) MONITORING.—Section 60105(e) of title 49,
9 United States Code, is amended—

10 (1) in the second sentence, by striking “A
11 State” and inserting the following:

12 “(2) COOPERATION.—A State”;

13 (2) by striking “The Secretary” and inserting
14 the following:

15 “(1) IN GENERAL.—The Secretary”; and

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

17 “(3) AUDIT PROGRAM.—Not later than 1 year
18 after the date of enactment of this paragraph, the
19 Secretary shall promulgate regulations to update the
20 annual State Program Evaluations to—

21 “(A) ensure that a State authority has the
22 capability to sufficiently review and evaluate the
23 adequacy of the plans and manuals described in
24 section 60109(e)(7)(C)(i); and

1 “(B) require that a State authority has a
 2 sufficient number of inspectors to ensure safe
 3 operations, as determined by a formula that
 4 takes into account factors including but not
 5 limited to—

6 “(i) the number of miles of cast iron
 7 pipe in the State;

8 “(ii) the number of customers in the
 9 State;

10 “(iii) population density in areas with
 11 gas distribution pipeline;

12 “(iv) the age of the gas distribution
 13 system in the State; and

14 “(v) environmental factors, including
 15 relevant geological issues.”.

16 **SEC. 3. EMERGENCY RESPONSE PLANS.**

17 Section 60102 of title 49, United States Code, is
 18 amended by adding at the end the following:

19 “(q) EMERGENCY RESPONSE PLANS.—Not later
 20 than 1 year after the date of the enactment of this sub-
 21 section, the Secretary shall promulgate regulations to en-
 22 sure that each emergency response plan under section
 23 192.615 of title 49, Code of Federal Regulations (or suc-
 24 cessor regulations), developed by an operator of a distribu-
 25 tion pipeline includes written procedures for—

1 “(1) establishing communication with fire, po-
2 lice, and other relevant public officials as soon as
3 practicable, but not later than 30 minutes, after a
4 gas pipeline emergency that—

5 “(A) includes fires, explosions, or one or
6 more fatalities; or

7 “(B) results in the shutdown of gas service
8 to more than 100 customers;

9 “(2) establishing public communication as soon
10 as practicable and in consultation with fire, police,
11 and other public officials after a gas pipeline emer-
12 gency that—

13 “(A) includes fires, explosions, or one or
14 more fatalities; or

15 “(B) results in the shutdown of gas service
16 to more than 100 customers; and

17 “(3) the development and implementation of a
18 voluntary, opt-in system that would allow operators
19 of distribution pipelines to rapidly communicate with
20 customers in the event of an emergency.”.

21 **SEC. 4. OPERATIONS AND MAINTENANCE MANUALS.**

22 Section 60102 of title 49, United States Code (as
23 amended by section 3), is amended by adding at the end
24 the following:

1 “(r) OPERATIONS AND MAINTENANCE MANUALS.—
 2 Not later than 1 year after the date of enactment of this
 3 subsection, the Secretary shall promulgate regulations to
 4 ensure that each procedural manual for operations, main-
 5 tenance, and emergencies under section 192.605 of title
 6 49, Code of Federal Regulations (or successor regula-
 7 tions), developed by an operator of a distribution pipeline
 8 includes written procedures for—

9 “(1) responding to overpressurization alarms,
 10 including a clear timeline and order of operations for
 11 shutting down portions of the gas distribution sys-
 12 tem, if necessary; and

13 “(2) a detailed procedure for a management of
 14 change process, which shall be applied to all changes
 15 to the distribution system, and which shall ensure
 16 that relevant employees of an operator of a distribu-
 17 tion pipeline, as determined through the regulations,
 18 review construction documents for accuracy, com-
 19 pleteness, and correctness.”.

20 **SEC. 5. PIPELINE SAFETY MANAGEMENT SYSTEMS.**

21 Section 60102 of title 49, United States Code (as
 22 amended by section 4), is amended by adding at the end
 23 the following:

24 “(s) PIPELINE SAFETY MANAGEMENT SYSTEMS.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this subsection, the Sec-
3 retary shall promulgate regulations directing each
4 operator of a distribution pipeline to develop and im-
5 plement a pipeline safety management systems
6 framework in accordance with Recommended Prac-
7 tice 1173 of the American Petroleum Institute (API
8 RP 1173).

9 “(2) UPDATES.—The Secretary may periodi-
10 cally revise such regulations to adopt new best in-
11 dustry practices for promoting safety management
12 systems, as appropriate.

13 “(3) SUBMISSION.—Each operator of a dis-
14 tribution pipeline shall submit to the Secretary or
15 the relevant State authority, as certified under sec-
16 tion 60105 of title 49, United States Code—

17 “(A) a copy of the pipeline safety manage-
18 ment systems framework developed under para-
19 graph (1) by not later than 2 years after the
20 date of enactment of this subsection; and

21 “(B) any updates to the framework de-
22 scribed in subparagraph (A) by not later than
23 3 years after the date of enactment of this sub-
24 section after the update.

