

107TH CONGRESS  
1ST SESSION

# S. 299

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2001

Mrs. MURRAY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
4       **UNITED STATES CODE.**

5       (a) **SHORT TITLE.**—This Act may be cited as the  
6       “Pipeline Safety Enhancement Act of 2001”.

7       (b) **AMENDMENT OF TITLE 49, UNITED STATES**  
8       **CODE.**—Except as otherwise expressly provided, whenever  
9       in this Act an amendment or repeal is expressed in terms  
10       of an amendment to, or a repeal of, a section or other

1 provision, the reference shall be considered to be made to  
2 a section or other provision of title 49, United States  
3 Code.

4 **SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL REC-**  
5 **COMMENDATIONS.**

6 (a) IN GENERAL.—Except as otherwise required by  
7 this Act, the Secretary of Transportation shall implement  
8 the safety improvement recommendations provided in the  
9 Department of Transportation Inspector General’s Report  
10 (RT–2000–069).

11 (b) REPORTS BY THE SECRETARY.—Not later than  
12 90 days after the date of enactment of this Act, and every  
13 90 days thereafter until each of the recommendations re-  
14 ferred to in subsection (a) has been implemented, the Sec-  
15 retary shall transmit to the Committee on Commerce,  
16 Science, and Transportation of the Senate and the Com-  
17 mittee on Transportation and Infrastructure of the House  
18 of Representatives a report on the specific actions taken  
19 to implement such recommendations.

20 (c) REPORTS BY THE INSPECTOR GENERAL.—The  
21 Inspector General of the Department of Transportation  
22 shall periodically transmit to the Committees referred to  
23 in subsection (b) a report assessing the Secretary’s  
24 progress in implementing the recommendations referred to  
25 in subsection (a) and identifying options for the Secretary

1 to consider in accelerating the implementation of the rec-  
2 ommendations.

3 **SEC. 3. NTSB SAFETY RECOMMENDATIONS.**

4 (a) IN GENERAL.—The Secretary of Transportation,  
5 the Administrator of the Research and Special Programs  
6 Administration of the Department of Transportation, and  
7 the Associate Administrator for Pipeline Safety of the Re-  
8 search and Special Programs Administration shall fully  
9 comply with section 1135 of title 49, United States Code,  
10 to ensure timely responsiveness to recommendations that  
11 are made about pipeline safety by the National Transpor-  
12 tation Safety Board.

13 (b) PUBLIC AVAILABILITY.—Subsection (c) of section  
14 1135 of title 49, United States Code, is amended—

15 (1) by inserting “(1)” after “(c) PUBLIC AVAIL-  
16 ABILITY.—”; and

17 (2) by adding at the end the following:

18 “(2) The Secretary, the Administrator of the Re-  
19 search and Special Programs Administration of the De-  
20 partment of Transportation, or the Associate Adminis-  
21 trator for Pipeline Safety of the Research and Special Pro-  
22 grams Administration shall separately make available to  
23 the public a copy of each response made by that official  
24 to a recommendation under this section, together with a  
25 copy of the recommendation.”.

1 (c) ANNUAL REPORT TO CONGRESS.—Subsection (d)  
 2 of such section is amended by striking “a copy of the Sec-  
 3 retary’s response to each recommendation” and inserting  
 4 “a copy of each response to each such recommendation  
 5 by the Secretary, the Administrator of the Research and  
 6 Special Programs Administration of the Department of  
 7 Transportation, or the Associate Administrator for Pipe-  
 8 line Safety of the Research and Special Programs Admin-  
 9 istration”.

10 **SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.**

11 (a) PERSONNEL QUALIFICATION PROGRAMS.—

12 (1) REQUIREMENT FOR PROGRAMS.—Chapter  
 13 601 is amended by adding at the end the following:

14 **“§ 60129. Pipeline personnel qualification programs**

15 “(a) QUALIFICATION PROGRAMS.—

16 “(1) REQUIREMENT FOR PROGRAMS.—Under  
 17 regulations prescribed by the Secretary, each oper-  
 18 ator of a pipeline facility shall make available to the  
 19 Secretary, or, in the case of an intrastate pipeline  
 20 facility operator, to the appropriate State regulatory  
 21 agency, a program that is designed to enhance the  
 22 qualifications of the pipeline personnel of that oper-  
 23 ator and to reduce the likelihood of accidents and in-  
 24 juries. After submittal of the program, the operator

1 shall revise or update the program when appropriate  
2 to ensure the current validity of the program.

3 “(2) CONTENT.—The program shall include, at  
4 a minimum, criteria for the demonstration of the  
5 ability of an individual to safely and properly per-  
6 form tasks to which the standards prescribed under  
7 section 60102 apply. The program shall also provide  
8 for training and periodic reexamination of pipeline  
9 personnel and for requalification of those personnel  
10 as appropriate, including qualification for inspecting  
11 the structural integrity of cable-suspension pipeline  
12 bridges.

13 “(3) REVIEW OF PROGRAMS.—

14 “(A) IN GENERAL.—The Secretary or a  
15 State authority responsible for enforcing stand-  
16 ards prescribed under this chapter shall review  
17 the qualification program of the operator and  
18 record the results of that review for use in the  
19 next review of the operator’s program.

20 “(B) CONTEXT OF REVIEW.—The Sec-  
21 retary or State authority may conduct a review  
22 under subparagraph (A) as an element of its  
23 inspection of an operator.

24 “(C) INADEQUATE PROGRAMS.—If the Sec-  
25 retary or a State authority determines that a

1 qualification program is inadequate for the safe  
2 operation of a pipeline facility, the Secretary or  
3 State authority shall act under section  
4 60108(a)(2) to require the operator to revise  
5 the qualification program.

6 “(4) AMENDMENTS TO PROGRAMS.—In order to  
7 facilitate reviews under this subsection, an operator  
8 shall notify the Secretary or State authority, as ap-  
9 propriate, of any amendment made to the operator’s  
10 qualification program not later than 30 days after  
11 the date of adoption of the amendment.

12 “(5) WAIVERS AND MODIFICATIONS.—In ac-  
13 cordance with section 60118(c), the Secretary may  
14 waive or modify any requirement of this section.

15 “(b) STANDARDS.—

16 “(1) IN GENERAL.—The Secretary may estab-  
17 lish minimum standards for pipeline personnel train-  
18 ing and evaluation, which may include written exam-  
19 ination, oral examination, work performance history  
20 review, observation of job performance, on the job  
21 training, simulations, or other forms of assessment.

22 “(2) LIMITATION.—If the Secretary establishes  
23 observation of job performance as a standard for the  
24 evaluation of qualifications, no such evaluation may  
25 be based solely on that standard.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
 2           tions at the beginning of chapter 601 is amended by  
 3           adding at the end the following:

“60129. Pipeline personnel qualification programs.”.

4           (b) TIME FOR INITIAL SUBMITTAL.—Each entity op-  
 5           erating a pipeline facility (within the meaning of section  
 6           60101(18) of title 49, United States Code, shall first sub-  
 7           mit a personnel qualification program under section 60129  
 8           of such title (as added by subsection (a)) not later than  
 9           December 31, 2002.

10          (c) REPORT TO CONGRESS.—

11           (1) IN GENERAL.—The Secretary of Transpor-  
 12           tation shall submit to Congress a report evaluating  
 13           the effectiveness of the qualification and training ef-  
 14           forts operators of pipeline facilities.

15           (2) CONTENT.—The report shall include the  
 16           following:

17                   (A) Actions taken by inspectors.

18                   (B) Recommendations made by inspectors  
 19                   for changes to operator qualification and train-  
 20                   ing programs.

21                   (C) Industry responses to those actions  
 22                   and recommendations.

23                   (D) Responses of employees of the opera-  
 24                   tors to those actions and recommendations.

1           (3) CRITERIA.—The Secretary may establish  
2 criteria for use in evaluating and reporting on oper-  
3 ator qualification and training for purposes of this  
4 subsection.

5           (4) TIME FOR REPORT.—The Secretary shall  
6 submit the report required by paragraph (1) to Con-  
7 gress not later than three years after the date of the  
8 enactment of this Act.

9 **SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.**

10          (a) PROGRAM REQUIRED.—Section 60109 is amend-  
11 ed by adding at the end the following new subsection:

12          “(c) RISK ANALYSIS AND INTEGRITY MANAGEMENT  
13 PROGRAMS.—

14               “(1) REQUIREMENT FOR OPERATOR PRO-  
15 GRAMS.—Each operator of a gas transmission or  
16 hazardous liquid pipeline facility shall conduct an  
17 analysis of the risks to each facility of the operator  
18 in an area identified pursuant to subsection (a)(1)  
19 and shall adopt and implement a written integrity  
20 management program for such facility to reduce the  
21 risks.

22               “(2) REQUIRED ELEMENTS OF INTEGRITY MAN-  
23 AGEMENT PROGRAMS.—An integrity management  
24 program adopted by an operator of a facility in an

1 area identified pursuant to subsection (a)(1) shall  
2 include, at a minimum, the following:

3 “(A) Provision for periodic inspection of  
4 the facility, by internal inspection device, pres-  
5 sure testing, direct assessment, or an alter-  
6 native method that would provide an equal or  
7 greater level of safety, including a specification  
8 of—

9 “(i) the types of inspections;

10 “(ii) the frequency of the inspections,  
11 which shall not be less frequent than once  
12 every five years; and

13 “(iii) the manner in which the inspec-  
14 tions or testing are to be conducted.

15 “(B) Clearly defined criteria for evaluating  
16 the results of—

17 “(i) inspections conducted under sub-  
18 paragraph (A); and

19 “(ii) any testing done in the inspec-  
20 tion or as any other part of the integrity  
21 management program.

22 “(C) Procedures for ensuring that prob-  
23 lems identified in such inspections or other test-  
24 ing are corrected in a timely manner.

