

- (6) the location of customer meters; and
- (7) other factors the Secretary considers relevant.

(c) NOTIFICATION OF AVAILABILITY.—(1) Not later than October 24, 1994, the Secretary shall prescribe standards requiring an operator of a natural gas distribution system to notify in writing its customers having lines in which excess flow valves are not required by law but can be installed according to the standards prescribed under subsection (e) of this section, of—

- (A) the availability of excess flow valves for installation in the system;
- (B) safety benefits to be derived from installation; and
- (C) costs associated with installation, maintenance, and replacement.

(2) The standards shall provide that, except when installation is required under subsection (b) of this section, excess flow valves shall be installed at the request of the customer if the customer will pay all costs associated with installation.

(d) REPORT.—If the Secretary decides under subsection (b) of this section that there are no circumstances under which an operator must install excess flow valves, the Secretary shall submit to Congress a report on the reasons for the decision not later than 30 days after the decision is made.

(e) PERFORMANCE STANDARDS.—Not later than April 24, 1994, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in a natural gas distribution system. The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence. The standards shall be incorporated into regulations the Secretary prescribes under this section. All excess flow valves shall be installed according to the standards.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1316; Pub. L. 104-304, §§8, 20(j), Oct. 12, 1996, 110 Stat. 3800, 3805; Pub. L. 107-355, §21(1), Dec. 17, 2002, 116 Stat. 3010.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|---|
| 60110(a) | 49 App.:1672(j)(5). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(j); added Oct. 24, 1992, Pub. L. 102-508, §104, 106 Stat. 3291. |
| 60110(b) | 49 App.:1672(j)(1). | |
| 60110(c) | 49 App.:1672(j)(2). | |
| 60110(d) | 49 App.:1672(j)(3). | |
| 60110(e) | 49 App.:1672(j)(4). | |

In subsection (a)(2), the words “in a manner” are omitted as surplus.

In subsection (b), before clause (1), the words “on when” are substituted for “prescribing the circumstances, if any, under which” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-355 substituted “circumstances, if any, under which an operator” for “circumstances under which an operator” in introductory provisions.

1996—Subsec. (b). Pub. L. 104-304, §20(j), substituted “standards” for “regulations” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-304, §8(1), which directed the insertion of “, if any,” after “circumstances” in the first sentence of subsection (b)(1), could not be executed because the word “circumstances” did not appear in subsec. (b)(1).

Subsec. (b)(4). Pub. L. 104-304, §8(2), inserted “, operating, and maintaining” after “cost of installing”.

Subsec. (c)(1). Pub. L. 104-304, §20(j), substituted “standards” for “regulations” after “prescribe” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 104-304, §8(3), inserted “, maintenance, and replacement” after “installation”.

Subsec. (c)(2). Pub. L. 104-304, §20(j), substituted “standards” for “regulations”.

Subsec. (e). Pub. L. 104-304, §8(4), inserted after first sentence “The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.”

§ 60111. Financial responsibility for liquefied natural gas facilities

(a) NOTICE.—When the Secretary of Transportation believes that an operator of a liquefied natural gas facility does not have adequate financial responsibility for the facility, the Secretary may issue a notice to the operator about the inadequacy and the amount of financial responsibility the Secretary considers adequate.

(b) HEARINGS.—An operator receiving a notice under subsection (a) of this section may have a hearing on the record not later than 30 days after receiving the notice. The operator may show why the Secretary should not issue an order requiring the operator to demonstrate and maintain financial responsibility in at least the amount the Secretary considers adequate.

(c) ORDERS.—After an opportunity for a hearing on the record, the Secretary may issue the order if the Secretary decides it is justified in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1317.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------------|---|
| 60111(a) | 49 App.:1674b(b)(1), (c). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §7(b)(1)-(3), (c); added Nov. 30, 1979, Pub. L. 96-129, §153, 93 Stat. 1002. |
| 60111(b) | 49 App.:1674b(b)(2). | |
| 60111(c) | 49 App.:1674b(b)(3). | |

In subsection (a), the words “is not maintaining adequate insurance or otherwise”, the text of 49 App.:1674b(c), and the words “and serve upon” and “a statement of” are omitted as surplus.

In subsection (b), the words “in accordance with section 554 of title 5” are omitted for consistency in the revised title and because 5:554 applies to a hearing on the record unless otherwise stated. The words “to be held” and “cause as to” are omitted as surplus. The words “the Secretary considers adequate” are substituted for “indicated in the notice under paragraph (1)” for clarity and to eliminate unnecessary words.

Subsection (c) is substituted for 49 App.:1674b(b)(3) to eliminate unnecessary words.

