Public Law 100-561
100th Congress

An Act

To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1988 and 1989, and for other purposes.

Oct. 31, 1988
[H.R. 2266]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pipeline Safety Reauthorization Act of 1988.
State and local governments.
49 USC app. 1671 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Safety Reauthorization Act of 1988".

(b) TABLE OF CONTENTS.—

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TITLE I—NATURAL GAS PIPELINE SAFETY

SEC. 101. CERTIFICATION AUTHORITY.

Section 3(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)(1)) is amended by inserting after the second sentence the following: "Such standards may include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to perform such functions.".

SEC. 102. STATE NOTIFICATION AND PIPELINE INVENTORY.

Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended by adding at the end the following new subsections:

Regulations.

"(e) NOTIFICATION STANDARDS.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish by regulation minimum Federal standards requiring operators of pipeline facilities subject to this Act (to the extent practicable) to provide, and revise as necessary, information relating to the operation of such facilities. Such information shall be completed and maintained and be provided, upon request, to the Secretary and an appropriate official of a State, as the case may be. Such information shall include the following:

"(1) The business name, address, and telephone number, including an operations emergency telephone number, of the operator.

"(2) An accurate map or maps, along with an appropriate supplementary geographic description, showing the location of major pipeline facilities, including all transmission lines and significant distribution lines, of such operator in the State.

"(3) A description of the characteristics of the operator's pipelines within the State.

"(4) A description of all products transported through the operator's pipelines within the State.

"(5) The manual which governs operations and maintenance of the pipeline facilities located in the State.

"(6) An emergency response plan describing the operator's procedures for responding to and containing releases, including—

"(A) an identification of specific actions which will be taken by the operator on discovery of a release;

"(B) liaison procedures with State and local government agencies for emergency response; and

"(C) communication and alert procedures for immediate notification of State and local officials at the time of any release.

"(7) Any other information the Secretary considers useful and necessary to inform the States of the presence of pipeline facilities and operations within their boundaries.

Regulations.

"(f) PIPELINE INVENTORY STANDARDS.—The Secretary shall, by regulation, establish minimum Federal standards to require, not later than 1 year after the date of the enactment of this subsection, operators of pipeline facilities subject to this Act, to the extent practicable, to complete and maintain for the Secretary, and to

revise as appropriate thereafter, an inventory with appropriate information with respect to all types of pipe used for the transmission of gas in such operator's system, along with additional information such as the material history and the leak history of such pipe. Such inventory shall exclude equipment used with the compression of gas.".

SEC. 103. STATE ENFORCEMENT.

Section 5(a)(3) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(a)(3)) is amended by inserting "through means which include inspections conducted by State employees who meet qualifications established by the Secretary under subsection (d)" after "each such standard".

SEC. 104. QUALIFICATIONS FOR STATE GRANT PROGRAMS.

Section 5(d) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(d)) is amended by adding at the end the following new paragraph:

"(5) QUALIFICATIONS FOR STATE GRANT PROGRAMS.—The Secretary may establish by regulation qualifications for States to meet in order to participate in the pipeline safety grant program under this subsection, including qualifications for State employees who perform inspection activities pursuant to either an annual certification by a State agency or an agreement relating to inspection between a State agency and the Secretary. Such regulations may take into account the experience and training of the State employee, may mandate training or other requirements, and may provide for conditional approval of qualifications pending satisfaction of specified requirements.".

SEC. 105. FEDERAL-STATE COOPERATION IN CASE OF ACCIDENT.

Section 9 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1676) is amended—

(1) by inserting "(a) GENERAL RULE.—" before "Whenever"; and

(2) by adding at the end the following new subsection:

"(b) COORDINATION PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, after consultation with appropriate State officials, shall establish procedures to promote more effective coordination between the agencies of the United States and of the States with regulatory authority over pipeline facilities with respect to responses to pipeline accidents.".

SEC. 106. INCREASED CIVIL PENALTIES.

Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679a(a)(1)) is amended—

(1) by inserting ", after notice and an opportunity for a hearing," after "Secretary";

(2) by striking out "$1,000" and inserting in lieu thereof "$10,000"; and

(3) by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 107. DESTRUCTION OF SIGNS OR MARKERS.

Section 11(c) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679a(c)) is amended by adding at the end the following new paragraph:

Law enforcement and crime.

"(3) DESTRUCTION OF SIGNS OR MARKERS.—Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by Federal law or regulation shall, upon conviction, be subject, for each offense, to a fine of not more than $5,000, imprisonment for a term not to exceed 1 year, or both.".

SEC. 108. ADDITIONAL INSPECTION AND TESTING.