1           “(D) A description of measures to prevent  
2           and mitigate the consequences of unintended  
3           releases from the facility, such as leak detec-  
4           tion, integrity evaluation, emergency flow re-  
5           stricting devices, and other prevention, detec-  
6           tion, and mitigation measures.

7           “(E) The types of information sources that  
8           must be integrated in assessing the integrity of  
9           the pipeline facility as well as the manner of in-  
10          tegration.

11          “(F) The nature and timing of actions se-  
12          lected to address the integrity of the pipeline  
13          facility.

14          “(G) Any other factors that are appro-  
15          priate for—

16                 “(i) ensuring that the integrity of the  
17                 pipeline facility is addressed; or

18                 “(ii) providing appropriate mitigative  
19                 measures for protecting areas identified  
20                 under subsection (a)(1).

21          “(3) SYSTEMS TO MONITOR PRESSURE AND DE-  
22          TECT LEAKS; USE OF EMERGENCY FLOW RESTRICT-  
23          ING DEVICES.—The operator of a pipeline facility  
24          may also provide in an integrity management pro-  
25          gram under paragraph (1) for the following:

1           “(A) Changes to valves or the establish-  
2           ment or modification of systems that monitor  
3           pressure and detect leaks based on the opera-  
4           tor’s risk analysis.

5           “(B) The use of emergency flow restricting  
6           devices.

7           “(4) INCREASED FREQUENCY OF INSPEC-  
8           TIONS.—

9           “(A) CONSIDERATIONS.—In determining  
10           whether to require inspection of a facility more  
11           frequently than once every five years, an oper-  
12           ator shall take into account, as appropriate, the  
13           following:

14                   “(i) The potential for development of  
15                   new defects in the facility.

16                   “(ii) The operational characteristics of  
17                   the facility, including age, operating pres-  
18                   sure, block valve location, corrosion his-  
19                   tory, spill history, and any known defi-  
20                   ciencies in the method of pipeline construc-  
21                   tion or installation.

22                   “(iii) The possible growth of new and  
23                   existing defects.

24           “(B) OUTSIDE FORCE DAMAGE.—For pur-  
25           poses of subparagraph (A)(i), in considering the

1 potential for development of new defects in a  
2 pipeline facility from damage by an outside  
3 force, an operator shall consider information  
4 available about current or planned excavation  
5 activities and the effectiveness of damage pre-  
6 vention programs in the area.

7 “(5) STANDARDS FOR MINIMUM LEVEL OF PRO-  
8 TECTION.—An operator of a pipeline facility that is  
9 required to implement an integrity management pro-  
10 gram under paragraph (1) shall—

11 “(A) adopt standards under this subsection  
12 that provide a minimum level of protection for  
13 the operator’s facilities in areas identified pur-  
14 suant to subsection (a)(1) that is at least equiv-  
15 alent to the applicable level of protection estab-  
16 lished by national consensus standards organi-  
17 zations; and

18 “(B) implement pressure testing and other  
19 integrity management techniques in a manner  
20 that minimizes environmental or safety risks,  
21 such as by use of water for pressure testing.

22 “(6) AUTHORITY AND RESPONSIBILITY OF SEC-  
23 RETARY.—

24 “(A) STANDARDS.—

1           “(i) AUTHORITY.—The Secretary may  
2           prescribe standards to direct an operator’s  
3           conduct of a risk analysis and adoption  
4           and implementation of an integrity man-  
5           agement program under paragraph (1).

6           “(ii) INACTION BY SECRETARY.—The  
7           responsibility of an operator of a pipeline  
8           facility to conduct a risk analysis or adopt  
9           or implement an integrity management  
10          program under paragraph (1) shall not be  
11          affected by any failure of the Secretary to  
12          prescribe standards under this subpara-  
13          graph.

14          “(B) REVIEW OF INTEGRITY MANAGEMENT  
15          PROGRAMS.—

16               “(i) TRANSMITTAL TO SECRETARY.—  
17               Each operator of a pipeline facility shall  
18               transmit to the Secretary a detailed de-  
19               scription of the operator’s integrity man-  
20               agement program in writing.

21               “(ii) AUTHORITY TO REVIEW.—The  
22               Secretary shall review the risk analysis and  
23               integrity management program and record  
24               the results of that review for use in the  
25               next review of the operator’s program.

1           “(iii) CONTEXT OF REVIEW.—The  
2 Secretary may conduct a review under  
3 clause (ii) as an element of the Secretary’s  
4 inspection of the operator.

5           “(iv) INADEQUATE PROGRAMS.—If the  
6 Secretary determines that an operator’s  
7 risk analysis or integrity management pro-  
8 gram is inadequate for the safe operation  
9 of a pipeline facility, the Secretary shall  
10 act under section 60108(a)(2) to require  
11 the operator to revise the risk analysis or  
12 integrity management program.

13           “(v) AMENDMENTS TO PROGRAMS.—  
14 In order to facilitate reviews under this  
15 subparagraph, an operator of a pipeline fa-  
16 cility shall notify the Secretary of any  
17 amendment made to the operator’s integ-  
18 rity management program not later than  
19 30 days after the date of the adoption of  
20 the amendment.

21           “(vi) TRANSMITTAL OF PROGRAMS TO  
22 STATE AUTHORITIES.—The Secretary shall  
23 provide a copy of a risk analysis and integ-  
24 rity management program reviewed by the  
25 Secretary under this subparagraph to any

1 appropriate State authority with which the  
2 Secretary has entered into an agreement  
3 under section 60106.

4 “(7) STATE REVIEW OF INTEGRITY MANAGE-  
5 MENT PLANS.—A State authority that enters into an  
6 agreement pursuant to section 60106, permitting the  
7 State authority to review the risk analysis and writ-  
8 ten program, may provide the Secretary with a writ-  
9 ten assessment of the risk analysis and integrity  
10 management program, make recommendations, as  
11 appropriate, to address safety concerns not ade-  
12 quately addressed by the operator’s risk analysis or  
13 integrity management program, and submit docu-  
14 mentation explaining the State-proposed revisions.  
15 The Secretary shall carefully consider the State’s  
16 proposals and work in consultation with the States  
17 and operators to address safety concerns.

18 “(8) OPPORTUNITY FOR LOCAL INPUT ON IN-  
19 TEGRITY MANAGEMENT.—The Secretary shall, by  
20 regulation, establish a process for raising and ad-  
21 dressing local safety concerns about pipeline integ-  
22 rity and operators’ pipeline integrity programs. The  
23 process shall include the following:

24 “(A) A requirement that an operator of a  
25 hazardous liquid pipeline or an operator of a

1 pipeline facility for the transmission of natural  
2 gas, as the case may be, provide information  
3 about the operator’s risk analysis and integrity  
4 management program required under this sec-  
5 tion to local officials in the State in which the  
6 facility is located.

7 “(B) An identification of the local officials  
8 who are required to be informed, the informa-  
9 tion that is to be provided to them, and the  
10 manner (which may include traditional or elec-  
11 tronic means) in which it is to be provided.

12 “(C) The means for receiving input from  
13 the local officials, which may include a public  
14 forum sponsored by the Secretary or by the  
15 State or the submission of written comments  
16 through traditional or electronic means.

17 “(D) The extent to which an operator  
18 must participate in a public forum sponsored by  
19 the Secretary or in another means for receiving  
20 input from the local officials or in the evalua-  
21 tion of that input.

22 “(E) The manner in which the Secretary  
23 will notify the local officials about how their  
24 concerns are being addressed.

1           “(9) BASELINE INTEGRITY ASSESSMENT.—An  
2 operator of a pipeline facility that is required to im-  
3 plement an integrity management program under  
4 paragraph (1) shall complete a baseline integrity as-  
5 sessment of each of the operator’s facilities in areas  
6 identified pursuant to subsection (a)(1).”.

7           (b) IMPLEMENTATION.—

8           (1) RISK ANALYSES AND INTEGRITY MANAGE-  
9 MENT PROGRAMS.—The initial risk analyses and in-  
10 tegrity management programs required under sec-  
11 tion 60109(c)(1) of title 49, United States Code (as  
12 added by subsection (a) of this section), shall be  
13 completed not later than one year after the date of  
14 enactment of this Act.

15           (2) BASELINE INTEGRITY ASSESSMENTS.—The  
16 initial baseline integrity assessment of the pipeline  
17 facility of each operator required under section  
18 60109(c)(9) of title 49, United States Code (as  
19 added by subsection (a) of this section), shall be  
20 completed not later than five years after the date of  
21 the enactment of this Act.

22           (3) REVIEW.—

23           (A) REQUIREMENT FOR REVIEW.—Not  
24 later than 2 years after all integrity manage-  
25 ment programs required to be submitted within

1 the time specified in paragraph (1)(A) have  
2 been received by the Secretary of Transpor-  
3 tation, the Secretary shall complete an assess-  
4 ment and evaluation of the effects on safety  
5 and the environment of expanding the applica-  
6 bility of the requirements under section  
7 60109(c) of title 49, United States Code (as  
8 added by subsection (a) of this section), to  
9 cover additional areas.

10 (B) SUBMITTAL TO CONGRESS.—The Sec-  
11 retary shall submit to Congress the Secretary’s  
12 assessment and evaluation together with any  
13 recommendations for improving and expanding  
14 the utilization of integrity management pro-  
15 grams under that subsection.

16 (4) OPPORTUNITY FOR LOCAL INPUT ON INTEG-  
17 RITY MANAGEMENT.—The Secretary shall issue the  
18 regulations required under section 60109(c)(8) of  
19 title 49, United States Code (as added by subsection  
20 (a) of this section), not later than 18 months after  
21 the date of the enactment of this Act.

