

Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355)—” for “there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,573,000, of which \$2,174,000 is for carrying out such section 12 and \$4,558,000 is for making grants.” and added subpars. (A) to (D).

Subsec. (a)(3). Pub. L. 114-183, §2(a)(3), added par. (3). 2012—Subsec. (a). Pub. L. 112-90, §32(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) authorized appropriations and trust fund amounts for gas and hazardous liquid transportation for fiscal years 2007 through 2010.

Subsec. (b)(2). Pub. L. 112-90, §32(b), substituted “2012 through 2015” for “2007 through 2010”.

2006—Subsec. (a). Pub. L. 109-468, §18(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) authorized appropriations for gas and hazardous liquid transportation for fiscal years 2003 through 2006.

Subsec. (b). Pub. L. 109-468, §18(b), redesignated subsec. (d) as (b) and struck out former subsec. (b) which limited appropriation amounts for fiscal years 2003 through 2006 to carry out section 60107 of this title.

Subsec. (b)(1). Pub. L. 109-468, §18(c)(1), inserted at end “To the extent that such grants are used to train emergency responders, such training shall ensure that emergency responders have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving gas or hazardous liquid pipelines, in accordance with existing regulations.”

Subsec. (b)(2). Pub. L. 109-468, §18(c)(2), substituted “\$10,000,000” for “\$6,000,000” and “2007 through 2010” for “2003 through 2006”.

Subsec. (c). Pub. L. 109-468, §18(b), redesignated subsec. (e) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “Of the amounts available in the Oil Spill Liability Trust Fund, \$8,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs authorized in this chapter for each of fiscal years 2003 through 2006.”

Subsecs. (d), (e). Pub. L. 109-468, §18(b), redesignated subsecs. (d) and (e) as (b) and (c), respectively.

2002—Subsec. (a). Pub. L. 107-355, §22(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

“(1) \$19,448,000 for fiscal year 1996;

“(2) \$20,028,000 for fiscal year 1997, of which \$14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

“(3) \$20,729,000 for fiscal year 1998, of which \$15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

“(4) \$21,442,000 for fiscal year 1999, of which \$15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

“(5) \$22,194,000 for fiscal year 2000, of which \$16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.”

Subsec. (b). Pub. L. 107-355, §22(b)(1), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(b) HAZARDOUS LIQUID.—Not more than the following amounts may be appropriated to the Secretary to carry out this chapter (except sections 60107 and 60114(b)) related to hazardous liquid:

“(1) \$1,728,500 for the fiscal year ending September 30, 1993.

“(2) \$1,866,800 for the fiscal year ending September 30, 1994.

“(3) \$2,000,000 for the fiscal year ending September 30, 1995.”

Subsec. (b)(1). Pub. L. 107-355, §22(b)(2), added subpars. (A) to (D) and struck out former subpars. (A) to (H) which read as follows:

“(A) \$7,750,000 for the fiscal year ending September 30, 1993.

“(B) \$9,000,000 for the fiscal year ending September 30, 1994.

“(C) \$10,000,000 for the fiscal year ending September 30, 1995.

“(D) \$12,000,000 for fiscal year 1996.

“(E) \$14,000,000 for fiscal year 1997, of which \$12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

“(F) \$14,490,000 for fiscal year 1998, of which \$12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

“(G) \$15,000,000 for fiscal year 1999, of which \$13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

“(H) \$15,524,000 for fiscal year 2000, of which \$13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.”

Subsec. (c). Pub. L. 107-355, §22(c), added subsec. (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 107-355, §22(b)(1), (c), added subsec. (d) and struck out former subsec. (d) which read as follows:

“(d) GRANTS FOR ONE-CALL NOTIFICATION SYSTEMS.—Not more than \$_____ may be appropriated to the Secretary for the fiscal year ending September 30, 19____, to carry out section 60114(b) of this title. Amounts under this subsection remain available until expended.”

Subsec. (e). Pub. L. 107-355, §22(d), struck out “or (b) of this section” after “under subsection (a)”.

Subsec. (f). Pub. L. 107-355, §22(b)(1), struck out subsec. (f) which read as follows:

“(f) AVAILABILITY OF UNUSED AMOUNTS FOR GRANTS.—(1) The Secretary shall make available for grants to States amounts appropriated for each of the fiscal years that ended September 30, 1986, and 1987, that have not been expended in making grants under section 60107 of this title.

“(2) A grant under this subsection is available to a State that after December 31, 1987—

“(A) undertakes a new responsibility under section 60105 of this title; or

“(B) implements a one-call damage prevention program established under State law.

“(3) This subsection does not authorize a State to receive more than 50 percent of its allowable pipeline safety costs from a grant under this chapter.

“(4) A State may receive not more than \$75,000 under this subsection.

