

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 subsecs. (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

60118(c)(1) to accomplish the purpose of a testing program for a term not to exceed the time period described in subsection (c) if the condition described in paragraph (1) is met, as determined by the Secretary.

(B) **LIMITATION.**—An order under subparagraph (A) shall pertain only to those regulations that would otherwise prevent the use of the safety technology to be tested under the testing program.

(3) **INCREASED SAFETY CAPABILITIES.**—For purposes of paragraph (1), improvement in the reliability, accuracy, durability, or certainty of pipeline safety technologies, techniques, or methods shall constitute an appropriate means of meeting the safety measure requirement described in that paragraph.

(e) **CONSIDERATIONS.**—In establishing a testing program under subsection (a), the Secretary shall consider—

(1) the accident and incident record of the owners or operators participating in the program;

(2)(A) whether the owners or operators participating in the program have a safety management system in place; and

(B) how the application of that system proposes to eliminate or mitigate potential safety and environmental risks throughout the duration of the program; and

(3) whether the proposed safety technology has been tested through a research and development program carried out by—

(A) the Secretary;

(B) collaborative research development organizations; or

(C) other institutions.

(f) **DATA AND FINDINGS.**—

(1) **IN GENERAL.**—As a participant in a testing program established under subsection (a), an owner or operator shall submit to the Secretary detailed findings and a summary of data collected as a result of participation in the testing program.

(2) **PUBLIC REPORT.**—The Secretary shall make publicly available on the website of the Department of Transportation an annual report for any ongoing testing program established under subsection (a) summarizing the progress of the program.

(g) **AUTHORITY TO REVOKE PARTICIPATION.**—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

(1)(A) the participant has an accident or incident involving death or personal injury necessitating in-patient hospitalization; and

(B) the testing program is determined to be the cause of, or a contributing factor to, that accident or incident;

(2) the participant fails to comply with the terms and conditions of the testing program; or

(3) in the determination of the Secretary, continued participation in the testing program by the participant would be unsafe or would not be consistent with the goals and objectives of this chapter.

(h) **AUTHORITY TO TERMINATE PROGRAM.**—The Secretary shall immediately terminate a testing

program under subsection (a) if continuation of the testing program would not be consistent with the goals and objectives of this chapter.

(i) **STATE RIGHTS.**—

(1) **EXEMPTION.**—Except as provided in paragraph (2), if a State submits to the Secretary notice that the State requests an exemption from any testing program considered for establishment under this section, the State shall be exempt.

(2) **LIMITATIONS.**—

(A) **IN GENERAL.**—The Secretary shall not grant a requested exemption under paragraph (1) after a testing program is established.

(B) **LATE NOTICE.**—The Secretary shall not grant a requested exemption under paragraph (1) if the notice submitted under that paragraph is submitted to the Secretary more than 30 days after the date on which the Secretary issues an order providing an effective date for the testing program in accordance with subsection (j).

(3) **EFFECT.**—If a State has not submitted a notice requesting an exemption under paragraph (1), the State shall not enforce any law (including regulations) that is inconsistent with a testing program in effect in the State under this section.

(j) **PROGRAM REVIEW PROCESS AND PUBLIC NOTICE.**—

(1) **IN GENERAL.**—The Secretary shall publish in the Federal Register and send directly to each relevant State and each appropriate State authority with a certification in effect under section 60105 a notice of each proposed testing program under subsection (a), including the order to be considered, and provide an opportunity for public comment for not less than 90 days.

(2) **RESPONSE FROM SECRETARY.**—Not later than the date on which the Secretary issues an order providing an effective date of a testing program noticed under paragraph (1), the Secretary shall—

(A) publish the order in the Federal Register; and

(B) respond to each comment submitted under paragraph (1).

(k) **REPORT TO CONGRESS.**—At the conclusion of each testing program, the Secretary shall make publicly available on the website of the Department of Transportation a report containing—

(1) the findings and conclusions of the Secretary with respect to the testing program; and

(2) any recommendations of the Secretary with respect to the testing program, including any recommendations for amendments to laws (including regulations) and the establishment of standards, that—

(A) would enhance the safe operation of interstate gas or hazardous liquid pipeline facilities; and

(B) are technically, operationally, and economically feasible.