22 **SEC. 6. HAZARDOUS PIPELINE FACILITIES.**

23 Section 60112 is amended—

24 (1) by striking subsection (a) and inserting the  
25 following:

1       “(a) GENERAL AUTHORITY.—After notice and an op-  
 2 portunity for a hearing, the Secretary may decide that a  
 3 pipeline facility is hazardous if the Secretary decides  
 4 that—

5               “(1) operation of the facility is or would be haz-  
 6 arduous to life, property, or the environment; or

7               “(2) the facility is or would be constructed or  
 8 operated, or a component of the facility is or would  
 9 be constructed or operated, with equipment, mate-  
 10 rial, or a technique that the Secretary decides is  
 11 hazardous to life, property, or the environment.”;  
 12 and

13               (2) in subsection (d) by striking “is haz-  
 14 arduous,” and inserting “is, or would be, hazardous,”.

15 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**  
 16 **AND COMMUNITY RIGHT TO KNOW.**

17 (a) REQUIREMENTS.—

18 (1) PROGRAM REQUIREMENTS.—

19 (A) IN GENERAL.—Section 60116 is  
 20 amended to read as follows:

21 **“§ 60116. Public education, emergency preparedness,**  
 22 **and community right to know**

23 “(a) PUBLIC EDUCATION PROGRAMS.—

24 “(1) REQUIREMENT FOR PROGRAMS.—

1           “(A) IN GENERAL.—Each owner or oper-  
2 ator of a pipeline facility shall carry out a con-  
3 tinuing program to educate the public about its  
4 facility.

5           “(B) CONTENT.—

6           “(i) INFORMATION.—The program  
7 shall include information on the use of a  
8 one-call system for advance notification of  
9 an excavation and for other damage pre-  
10 vention actions, the possible hazards asso-  
11 ciated with unintended releases from the  
12 pipeline facility, the physical indications  
13 that such a release may have occurred, the  
14 steps that should be taken for public safety  
15 in the event of a pipeline release, and how  
16 to report such an event.

17           “(ii) OTHER ACTIVITIES.—The public  
18 education program shall also include activi-  
19 ties to advise affected municipalities,  
20 school districts, businesses, and residents  
21 of pipeline facility locations.

22           “(2) PERIODIC REVIEW.—The Secretary or the  
23 appropriate State agency shall periodically review  
24 the public education program of each owner or oper-  
25 ator of a pipeline facility.

1           “(3) PROGRAM ELEMENTS, STANDARDS, AND  
2 MATERIALS.—The Secretary may prescribe the ele-  
3 ments of an effective public education program and  
4 standards for assessing the effectiveness of the pro-  
5 gram. The Secretary may also develop materials for  
6 use in the program.

7           “(4) TECHNICAL ASSISTANCE.—The Secretary  
8 may provide technical assistance on public safety  
9 and public education programming regarding pipe-  
10 line safety as follows:

11           “(A) TO PIPELINE INDUSTRY.—To the  
12 pipeline industry, technical assistance on—

13           “(i) developing public safety and pub-  
14 lic education program content; and

15           “(ii) using best practices for program  
16 delivery and on evaluating the effectiveness  
17 of the programs.

18           “(B) TO STATE AND LOCAL OFFICIALS.—  
19 To State and local officials, technical assistance  
20 on applying practices developed in the public  
21 safety and public education programs to their  
22 activities to promote pipeline safety.

23           “(b) EMERGENCY PREPAREDNESS.—

24           “(1) OPERATOR LIAISON.—Each operator of a  
25 pipeline facility shall maintain liaison with the State

1 emergency response commissions, and local emer-  
2 gency planning committees in the areas of pipeline  
3 rights-of-way established under section 301 of the  
4 Emergency Planning and Community Right-To-  
5 Know Act of 1986 (42 U.S.C. 11001) in each State  
6 in which it operates.

7 “(2) INFORMATION.—

8 “(A) IN GENERAL.—Each such operator  
9 shall, upon request, make available to the State  
10 emergency response commissions and local  
11 emergency planning committees, and shall make  
12 available to the Office of Pipeline Safety for the  
13 purpose of providing the information to the  
14 public, the information described in section  
15 60102(d), the operator’s program for integrity  
16 management under section 60109(c), and infor-  
17 mation on the implementation of that program.

18 “(B) FORMATS.—An operator of a pipeline  
19 facility shall make the information available  
20 under this paragraph in a standardized format  
21 and in a format that is integrated into a com-  
22 mercial off-the-shelf in-vehicle portable com-  
23 puter global positioning system navigation map-  
24 ping software used in first responder vehicles

1 equipped with portable computers and respond-  
2 ing to pipeline spills.

3 “(C) DESIGNATION OF REGIONAL EMER-  
4 GENCY TRANSPORTATION COORDINATORS.—

5 “(i) REQUIREMENT.—The Secretary  
6 shall designate for the purposes of this  
7 paragraph the Regional Emergency Trans-  
8 portation Coordinator with the responsi-  
9 bility for defining the in-vehicle navigation  
10 mapping standards and contracting the  
11 outsource mapping vendor, which can pro-  
12 vide the most cost effective first responder  
13 mapping tool, for coordinated emergency  
14 responses, in the geographic area.

15 “(ii) FINANCIAL ASSISTANCE.—The  
16 Secretary may, by grant, provide a Re-  
17 gional Emergency Transportation Coordi-  
18 nator designated under clause (i) with fi-  
19 nancial assistance for carrying out the re-  
20 sponsibility imposed under that clause.

21 “(D) ADDITIONAL REQUIRED CONTENT.—  
22 The operator shall ensure that the information  
23 described in section 60102(d) that is made  
24 available about the pipeline facility under this

1 paragraph includes, at a minimum the following  
2 information:

3 “(i) An emergency telephone number  
4 that provides effective communication with  
5 the operator at any time during the 24  
6 hours of each day.

7 “(ii) In the description of the pipeline  
8 facility, information on the pipe diameter,  
9 the product or products carried, and the  
10 operating pressure.

11 “(iii) In the maps showing the loca-  
12 tions of the pipeline facility, any high con-  
13 sequence areas which the pipeline facility  
14 traverses or adjoins and abuts.

15 “(iv) A summary description of the in-  
16 tegrity measures the operator uses to as-  
17 sure safety and protection for the environ-  
18 ment.

19 “(v) A point of contact to respond to  
20 any questions from an emergency response  
21 representative.

22 “(3) SMALLER COMMUNITIES.—For a commu-  
23 nity without a local emergency planning committee,  
24 the operator shall maintain liaison with the local

1 firefighting, police, and other emergency response  
2 agencies.

3 “(4) PUBLIC ACCESS.—The Secretary shall pre-  
4 scribe requirements for appropriate public access to  
5 the information made available under this sub-  
6 section, including a requirement that the informa-  
7 tion be made available to the public by widely acces-  
8 sible computerized database.

9 “(c) COMMUNITY RIGHT TO KNOW.—

10 “(1) MAPS PROVIDED BY OWNERS AND OPERA-  
11 TORS.—Not later than 12 months after the date of  
12 enactment of this subsection and annually there-  
13 after, each owner or operator of a pipeline facility  
14 shall provide to the governing body of each munici-  
15 pality in which the pipeline facility is located, a map  
16 identifying the location of such facility. The map  
17 may be provided in electronic form.

18 “(2) WAIVER OF REQUIREMENT IN PARTICULAR  
19 CASES OF GAS PIPELINE FACILITIES.—

20 “(A) AUTHORITY.—Under procedures pre-  
21 scribed by the Secretary, the Secretary may  
22 waive the applicability of paragraph (1) with re-  
23 spect to any part of a gas pipeline facility for  
24 the transporting of natural gas for which the

1 Secretary determines that compliance with that  
2 paragraph is not practicable.

3 “(B) INAPPLICABILITY TO LIQUID NAT-  
4 URAL GAS.—A waiver may not be granted  
5 under subparagraph (A) for any part of a pipe-  
6 line facility for the transporting of liquid nat-  
7 ural gas.

8 “(3) ANNUAL PIPELINE SEGMENT REPORTS.—

9 “(A) IN GENERAL.—Not later than 6  
10 months after the date of enactment of this sub-  
11 section and annually therefore, each owner or  
12 operator of a pipeline facility shall submit to  
13 the Secretary a report on pipeline segments of  
14 the facility in accordance with this subsection.

15 “(B) CONTENT OF REPORTS.—A pipeline  
16 segment report of an owner or operator of a fa-  
17 cility shall include, at a minimum, the following  
18 information for each pipeline segment of the fa-  
19 cility:

20 “(i) The business name, address, and  
21 telephone number of the owner or oper-  
22 ator.

23 “(ii) A summary description of the  
24 pipeline system containing the segment, in-  
25 cluding a general system map and a de-

1 description of any product the pipeline trans-  
2 ports, the length of the system, and origin  
3 and termination points.

4 “(iii) State and local emergency re-  
5 sponse liaison information.

6 “(iv) A description of periodic testing  
7 methods used on the segment and the fre-  
8 quency of such testing.

9 “(v) A summary of the results of peri-  
10 odic testing of the segment, including any  
11 defects detected and actions taken to ad-  
12 dress the defects.

13 “(vi) A description of the leak detec-  
14 tion system in use on the segment and its  
15 sensitivity.

16 “(vii) A 5-year incident history for the  
17 segment.

18 “(viii) An inspection and enforcement  
19 history for the segment.

20 “(ix) If applicable, a summary of in-  
21 tegrity management program actions re-  
22 lated to the segment.

23 “(4) AUTHORITY FOR FLEXIBILITY IN CASES  
24 INVOLVING SECURITY RISKS.—The Secretary may  
25 modify or waive any requirement for certain infor-

1       mation to be included in a report under paragraph  
2       (2) if the Secretary determines that the inclusion of  
3       such information would pose a risk to the security  
4       of a pipeline system.

