

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60114(b)	49 App.:1687(c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §20(h); added Oct. 24, 1992, Pub. L. 102-508, §304(a), 106 Stat. 3308.
60114(c)	49 App.:1687(h).	
60114(d)	49 App.:1687(a).	
60114(e)	49 App.:1687(d).	

In subsection (a), before clause (1), the words “Not later than 18 months after October 31, 1988” are omitted as obsolete. The words “as described in subsection (a)” are omitted as surplus. In clause (1), the words “or systems” are omitted because of 1:1. In clause (8), the words “or not” are omitted as surplus.

In subsection (b), the words “all of the requirements established under” are omitted as surplus.

In subsection (c), the words “contractor, excavator, or other” are omitted as surplus.

In subsection (d), before clause (1), the words “When apportioning the amount appropriated to carry out” are substituted for “In making allocations under” for consistency with section 60107 of the revised title. In clause (2), the words “shall withhold part of a payment under section 60107 of this title” are substituted for “such State may not receive the full reimbursement under such sections to which it would otherwise be entitled” for clarity and consistency.

PUB. L. 104-287

This amends 49:60114(a)(9) to clarify the restatement of 49 App.:1687(b) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1319), because the requirement for substantially the same sanctions was not intended to include criminal penalties.

Editorial Notes

AMENDMENTS

2006—Subsecs. (d) to (g). Pub. L. 109-468 added subsecs. (d) to (g).

2002—Subsec. (a)(2). Pub. L. 107-355, §3(b), inserted “, including a government employee or contractor,” after “person”.

Subsecs. (c), (d). Pub. L. 107-355, §21(2), redesignated subsec. (d) as (c).

1996—Subsec. (a)(9). Pub. L. 104-287 and Pub. L. 104-304, §20(d)(1), amended par. (9) identically, substituting “60120 and 60122” for “60120, 60122, and 60123”.

Subsec. (b). Pub. L. 104-304, §20(d)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(b) GRANTS.—The Secretary may make a grant to a State under this section to develop and establish a one-call notification system consistent with subsection (a) of this section.”

Subsec. (c). Pub. L. 104-304, §20(d)(3), redesignated subsec. (c) as (b).

Subsecs. (d), (e). Pub. L. 104-304, §20(d)(2), (3), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows:

“(d) APPORTIONMENT.—When apportioning the amount appropriated to carry out section 60107 of this title among the States, the Secretary—

“(1) shall consider whether a State has adopted or is seeking adoption of a one-call notification system under this section; and

“(2) shall withhold part of a payment under section 60107 of this title when the Secretary decides a State has not adopted, or is not seeking adoption of, a one-call notification system.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

NATIONWIDE TOLL-FREE NUMBER SYSTEM

Pub. L. 107-355, §17, Dec. 17, 2002, 116 Stat. 3008, provided that: “Within 1 year after the date of the enactment of this Act [Dec. 17, 2002], the Secretary of Transportation shall, in conjunction with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.”

§ 60115. Technical safety standards committees

(a) ORGANIZATION.—The Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee are committees in the Department of Transportation. The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.

(b) COMPOSITION AND APPOINTMENT.—(1) The Technical Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary of Transportation after consulting with public and private agencies concerned with the technical aspect of transporting gas or operating a gas pipeline facility. Each member must be experienced in the safety regulation of transporting gas and of gas pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting gas or operating a gas pipeline facility, to evaluate gas pipeline safety standards or risk management principles.

(2) The Technical Hazardous Liquid Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary after consulting with public and private agencies concerned with the technical aspect of transporting hazardous liquid or operating a hazardous liquid pipeline facility. Each member must be experienced in the safety regulation of transporting hazardous liquid and of hazardous liquid pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting hazardous liquid or operating a hazardous liquid pipeline facility, to evaluate hazardous liquid pipeline safety standards or risk management principles.

(3) The members of each committee are appointed as follows:

(A) 5 individuals selected from departments, agencies, and instrumentalities of the United States Government and of the States.

(B) 5 individuals selected from the natural gas or hazardous liquid industry, as appropriate, after consulting with industry representatives.

(C) 5 individuals selected from the general public.

(4)(A) Two of the individuals selected for each committee under paragraph (3)(A) of this subsection must be State officials. The Secretary shall consult with national organizations rep-

representing State commissioners or utility regulators before making a selection under this subparagraph.

(B) At least 3 of the individuals selected for each committee under paragraph (3)(B) of this subsection must be currently in the active operation of natural gas pipelines or hazardous liquid pipeline facilities, as appropriate. At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).

