

ended September 30, 1978, and September 30, 1979” are substituted for “last two . . . preceding November 30, 1979” for clarity.

In subsection (c), the words “the Federal grants-in-aid provisions of”, “for payments to aid in the conduct of pipeline safety programs in accordance with paragraph (1) of this subsection”, and “with necessary adjustments on account of overpayments and underpayments” are omitted as surplus.

In subsection (d)(1), before clause (A), the word “prescribe” is substituted for “by regulation, provide for” and “establish by regulation” for consistency in the revised title and with other titles of the United States Code. In clause (C), the words “to receive a payment under this section” are substituted for “in order to participate in the pipeline safety grant program under this subsection”, and the words “under section 60105 or 60106 of this title” are substituted for “pursuant to either an annual certification by a State agency or an agreement relating to inspection between a State agency and the Secretary”, to eliminate unnecessary words.

In subsection (d)(2), before clause (A), the words “qualifications prescribed” are substituted for “regulations” for clarity and consistency.

Editorial Notes

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-183, §17(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for the 3 fiscal years prior to the fiscal year in which the Secretary makes the payment, except when the Secretary waives this requirement. For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.”

Subsec. (e). Pub. L. 114-183, §17(2), added subsec. (e).
2012—Subsec. (b). Pub. L. 112-90 inserted at end “For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.”

2006—Subsec. (a). Pub. L. 109-468, §2(c), substituted “not more than 80 percent” for “not more than 50 percent” in introductory provisions.

Subsec. (b). Pub. L. 109-468, §2(d), substituted “spent for gas and hazardous liquid safety programs for the 3 fiscal years prior to the fiscal year in which the Secretary makes the payment, except when the Secretary waives this requirement.” for “spent—

“(1) for a gas safety program, for the fiscal years that ended June 30, 1967, and June 30, 1968; and

“(2) for a hazardous liquid safety program, for the fiscal years that ended September 30, 1978, and September 30, 1979.”

1996—Pub. L. 104-304 substituted “State pipeline safety grants” for “State grants” in section catchline.

§ 60108. Inspection and maintenance

(a) PLANS.—(1) Each person owning or operating a gas pipeline facility or hazardous liquid pipeline facility shall carry out a current written plan (including any changes) for inspection and maintenance of each facility used in the transportation and owned or operated by the person. A copy of the plan shall be kept at any office of the person the Secretary of Transportation considers appropriate. The Secretary also may require a person owning or operating a pipeline facility subject to this chapter to file a plan for inspection and maintenance for approval.

(2) If the Secretary or a State authority responsible for enforcing standards prescribed under this chapter decides that a plan required under paragraph (1) of this subsection is inadequate for safe operation, the Secretary or authority shall require the person to revise the plan. Revision may be required only after giving notice and an opportunity for a hearing. A plan required under paragraph (1) must be practicable and designed to meet the need for pipeline safety, must meet the requirements of any regulations promulgated under section 60102(q), and must include terms designed to enhance the ability to discover safety-related conditions described in section 60102(h)(1) of this title. In deciding on the adequacy of a plan, the Secretary or authority shall consider—

(A) relevant available pipeline safety information;

(B) the appropriateness of the plan for the particular kind of pipeline transportation or facility;

(C) the reasonableness of the plan;

(D) the extent to which the plan will contribute to—

(i) public safety;

(ii) eliminating hazardous leaks and minimizing releases of natural gas from pipeline facilities; and

(iii) the protection of the environment; and

(E) the extent to which the plan addresses the replacement or remediation of pipelines that are known to leak based on the material (including cast iron, unprotected steel, wrought iron, and historic plastics with known issues), design, or past operating and maintenance history of the pipeline.

(3) REVIEW OF PLANS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, and not less frequently than once every 5 years thereafter, the Secretary or relevant State authority with a certification in effect under section 60105 shall review each plan described in this subsection.

(B) CONTEXT OF REVIEW.—The Secretary may conduct a review under this paragraph as an element of the inspection of the operator carried out by the Secretary under subsection (b).

