

(A) require the owner or operator to reconfirm a maximum allowable operating pressure as expeditiously as economically feasible; and

(B) determine what actions are appropriate for the pipeline owner or operator to take to maintain safety until a maximum allowable operating pressure is confirmed.

(2) INTERIM ACTIONS.—In determining the actions for an owner or operator of a pipeline facility to take under paragraph (1)(B), the Secretary shall take into account potential consequences to public safety and the environment, potential impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.

(2) CONSIDERATIONS.—In developing the regulations, the Secretary shall consider safety testing methodologies, including, at a minimum—

(A) pressure testing; and

(B) other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness.

(3) COMPLETION OF TESTING.—The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account potential consequences to public safety and the environment and that minimize costs and service disruptions.

(e) HIGH-CONSEQUENCE AREA DEFINED.—In this section, the term “high-consequence area” means an area described in section 60109(a).

(Added Pub. L. 112–90, §23(a), Jan. 3, 2012, 125 Stat. 1918.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a)(1), (b)(1), and (d)(1), is the date of enactment of Pub. L. 112–90, which was approved Jan. 3, 2012.

§ 60140. Cover over buried pipelines

(a) HAZARDOUS LIQUID PIPELINE INCIDENTS INVOLVING BURIED PIPELINES.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of hazardous liquid pipeline incidents at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark to determine if the depth of cover over the buried pipeline was a factor in any accidental release of hazardous liquids.

(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Sec-

retary shall transmit 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 results of the study.

(b) ASSESSMENT OF CURRENT REQUIREMENTS FOR DEPTH OF COVER OVER BURIED PIPELINES.—

(1) IN GENERAL.—If, following completion of the study under subsection (a), the Secretary finds that the depth of cover over buried pipelines is a contributing factor in the accidental release of hazardous liquids from the pipelines, the Secretary, not later than 1 year after the date of completion of the study, shall review and determine the sufficiency of current requirements for the depth of cover over buried pipelines.

(2) LEGISLATIVE RECOMMENDATIONS.—

(A) DEVELOPMENT.—If the Secretary determines under paragraph (1) that the current requirements for the depth of cover over buried pipelines are insufficient, the Secretary shall develop legislative recommendations for improving the safety of buried pipelines at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark.

(B) CONSIDERATION OF FACTORS.—In developing legislative recommendations under subparagraph (A), the Secretary shall consider the factors specified in section 60102(b)(2).

(C) REPORT TO CONGRESS.—If the Secretary develops legislative recommendations under subparagraph (A), the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the legislative recommendations.

(Added Pub. L. 112–90, §28(a), Jan. 3, 2012, 125 Stat. 1920.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 112–90, which was approved Jan. 3, 2012.

§ 60141. Standards for underground natural gas storage facilities

(a) MINIMUM SAFETY STANDARDS.—Not later than 2 years after the date of enactment of the PIPES Act of 2016, the Secretary, in consultation with the heads of other relevant Federal agencies, shall issue minimum safety standards for underground natural gas storage facilities.

(b) CONSIDERATIONS.—In developing the safety standards required under subsection (a), the Secretary shall, to the extent practicable—

(1) consider consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities;

(2) consider the economic impacts of the regulations on individual gas customers;

(3) ensure that the regulations do not have a significant economic impact on end users; and

(4) consider the recommendations of the Aliso Canyon natural gas leak task force es-

tablished under section 31 of the PIPES Act of 2016.

(c) **FEDERAL-STATE COOPERATION.**—The Secretary may authorize a State authority (including a municipality) to participate in the oversight of underground natural gas storage facilities in the same manner as provided in sections 60105 and 60106.

(d) **RULES OF CONSTRUCTION.**—

(1) **IN GENERAL.**—Nothing in this section may be construed to affect any Federal regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of the PIPES Act of 2016.

(2) **LIMITATIONS.**—Nothing in this section may be construed to authorize the Secretary—

(A) to prescribe the location of an underground natural gas storage facility; or

(B) to require the Secretary's permission to construct a facility referred to in subparagraph (A).

(e) **PREEMPTION.**—A State authority may adopt additional or more stringent safety standards for intrastate underground natural gas storage facilities if such standards are compatible with the minimum standards prescribed under this section.

(f) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to affect the Secretary's authority under this title to regulate the underground storage of gas that is not natural gas.

(Added Pub. L. 114–183, §12(b), June 22, 2016, 130 Stat. 522.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the PIPES Act of 2016, referred to in subssecs. (a) and (d)(1), is the date of enactment of Pub. L. 114–183, which was approved June 22, 2016.

Section 31 of the PIPES Act of 2016, referred to in subsec. (b)(4), is section 31 of Pub. L. 114–183, June 22, 2016, 130 Stat. 533, which is not classified to the Code.

§ 60142. Pipeline safety enhancement programs

(a) **IN GENERAL.**—The Secretary may establish and carry out limited safety-enhancing testing programs to evaluate innovative technologies and operational practices testing the safe operation of—

- (1) a natural gas pipeline facility; or
- (2) a hazardous liquid pipeline facility.

(b) **LIMITATIONS.**—

(1) **IN GENERAL.**—Testing programs established under subsection (a) may not exceed—

(A) 5 percent of the total miles of hazardous liquid pipelines in the United States that are regulated by—

- (i) the Pipeline and Hazardous Materials Safety Administration; or
- (ii) a State authority under section 60105 or 60106; and

(B) 5 percent of the total miles of natural gas pipelines in the United States that are regulated by—

- (i) the Pipeline and Hazardous Materials Safety Administration; or

(ii) a State authority under section 60105 or 60106.

(2) **OPERATOR MILEAGE LIMITATION.**—The Secretary shall limit the miles of pipelines that each operator can test under each program established under subsection (a) to the lesser of—

(A) 38 percent of the total miles of pipelines in the system of the operator that are regulated by—

- (i) the Pipeline and Hazardous Materials Safety Administration; or
- (ii) a State authority under section 60105 or 60106; or

(B) 1,000 miles.

(3) **PROHIBITED AREAS.**—Any program established under subsection (a) shall not be located in—

(A) a high population area (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation));

(B) a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations (or a successor regulation)); or

(C) an unusually sensitive area (as described under subsection (a)(1)(B)(ii) of section 60109 in accordance with subsection (b) of that section).

(4) **HIGH CONSEQUENCE AREAS FOR HAZARDOUS LIQUID PIPELINES.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report examining the benefits and costs of prohibiting the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)).

(B) **CONTENTS OF REPORT.**—The report described in subparagraph (A) shall examine—

(i) the safety benefits of allowing the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)); and

(ii) whether additional testing conditions are required to protect those areas while conducting a testing program established under subsection (a) in those areas.

(c) **DURATION.**—

(1) **IN GENERAL.**—The term of a testing program established under subsection (a) shall be not more than a period of 3 years beginning on the date of approval of the program.

(2) **REQUIREMENT.**—The Secretary shall not establish any additional safety-enhancing testing programs under subsection (a) after the date that is 3 years after the date of enactment of this section.

(d) **SAFETY STANDARDS.**—

(1) **IN GENERAL.**—The Secretary shall require, as a condition of approval of a testing program under subsection (a), that the safety measures in the testing program are designed to achieve a level of safety that is greater than the level of safety required by this chapter.

(2) **DETERMINATION.**—

(A) **IN GENERAL.**—The Secretary may issue an order under subparagraph (A) of section