§ 60112. Pipeline facilities hazardous to life and property

(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of

Transportation may decide that a pipeline facility is hazardous if the Secretary decides that—

(1) operation of the facility is or would be hazardous to life, property, or the environment; or

(2) the facility is or would be constructed or operated, or a component of the facility is or would be constructed or operated, with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.

(b) CONSIDERATIONS.—In making a decision under subsection (a) of this section, the Secretary shall consider, if relevant—

(1) the characteristics of the pipe and other equipment used in the pipeline facility, including the age, manufacture, physical properties, and method of manufacturing, constructing, or assembling the equipment;

(2) the nature of the material the pipeline facility transports, the corrosive and deteriorative qualities of the material, the sequence in which the material are¹ transported, and the pressure required for transporting the material;

(3) the aspects of the area in which the pipeline facility is located, including climatic and geologic conditions and soil characteristics;

(4) the proximity of the area in which the hazardous liquid pipeline facility is located to environmentally sensitive areas;

(5) the population density and population and growth patterns of the area in which the pipeline facility is located;

(6) any recommendation of the National Transportation Safety Board made under another law; and

(7) other factors the Secretary considers appropriate.

(c) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to any appropriate official of a State in which a pipeline facility is located and about which a proceeding has begun under this section, notice and an opportunity to comment on an agreement the Secretary proposes to make to resolve the proceeding. State comment shall incorporate comments of affected local officials.

(d) CORRECTIVE ACTION ORDERS.—

(1) IN GENERAL.—If the Secretary decides under subsection (a) of this section that a pipeline facility is or would be hazardous, the Secretary shall order the operator of the facility to take necessary corrective action, including suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action.

(2) ACTIONS ATTRIBUTABLE TO AN EMPLOYEE.—If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until the earlier of the date on which—

(A) the Secretary, after notice and an opportunity for a hearing, determines that the employee's actions did not contribute substantially to the cause of the accident; or

(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 60131 and can safely perform those activities.

(3) EFFECT OF COLLECTIVE BARGAINING AGREEMENTS.—An action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement.

(e) WAIVER OF NOTICE AND HEARING IN EMERGENCY.—The Secretary may waive the requirements for notice and an opportunity for a hearing under this section and issue expeditiously an order under this section if the Secretary decides failure to issue the order expeditiously will result in likely serious harm to life, property, or the environment. An order under this subsection shall provide an opportunity for a hearing as soon as practicable after the order is issued.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1317; Pub. L. 103-429, §6(76), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 107-355, §§8(a), 10(b), Dec. 17, 2002, 116 Stat. 2993, 2995.)

HISTORICAL AND REVISION NOTES

PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 60112(a) | 49 App.:1679b(b)(1) (1st sentence words before 3d comma), (2). 49 App.:2008(b)(1) (1st sentence words before 3d comma), (2). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §12(b)(1)-(5); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 993; Oct. 24, 1992, Pub. L. 102-508, §101(b), 106 Stat. 3290. Nov. 30, 1979, Pub. L. 96-129, §209(b)(1)-(5), 93 Stat. 1010; Oct. 24, 1992, Pub. L. 102-508, §201(b), 106 Stat. 3300. |
| 60112(b) | 49 App.:1679b(b)(3). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §12(b)(6); added Oct. 24, 1992, Pub. L. 102-508, §113(a), 106 Stat. 3296. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §209(b)(6); added Oct. 24, 1992, Pub. L. 102-508, §213(a), 106 Stat. 3305. |
| 60112(c) | 49 App.:2008(b)(3). 49 App.:1679b(b)(6). 49 App.:2008(b)(6). | |
| 60112(d) | 49 App.:1679b(b)(1) (1st sentence words after 3d comma, last sentence). 49 App.:2008(b)(1) (1st sentence words after 3d comma, last sentence). | |
| 60112(e) | 49 App.:1679b(b)(4), (5). 49 App.:2008(b)(4), (5). | |

In subsection (a), before clause (1), the word “reasonable” and the text of 49 App.:1679b(b)(1) (last sentence) and 2008(b)(1) (last sentence) are omitted as surplus. Clauses (1) and (2) are substituted for “that any pipeline facility is hazardous to life or property” and 49 App.:1679b(b)(2) and 2008(b)(2) to eliminate unnecessary words.

In subsection (b)(1), the words “involved” and “(including its resistance to corrosion and deterioration)” are omitted as surplus.

In subsection (b)(5), the words “in connection with any investigation conducted by the Board” are omitted as surplus.

¹ So in original. Probably should be “is”.

In subsection (c), the words “responsible for pipeline safety” are omitted as surplus.

In subsection (e), the text of 49 App.:1679b(b)(4) and 2008(b)(4) is omitted because of 28:516 and 1331.