(C) INADEQUATE PROGRAMS.—If the Secretary determines that a plan reviewed under this paragraph does not comply with the requirements of this chapter (including any regulations promulgated under this chapter), has not been adequately implemented, is inadequate

for the safe operation of a pipeline facility, or is otherwise inadequate, the Secretary may conduct enforcement proceedings under this chapter.

(b) INSPECTION AND TESTING.—(1) The Secretary shall inspect and require appropriate testing of a pipeline facility subject to this chapter that is not covered by a certification under section 60105 of this title or an agreement under section 60106 of this title. The Secretary shall decide on the frequency and type of inspection and testing under this subsection on a case-by-case basis after considering the following:

(A) the location of the pipeline facility.

(B) the type, size, age, manufacturer, method of construction, construction material, and condition of the pipeline facility.

(C) the nature and volume of material transported through the pipeline facility.

(D) the pressure at which that material is transported.

(E) climatic, geologic, and seismic characteristics (including soil characteristics) and conditions of the area in which the pipeline facility is located.

(F) existing and projected population and demographic characteristics of the area in which the pipeline facility is located.

(G) for a hazardous liquid pipeline facility, the proximity of the area in which the facility is located to an area that is unusually sensitive to environmental damage.

(H) the frequency of leaks.

(I) other factors the Secretary decides are relevant to the safety of pipeline facilities.

(2) To the extent and in amounts provided in advance in an appropriation law, the Secretary shall decide on the frequency of inspection under paragraph (1) of this subsection. The Secretary may reduce the frequency of an inspection to a master meter system.

(3) Testing under this subsection shall use the most appropriate technology practicable.

(c) PIPELINE FACILITIES OFFSHORE AND IN OTHER WATERS.—(1) In this subsection—

(A) “abandoned” means permanently removed from service.

(B) “pipeline facility” includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of—

(i) all offshore pipeline facilities; and

(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.

(B) In prescribing standards to carry out subparagraph (A) of this paragraph—

(i) the Secretary shall identify what is a hazard to navigation with respect to an underwater abandoned pipeline facility; and

(ii) for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(3)(A) The Secretary shall establish by regulation a program requiring an operator of a pipeline facility described in paragraph (2) of this subsection to report a potential or existing navigational hazard involving that pipeline facility to the Secretary through the appropriate Coast Guard office.

(B) The operator of a pipeline facility described in paragraph (2) of this subsection that discovers any part of the pipeline facility that is a hazard to navigation shall mark the location of the hazardous part with a Coast-Guard-approved marine buoy or marker and immediately shall notify the Secretary as provided by the Secretary under subparagraph (A) of this paragraph. A marine buoy or marker used under this subparagraph is deemed a pipeline sign or right-of-way marker under section 60123(c) of this title.

(4)(A) The Secretary shall establish a standard that each pipeline facility described in paragraph (2) of this subsection that is a hazard to navigation is buried not later than 6 months after the date the condition of the facility is reported to the Secretary. The Secretary may extend that 6-month period for a reasonable period to ensure compliance with this paragraph.

(B) In prescribing standards for subparagraph (A) of this paragraph for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(5)(A) Not later than October 24, 1994, the Secretary shall establish standards on what is an exposed offshore pipeline facility and what is a hazard to navigation under this subsection.

(B) Not later than 6 months after the Secretary establishes standards under subparagraph (A) of this paragraph, or October 24, 1995, whichever occurs first, the operator of each offshore pipeline facility not described in section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, shall inspect the facility and report to the Secretary on any part of the facility that is exposed or is a hazard to navigation. This subparagraph applies only to a facility that is between the high water mark and the point at which the subsurface is under 15 feet of water, as measured from mean low water. An inspection that occurred after October 3, 1989, may be used for compliance with this subparagraph if the inspection conforms to the requirements of this subparagraph.

(C) The Secretary may extend the time period specified in subparagraph (B) of this paragraph

for not more than 6 months if the operator of a facility satisfies the Secretary that the operator has made a good faith effort, with reasonable diligence, but has been unable to comply by the end of that period.