(a) INSPECTION AND TESTING.—Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1680) is amended—

(1) by inserting "(a) PIPELINE OPERATOR'S RESPONSIBILITIES.—" before "Each person who engages"; and

(2) by adding at the end the following new subsection:

"(b) SECRETARY'S RESPONSIBILITIES.—

"(1) IN GENERAL.—The Secretary shall inspect and, as appropriate, shall require testing of pipeline facilities subject to this Act and not covered by an agreement or certification under section 5 to ensure the safety of such pipeline facilities. To the extent and in such amounts as are provided in advance by appropriation Acts, such inspections shall be at intervals determined under paragraph (2) but no less frequently than once every 2 years thereafter; except that the Secretary may reduce the frequency of such inspections with respect to master meter systems. Such inspections shall begin as soon as feasible, but in no event more than 1 year after the date of the enactment of this subsection. Such testing shall be performed using the most appropriate technology practicable.

"(2) CRITERIA FOR FREQUENCY AND TYPE.—The frequency and type of inspection and testing under this subsection shall be determined by the Secretary on a case-by-case basis after consideration of the following factors:

"(A) The location of the pipeline facilities.

"(B) The type, size, age, manufacturer, method of construction, and condition of the pipeline facilities.

"(C) The nature and volume of the materials transported through the pipeline facilities and the pressure at which they are transported.

"(D) The climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas.

"(E) The frequency of leaks, if any.

"(F) Any other factors determined by the Secretary to be relevant to the safety of pipeline facilities.".

(b) INSTRUMENTED INTERNAL INSPECTION DEVICES.—Section 3 of such Act (49 U.S.C. App. 1672) is amended by adding at the end the following new subsection:

Regulations.

"(g) INSTRUMENTED INTERNAL INSPECTION DEVICES.—The Secretary shall, by regulation, establish minimum Federal safety standards requiring that—

"(1) the design and construction of new transmission facilities, and

"(2) when replacement of existing transmission facilities or equipment is required, the replacement of such existing facilities,

be carried out, to the extent practicable, in a manner so as to accommodate the passage through such transmission facilities of instrumented internal inspection devices (commonly referred to as 'smart pigs').".

(c) IMPROVEMENT OF MASTER METER INSPECTION PROGRAM.— 49 USC app. 1680 note.

(1) STUDY.—The Secretary of Transportation shall undertake a study to assess the need for an improved inspection program for master meter systems.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report detailing the Secretary's findings under paragraph (1) together with any recommendations of the Secretary for appropriate legislation.

SEC. 109. STATE PRENOTIFICATION OF TESTING.

Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by inserting after the first sentence the following new sentence: "Prior to requiring such testing, the Secretary shall notify the appropriate State official in the State in which the affected pipeline facility is located.".

SEC. 110. AUTHORIZATION FOR APPROPRIATIONS.

Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) $3,733,000 for the fiscal year ending September 30, 1988;

"(7) $3,978,000 for the fiscal year ending September 30, 1989;

"(8) $4,086,000 for the fiscal year ending September 30, 1990; and

"(9) $4,270,000 for the fiscal year ending September 30, 1991.

The Secretary may credit to any appropriation authorized under this subsection funds received from non-Federal sources for reimbursement for expenses incurred by the Secretary in providing training. The Secretary may expend in fiscal year 1989 or fiscal year 1990 not to exceed $50,000 of funds appropriated pursuant to this subsection for such fiscal year for establishing a training program for persons who install, operate, and maintain a system of providing natural gas for more than one unit in a definable area (including a building or series of buildings, a mobile home park, a housing project, or an apartment complex) through use of a master metering system in lieu of separate meters."

TITLE II—HAZARDOUS LIQUID PIPELINE SAFETY

SEC. 201. CERTIFICATION AUTHORITY.

Section 203(c) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(c)) is amended by inserting after the first sentence the following: "Such standards may include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to perform such functions ".

SEC. 202. STATE NOTIFICATION AND PIPELINE INVENTORY.

Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is amended by adding at the end the following new subsections:

Regulations.

"(i) NOTIFICATION STANDARDS.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish by regulation minimum Federal standards requiring operators of pipeline facilities subject to this title (to the extent practicable) to provide, and revise as necessary, information relating to operation of such facilities. Such information shall be completed and maintained and be provided, upon request, to the Secretary and an appropriate official of a State, as the case may be. Such information shall include the following:

"(1) The business name, address, and telephone number, including an operations emergency telephone number, of the operator.

"(2) An accurate map or maps, along with any appropriate supplementary geographic description, showing the location of major pipeline facilities of such operator in the State.