PUB. L. 103-429

This amends 49:60112(d) to clarify the restatement of 49 App.:1679b(b)(1) and 2008(b)(1) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1317).

Editorial Notes

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-355, §8(a)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides the facility is—

“(1) hazardous to life, property, or the environment; or

“(2) constructed or operated, or a component of the facility is constructed or operated, with equipment, material, or a technique the Secretary decides is hazardous to life, property, or the environment.”

Subsec. (d). Pub. L. 107-355, §10(b), designated existing provisions as par. (1), inserted heading, realigned margins, and added pars. (2) and (3).

Pub. L. 107-355, §8(a)(2), substituted “is or would be hazardous” for “is hazardous”.

1994—Subsec. (d). Pub. L. 103-429 inserted before period at end “, including suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 60113. Customer-owned natural gas service lines

Not later than October 24, 1993, the Secretary of Transportation shall prescribe standards requiring an operator of a natural gas distribution pipeline that does not maintain customer-owned natural gas service lines up to building walls to advise its customers of—

- (1) the requirements for maintaining those lines;
- (2) any resources known to the operator that could assist customers in carrying out the maintenance;
- (3) information the operator has on operating and maintaining its lines that could assist customers; and
- (4) the potential hazards of not maintaining the lines.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1318; Pub. L. 104-304, §§9, 20(k), Oct. 12, 1996, 110 Stat. 3801, 3805.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 60113(a) | 49 App.:1685(b). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §18(b); added Oct. 24, 1992, Pub. L. 102-508, §115(a)(2), 106 Stat. 3296. |
| 60113(b) | 49 App.:1672(k). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(k); added Oct. 24, 1992, Pub. L. 102-508, §115(c), 106 Stat. 3297. |

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-304 struck out subsec. (a) designation and heading, substituted “standards” for “regulations”, and struck out subsec. (b), which read as follows:

“(b) ACTIONS TO PROMOTE SAFETY.—Not later than one year after submitting the report required under section 115(b) of the Pipeline Safety Act of 1992 (Public Law 102-508, 106 Stat. 3296), the Secretary, considering the report and in cooperation and coordination with appropriate State and local authorities, shall take appropriate action to promote the adoption of measures to improve the safety of customer-owned natural gas service lines.”

Statutory Notes and Related Subsidiaries

MAINTENANCE OF CUSTOMER-OWNED SERVICE LINES

Pub. L. 102-508, title I, §115(b), Oct. 24, 1992, 106 Stat. 3296, provided that:

“(1) DOT SAFETY REVIEW.—Within 18 months after the date of the enactment of this Act [Oct. 24, 1992], the Secretary of Transportation shall conduct a review of Department of Transportation and State rules, policies, procedures, and other measures with respect to the safety of customer-owned natural gas service lines, including the effectiveness of such rules, policies, procedures, and other measures. The Secretary of Transportation shall include in the review an evaluation of the extent to which lack of maintenance of customer-owned natural gas service lines raises safety concerns and shall make recommendations regarding maintenance of such lines, including the need for any legislative changes or regulatory action. In conducting the review and developing the recommendations, the Secretary of Transportation shall consider the following factors: State and local law, including law governing private property and rights, and including State pipeline safety regulation of distribution operators; the views of State and local regulatory authorities; the extent of operator compliance with the program for advising customers regarding maintenance of such lines required under section 18(b) of the Natural Gas Pipeline Safety Act of 1968 [see subsec. (a) of this section]; available accident information; the recommendations of the National Transportation Safety Board; costs; the civil liability implications of distribution operators taking responsibility for customer-owned service lines; and whether the service line maintenance information program required under such section 18(b) sufficiently addresses safety risks and concerns involving customer-owned service lines.

“(2) OPERATION AND MAINTENANCE RESPONSIBILITY.—Within 18 months after the date of the enactment of this Act [Oct. 24, 1992], the Secretary of Transportation shall conduct, with the participation of the operators of natural gas distribution facilities, a survey of owners of customer-owned service lines to determine the views of such owners regarding whether distribution companies should assume responsibility for the operation and maintenance of customer-owned service lines. In conducting the survey, the Secretary of Transportation shall ensure that such customers are aware of any potential safety benefits, any potential implementation issues (including any property rights or cost issues), the recommendations of the National Transportation Safety Board, and accidents that have occurred, related to customer-owned service lines.

“(3) APPLICABILITY.—Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy) shall not apply to the conduct of the review or survey under this subsection.

“(4) REPORT.—Not later than 2 years after the date of the enactment of this Act [Oct. 24, 1992], the Secretary of Transportation shall transmit to Congress a report on the results of the review and survey conducted under this subsection, together with any recommenda-