(6)(A) The operator of a pipeline facility abandoned after October 24, 1992, shall report the abandonment to the Secretary in a way that specifies whether the facility has been abandoned properly according to applicable United States Government and State requirements.

(B) Not later than October 24, 1995, the operator of a pipeline facility abandoned before October 24, 1992, shall report to the Secretary reasonably available information related to the facility, including information that a third party possesses. The information shall include the location, size, date, and method of abandonment, whether the facility has been abandoned properly under applicable law, and other relevant information the Secretary may require. Not later than April 24, 1994, the Secretary shall specify how the information shall be reported. The Secretary shall ensure that the Government maintains the information in a way accessible to appropriate Government agencies and State authorities.

(C) The Secretary shall request that a State authority having information on a collision between a vessel and an underwater pipeline facility report the information to the Secretary in a timely way and make a reasonable effort to specify the location, date, and severity of the collision. Chapter 35 of title 44 does not apply to this subparagraph.

(7) The Secretary may not exempt from this chapter an offshore hazardous liquid pipeline facility only because the pipeline facility transfers hazardous liquid in an underwater pipeline between a vessel and an onshore facility.

(8) If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.

(d) REPLACING CAST IRON GAS PIPELINES.—(1) The Secretary shall publish a notice on the availability of industry guidelines, developed by the Gas Piping Technology Committee, for replacing cast iron pipelines. Not later than 2 years after the guidelines become available, the Secretary shall conduct a survey of gas pipeline operators with cast iron pipe in their systems to establish—

(A) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron;

(B) the elements of the plan, including the anticipated rate of replacement; and

(C) the progress that has been made.

(2) Chapter 35 of title 44 does not apply to the conduct of the survey.

(3) This subsection does not prevent the Secretary from developing Government guidelines or standards for cast iron gas pipelines as the Secretary considers appropriate.

(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.

(e) IN GENERAL.—After the completion of a Pipeline and Hazardous Materials Safety Administration pipeline safety inspection, the Administrator of such Administration, or the State authority certified under section 60105 of title 49, United States Code, to conduct such inspection, shall—

(1) within 30 days, conduct a post-inspection briefing with the owner or operator of the gas or hazardous liquid pipeline facility inspected outlining any concerns; and