(C) Two of the individuals selected for each committee under paragraph (3)(C) of this subsection must have education, background, or experience in environmental protection or public safety. At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis. At least one individual selected for each committee under paragraph (3)(C) may not have a financial interest in the pipeline, petroleum, or natural gas industries.

(D) None of the individuals selected for a committee under paragraph (3)(C) may have a significant financial interest in the pipeline, petroleum, or gas industry.

(5) Within 90 days of the date of enactment of the PIPES Act of 2016, the Secretary shall fill all vacancies on the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, and any other committee established pursuant to this section. After that period, the Secretary shall fill a vacancy on any such committee not later than 60 days after the vacancy occurs.

(c) COMMITTEE REPORTS ON PROPOSED STANDARDS.—(1) The Secretary shall give to—

(A) the Technical Pipeline Safety Standards Committee each standard proposed under this chapter for transporting gas and for gas pipeline facilities including the risk assessment information and other analyses supporting each proposed standard; and

(B) the Technical Hazardous Liquid Pipeline Safety Standards Committee each standard proposed under this chapter for transporting hazardous liquid and for hazardous liquid pipeline facilities including the risk assessment information and other analyses supporting each proposed standard.

(2) Not later than 90 days after receiving the proposed standard and supporting analyses, the appropriate committee shall prepare and submit to the Secretary a report on the technical feasibility, reasonableness, cost-effectiveness, and practicability of the proposed standard and include in the report recommended actions. The Secretary shall publish each report, including any recommended actions and minority views. The report if timely made is part of the proceeding for prescribing the standard. The Secretary is not bound by the conclusions of the committee. However, if the Secretary rejects the conclusions of the committee, the Secretary shall publish the reasons.

(3) The Secretary may prescribe a standard after the end of the 90-day period.

(d) PROPOSED COMMITTEE STANDARDS AND POLICY DEVELOPMENT RECOMMENDATIONS.—(1) The Technical Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting gas and for gas pipeline facilities. The Technical Hazardous Liquid Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting hazardous liquid and for hazardous liquid pipeline facilities.

(2) If requested by the Secretary, a committee shall make policy development recommendations to the Secretary.

(e) MEETINGS.—Each committee shall meet with the Secretary at least up to 4 times annually. Each committee proceeding shall be recorded. The record of the proceeding shall be available to the public.

(f) EXPENSES.—A member of a committee under this section is entitled to expenses under section 5703 of title 5. A payment under this subsection does not make a member an officer or employee of the Government. This subsection does not apply to members regularly employed by the Government.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1319; Pub. L. 104–88, title III, § 308(m), Dec. 29, 1995, 109 Stat. 948; Pub. L. 104–304, § 10, Oct. 12, 1996, 110 Stat. 3801; Pub. L. 107–355, § 20(b), Dec. 17, 2002, 116 Stat. 3010; Pub. L. 114–183, § 6, June 22, 2016, 130 Stat. 518.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60115(a)	49 App.:1673(a) (1st sentence).	Aug. 12, 1968, Pub. L. 90–481, § 4(a), 82 Stat. 722; Nov. 30, 1979, Pub. L. 96–129, § 102(a), 93 Stat. 991; Oct. 24, 1992, Pub. L. 102–508, § 105(1), 106 Stat. 3293.
	49 App.:2003(a) (1st sentence).	Nov. 30, 1979, Pub. L. 96–129, § 204(a), 93 Stat. 1005; Oct. 24, 1992, Pub. L. 102–508, § 204(1), 106 Stat. 3301.
60115(b)(1) ..	49 App.:1673(a) (last sentence words before colon).	
60115(b)(2) ..	49 App.:2003(a) (last sentence words before colon).	
60115(b)(3), (4).	49 App.:1671(7).	Aug. 12, 1968, Pub. L. 90–481, § 2(7), 82 Stat. 720; Nov. 30, 1979, Pub. L. 96–129, § 109(a), 93 Stat. 996.
	49 App.:1673(a) (last sentence words after colon).	
	49 App.:2001(10).	Nov. 30, 1979, Pub. L. 96–129, §§ 202(10), 204(c), 93 Stat. 1004, 1006.
	49 App.:2003(a) (last sentence words after colon).	
60115(c)	49 App.:1673(b) (1st–5th sentences).	Aug. 12, 1968, Pub. L. 90–481, § 4(b), 82 Stat. 722; Nov. 30, 1979, Pub. L. 96–129, § 102(b), 93 Stat. 991; Jan. 14, 1983, Pub. L. 97–468, § 101 (related to § 4(b)), 96 Stat. 2543; Oct. 24, 1992, Pub. L. 102–508, § 105(2), 106 Stat. 3293.
	49 App.:2003(b) (1st–5th sentences).	Nov. 30, 1979, Pub. L. 96–129, § 204(b), 93 Stat. 1006; Jan. 14, 1983, Pub. L. 97–468, § 101 (related to § 204(b)), 96 Stat. 2543; Oct. 24, 1992, Pub. L. 102–508, § 204(2), 106 Stat. 3302.
60115(d)	49 App.:1673(b) (6th sentence).	
	49 App.:2003(b) (6th sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60115(e)	49 App.:1673(b) (7th, last sentences). 49 App.:2003(b) (7th, last sentences).	
60115(f)	49 App.:1673(c). 49 App.:2003(c).	Aug. 12, 1968, Pub. L. 90-481, §4(c), 82 Stat. 722; Nov. 30, 1979, Pub. L. 96-129, §102(c), 93 Stat. 991.