5           “(5) PIPELINE SEGMENT DEFINED.—In this  
6       subsection, the term ‘pipeline segment’ means—

7           “(A) with respect to a gas transmission  
8       pipeline facility, the length of pipeline between  
9       the origin and the first compressor station, be-  
10      tween intermittent compressor stations, and be-  
11      tween the final compressor station and the ter-  
12      mination point; and

13          “(B) with respect to a hazardous liquid  
14      pipeline facility, the length of pipeline between  
15      the origin and the first pumping station, be-  
16      tween intermittent pumping stations, and be-  
17      tween the final pumping station and the termi-  
18      nation point.

19          “(e) EMERGENCY RESPONSE GRANTS.—The Sec-  
20      retary shall establish a program for making grants to  
21      State, county, and local governments in high consequence  
22      areas (as designated by the Secretary) for emergency re-  
23      sponse management, training, and technical assistance.

24          “(f) PUBLIC AVAILABILITY OF REPORTS.—The Sec-  
25      retary shall—

1 “(1) make available to the public—

2 “(A) a safety-related condition report filed  
3 by an operator under section 60102(h);

4 “(B) a report of a pipeline incident filed by  
5 an operator;

6 “(C) the results of any inspection by the  
7 Office of Pipeline Safety or a State regulatory  
8 official;

9 “(D) a description of any corrective action  
10 taken in response to a safety-related condition  
11 made available under subparagraph (A), (B), or  
12 (C); and

13 “(E) through the consolidated computer  
14 database of the Secretary, each pipeline seg-  
15 ment report submitted under subsection (d);  
16 and

17 “(2) prescribe requirements for appropriate  
18 public access to integrity management program in-  
19 formation prepared under this chapter, including re-  
20 quirements that will ensure data accessibility to the  
21 greatest extent feasible.

22 “(g) EFFECT ON EMERGENCY RESPONDERS AND  
23 EMERGENCY PLANNING COMMITTEE.—Nothing in this  
24 section shall be construed to impose a new duty on State

1 or local emergency responders or local emergency planning  
2 committees.”.

3 (B) CLERICAL AMENDMENT.—The item re-  
4 lating to such section in the table of sections at  
5 the beginning of chapter 601 is amended to  
6 read as follows:

“60116. Public education, emergency preparedness, and community right to  
know.”.

7 (2) SAFETY CONDITION REPORTS.—Section  
8 60102(h)(2) is amended by striking “State authori-  
9 ties” in the second sentence and inserting “State of-  
10 ficials, including the local emergency responders.”.

11 (b) REVIEW OF PUBLIC EDUCATION PROGRAMS.—

12 (1) REVIEW REQUIRED.—Not later than one  
13 year after the date of the enactment of this Act,  
14 each owner or operator of a pipeline facility shall re-  
15 view its existing public education program to deter-  
16 mine the effectiveness of the program and shall mod-  
17 ify the program as necessary to improve the effec-  
18 tiveness of the program and to comply with the re-  
19 quirements of section 60116 of title 49, United  
20 States Code, as amended by subsection (a).

21 (2) SUBMITTAL TO SECRETARY.—Upon com-  
22 pleting the review and any modification of the pro-  
23 gram resulting from the review, the owner or oper-  
24 ator, as the case may be, shall submit a detailed de-

1       scription of the program to the Secretary of Trans-  
2       portation or, in the case of an intrastate pipeline fa-  
3       cility, to the appropriate State agency.

4       (c)     TIME       FOR       IMPLEMENTATION       OF  
5       REQUIREMENTS—

6           (1) OPERATOR LIAISON.—Each operator of a  
7       pipeline facility shall have the emergency response li-  
8       aison required under subsection (b) of section 60116  
9       of title 49, United States Code (as amended by sub-  
10      section (a)), in place not later than one year after  
11      the date of the enactment of this Act.

12          (2) COMMUNITY RIGHT TO KNOW.—Each owner  
13      or operator of a pipeline facility shall ensure that  
14      the governing body of each municipality in which the  
15      pipeline facility is located has a map that identifies  
16      the location of such facility and otherwise is in com-  
17      pliance with subsection (c) of section 60116 of title  
18      49, United States Code (as amended by subsection  
19      (a)), not later than one year after the date of the  
20      enactment of this Act.

21          (3) INITIAL PIPELINE SEGMENT REPORTS.—  
22      Each owner or operator of a pipeline facility shall  
23      submit its initial pipeline segment report to the Sec-  
24      retary of Transportation under subsection (d) of sec-  
25      tion 60116 of title 49, United States Code (as

1 amended by subsection (a)), not later than six  
2 months after the date of the enactment of this Act.

3 **SEC. 8. PENALTIES.**

4 (a) CIVIL PENALTIES.—Section 60122 is amended—

5 (1) in subsection (a)(1)—

6 (A) by striking “\$25,000” in the first sen-  
7 tence and inserting “\$500,000”;

8 (B) by striking “\$500,000” in the third  
9 sentence and inserting “\$1,000,000”; and

10 (C) by adding at the end the following:

11 “The preceding sentence does not apply to judi-  
12 cial enforcement action under section 60120 or  
13 60121.”;

14 (2) by adding at the end of subsection (a) the  
15 following:

16 “(3) DISCHARGES FROM HAZARDOUS LIQUID  
17 PIPELINES.—A person who is the owner, operator,  
18 or person in charge of a hazardous liquid pipeline fa-  
19 cility from which a hazardous liquid is discharged is  
20 liable to the Government for a civil penalty of at  
21 least \$1,000 per barrel of oil or other hazardous liq-  
22 uid discharged, except that a person may not be lia-  
23 ble for a civil penalty under this subsection for a dis-  
24 charge if the person has been assessed a civil penalty  
25 under section 309 or 311(b) of the Federal Water

1 Pollution Control Act (33 U.S.C. 1319; 1321(b)) for  
2 the discharge. A person may be liable for a civil pen-  
3 alty under this paragraph and paragraph (1) with  
4 respect to the same discharge.”; and

5 (3) by striking subsection (b) and inserting the  
6 following:

7 “(b) PENALTY CONSIDERATIONS.—In determining  
8 the amount of a civil penalty under this section—

9 “(1) the Secretary shall consider—

10 “(A) the nature, circumstances, and grav-  
11 ity of the violation, including any adverse im-  
12 pact on the environment;

13 “(B) with respect to the violator, the de-  
14 gree of culpability, any history of prior viola-  
15 tions, the ability to pay, and any effect on abil-  
16 ity to continue doing business; and

17 “(C) good faith in attempting to comply;  
18 and

19 “(2) the Secretary may consider—

20 “(A) the economic benefit gained from the  
21 violation without any discount because of subse-  
22 quent damages; and

23 “(B) other matters that justice requires.”.

24 (b) EXCAVATOR DAMAGE.—Section 60123(d) is  
25 amended—

1           (1) in the matter preceding paragraph (1) by  
2           striking “knowingly and willfully”;

3           (2) in paragraph (1) by inserting “knowingly  
4           and willfully” before “engages”; and

5           (3) in paragraph (2) by striking subparagraph  
6           (B) and inserting the following:

7                   “(B) a pipeline facility, is aware of dam-  
8                   age, and does not report the damage promptly  
9                   to the operator of the pipeline facility and to  
10                  other appropriate authorities; or”.

11          (c) CIVIL ACTIONS.—Section 60120(a)(1) is amended  
12          to read as follows:

13           “(1) On the request of the Secretary of Transpor-  
14          tation, the Attorney General may bring a civil action in  
15          an appropriate district court of the United States to en-  
16          force section 60112 or any other provision of this chapter,  
17          a regulation prescribed under this chapter, or an order  
18          issued under this chapter. The court may award appro-  
19          priate relief, including a temporary or permanent injunc-  
20          tion, punitive damages, and assessment of civil penalties  
21          considering the same factors as are prescribed for the Sec-  
22          retary for the administrative imposition of civil penalties  
23          under section 60122.”.

1 **SEC. 9. STATE OVERSIGHT ROLE.**

2 (a) STATE AGREEMENTS WITH CERTIFICATION.—

3 Section 60106 is amended—

4 (1) in subsection (a) by striking “GENERAL AU-  
5 THORITY.—” and inserting “AGREEMENTS WITH-  
6 OUT CERTIFICATION.—”;

7 (2) by redesignating subsections (b), (c), and  
8 (d) as subsections (e), (d), and (e); and

9 (3) by inserting after subsection (a) the fol-  
10 lowing:

11 “(b) AGREEMENTS WITH CERTIFICATION.—

12 “(1) IN GENERAL.—

13 “(A) AUTHORITY.—If the Secretary ac-  
14 cepts a certification under section 60105 of this  
15 title and makes the determinations required  
16 under this subsection, the Secretary may enter  
17 into an agreement with a State authority au-  
18 thorizing it to participate in the oversight of  
19 interstate pipeline transportation.

20 “(B) STATE PLANS REQUIRED UNDER  
21 AGREEMENTS.—Each such agreement shall in-  
22 clude a plan for the State authority to partici-  
23 pate in special investigations involving incidents  
24 or new construction and shall allow the State  
25 authority to participate in other activities over-  
26 seeing interstate pipeline transportation or to

1 assume additional inspection or investigatory  
2 duties.

3 “(C) CITIZEN PARTICIPATION.—The Sec-  
4 retary or the State authority may provide for  
5 citizen participation with respect to entry into  
6 and implementation of an agreement under this  
7 paragraph.

8 “(D) RELATIONSHIP TO OTHER AUTHOR-  
9 ITY, REQUIREMENTS, AND RESTRICTIONS.—  
10 Nothing in this section modifies the limitation  
11 and prohibition in section 60104(c) or author-  
12 izes the Secretary to delegate the enforcement  
13 of safety standards prescribed under this chap-  
14 ter to a State authority.