"(3) A description of the characteristics of the operator's pipelines within the State.

"(4) A description of all products transported through the operator's pipelines within the State.

"(5) The manual which governs operations and maintenance of the pipeline facilities located in the State.

"(6) An emergency response plan describing the operator's procedures for responding to and containing releases, including—

"(A) an identification of specific actions which will be taken by the operator on discovery of a release;

"(B) liaison procedures with State and local government agencies for emergency response; and

"(C) communication and alert procedures for immediate notification of State and local officials at the time of any release.

"(7) Any other information the Secretary considers useful and necessary to inform the States of the presence of pipeline facilities and operations within their boundaries.

Regulations.

"(j) PIPELINE INVENTORY STANDARDS.—The Secretary shall, by regulation, establish minimum Federal standards to require, not later than 1 year after the date of the enactment of this subsection, operators of pipeline facilities subject to this title, to the extent practicable, to complete and maintain for the Secretary, and revise as appropriate thereafter, an inventory with appropriate information with respect to all types of pipe used for the transmission of hazardous liquids in such operator's system, along with additional information such as the material history and the leak history of such pipe. Such inventory shall exclude equipment associated only with the pipeline pumps or storage facilities.".

SEC. 203. STATE ENFORCEMENT.

Section 205(a)(3) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a)(3)) is amended by inserting "through means which include inspections conducted by State employees who meet qualifications established by the Secretary under subsection (d)" after "each such standard".

SEC. 204. QUALIFICATIONS FOR STATE GRANT PROGRAMS.

Section 205(d) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(d)) is amended by adding at the end the following new paragraph:

"(5) QUALIFICATIONS FOR STATE GRANT PROGRAMS.—The Secretary may establish by regulation qualifications for States to meet in order to participate in the pipeline safety grant program under this subsection, including qualifications for State employees who perform inspection activities pursuant to either an annual certification by a State agency or an agreement relating to inspection between a State agency and the Secretary. Such regulations may take into account the experience and training of the State employee, may mandate training or other requirements, and may provide for conditional approval of qualifications pending satisfaction of specified requirements.".

SEC. 205. INCREASED CIVIL PENALTIES.

Section 208(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amended—

(1) by inserting ", after notice and an opportunity for a hearing," after "Secretary";

(2) by striking out "$1,000" and inserting in lieu thereof "$10,000"; and

(3) by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 206. DESTRUCTION OF SIGNS OR MARKERS.

Section 208(c) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(c)) is amended by adding at the end the following new paragraph:

"(3) DESTRUCTION OF SIGNS OR MARKERS.—Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by Federal law or regulation shall, upon conviction, be subject, for each offense, to a fine of not more than $5,000, imprisonment for a term not to exceed 1 year, or both.".

Law enforcement and crime.

SEC. 207. ADDITIONAL INSPECTION AND TESTING.

(a) INSPECTION AND TESTING.—Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2009) is amended by adding at the end the following new subsection:

"(d) SECRETARY'S RESPONSIBILITIES.—

"(1) IN GENERAL.—The Secretary shall inspect and, as appropriate, shall require testing of pipeline facilities subject to this title and not covered by an agreement or certification under section 205 to ensure the safety of such pipeline facilities. To the extent and in such amounts as are provided in advance by appropriation Acts, such inspections shall be at intervals determined under paragraph (2) but no less frequently than once every 2 years thereafter. Such inspections shall begin as soon as feasible, but in no event more than 1 year after the date of the enactment of this subsection. Such testing shall be performed using the most appropriate technology practicable.

"(2) CRITERIA FOR FREQUENCY AND TYPE.—The frequency and type of inspection and testing under this subsection shall be determined by the Secretary on a case-by-case basis after consideration of the following factors:

"(A) The location of the pipeline facilities.

"(B) The type, size, age, manufacture, method of construction, and condition of the pipeline facilities.

"(C) The nature and volume of the materials transported through the pipeline facilities and the pressure at which they are transported.

"(D) The climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas.

"(E) The frequency of leaks, if any.

"(F) Any other factors determined by the Secretary to be relevant to the safety of pipeline facilities.".

(b) INSTRUMENTED INTERNAL INSPECTION DEVICES.—Section 203 of such Act (49 U.S.C. App. 2002) is amended by inserting at the end the following new subsection:

Regulations.

"(k) INSTRUMENTED INTERNAL INSPECTION DEVICES.—The Secretary shall, by regulation, establish minimum Federal safety standards requiring that—

"(1) the design and construction of new pipeline facilities, and

"(2) when the replacement of existing pipeline facilities or equipment is required, the replacement of such existing facilities,

be carried out, to the extent practicable, in a manner so as to accommodate the passage through such pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart pigs').".