In subsection (a), the words “Not later than 12 months after November 30, 1979” and “and appoint the initial members of the Committee” in 49 App.:2003(a) (1st sentence) are omitted as executed.

In subsection (b)(3)(A)–(C), the word “individuals” is substituted for “members” for consistency.

In subsection (b)(3)(A), the words “departments, agencies, and instrumentalities of the United States Government and of the States” are substituted for “governmental agencies, including State and Federal Governments” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(3)(B), the words “as appropriate” are added because of the restatement.

In subsection (b)(4), the words “representatives of” are omitted as surplus. The words “section 10344(f) of this title” are substituted for “subchapter III of chapter 103 of title 49” for clarity.

In subsection (c)(1)(A) and (B), the words “or any proposed amendment to a standard under this chapter, for its consideration” are omitted as surplus.

In subsection (c)(1)(B), the words “After the Committee has been established and its members appointed” in 49 App.:2003(b) are omitted as executed.

In subsection (c)(2), the words “or amendment”, “by the Committee”, “of the majority”, and “for rejection thereof” are omitted as surplus.

In subsection (c)(3), the words “final . . . or a final amendment to a standard at any time” are omitted as surplus. The words “the end of the 90-day period” are substituted for “the 90th day after its submission to the Committee, whether or not the Committee has reported on such standard or amendment” to eliminate unnecessary words.

In subsection (d), the words “for his consideration” are omitted as surplus.

In subsection (e), the words “(or his designee)” are omitted as surplus because of 49:322(b). The words “at least” are substituted for “not less frequently than” to eliminate unnecessary words. The word “calendar” is omitted as surplus.

In subsection (f), the words “The Secretary may establish the pay” are substituted for “may be compensated at a rate to be fixed by the Secretary” for consistency and to eliminate unnecessary words. The words “of the Committee” after “Members”, “actual”, and “then currently” are omitted as surplus. The reference to section 5376 of title 5 is substituted for the reference to section 5332 of title 5 because of section 529 of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509, 104 Stat. 1442). The words “A member is entitled to expenses under section 5703 of title 5” are substituted for 49 App.:1673(c) (2d sentence) and 2003(c) (2d sentence) to eliminate unnecessary words. The words “for any purpose” are omitted as surplus. The words “This subsection does not apply to members regularly employed by the Government” are substituted for “other than Federal employees” for clarity.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996, referred to in subsec. (a), is the date of enactment of Pub. L. 104-304, which was approved Oct. 12, 1996.

The date of enactment of the PIPES Act of 2016, referred to in subsec. (b)(5), is the date of enactment of Pub. L. 114-183, which was approved June 22, 2016.

AMENDMENTS

2016—Subsec. (b)(4)(A). Pub. L. 114-183, §6(a), substituted “State officials. The Secretary shall consult with national organizations representing State commissioners or utility regulators before making a selection under this subparagraph.” for “State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals.”

Subsec. (b)(5). Pub. L. 114-183, §6(b), added par. (5).

2002—Subsec. (b)(4)(D). Pub. L. 107-355 added subpar. (D).

1996—Subsec. (a). Pub. L. 104-304, §10(a), inserted at end “The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.”

Subsec. (b)(1), (2). Pub. L. 104-304, §10(b)(1), (2), inserted before period at end “or risk management principles”.

Subsec. (b)(3)(B). Pub. L. 104-304, §10(b)(3), substituted “5” for “4”.