15 “(2) DETERMINATIONS REQUIRED.—The Sec-  
16 retary may not enter into an agreement under this  
17 subsection unless the Secretary determines that—

18 “(A) the agreement allowing participation  
19 of the State authority is consistent with the  
20 Secretary’s program for inspection and con-  
21 sistent with the safety policies and provisions  
22 provided under this chapter;

23 “(B) the interstate participation agreement  
24 would not adversely affect the oversight respon-

1 sibilities of intrastate pipeline transportation by  
2 the State authority;

3 “(C) the State is carrying out a program  
4 demonstrated to promote preparedness and risk  
5 prevention activities that enable communities to  
6 live safely with pipelines;

7 “(D) the State meets the minimum stand-  
8 ards for State one-call notification set forth in  
9 chapter 61; and

10 “(E) the actions planned under the agree-  
11 ment would not impede interstate commerce or  
12 jeopardize public safety.”.

13 (b) TERMINATING AGREEMENTS.—Subsection (e) of  
14 such section, as redesignated by subsection (a)(2), is  
15 amended to read as follows:

16 “(e) TERMINATING AGREEMENTS.—

17 “(1) PERMISSIVE TERMINATION.—The Sec-  
18 retary may terminate an agreement with a State au-  
19 thority under this section if the Secretary finds that  
20 the State authority has not complied with a provi-  
21 sion of the agreement.

22 “(2) MANDATORY TERMINATION OF AGREE-  
23 MENT.—The Secretary shall terminate an agreement  
24 with a State authority for participation in the over-

1 sight of interstate pipeline transportation if the Sec-  
2 retary finds that—

3 “(A) the implementation of the agreement  
4 has resulted in a deficiency in the oversight re-  
5 sponsibilities of intrastate pipeline transpor-  
6 tation by the State authority;

7 “(B) the State actions under the agree-  
8 ment have failed to meet the requirements  
9 under subsection (b); or

10 “(C) continued participation by the State  
11 authority in the oversight of interstate pipeline  
12 transportation would not promote pipeline safe-  
13 ty.

14 “(3) PROCEDURAL REQUIREMENTS.—

15 “(A) NOTICE AND HEARING.—The Sec-  
16 retary shall provide notice and an opportunity  
17 for a hearing to a State authority before termi-  
18 nating an agreement under this section.

19 “(B) OPPORTUNITY FOR CORRECTIVE AC-  
20 TION.—The Secretary may provide a State an  
21 opportunity to correct any deficiencies before  
22 terminating the agreement.

23 “(C) PUBLICATION OF TERMINATION.—  
24 The finding and decision to terminate the  
25 agreement shall be published in the Federal

1 Register and may not become effective for at  
2 least 15 days after the date of the publication  
3 unless the Secretary finds that continuation of  
4 the agreement poses an imminent hazard.”.

5 (c) SAVINGS PROVISION FOR EXISTING AGREEMENTS  
6 WITH STATES.—

7 (1) TEMPORARY CONTINUATION.—If requested  
8 by a State authority that, on the date of the enact-  
9 ment of this Act, has in effect an interstate agree-  
10 ment to oversee interstate pipeline transportation  
11 that was entered into after January 2000, the Sec-  
12 retary of Transportation shall authorize the State  
13 authority to oversee interstate pipeline transpor-  
14 tation pursuant to the terms of that agreement until  
15 the earlier of—

16 (A) the date on which the Secretary deter-  
17 mines that the State meets the requirements of  
18 paragraph (2) of section 60106(b) of title 49,  
19 United States Code (as added by subsection  
20 (a)), and executes a new agreement under that  
21 section; or

22 (B) December 31, 2002.

23 (2) CONSTRUCTION.—Nothing in this sub-  
24 section shall prevent the Secretary, after providing  
25 the State authority with a notice, an opportunity for

1 a hearing, and an opportunity to correct any alleged  
2 deficiencies, from terminating an agreement that  
3 was in effect before the date of the enactment of this  
4 Act if the Secretary determines that—

5 (A) the State authority fails to comply  
6 with the terms of the agreement;

7 (B) the implementation of the agreement  
8 has resulted in a deficiency in the performance  
9 of oversight responsibilities of intrastate pipe-  
10 line transportation by the State authority; or

11 (C) continued participation by the State  
12 authority in the oversight of interstate pipeline  
13 transportation has had an adverse impact on  
14 pipeline safety.

15 **SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.**

16 (a) **IMPROVEMENT OF PIPELINE INCIDENT RE-**  
17 **PORTS.—**

18 (1) **REQUIREMENT.—**The Secretary of Trans-  
19 portation shall make such revisions of the casual  
20 categories on pipeline incident report forms as the  
21 Secretary determines necessary to eliminate overlap-  
22 ping and confusing categories and subcategories. In  
23 making the revisions, the Secretary shall take into  
24 account the data collected under the plan developed  
25 under paragraph (2).

1           (2) DATA COLLECTION PLAN.—Not later than  
2           one year after the date of the enactment of this Act,  
3           the Secretary shall develop and implement a com-  
4           prehensive plan for collecting data on gas and haz-  
5           ardous liquid pipeline facilities and for using the  
6           data in making the revisions called for under para-  
7           graph (1). The plan shall provide for the perform-  
8           ance of sound incident trend analysis and evalua-  
9           tions of pipeline operator performance using normal-  
10          ized accident data.

11          (b) REPORTS OF RELEASES EXCEEDING 5 GAL-  
12          LONS.—Section 60117(b) is amended—

13                 (1) by inserting “(1)” before “To”;

14                 (2) by redesignating paragraphs (1) and (2) as  
15          subparagraphs (A) and (B), respectively;

16                 (3) by inserting before the last sentence the fol-  
17          lowing:

18                 “(2)(A) A person owning or operating a hazardous  
19          liquid pipeline facility regulated under this chapter shall  
20          report to the Secretary each release of more than five gal-  
21          lons of hazardous liquid, and each release of more than  
22          five gallons of carbon dioxide, from the facility to the envi-  
23          ronment while being transported through the facility.

24                 “(B) A report under this paragraph shall include the  
25          following:

1           “(i) The location of the release.

2           “(ii) Any fatalities or personal injuries.

3           “(iii) The type of product.

4           “(iv) The amount of product released.

5           “(v) The cause or causes of the release.

6           “(vi) The extent of any damage to property or  
7 the environment.

8           “(vii) The response undertaken to clean up the  
9 product released and the effects of the release.

10          “(3) During the course of an incident investigation,  
11 a person owning or operating a pipeline facility shall make  
12 records, reports, and information required under sub-  
13 section (a) or other reasonably described records, reports,  
14 and information relevant to the incident investigation,  
15 available to the Secretary within the time limits prescribed  
16 in a written request made by the Secretary.”; and

17           (4) by indenting the first word of the last sen-  
18 tence and inserting “(4)” before “The Secretary” in  
19 that sentence.

20          (c) REFERENCES TO PENALTY AUTHORITIES.—  
21 Chapter 601 is amended—

22           (1) in section 60122(a)(1) by striking  
23 “60114(c)” and inserting “60117(b)(3)”; and

24           (2) in section 60123(a) by striking “60114(c),”  
25 and inserting “60117(b)(3),”.

1 (d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—  
2 Section 60117 is amended by adding at the end the fol-  
3 lowing:

4 “(l) NATIONAL DEPOSITORY.—The Secretary shall  
5 establish a national depository of data on events and con-  
6 ditions, including spill histories and corrective actions for  
7 specific incidents, that can be used to evaluate the risk  
8 of, and to prevent, pipeline failures and releases. The Sec-  
9 retary shall administer the program through the Director  
10 of the Bureau of Transportation Statistics, in cooperation  
11 with the Administrator of the Research and Special Pro-  
12 grams Administration, and shall make such information  
13 available on the Internet and for use by State and local  
14 planning and emergency response authorities and the pub-  
15 lic.”.

16 **SEC. 11. RESEARCH AND DEVELOPMENT.**

17 (a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

18 (1) IN GENERAL.—The Secretary of Transpor-  
19 tation shall require that the research and develop-  
20 ment program of the Department of Transportation  
21 include research that is directed toward the develop-  
22 ment of alternative technologies—

23 (A) to expand the capabilities of internal  
24 inspection devices to identify and accurately  
25 measure defects and anomalies;

1 (B) to inspect pipelines that cannot accom-  
2 modate internal inspection devices available on  
3 the date of the enactment of this Act;

4 (C) to develop innovative techniques meas-  
5 uring the structural integrity of pipelines;

6 (D) to improve the capability, reliability,  
7 and practicality of external leak detection de-  
8 vices; and

9 (E) to develop and improve alternative  
10 technologies to identify and monitor outside  
11 force damage to pipelines.

12 (2) COOPERATIVE AGREEMENTS.—The Sec-  
13 retary may participate in additional technological de-  
14 velopment under this subsection through cooperative  
15 agreements entered into with trade associations, aca-  
16 demic institutions, or other qualified organizations.

17 (b) PIPELINE SAFETY AND RELIABILITY RESEARCH  
18 AND DEVELOPMENT.—

19 (1) REQUIREMENT FOR PROGRAM.—The Sec-  
20 retary of Transportation, in coordination with the  
21 Secretary of Energy, shall develop and implement an  
22 accelerated cooperative program of research and de-  
23 velopment to ensure the integrity of natural gas and  
24 hazardous liquid pipelines. The research and devel-  
25 opment program—

1 (A) shall include materials inspection tech-  
2 niques, risk assessment methodology, and infor-  
3 mation systems surety; and

4 (B) shall complement, and not replace, the  
5 research program of the Department of Energy  
6 addressing natural gas pipeline issues that is in  
7 place on the date of the enactment of this Act.