(l) **STANDARDS.**—If a report under subsection (k) indicates that it is practicable to establish

technically, operationally, and economically feasible standards for the use of a safety-enhancing technology and any corresponding operational practices tested by the testing program described in the report, the Secretary, as soon as practicable after submission of the report, may promulgate regulations consistent with chapter 5 of title 5 (commonly known as the “Administrative Procedure Act”) that—

(1) allow operators of interstate gas or hazardous liquid pipeline facilities to use the relevant technology or practice to the extent practicable; and

(2) establish technically, operationally, and economically feasible standards for the capability and deployment of the technology or practice.

(Added Pub. L. 116-260, div. R, title I, §104(a), Dec. 27, 2020, 134 Stat. 2216.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (b)(4)(A) and (c)(2), is the date of enactment of Pub. L. 116-260, which was approved Dec. 27, 2020.

### § 60143. Idled pipelines

(a) DEFINITION OF IDLED.—In this section, the term “idled”, with respect to a pipeline, means that the pipeline—

(1)(A) has ceased normal operations; and

(B) will not resume service for a period of not less than 180 days;

(2) has been isolated from all sources of hazardous liquid, natural gas, or other gas; and

(3)(A) has been purged of combustibles and hazardous materials and maintains a blanket of inert, nonflammable gas at low pressure; or

(B) has not been purged as described in subparagraph (A), but the volume of gas is so small that there is no potential hazard, as determined by the Secretary pursuant to a rule.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Secretary shall promulgate regulations prescribing the applicability of the pipeline safety requirements to idled natural or other gas transmission and hazardous liquid pipelines.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The applicability of the regulations under paragraph (1) shall be based on the risk that idled natural or other gas transmission and hazardous liquid pipelines pose to the public, property, and the environment, and shall include requirements to resume operation.

(B) INSPECTION.—The Secretary or an appropriate State agency shall inspect each idled pipeline and verify that the pipeline has been purged of combustibles and hazardous materials, if required under subsection (a).

(C) REQUIREMENTS FOR REINSPECTION.—The Secretary shall determine the requirements for periodic reinspection of idled natural or other gas transmission and hazardous liquid pipelines.

(D) RESUMPTION OF OPERATIONS.—As a condition to allowing an idled pipeline to re-

sume operations, the Secretary shall require that, prior to resuming operations, the pipeline shall be—

(i) inspected with—

(I) hydrostatic pressure testing;

(II) an internal inspection device; or

(III) if the use of hydrostatic pressure testing or an internal inspection device is not technologically feasible, another comparable technology or practice; and

(ii) in compliance with regulations promulgated under this chapter, including any regulations that became effective while the pipeline was idled.

(Added Pub. L. 116-260, div. R, title I, §109(a), Dec. 27, 2020, 134 Stat. 2223.)

#### REFERENCES IN TEXT

The date of enactment of the PIPES Act of 2020, referred to in subsec. (b)(1), is the date of enactment of div. R of Pub. L. 116-260, which was approved Dec. 27, 2020.

### CHAPTER 603—USER FEES

Sec.

60301. User fees.

60302. User fees for underground natural gas storage facilities.

60303. Fees for compliance reviews of liquefied natural gas facilities.

#### Editorial Notes

##### AMENDMENTS

2020—Pub. L. 116-260, div. R, title I, §103(b), Dec. 27, 2020, 134 Stat. 2215, added item 60303.

2016—Pub. L. 114-183, §12(d)(2), June 22, 2016, 130 Stat. 524, added item 60302.

#### § 60301. User fees

(a) SCHEDULE OF FEES.—The Secretary of Transportation shall prescribe a schedule of fees for all natural gas and hazardous liquids transported by pipelines subject to chapter 601 of this title. The fees shall be based on usage (in reasonable relationship to volume-miles, miles, revenues, or a combination of volume-miles, miles, and revenues) of the pipelines. The Secretary shall consider the allocation of resources of the Department of Transportation when establishing the schedule.

(b) IMPOSITION AND TIME OF COLLECTION.—A fee shall be imposed on each person operating a gas pipeline transmission facility, a liquefied natural gas pipeline facility, or a hazardous liquid pipeline facility to which chapter 601 of this title applies. The fee shall be collected before the end of the fiscal year to which it applies.

(c) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(d) USE OF FEES.—A fee collected under this section—

(1)(A) related to a gas pipeline facility may be used only for an activity related to gas under chapter 601 of this title; and