Subsec. (b)(3)(C). Pub. L. 104-304, §10(b)(4), substituted “5” for “6”.

Subsec. (b)(4)(B). Pub. L. 104-304, §10(b)(5), inserted at end “At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).”

Subsec. (b)(4)(C). Pub. L. 104-304, §10(b)(6), inserted after first sentence “At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.”

Subsec. (c)(1)(A). Pub. L. 104-304, §10(c)(1), inserted before semicolon “including the risk assessment information and other analyses supporting each proposed standard”.

Subsec. (c)(1)(B). Pub. L. 104-304, §10(c)(2), inserted before period at end “including the risk assessment information and other analyses supporting each proposed standard”.

Subsec. (c)(2). Pub. L. 104-304, §10(c)(3)–(6), inserted “and supporting analyses” after “receiving the proposed standard”, “and submit to the Secretary” after “prepare”, “cost-effectiveness,” after “reasonableness,” “and include in the report recommended actions” after “practicability of the proposed standard”, and “any recommended actions and” after “including”.

Subsec. (e). Pub. L. 104-304, §10(d), substituted “up to 4 times” for “twice”.

Subsec. (f). Pub. L. 104-304, §10(e), substituted “EXPENSES” for “PAY AND EXPENSES” in heading, struck out “The Secretary may establish the pay for each member of a committee for each day (including travel time) when performing duties of the committee. However, a member may not be paid more than the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5.” after heading, and inserted “of a committee under this section” after “A member”.

1995—Subsec. (b)(4)(A). Pub. L. 104-88 struck out “(referred to in section 10344(f) of this title)” after “commissions”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

§ 60116. Public education programs

(a) IN GENERAL.—Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

(b) MODIFICATION OF EXISTING PROGRAMS.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency, and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

(c) STANDARDS.—The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1321; Pub. L. 104-304, §11, Oct. 12, 1996, 110 Stat. 3802; Pub. L. 107-355, §5, Dec. 17, 2002, 116 Stat. 2988.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60116	49 App.:1685(a).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §18(a); added Oct. 11, 1976, Pub. L. 94-477, §8, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992; Oct. 24, 1992, Pub. L. 102-508, §115(a)(1), 106 Stat. 3296.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Pipeline Safety Improvement Act of 2002, referred to in subsec. (b), is the date of enactment of Pub. L. 107-355, which was approved Dec. 17, 2002.

AMENDMENTS

2002—Pub. L. 107-355 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Under regulations the Secretary of Transportation prescribes, each owner or operator of a gas pipeline facility shall carry out a program to educate the public on the use of a one-call notification system prior to excavation, the possible

hazards associated with gas leaks, and the importance of reporting gas odors and leaks to the appropriate authority. The Secretary may develop material suitable for use in the program.”

1996—Pub. L. 104-304 substituted “owner or operator of a gas pipeline facility” for “person transporting gas”, inserted “the use of a one-call notification system prior to excavation.” after “educate the public on”, and inserted comma after “gas leaks”.

§ 60117. Administrative

(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of records, take depositions, and conduct research, testing, development, demonstration, and training activities and promotional activities relating to prevention of damage to pipeline facilities. The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter.

(b) ENFORCEMENT PROCEDURES.—

(1) PROCESS.—In implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall—

(A) allow the respondent to request the use of a consent agreement and consent order to resolve any matter of fact or law asserted;

(B) allow the respondent and the agency to convene 1 or more meetings—

- (i) for settlement or simplification of the issues; or
- (ii) to aid in the disposition of issues;

(C) require that the case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted;

(D) allow the respondent to reply to each post-hearing submission of the agency;

(E) allow the respondent to request that a hearing be held, and an order be issued, on an expedited basis;

(F) require that the agency have the burden of proof, presentation, and persuasion in any enforcement matter;

(G) require that any order contain findings of relevant fact and conclusions of law;

(H) require the Office of Pipeline Safety to file a post-hearing recommendation not later than 30 days after the deadline for any post-hearing submission of a respondent;

(I) require an order on a petition for reconsideration to be issued not later than 120 days after the date on which the petition is filed; and

(J) allow an operator to request that an issue of controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5.

(2) OPEN TO THE PUBLIC.—A hearing under this section shall be—

(A) noticed to the public on the website of the Pipeline and Hazardous Materials Safety Administration; and

(B) in the case of a formal hearing (as defined in section 190.3 of title 49, Code of Federal Regulations (or a successor regulation)), open to the public.