(2) within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1312; Pub. L. 104–304, §§ 6, 20(h), Oct. 12, 1996, 110 Stat. 3800, 3805; Pub. L. 112–90, §§ 7(a), 18(a), 21(c), Jan. 3, 2012, 125 Stat. 1910, 1916, 1917; Pub. L. 114–183, § 7(a), June 22, 2016, 130 Stat. 518; Pub. L. 116–260, div. R, title I, § 114(a), Dec. 27, 2020, 134 Stat. 2230.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60108(a)(1) ..	49 App.:1680(a) (1st, 2d sentences).	Aug. 12, 1968, Pub. L. 90–481, § 13(a), 82 Stat. 726; Oct. 11, 1976, Pub. L. 94–477, § 6, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96–129, §§ 104(b), 105(a), 93 Stat. 992, 994; Oct. 22, 1986, Pub. L. 99–516, § 3(a)(2), 100 Stat. 2966; Oct. 31, 1988, Pub. L. 100–561, § 108(a)(1), 102 Stat. 2808; Oct. 24, 1992, Pub. L. 102–508, § 102(c), 106 Stat. 3291.
	49 App.:2009(a) (1st, 2d sentences).	Nov. 30, 1979, Pub. L. 96–129, § 210(a), 93 Stat. 1011; Oct. 22, 1986, Pub. L. 99–516, § 3(b)(2), 100 Stat. 2966; Oct. 31, 1988, Pub. L. 100–561, § 207(c), 102 Stat. 2812.
60108(a)(2) ..	49 App.:1680(a) (3d–5th, last sentences).	
	49 App.:2009(a) (3d sentence 1st–18th words, last sentence).	
	49 App.:2009(b).	Nov. 30, 1979, Pub. L. 96–129, § 210(b), 93 Stat. 1012; Oct. 24, 1992, Pub. L. 102–508, § 202(c)(1), 106 Stat. 3301.
60108(a)(3) ..	49 App.:1680(a) (6th sentence).	
	49 App.:2009(a) (3d sentence 19th–last words).	
60108(b)(1) ..	49 App.:1680(b)(1) (1st sentence), (2).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, § 13(b); added Oct. 31, 1988, Pub. L. 100–561, § 108(a)(2), 102 Stat. 2808.
	49 App.:2009(d)(1) (1st sentence), (2).	Nov. 30, 1979, Pub. L. 96–129, 93 Stat. 989, § 210(d); added Oct. 31, 1988, Pub. L. 100–561, § 207(a), 102 Stat. 2811; Oct. 24, 1992, Pub. L. 102–508, § 202(c)(2) (related to § 210(d)(2)(D)), 106 Stat. 3301.
60108(b)(2) ..	49 App.:1680(b)(1) (2d, 3d sentences).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60108(b)(3) ..	49 App.:2009(d)(1) (2d, 3d sentences). 49 App.:1680(b)(1) (last sentence). 49 App.:2009(d)(1) (last sentence).	
60108(c)(1) ..	49 App.:1672(h)(6)(A), (D). 49 App.:2002(l)(7)(A), (D).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(h)(6); added Oct. 24, 1992, Pub. L. 102-508, §117, 106 Stat. 3298. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(l)(7); added Oct. 24, 1992, Pub. L. 102-508, §216, 106 Stat. 3306.
60108(c) (2)(A).	49 App.:1672(h)(3). 49 App.:2002(l)(3).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(h)(1)-(4); added Nov. 16, 1990, Pub. L. 101-599, §1(a), 104 Stat. 3038; Oct. 24, 1992, Pub. L. 102-508, §108(1)-(4), 106 Stat. 3293. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(l)(1)-(4); added Nov. 16, 1990, Pub. L. 101-599, §1(b), 104 Stat. 3039; Oct. 24, 1992, Pub. L. 102-508, §207(1)-(4), 106 Stat. 3302.
60108(c) (2)(B).	49 App.:1672(h)(6) (B)(i), (ii) (related to paragraph (3)). 49 App.:2002(l)(7) (B)(i), (ii) (related to paragraph (3)).	
60108(c)(3) ..	49 App.:1672(h)(1), (2).	
60108(c) (4)(A).	49 App.:2002(l)(1), (2). 49 App.:1672(h)(4).	
60108(c) (4)(B).	49 App.:2002(l)(4). 49 App.:1672(h) (6)(B)(ii) (related to paragraph (4)). 49 App.:2002(l) (7)(B)(ii) (related to paragraph (4)).	
60108(c)(5) ..	49 App.:1672(h)(5). 49 App.:2002(l)(6).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(h)(5); added Oct. 24, 1992, Pub. L. 102-508, §108(5), 106 Stat. 3294. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(l)(5), (6); added Oct. 24, 1992, Pub. L. 102-508, §207(5), 106 Stat. 3302.
60108(c)(6) ..	49 App.:1672(h)(6)(C). 49 App.:2002(l)(7)(C).	
60108(c)(7) ..	49 App.:2002(l)(5).	
60108(d)	49 App.:1680(c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §13(c); added Oct. 24, 1992, Pub. L. 102-508, §107, 106 Stat. 3293.

In subsection (a)(1), the word “prepare” is omitted as surplus. The words “or offices” are omitted because of 1:1. The words “in accordance with regulations prescribed by the Secretary or appropriate State agency” in 49 App.:1680(a) (1st sentence), “in accordance with regulations prescribed by the Secretary or, where a certification or agreement pursuant to section 2004 of this Appendix is in effect, by the appropriate State agency” in 49 App.:2009(a) (1st sentence), and “by regulation” are omitted as surplus because of 49:322(a) and sections 60102-60105 of the revised title.