“(5) Amounts under this subsection remain available until expended.”

1996—Subsec. (a). Pub. L. 104-304, §21(a)(1), added subsec. (a) and struck out former subsec. (a) which read as follows:

“(a) GAS.—Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter (except sections 60107 and 60114(b)) related to gas:

“(1) \$6,857,000 for the fiscal year ending September 30, 1993.

“(2) \$7,000,000 for the fiscal year ending September 30, 1994.

“(3) \$7,500,000 for the fiscal year ending September 30, 1995.”

Subsec. (c)(1). Pub. L. 104-304, §21(b), added subpars. (D) to (H).

§ 60126. Risk management

(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

(B) to evaluate the safety and cost-effectiveness of the program.

(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a “covered pipeline facility”), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

(3) provide for—

(A) collaborative government and industry training;

(B) methods to measure the safety performance of risk management plans;

(C) the development and application of new technologies;

(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

(G) the development of project elements that are necessary to ensure that—

(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

(i) changed circumstances; or

(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

(J) an opportunity for public comment in the approval process; and

(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary’s authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.

(Added Pub. L. 104-304, §5(a), Oct. 12, 1996, 110 Stat. 3798.)

Statutory Notes and Related Subsidiaries

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF
TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and

Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

§ 60127. Population encroachment and rights-of-way

(a) **STUDY.**—The Secretary of Transportation, in conjunction with the Federal Energy Regulatory Commission and in consultation with appropriate Federal agencies and State and local governments, shall undertake a study of land use practices, zoning ordinances, and preservation of environmental resources with regard to pipeline rights-of-way and their maintenance.

(b) **PURPOSE OF STUDY.**—The purpose of the study shall be to gather information on land use practices, zoning ordinances, and preservation of environmental resources—

(1) to determine effective practices to limit encroachment on existing pipeline rights-of-way;

(2) to address and prevent the hazards and risks to the public, pipeline workers, and the environment associated with encroachment on pipeline rights-of-way;

(3) to raise the awareness of the risks and hazards of encroachment on pipeline rights-of-way; and

(4) to address how to best preserve environmental resources in conjunction with maintaining pipeline rights-of-way, recognizing pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

(c) **CONSIDERATIONS.**—In conducting the study, the Secretary shall consider, at a minimum, the following:

(1) The legal authority of Federal agencies and State and local governments in controlling land use and the limitations on such authority.

(2) The current practices of Federal agencies and State and local governments in addressing land use issues involving a pipeline easement.

(3) The most effective way to encourage Federal agencies and State and local governments to monitor and reduce encroachment upon pipeline rights-of-way.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a report identifying practices, laws, and ordinances that are most successful in addressing issues of encroachment and maintenance on pipeline rights-of-way so as to more effectively protect public safety, pipeline workers, and the environment.

(2) **DISTRIBUTION OF REPORT.**—The Secretary shall provide a copy of the report to—

(A) Congress and appropriate Federal agencies; and

(B) States for further distribution to appropriate local authorities.

(3) **ADOPTION OF PRACTICES, LAWS, AND ORDINANCES.**—The Secretary shall encourage Federal agencies and State and local governments to adopt and implement appropriate practices, laws, and ordinances, as identified in the report, to address the risks and hazards associated with encroachment upon pipeline rights-

of-way and to address the potential methods of preserving environmental resources while maintaining pipeline rights-of-way, consistent with pipeline safety.

(Added Pub. L. 104-304, §16(a), Oct. 12, 1996, 110 Stat. 3803; amended Pub. L. 107-355, §11(a), Dec. 17, 2002, 116 Stat. 2996.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (d)(1), is the date of enactment of Pub. L. 107-355, which was approved Dec. 17, 2002.

AMENDMENTS

2002—Pub. L. 107-355 substituted “Population encroachment and rights-of-way” for “Population encroachment” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) **LAND USE RECOMMENDATIONS.**—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled ‘Pipelines and Public Safety’.

“(b) **EVALUATION.**—The Secretary shall—

“(1) evaluate the recommendations in the report referred to in subsection (a);

“(2) determine to what extent the recommendations are being implemented;

“(3) consider ways to improve the implementation of the recommendations; and

“(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.”

§ 60128. Dumping within pipeline rights-of-way

(a) **PROHIBITION.**—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

(b) **DEFINITION.**—For purposes of this section, the term “solid waste” has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(Added Pub. L. 104-304, §18(a), Oct. 12, 1996, 110 Stat. 3804.)

§ 60129. Protection of employees providing pipeline safety information

(a) **DISCRIMINATION AGAINST EMPLOYEE.**—

(1) **IN GENERAL.**—No employer may discharge any employee or otherwise discriminate against any current or former employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(A) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard under this chapter or any other Federal law relating to pipeline safety;