8 (2) PURPOSE.—The purpose of the cooperative  
9 research program shall be to promote pipeline safety  
10 research and development to—

11 (A) ensure long-term safety, reliability and  
12 service life for existing pipelines;

13 (B) expand capabilities of internal inspec-  
14 tion devices to identify and accurately measure  
15 defects and anomalies;

16 (C) develop inspection techniques for pipe-  
17 lines that cannot accommodate the internal in-  
18 spection devices available on the date of enact-  
19 ment;

20 (D) develop innovative techniques to meas-  
21 ure the structural integrity of pipelines to pre-  
22 vent pipeline failures;

23 (E) develop improved materials and coat-  
24 ings for use in pipelines;

1 (F) improve the capability, reliability, and  
2 practicality of external leak detection devices;

3 (G) identify underground environments  
4 that might lead to shortened service life;

5 (H) enhance safety in pipeline siting and  
6 land use;

7 (I) minimize the environmental impact of  
8 pipelines;

9 (J) demonstrate technologies that improve  
10 pipeline safety, reliability, and integrity;

11 (K) provide risk assessment tools for opti-  
12 mizing risk mitigation strategies; and

13 (L) provide highly secure information sys-  
14 tems for controlling the operation of pipelines.

15 (3) POTENTIAL AREAS FOR RESEARCH AND DE-  
16 VELOPMENT.—In carrying out this subsection, the  
17 Secretary of Transportation, in coordination with  
18 the Secretary of Energy, shall consider research and  
19 development on natural gas, crude oil, and other and  
20 petroleum product pipelines for—

21 (A) early crack, defect, and damage detec-  
22 tion, including real-time damage monitoring;

23 (B) automated internal pipeline inspection  
24 sensor systems;

- 1           (C) land use guidance and set-back man-  
2           agement along pipeline rights-of-way for com-  
3           munities;
- 4           (D) internal corrosion control;
- 5           (E) corrosion-resistant coatings;
- 6           (F) improved cathodic protection;
- 7           (G) inspection techniques where internal  
8           inspection is not feasible, including measure-  
9           ment of structural integrity;
- 10          (H) external leak detection, including port-  
11          able real-time video imaging technology, and  
12          the advancement of computerized control center  
13          leak detection systems utilizing real-time remote  
14          field data input;
- 15          (I) longer life, high strength, noncorrosive  
16          pipeline materials;
- 17          (J) assessment of the remaining strength  
18          of existing pipes;
- 19          (K) risk and reliability analysis models to  
20          be used to identify, on the basis of an analysis  
21          of data obtained from a pipeline performance  
22          tracking initiative, safety improvements that  
23          could be realized in the near term;

1           (L) identification, monitoring (including  
2 monitoring by satellite surveillance), and pre-  
3 vention of outside force damage; and

4           (M) any other areas necessary for ensuring  
5 the public safety and protecting the environ-  
6 ment.

7 (4) POINTS OF CONTACT.—

8           (A) IN GENERAL.—To coordinate and im-  
9 plement the research and development pro-  
10 grams and activities authorized under this  
11 subsection—

12           (i) the Secretary of Transportation  
13 shall designate, as the point of contact for  
14 the Department of Transportation, an offi-  
15 cer of the Department of Transportation  
16 who has been appointed by the President,  
17 by and with the advice and consent of the  
18 Senate; and

19           (ii) the Secretary of Energy shall des-  
20 ignate, as the point of contact for the De-  
21 partment of Energy, an officer of the De-  
22 partment of Energy who has been ap-  
23 pointed by the President, by and with the  
24 advice and consent of the Senate.

25           (B) DUTIES.—

1 (i) DUTY PRIMARILY OF DOT OFFI-  
2 CIAL.—The point of contact for the De-  
3 partment of Transportation shall have the  
4 primary responsibility for coordinating and  
5 overseeing the implementation of the re-  
6 search, development, and demonstration  
7 program plan under paragraph (5).

8 (ii) JOINT DUTIES.—The points of  
9 contact designated under subparagraph  
10 (A) shall jointly assist in arranging cooper-  
11 ative agreements for research, develop-  
12 ment, and demonstration that involve their  
13 respective departments, national labora-  
14 tories, universities, and industry research  
15 organizations.

16 (5) RESEARCH AND DEVELOPMENT PROGRAM  
17 PLAN.—

18 (A) REQUIREMENT FOR PLAN.—

19 (i) IN GENERAL.—Within 240 days  
20 after the date of the enactment of this Act,  
21 the Secretary of Transportation shall pre-  
22 pare and submit to Congress a 5-year pro-  
23 gram plan to guide activities under this  
24 subsection.

1                   (ii) COORDINATION AND CONSULTA-  
2                   TION REQUIREMENTS.—In the preparation  
3                   of the program plan, the Secretary shall  
4                   coordinate with the Secretary of Energy  
5                   and the Pipeline Integrity Technical Advi-  
6                   sory Committee (established under section  
7                   12) and shall consult with appropriate rep-  
8                   resentatives of the natural gas, crude oil,  
9                   and petroleum product pipeline industries  
10                  to select and prioritize appropriate project  
11                  proposals.

12                  (iii) OTHER SOURCES OF ADVICE.—  
13                  The Secretary may also seek the advice of  
14                  representatives of utilities, manufacturers,  
15                  institutions of higher education, Federal  
16                  agencies, the pipeline research institutions,  
17                  national laboratories, State pipeline safety  
18                  authorities, environmental organizations,  
19                  pipeline safety advocates, and professional  
20                  and technical societies.

21                  (B) IMPLEMENTATION OF PLAN.—

22                  (i) PRIMARY RESPONSIBILITY.—The  
23                  Secretary of Transportation shall have pri-  
24                  mary responsibility for ensuring that the

1           5-year plan provided for in subparagraph  
2           (A) is implemented as intended.

3           (ii) AUTHORIZED FORMS OF AGREE-  
4           MENTS.—In carrying out the research, de-  
5           velopment, and demonstration activities  
6           under this subsection, the Secretary of  
7           Transportation and the Secretary of En-  
8           ergy may use, to the extent authorized  
9           under applicable provisions of law, con-  
10          tracts, cooperative agreements, cooperative  
11          research and development agreements  
12          under the Stevenson-Wydler Technology  
13          Innovation Act of 1980 (15 U.S.C. 3701 et  
14          seq.), grants, joint ventures, other trans-  
15          actions, and any other form of agreement  
16          available to the Secretary consistent with  
17          the recommendations of the Advisory Com-  
18          mittee.

19          (C) ANNUAL REPORT TO CONGRESS.—The  
20          Secretary of Transportation shall report to  
21          Congress annually as to the status and results  
22          of the implementation of the research and de-  
23          velopment program plan. The report shall in-  
24          clude a discussion of the activities of the De-  
25          partment of Transportation, the Department of

1 Energy, the national laboratories, universities,  
2 and any other research organizations, including  
3 industry research organizations.

4 **SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COM-**  
5 **MITTEE.**

6 (a) ESTABLISHMENT.—The Secretary of Transpor-  
7 tation shall enter into appropriate arrangements with the  
8 National Academy of Sciences to establish and manage the  
9 Pipeline Integrity Technical Advisory Committee for the  
10 purpose of advising the Secretary of Transportation and  
11 the Secretary of Energy on the development and imple-  
12 mentation of the 5-year research, development, and dem-  
13 onstration program plan under section 11(b)(5). The Ad-  
14 visory Committee shall have an ongoing role in evaluating  
15 the progress and results of the research, development, and  
16 demonstration carried out under that section.

17 (b) MEMBERSHIP.—The National Academy of  
18 Sciences shall appoint the members of the Pipeline Integ-  
19 rity Technical Advisory Committee after consultation with  
20 the Secretary of Transportation and the Secretary of En-  
21 ergy. Members appointed to the Advisory Committee  
22 should have the qualifications necessary to provide tech-  
23 nical contributions for the work of the Advisory Com-  
24 mittee.

1 **SEC. 13. DAMAGE PREVENTION.**

2 (a) DEVELOPMENT OF STRATEGIC PLAN.—The Sec-  
3 retary of Transportation shall develop and implement a  
4 strategic plan to reduce, within four years after the date  
5 of enactment of this Act, the annual number of accidental  
6 releases from pipelines regulated under chapter 601 of  
7 title 49, United States Code, that are caused by damage  
8 by outside force by 25 percent below the number for the  
9 year in which this Act is enacted.

10 (b) CONTENT OF PLAN.—The strategic plan shall in-  
11 clude, at a minimum, a description of the efforts of the  
12 Secretary—

13 (1) to expand and improve public education ac-  
14 tivities to inform excavators, facility operators, em-  
15 ployees of State and local highway departments, and  
16 the public about the importance of preventing dam-  
17 age to pipelines and underground facilities and the  
18 importance of pipeline rights-of-way;

19 (2) to expand the Secretary's judicial and pros-  
20 ecutorial education activities and campaigns to in-  
21 crease awareness of the importance of preventing  
22 damage to pipelines and underground facilities;

23 (3) to advance technology to improve contact  
24 with one-call notification systems and to help mark  
25 and locate pipelines and associated facilities before  
26 any excavation activity begins;

1           (4) to identify, validate, and promote technology  
2           transfer of the best practices used to prevent dam-  
3           age to underground facilities and to update the re-  
4           port entitled “Common Ground”; and

5           (5) to develop means to implement rec-  
6           ommendations specified in “Common Ground”.

7           (c) REPORT TO CONGRESS.—Not later than 90 days  
8           after the date of the enactment of this Act, the Secretary  
9           shall transmit to Congress a report containing the stra-  
10          tegic plan.