In subsection (a)(2), before clause (A), the words “the Secretary or” are added for clarity. The words “at any time” in 49 App.:1680(a) (3d sentence) are omitted as surplus.

In subsection (a)(3), the word “appropriate” is omitted as surplus.

In subsection (b)(1), before clause (A), the words “to ensure the safety of such pipeline facilities” and “factors” are omitted as surplus. In clause (G), the words “if any” are omitted as surplus.

In subsection (b)(2), the text of 49 App.:1680(b)(1) (3d sentence) and 2009(d)(1) (3d sentence) is omitted as obsolete.

In subsection (c)(1)(B), the words “except with respect to the initial inspection required under paragraph (1)” are omitted as obsolete.

In subsection (c)(1)(C), the word “current” is omitted as surplus.

In subsection (c)(2)(B), before clause (i), the words “to carry out” are substituted for “under” because the Secretary does not prescribe regulations under 49 App.:1672(h)(3) or 2002(l)(3).

In subsection (c)(3), the text of 49 App.:1672(h)(1) and 2002(l)(1) is omitted as executed.

In subsection (c)(4)(A), the text of 49 App.:1672(h)(4)(A) and 2002(l)(4)(A) is omitted as obsolete.

In subsection (c)(5)(A), the words “for the purposes of this paragraph” are omitted as surplus.

In subsection (c)(5)(C), the words “an additional period of” and “and care” are omitted as surplus.

In subsection (c)(6)(C), the words “relating to coordination of Federal information policies” are omitted as surplus.

In subsection (c)(7), the words “regulation under” are omitted as surplus. The word “because” is substituted for “on the basis of the fact that” to eliminate unnecessary words.

In subsection (d)(2), the words “(relating to coordination of Federal information policy)” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subparagraph, referred to in subsec. (a)(3)(A), is the date of enactment of Pub. L. 116-260, which was approved Dec. 27, 2020.

Section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968, referred to in subsec. (c)(2)(A), (5)(B), is section 3(h)(1)(A) of Pub. L. 90-481, which was classified to section 1672(h)(1)(A) of former Title 49, Transportation, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379. For further details, see Historical and Revision Notes above.

Section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, referred to in subsec. (c)(2)(A), (5)(B), is section 203(l)(1)(A) of Pub. L. 96-129, which was classified to section 2002(l)(1)(A) of former Title 49, Transportation, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379. For further details, see Historical and Revision Notes above.

AMENDMENTS

2020—Subsec. (a)(2). Pub. L. 116-260, §114(a)(1)(A)(i), in introductory provisions, inserted “, must meet the requirements of any regulations promulgated under section 60102(q),” after “the need for pipeline safety”.

Subsec. (a)(2)(D), (E). Pub. L. 116-260, §114(a)(1)(A)(ii), (iii), added subpars. (D) and (E) and struck out former subpar. (D) which read as follows: “the extent to which the plan will contribute to public safety and the protection of the environment.”

Subsec. (a)(3). Pub. L. 116-260, §114(a)(1)(B), added par. (3) and struck out former par. (3) which read as follows: “A plan required under this subsection shall be made available to the Secretary or State authority on request under section 60117 of this title.”

Subsec. (b)(1)(B). Pub. L. 116-260, §114(a)(2), inserted “construction material,” after “method of construction,”.

2016—Subsec. (e). Pub. L. 114-183 added subsec. (e).

2012—Subsec. (a)(1). Pub. L. 112-90, §18(a), substituted “a gas pipeline” for “an intrastate gas pipeline”.

Subsec. (c)(8). Pub. L. 112-90, §21(c), added par. (8).

Subsec. (d)(4). Pub. L. 112-90, §7(a), added par. (4).

1996—Subsec. (a)(1). Pub. L. 104-304, §6(1), struck out “transporting gas or hazardous liquid or” after “Each person” and “a person”.

Subsec. (b)(2). Pub. L. 104-304, §6(2), struck out after first sentence “However, an inspection must occur at least once every 2 years.”