1 “(4) EVALUATION AND CERTIFICATION.—
 2 Under a timeline established by the Secretary
 3 through regulation, the Secretary or the relevant
 4 State authority, as certified under section 60105 of
 5 title 49, United States Code, shall—

6 “(A) evaluate pipeline safety management
 7 systems frameworks developed under paragraph
 8 (1), including by using independent third-party
 9 evaluators if necessary; and

10 “(B) certify that—

11 “(i) those frameworks are effective
 12 and complete; and

13 “(ii) operators of distribution pipe-
 14 lines are in compliance with those frame-
 15 works.”.

16 **SEC. 6. PIPELINE SAFETY PRACTICES.**

17 Section 60102 of title 49, United States Code (as
 18 amended by section 5), is amended by adding at the end
 19 the following:

20 “(t) OTHER PIPELINE SAFETY PRACTICES.—

21 “(1) RECORDS.—Not later than 180 days after
 22 the date of enactment of this subsection, the Sec-
 23 retary shall promulgate regulations to require an op-
 24 erator of a distribution pipeline—

1 “(A) to develop and maintain traceable, re-
2 liable, complete, and up-to-date records of the
3 gas distribution system in each region of oper-
4 ation that depict high-, medium-, and low-gas
5 pressure systems, including maps and other
6 drawings; and

7 “(B) to ensure that the records described
8 in subparagraph (A) are accessible to all em-
9 ployees of the operator and provided to the Sec-
10 retary or the relevant State authority.

11 “(2) APPROVAL OF CERTAIN ACTIVITIES.—

12 “(A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of this subsection,
14 the Secretary shall promulgate regulations to
15 require that, before carrying out any covered
16 task (as defined in section 192.801(b) of title
17 49, Code of Federal Regulations (or successor
18 regulations)), the covered task is approved by a
19 professional engineer licensed to practice in the
20 State in which it is to be carried out.

21 “(B) INCLUSION.—In promulgating regula-
22 tions under subparagraph (A), the Secretary
23 shall ensure that professional engineers are pro-
24 vided access to all relevant records and prior

1 work plans needed to certify the safety of the
2 covered task.

3 “(C) APPLICATION.—The following provi-
4 sions shall not apply to a standard promulgated
5 under subparagraph (A):

6 “(i) Subsections (c) and (d) of section
7 60118.

8 “(ii) Section 60131(e)(5).

9 “(3) PRESENCE OF QUALIFIED EMPLOYEES.—

10 “(A) IN GENERAL.—Not later than 180
11 days after the date of enactment of this sub-
12 section, the Secretary shall promulgate regula-
13 tions to require that not less than 1 employee
14 of an operator of a distribution pipeline who is
15 qualified to perform relevant covered tasks (as
16 defined in section 192.801(b) of title 49, Code
17 of Federal Regulations (or successor regula-
18 tions)), shall monitor gas pressure and have the
19 capability to shut down the flow of gas at a dis-
20 trict regulator station during any construction
21 project that has the potential to cause a haz-
22 ardous over-pressurization at that station, in-
23 cluding tie-ins and abandonment of distribution
24 lines and mains, based on an evaluation of

1 threats that could result in unsafe operation
2 conducted by the operator.

3 “(B) EXCLUSION.—In promulgating regu-
4 lations under subparagraph (A), the Secretary
5 shall ensure that those regulations do not apply
6 to a district regulating station that has a moni-
7 toring system and the capability for remote or
8 automatic shutoff.

9 “(4) DISTRICT REGULATOR STATIONS.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this subsection,
12 the Secretary shall promulgate regulations to
13 require that each operator of a distribution
14 pipeline assesses and upgrades, as appropriate,
15 each district regulator station of the operator to
16 ensure that—

17 “(i) there is no possibility for a com-
18 mon mode of failure in the regulator tech-
19 nology of the station that could lead to an
20 operating pressure that is greater than the
21 maximum allowable operating pressure (as
22 described in section 192.619 of title 49,
23 Code of Federal Regulations (or successor
24 regulations));

1 “(ii) the station has monitoring tech-
2 nology that provides constant awareness of
3 gas pressure at the station; and

4 “(iii) the station has additional pres-
5 sure-relieving safety technology, such as a
6 relief valve or automatic shutoff valve, as
7 appropriate for the configuration and
8 siting of the station.

9 “(5) MINIMUM STAFFING REQUIREMENTS.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this subsection,
12 the Secretary shall promulgate regulations to
13 promote sufficient staffing for monitoring and
14 regulating gas pressure levels by each operator
15 of a distribution pipeline.

16 “(B) INCLUSIONS.—Regulations promul-
17 gated under subparagraph (A) shall consider—

18 “(i) the total miles of gas main and
19 service pipeline within the service area of
20 the operator of the distribution pipeline;

21 “(ii) the age and material of the pipes
22 within the service area of the operator of
23 the distribution pipeline; and

1 “(iii) the number and density of cus-
2 tomers within the service area of the oper-
3 ator of the distribution pipeline.”.

4 **SEC. 7. CIVIL PENALTIES.**

5 Section 60122(a)(1) of title 49, United States Code,
6 is amended—

7 (1) in the first sentence, by striking
8 “\$200,000” and inserting “\$20,000,000”;

9 (2) in the third sentence, by striking
10 “\$2,000,000” and inserting “\$200,000,000”; and

11 (3) by adding at the end the following: “The
12 Secretary shall annually adjust the penalties under
13 this paragraph for inflation.”.

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