11       **SEC. 14. AUTHORIZATION OF APPROPRIATIONS AND OTHER**  
12                               **FUNDING AUTHORIZATIONS.**

13          (a) GAS AND HAZARDOUS LIQUIDS.—Section  
14       60125(a) is amended to read as follows:

15           “(a) GAS AND HAZARDOUS LIQUID.—

16                   “(1) AUTHORIZATION OF APPROPRIATIONS.—

17           For carrying out this chapter and other pipeline-re-  
18           lated damage prevention activities of this title (ex-  
19           cept for sections 60107 and 60116(e)), funds are  
20           authorized to be appropriated to the Department of  
21           Transportation for periods and in amounts as fol-  
22           lows:

23                   “(A) For fiscal year 2002, \$41,500,000, of  
24           which \$31,500,000 is to be derived from user

1 fees collected for fiscal year 2002 under section  
2 60301 of this title.

3 “(B) For each of the fiscal years 2003 and  
4 2004, \$45,000,000, of which \$34,000,000 is to  
5 be derived from user fees collected for each of  
6 fiscal year 2003 and fiscal year 2004, respec-  
7 tively, under section 60301 of this title.

8 “(2) ALLOCATIONS FOR RESEARCH.—Of the  
9 amounts appropriated pursuant to paragraph (1) for  
10 a fiscal year, not less than the following amounts  
11 shall be used for research of pipeline safety tech-  
12 nologies described in section 11 of the Pipeline Safe-  
13 ty Enhancement Act of 2001:

14 “(A) \$5,000,000 for fiscal year 2002.

15 “(B) \$5,500,000 for fiscal year 2003.

16 “(C) \$6,000,000 for fiscal year 2004.”

17 (b) GRANTS TO STATES.—Section 60125 is amended  
18 by striking subsections (b) and (c) and inserting the fol-  
19 lowing:

20 “(c) STATE GRANTS.—Not more than the following  
21 amounts may be appropriated to the Secretary to carry  
22 out section 60107:

23 “(1) For fiscal year 2002, \$21,000,000, of  
24 which \$18,000,000 is to be derived from collected

1 user fees for fiscal year 2002 under section 60301  
2 of this title.

3 “(2) For each of fiscal years 2003 and 2004,  
4 \$25,000,000, of which \$22,000,000 is to be derived  
5 from user fees collected for each of fiscal year 2003  
6 and fiscal year 2004, respectively, under section  
7 60301 of this title.”.

8 (c) EMERGENCY RESPONSE GRANTS AND OIL  
9 SPILLS.—Sections 60525 is amended by redesignating  
10 subsections (d), (e), and (f) as subsections (e), (f), (g) and  
11 by inserting after subsection (b) the following:

12 “(c) EMERGENCY RESPONSE GRANTS.—There is au-  
13 thorized to be appropriated to carry out section 60116(e)  
14 \$6,000,000 for each of fiscal years 2002, 2003, and 2004.

15 (d) PIPELINE INTEGRITY PROGRAM.—

16 (1) DEPARTMENT OF TRANSPORTATION.—Of  
17 the amounts available in the Oil Spill Liability Trust  
18 Fund established by section 9509 of the Internal  
19 Revenue Code of 1986 (26 U.S.C. 9509),  
20 \$5,000,000 shall be transferred to the Secretary of  
21 Transportation for each of fiscal years 2002 through  
22 2006 to carry out programs for detection, preven-  
23 tion, and mitigation of oil spills under sections 11(b)  
24 and 12 of this Act. Amounts transferred under this  
25 paragraph are in addition to amounts authorized to

1 be appropriated under section 60125(d) of title 49,  
 2 United States Code, as added by subsection (c)(2).

3 (2) AUTHORIZATION OF APPROPRIATIONS FOR  
 4 DOE.—There are authorized to be appropriated to  
 5 the Secretary of Energy for each of the fiscal years  
 6 2002 through 2006 such sums as may be necessary  
 7 for carrying out sections 11(b) and 12 of this Act.

8 **SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPE-**  
 9 **LINE SAFETY INFORMATION.**

10 (a) IN GENERAL.—Chapter 601, as amended by sec-  
 11 tion 4(a), is further amended by adding at the end the  
 12 following:

13 **“§ 60130. Protection of employees providing pipeline**  
 14 **safety information**

15 “(a) DISCRIMINATION AGAINST PIPELINE EMPLOY-  
 16 EES.—No operator of a pipeline facility, and no contractor  
 17 or subcontractor involved in the operation of a pipeline  
 18 facility, may discharge an employee or otherwise discrimi-  
 19 nate against an employee with respect to compensation,  
 20 terms, conditions, or privileges of employment because the  
 21 employee (or any person acting pursuant to a request of  
 22 the employee)—

23 “(1) provided, caused to be provided, or is  
 24 about to provide (with any knowledge of the em-  
 25 ployer) or cause to be provided to the employer or

1 Federal Government information relating to any vio-  
2 lation or alleged violation of any provision of this  
3 chapter or of any other law of the United States  
4 relating to pipeline safety or any order, regulation,  
5 or standard issued under this chapter;

6 “(2) has filed, caused to be filed, or is about to  
7 file (with any knowledge of the employer) or cause  
8 to be filed a proceeding relating to any such viola-  
9 tion or any such alleged violation;

10 “(3) testified or is about to testify in such a  
11 proceeding; or

12 “(4) assisted or participated or is about to as-  
13 sist or participate in such a proceeding.

14 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-  
15 DURE.—

16 “(1) FILING AND NOTIFICATION.—

17 “(A) FILING.—A person who believes that  
18 he or she has been discharged or otherwise dis-  
19 criminated against by any person in violation of  
20 subsection (a) may, not later than 90 days after  
21 the date on which such violation occurs, file (or  
22 have any person file on his or her behalf) a  
23 complaint with the Secretary of Labor alleging  
24 such discharge or discrimination.

1           “(B) NOTIFICATION.—Upon receipt of  
2 such a complaint, the Secretary of Labor shall  
3 transmit to the person named in the complaint  
4 and the Administrator of the Research and Spe-  
5 cial Programs Administration a written notifi-  
6 cation of the filing of the complaint the allega-  
7 tions contained in the complaint, the substance  
8 of evidence supporting the complaint, and the  
9 opportunities that are afforded to such person  
10 under paragraph (2).

11           “(2) INVESTIGATION; PRELIMINARY ORDER.—

12           “(A) INVESTIGATION.—Not later than 60  
13 days after the date of receipt of a complaint  
14 filed under paragraph (1), and after affording  
15 the person named in the complaint an oppor-  
16 tunity to submit to the Secretary of Labor a  
17 written response to the complaint, the Secretary  
18 shall—

19                   “(i) conduct an investigation and de-  
20 termine whether there is reasonable cause  
21 to believe that the complaint has merit;  
22 and

23                   “(ii) transmit to the complainant and  
24 the person alleged to have committed a vio-

1           lation of subsection (a) a written notifica-  
2           tion of the Secretary's findings.

3           “(B) ORDER FOR RELIEF.—

4                 “(i) PRELIMINARY ORDER.—If the  
5           Secretary of Labor concludes that there is  
6           reasonable cause to believe that a violation  
7           of subsection (a) has occurred, the Sec-  
8           retary shall accompany the Secretary's  
9           findings with a preliminary order providing  
10          the relief prescribed by paragraph (3)(B).

11          “(ii) OBJECTIONS AND HEARING.—

12          Not later than 30 days after the date of  
13          notification of findings under this para-  
14          graph, either the person alleged to have  
15          committed the violation or the complainant  
16          may file objections to the findings or pre-  
17          liminary order, or both, and request a  
18          hearing on the record. The filing of such  
19          objections shall not operate to stay any re-  
20          instatement remedy contained in the pre-  
21          liminary order. A hearing granted under  
22          this clause shall be conducted expedi-  
23          tiously.

24          “(iii) FINALITY OF ORDER.—If a

25          hearing is not requested within such 30-

1 day period, the preliminary order shall,  
2 upon the expiration of that period, become  
3 a final order that is not subject to judicial  
4 review.

5 “(C) BURDENS OF PROOF.—

6 “(i) INITIAL SHOWING BY COMPLAIN-  
7 ANT.—The Secretary of Labor shall dis-  
8 miss a complaint filed under this sub-  
9 section and shall not conduct an investiga-  
10 tion otherwise required under subpara-  
11 graph (A) unless the complainant makes a  
12 prima facie showing that any behavior de-  
13 scribed in paragraphs (1) through (4) of  
14 subsection (a) was a contributing factor in  
15 the unfavorable personnel action alleged in  
16 the complaint.

17 “(ii) INITIAL SHOWING BY EM-  
18 PLOYER.—Notwithstanding a finding by  
19 the Secretary that the complainant has  
20 made the showing required under clause  
21 (i), no investigation otherwise required  
22 under subparagraph (A) shall be conducted  
23 if the employer demonstrates, by clear and  
24 convincing evidence, that the employer  
25 would have taken the same unfavorable

1 personnel action in the absence of that be-  
2 havior.

3 “(iii) SUBSTANTIATION BY COMPLAIN-  
4 ANT.—The Secretary may determine that a  
5 violation of subsection (a) has occurred  
6 only if the complainant demonstrates that  
7 any behavior described in paragraphs (1)  
8 through (4) of subsection (a) was a con-  
9 tributing factor in the unfavorable per-  
10 sonnel action alleged in the complaint.

11 “(iv) REBUTTAL BY EMPLOYER.—Re-  
12 lief may not be ordered under subpara-  
13 graph (A) if the employer demonstrates by  
14 clear and convincing evidence that the em-  
15 ployer would have taken the same unfavor-  
16 able personnel action in the absence of that  
17 behavior.

18 “(3) FINAL ORDER.—

19 “(A) DEADLINE FOR ISSUANCE; SETTLE-  
20 MENT AGREEMENTS.—Not later than 120 days  
21 after the date of the conclusion of a hearing  
22 under paragraph (2), the Secretary of Labor  
23 shall issue a final order providing relief pre-  
24 scribed in subparagraph (B) or denying the  
25 complaint. At any time before issuance of a

1 final order, a proceeding under this subsection  
2 may be terminated on the basis of a settlement  
3 agreement entered into by the Secretary of  
4 Labor, the complainant, and the person alleged  
5 to have committed the violation.