Subsec. (c). Pub. L. 104-304, §6(3), substituted “OTHER WATERS” for “NAVIGABLE WATERS” in heading.

Subsec. (c)(2)(A)(ii). Pub. L. 104-304, §6(4), added cl. (ii) and struck out former cl. (ii) which read as follows: “any other pipeline facility crossing under, over, or through navigable waters (as defined by the Secretary) if the Secretary decides that the location of the facility in those navigable waters could pose a hazard to navigation or public safety.”

Subsec. (c)(2)(B). Pub. L. 104-304, §20(h)(1), substituted “standards” for “regulations” in introductory provisions.

Subsec. (c)(4)(A). Pub. L. 104-304, §20(h)(2), substituted “establish a standard” for “require by regulation”.

Subsecs. (c)(4)(B), (d)(3). Pub. L. 104-304, §20(h)(1), substituted “standards” for “regulations”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

DEADLINE

Pub. L. 116-260, div. R, title I, §114(b), Dec. 27, 2020, 134 Stat. 2231, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 27, 2020], each pipeline operator shall update the inspection and maintenance plan prepared by the operator under section 60108(a) of title 49, United States Code, to address the elements described in the amendments to that section made by subsection (a).”

INFORMATION-SHARING SYSTEM

Pub. L. 114-183, §10, June 22, 2016, 130 Stat. 520, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [June 22, 2016], the Secretary of Transportation shall convene a working group to consider the development of a voluntary information-sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing with the purpose of improving gas transmission and hazardous liquid pipeline facility integrity risk analysis.

“(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall include representatives from—

“(1) the Pipeline and Hazardous Materials Safety Administration;

“(2) industry stakeholders, including operators of pipeline facilities, inspection technology, coating, and cathodic protection vendors, and pipeline inspection organizations;

“(3) safety advocacy groups;

“(4) research institutions;

“(5) State public utility commissions or State officials responsible for pipeline safety oversight;

“(6) State pipeline safety inspectors;

“(7) labor representatives; and

“(8) other entities, as determined appropriate by the Secretary.

“(c) CONSIDERATIONS.—The working group convened pursuant to subsection (a) shall consider and provide recommendations to the Secretary on—

“(1) the need for, and the identification of, a system to ensure that dig verification data are shared with in-line inspection operators to the extent consistent with the need to maintain proprietary and security-sensitive data in a confidential manner to improve pipeline safety and inspection technology;

“(2) ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

“(3) opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

“(4) options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

“(5) means and best practices for the protection of safety- and security-sensitive information and proprietary information; and

“(6) regulatory, funding, and legal barriers to sharing the information described in paragraphs (1) through (4).

“(d) PUBLICATION.—The Secretary shall publish the recommendations provided under subsection (c) on a publicly available Web site of the Department of Transportation.”

NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE

Pub. L. 114-183, §11, June 22, 2016, 130 Stat. 521, provided that:

“(a) REPORT.—Not later than 1 year after the date of enactment of this Act [June 22, 2016], the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of establishing a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

“(b) CONTENTS.—The report submitted under subsection (a) shall include—

“(1) a description of any efforts underway to test a secure information-sharing system for the purpose described in subsection (a);

“(2) a description of any progress in establishing common standards for maintaining, collecting, and presenting pipeline safety regulatory inspection data, and a methodology for sharing the data;

“(3) a description of any inadequacies or gaps in State and Federal inspection, enforcement, geospatial, or other pipeline safety regulatory inspection data;

“(4) a description of the potential safety benefits of a national integrated pipeline safety regulatory inspection database; and

“(5) recommendations, including those of stakeholders for how to implement a secure information-sharing system that protects proprietary and security sensitive information and data for the purpose described in subsection (a).

“(c) CONSULTATION.—In implementing this section, the Secretary shall consult with stakeholders, including each State authority operating under a certification to regulate intrastate pipelines under section 60105 of title 49, United States Code.

“(d) ESTABLISHMENT OF DATABASE.—The Secretary may establish, if appropriate, a national integrated pipeline safety regulatory database—

“(1) after submission of the report required under subsection (a); or

“(2) upon notification to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the need to establish such database prior to the submission of the report under subsection (a).”

REPORT ON NATURAL GAS LEAK REPORTING

Pub. L. 114-183, §29, June 22, 2016, 130 Stat. 532, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [June 22, 2016], the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a report on the metrics provided to the Pipeline and Hazardous Materials Safety Administration and other Federal and State agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.

“(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

“(1) An examination of different reporting requirements or standards for lost and unaccounted for natural gas to different agencies, the reasons for any such discrepancies, and recommendations for harmonizing and improving the accuracy of reporting.

“(2) An analysis of whether separate or alternative reporting could better measure the amounts and identify the location of lost and unaccounted for natural gas from natural gas distribution systems.

“(3) A description of potential safety issues associated with natural gas that is lost and unaccounted for from natural gas distribution systems.

“(4) An assessment of whether alternate reporting and measures will resolve any safety issues identified under paragraph (3), including an analysis of the potential impact, including potential savings, on rate payers and end users of natural gas products of such reporting and measures.

“(c) CONSIDERATION OF RECOMMENDATIONS.—If the Administrator determines that alternate reporting structures or recommendations included in the report required under subsection (a) would significantly improve the reporting and measurement of lost and unaccounted for gas and safety of natural gas distribution systems, the Administrator shall, not later than 1 year after making such determination, issue regulations, as the Administrator determines appropriate, to implement the recommendations.”

REVIEW OF STATE POLICIES RELATING TO NATURAL GAS LEAKS

Pub. L. 114-183, §30, June 22, 2016, 130 Stat. 533, provided that:

“(a) REVIEW.—The Administrator of the Pipeline and Hazardous Materials Safety Administration shall conduct a State-by-State review of State-level policies that—

“(1) encourage the repair and replacement of leaking natural gas distribution pipelines or systems that pose a safety threat, such as timelines to repair leaks and limits on cost recovery from ratepayers; and

“(2) may create barriers for entities to conduct work to repair and replace leaking natural gas pipelines or distribution systems.

“(b) REPORT.—Not later than 1 year after the date of the enactment of this Act [June 22, 2016], the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of the review conducted under subsection (a) and recommendations on Federal or State policies or best practices to improve safety by accelerating the repair and replacement of natural gas pipelines or systems that are leaking or releasing natural gas. The report shall consider the potential impact, including potential savings, of the implementation of such recommendations on ratepayers or end users of the natural gas pipeline system.

“(c) IMPLEMENTATION OF RECOMMENDATIONS.—If the Administrator determines that the recommendations made under subsection (b) would significantly improve pipeline safety, the Administrator shall, not later than 1 year after making such determination, and in coordination with the heads of other relevant agencies as ap-

propriate, issue regulations, as the Administrator determines appropriate, to implement the recommendations.”

LEAK DETECTION

Pub. L. 112-90, §8, Jan. 3, 2012, 125 Stat. 1911, provided that:

“(a) LEAK DETECTION REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Jan. 3, 2012], the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.

“(2) CONTENTS.—The report shall include—

“(A) an analysis of the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and

“(B) an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.

“(b) RULEMAKING REQUIREMENTS.—

“(1) REVIEW PERIOD DEFINED.—In this subsection, the term ‘review period’ means the period beginning on the date of enactment of this Act [Jan. 3, 2012] and ending on the earlier of—

“(A) the date that is 1 year after the date of completion of the report under subsection (a); or

“(B) the date that is 2 years after the date of enactment of this Act.

“(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary, during the review period, shall not issue final regulations described in paragraph (3).

“(3) STANDARDS.—As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and economically feasible standards for the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations that—

“(A) require operators of hazardous liquid pipeline facilities to use leak detection systems where practicable; and

“(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

“(4) SAVINGS CLAUSE.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3) if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

“(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term ‘imminent hazard’ means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.”