6 “(B) REMEDY.—If, in response to a com-  
7 plaint filed under paragraph (1), the Secretary  
8 of Labor determines that a violation of sub-  
9 section (a) has occurred, the Secretary of Labor  
10 shall order the person who committed such vio-  
11 lation to—

12 “(i) take affirmative action to abate  
13 the violation;

14 “(ii) reinstate the complainant to his  
15 or her former position together with the  
16 compensation (including back pay) and re-  
17 store for the complainant the terms, condi-  
18 tions, and privileges associated with his or  
19 her employment; and

20 “(iii) provide compensatory damages  
21 to the complainant.

22 “(C) ASSESSMENT OF COSTS.—If an order  
23 described in subparagraph (B) is issued in the  
24 case of a complaint, the Secretary of Labor, at  
25 the request of the complainant, shall assess

1 against the person whom the order is issued a  
2 sum equal to the aggregate amount of all costs  
3 and expenses (including attorney's and expert  
4 witness fees) reasonably incurred, as deter-  
5 mined by the Secretary of Labor, by the com-  
6 plainant for, or in connection with, the bringing  
7 of the complaint.

8 “(D) FRIVOLOUS COMPLAINTS.—If the  
9 Secretary of Labor finds that a complaint  
10 under paragraph (1) is frivolous or has been  
11 brought in bad faith, the Secretary of Labor  
12 may award to the prevailing employer a reason-  
13 able attorney's fee not exceeding \$1,000.

14 “(4) REVIEW.—

15 “(A) APPEAL TO COURT OF APPEALS.—  
16 Any person adversely affected or aggrieved by  
17 an order issued under paragraph (3) may ob-  
18 tain review of the order in the United States  
19 Court of Appeals for the circuit in which the  
20 violation, with respect to which the order was  
21 issued, allegedly occurred or the circuit in which  
22 the complainant resided on the date of such vio-  
23 lation. The petition for review must be filed not  
24 later than 60 days after the date of the  
25 issuance of the final order of the Secretary of

1 Labor. The review shall conform to chapter 7 of  
2 title 5. The commencement of proceedings  
3 under this subparagraph shall not, unless or-  
4 dered by the court, operate as a stay of the  
5 order.

6 “(B) LIMITATION OF COLLATERAL AT-  
7 TACK.—An order of the Secretary of Labor  
8 with respect to which a review could have been  
9 obtained under subparagraph (A) shall not be  
10 subject to judicial review in any criminal or  
11 other civil proceeding.

12 “(5) ENFORCEMENT OF ORDER BY SECRETARY  
13 OF LABOR.—

14 “(A) COMMENCEMENT OF ACTION.—  
15 Whenever a person has failed to comply with an  
16 order issued under paragraph (3), the Secretary  
17 of Labor may file a civil action in the United  
18 States district court for a district in which the  
19 violation was found to occur to enforce such  
20 order.

21 “(B) REMEDIES.—In actions brought  
22 under this paragraph, the district courts shall  
23 have jurisdiction to grant all appropriate relief,  
24 including, but not to be limited to, injunctive  
25 relief and compensatory damages.

1           “(6) ENFORCEMENT OF ORDER BY PARTIES.—

2           “(A) COMMENCEMENT OF ACTION.—A per-  
3           son on whose behalf an order was issued under  
4           paragraph (3) may commence a civil action  
5           against the person to whom the order was  
6           issued to require compliance with the order.

7           “(B) JURISDICTION.—The United States  
8           district courts shall have jurisdiction to enforce  
9           such order without regard to the amount in  
10          controversy or the citizenship of the parties.

11          “(C) ATTORNEY FEES.—The court, in  
12          issuing any final order under this paragraph,  
13          may award costs of litigation (including reason-  
14          able attorney’s and expert witness’ fees) to any  
15          party whenever the court determines that such  
16          award costs is appropriate.

17          “(c) MANDAMUS.—Any nondiscretionary duty im-  
18          posed by this section shall be enforceable in a mandamus  
19          proceeding brought under section 1361 of title 28.

20          “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-  
21          TIONS.—Subsection (a) shall not apply with respect to an  
22          employee of a pipeline, contractor or subcontractor who,  
23          acting without direction from the pipeline contractor or  
24          subcontractor (or such person’s agent), deliberately causes

1 a violation of any requirement relating to pipeline safety  
2 under this chapter or any other law of the United States.

3 “(e) CONTRACTOR DEFINED.—In this section, the  
4 term ‘contractor’ means a company that performs safety-  
5 sensitive functions by contract for a pipeline.”.

6 (b) CIVIL PENALTY.—Section 60122(a) is amended  
7 by adding at the end the following:

8 “(3) A person violating section 60130, or an order  
9 issued under that section, is liable to the United States  
10 Government for a civil penalty of not more than \$1,000  
11 for each such violation. The penalties provided by para-  
12 graph (1) do not apply to a violation of section 60130 or  
13 an order issued thereunder.”.

14 (c) CONFORMING AMENDMENT.—The table of sec-  
15 tions at the beginning of chapter 601, as amended by sec-  
16 tion 4(a), is further amended by adding at the end the  
17 following:

“60130. Protection of employees providing pipeline safety information.”.

18 **SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.**

19 Within 90 days after receiving recommendations for  
20 improvements to pipeline safety from an advisory com-  
21 mittee appointed by the Governor of any State, the Sec-  
22 retary of Transportation shall respond in writing to the  
23 committee setting forth what action, if any, the Secretary  
24 will take on those recommendations and the Secretary’s

1 reasons for acting or not acting upon any of the rec-  
2 ommendations.

3 **SEC. 17. STUDY OF FINES AND PENALTIES IMPOSABLE BY**  
4 **THE DEPARTMENT OF TRANSPORTATION.**

5 (a) REQUIREMENT FOR STUDY.—The Inspector Gen-  
6 eral of the Department of Transportation shall conduct  
7 an analysis of the Department’s assessment of fines and  
8 penalties on gas transmission pipelines and hazardous liq-  
9 uid pipelines, including the cost of corrective actions re-  
10 quired by the Department in lieu of fines.

11 (b) REPORT TO CONGRESS.—

12 (1) REQUIREMENT FOR REPORT.—Not later  
13 than six months after the date of the enactment of  
14 this Act, the Inspector General shall submit to the  
15 Committee on Commerce, Science, and Transpor-  
16 tation of the Senate and the Committee on Trans-  
17 portation and Infrastructure of the House of Rep-  
18 resentatives a report on the study.

19 (2) CONTENT OF REPORT.—The report shall in-  
20 clude the Inspector General’s findings and any rec-  
21 ommendations for actions by the Secretary or Con-  
22 gress that the Inspector General considers necessary  
23 to ensure that the fines assessed are an effective de-  
24 terrent for reducing pipeline safety risks.

1 **SEC. 18. STUDY OF PIPELINE RIGHTS-OF-WAY AND THE EN-**  
2 **VIRONMENT.**

3 (a) **AUTHORITY.**—The Secretary of Transportation is  
4 authorized to conduct a study on how best to preserve en-  
5 vironmental resources in conjunction with maintaining  
6 pipeline rights-of-way.

7 (b) **REQUIRED CONSIDERATION.**—Any study con-  
8 ducted under this section shall recognize pipeline opera-  
9 tors' regulatory obligations to maintain rights-of-way and  
10 to protect public safety.

11 **SEC. 19. STUDY OF POPULATION ENCROACHMENT.**

12 (a) **REQUIREMENT FOR STUDY.**—The Secretary of  
13 Transportation, in consultation with the heads of appro-  
14 priate Federal agencies and representatives of appropriate  
15 State and local governments, shall undertake a study of  
16 land use practices and zoning ordinances that affect pipe-  
17 line rights-of-way.

18 (b) **PURPOSE.**—The purpose of the study shall be to  
19 gather information on land use practices and zoning  
20 ordinances—

21 (1) to determine effective practices to limit en-  
22 croachment on existing pipeline rights-of-way;

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

1           (3) to increase the awareness of the risks and  
2 hazards of encroachment on pipeline rights-of-way.

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

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

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

11           (3) The most effective way to encourage Fed-  
12 eral agencies and State and local governments to  
13 monitor and reduce encroachment upon pipeline  
14 rights-of-way.

15           (d) REPORT.—

16           (1) ISSUANCE AND PUBLICATION.—Not later  
17 than one year after the date of the enactment of this  
18 Act, the Secretary shall issue and publish a report  
19 identifying practices, laws, and ordinances that are  
20 most successful in addressing issues of encroach-  
21 ment on pipeline rights-of-way so as to more effec-  
22 tively protect public safety and the environment.

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

1 Federal agencies and to States for further distribu-  
 2 tion to appropriate local authorities.

3 (e) ADOPTION OF APPROPRIATE PRACTICES, LAWS,  
 4 AND ORDINANCES.—The Secretary shall encourage Fed-  
 5 eral agencies and State and local governments to adopt  
 6 and implement appropriate practices, laws, and ordi-  
 7 nances, as identified in the report, to address the risks  
 8 and hazards associated with encroachment upon pipeline  
 9 rights-of-way.

10 (f) REPEAL OF SUPERSEDED PROVISION.—

11 (1) REPEAL.—Section 60127 of title 49, United  
 12 States Code, is repealed.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
 14 tions at the beginning of chapter 601 of such title  
 15 is amended by striking the item relating to section  
 16 60127.

17 **SEC. 20. REPEAL OF REQUIREMENT FOR CONSIDERATION**  
 18 **OF COSTS AND BENEFITS IN THE PRE-**  
 19 **SCRIBING OF PIPELINE SAFETY STANDARDS.**

20 Section 60102(b) of title 49, United States Code, is  
 21 amended by striking paragraph (5).

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