[Terms used in section 8 of Pub. L. 112-90, set out above, have the meaning given those terms in this chapter, see section 1(c)(1) of Pub. L. 112-90, set out as a note under section 60101 of this title.]

PIPELINE BRIDGE RISK STUDY

Pub. L. 107-355, §25, Dec. 17, 2002, 116 Stat. 3011, required the Secretary of Transportation to conduct a study to determine whether cable-suspension pipeline bridges pose structural or other risks warranting particularized attention in connection with pipeline operators risk assessment programs and whether particularized inspection standards need to be developed by the Department of Transportation to recognize the peculiar risks posed by such bridges and to transmit a report detailing the results of the completed study within 2 years after Dec. 17, 2002.

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

Pub. L. 102-508, title III, §307, Oct. 24, 1992, 106 Stat. 3309, directed Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities and with pipeline owners and operators, fishing and maritime industries, and other affected groups, to submit to Congress, not later than 3 years after Oct. 24, 1992, report and recommendations on abandonment of such pipeline facilities, including analysis of problems caused by such facilities, alternative methods to abandonment, as well as navigational, safety, economic, and environmental impacts associated with abandonment, and further authorized Secretary to require, based on findings of such study, additional appropriate actions to prevent hazards to navigation in connection with such facilities.

§ 60109. High-density population areas and environmentally sensitive areas

(a) IDENTIFICATION REQUIREMENTS.—Not later than October 24, 1994, the Secretary of Transportation shall prescribe standards that—

(1) establish criteria for identifying—

(A) by operators of gas pipeline facilities, each gas pipeline facility (except a natural gas distribution line) located in a high-density population area; and

(B) by operators of hazardous liquid pipeline facilities and gathering lines—

(i) each hazardous liquid pipeline facility, whether otherwise subject to this chapter, that crosses waters where a substantial likelihood of commercial navigation exists or that is located in an area described in the criteria as a high-density population area; and

(ii) each hazardous liquid pipeline facility and gathering line, whether otherwise subject to this chapter, located in an area that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, describes as unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident; and

(2) provide that the identification be carried out through the inventory required under section 60102(e) of this title.

(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

(2) locations near pipeline rights-of-way that are part of the Great Lakes or have been identified as coastal beaches, certain coastal waters, critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.

(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.—

(1) REQUIREMENT.—Each operator of a gas pipeline facility shall conduct an analysis of the risks to each facility of the operator located in an area identified pursuant to subsection (a)(1) and defined in chapter 192 of title 49, Code of Federal Regulations, including any subsequent modifications, and shall adopt and implement a written integrity management program for such facility to reduce the risks.

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall issue regulations prescribing standards to direct an operator's conduct of a risk analysis and adoption and implementation of an integrity management program under this subsection. The regulations shall require an operator to conduct a risk analysis and adopt an integrity management program within a time period prescribed by the Secretary, ending not later than 24 months after such date of enactment. Not later than 18 months after such date of enactment, each operator of a gas pipeline facility shall begin a baseline integrity assessment described in paragraph (3).

(B) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may satisfy the requirements of this paragraph through the issuance of regulations under this paragraph or under other authority of law.

(3) MINIMUM REQUIREMENTS OF INTEGRITY MANAGEMENT PROGRAMS.—An integrity management program required under paragraph (1) shall include, at a minimum, the following requirements:

(A) A baseline integrity assessment of each of the operator's facilities in areas identified pursuant to subsection (a)(1) and defined in chapter 192 of title 49, Code of Federal Regulations, including any subsequent modifications, by internal inspection device, pressure testing, direct assessment, or an alternative method that the Secretary determines would provide an equal or greater level of safety. The operator shall complete such assessment not later than 10 years after the date of enactment of this subsection. At least 50 percent of such facilities shall be assessed not later than 5 years after such date of enactment. The operator shall prioritize such facilities for assessment based on all risk factors, including any previously discovered defects or anomalies and any history of leaks, repairs, or failures. The operator shall ensure that assessments of facilities with the highest risks are given priority for completion and that such assessments will be completed not later than 5 years after such date of enactment.