(c) TECHNICAL CORRECTION.—Section 210 of such Act (49 U.S.C. App. 2009) is amended by striking the last sentence of subsection (c)(3) and inserting such sentence at the end of subsection (a).

SEC. 208. STATE PRENOTIFICATION OF TESTING.

Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2010(a)) is amended by inserting after the first sentence the following new sentence: "Prior to requiring such testing, the Secretary shall notify the appropriate State official in the State in which the affected pipeline facility is located.".

SEC. 209. FEDERAL-STATE COOPERATION IN CASE OF ACCIDENT.

Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2011) is amended by adding at the end the following new subsection:

"(d) COORDINATION PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, after consultation with appropriate State officials, shall establish procedures to promote more effective coordination between the agencies of the United States and of the States with regulatory authority over pipeline facilities with respect to responses to pipeline accidents.".

SEC. 210. AUTHORIZATION FOR APPROPRIATIONS.

Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(6) $921,000 for the fiscal year ending September 30, 1988;
"(7) $995,000 for the fiscal year ending September 30, 1989;
"(8) $1,021,000 for the fiscal year ending September 30, 1990; and
"(9) $1,067,000 for the fiscal year ending September 30, 1991.

The Secretary may credit to any appropriation authorized under this subsection funds received from non-Federal sources for reimbursement for expenses incurred by the Secretary in providing training.".

SEC. 211. CARBON DIOXIDE.

49 USC app. 2015.

(a) REGULATION.—The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.) is further amended by adding at the end the following new section:

"SEC. 219. CARBON DIOXIDE.

"(a) GENERAL RULE.—In addition to hazardous liquids, the Secretary shall regulate under this title carbon dioxide which is transported by pipeline facilities.

"(b) REGULATIONS.—The Secretary, as necessary and appropriate, shall amend regulations issued with respect to hazardous liquids under this title and shall issue new regulations to ensure the safe transportation of carbon dioxide by pipeline facilities.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by inserting

"Sec. 219. Carbon dioxide."

after

"Sec. 218. Savings provisions.".

(c) EFFECTIVE DATE.—Section 219(a) of the Hazardous Liquid Pipeline Safety Act of 1979, as added by subsection (a) of this section, shall take effect 18 months after the date of the enactment of this Act.

49 USC app. 2015 note.

TITLE III—GENERALLY APPLICABLE PIPELINE SAFETY PROVISIONS

SEC. 301. GRANTS-IN-AID AUTHORIZATION.

(a) IN GENERAL.—Subsection (c) of section 17 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684) is amended—

(1) by striking "and" after "September 30, 1986,"; and

(2) by inserting ", $5,000,000 for the fiscal year ending September 30, 1988, $5,500,000 for the fiscal year ending September 30, 1989, $5,500,000 for the fiscal year ending September 30, 1990, and $5,500,000 for the fiscal year ending September 30, 1991" after "September 30, 1987".

(b) MAXIMUM ALLOCATION ON INDIRECT EXPENSES.—

(1) IN GENERAL.—Subsection (d) of such section is amended by inserting "(1) SET ASIDE FOR HAZARDOUS LIQUID GRANTS-IN-AID PROGRAM.—" before "Not less than" and by adding at the end thereof the following new paragraph:

"(2) MAXIMUM ALLOCATION TO INDIRECT EXPENSES.—Not more than 20 percent of the amount of a pipeline safety grant made to a State under section 5(d) of this Act and section 205(d) of the Hazardous Pipeline Safety Act of 1979 may be allocated to indirect expenses.".

(2) CONFORMING AMENDMENTS.—Such subsection is further amended—

(A) by inserting "LIMITATION ON GRANTS-IN-AID FUNDS.—" after "(d)" the first place it appears; and

(B) by indenting paragraph (1), as designated by this subsection, and aligning such paragraph with paragraph (2) of such section, as added by this subsection.

(c) ADDITIONAL FUNDING.—Such section is further amended by adding at the end the following new subsection:

"(e) ADDITIONAL FUNDING.—

"(1) ADDITIONAL GRANT FUNDS.—The Secretary shall make available for grants to the States any funds appropriated for fiscal years 1986 and 1987 which have not been expended in making grants under section 5(d) of this Act and section 205(d) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(d)).

"(2) ELIGIBILITY.—Grants made under this subsection shall be available to States which in 1988 or thereafter (A) undertake new responsibilities under section 5(a) of this Act or section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979, or (B) implement a one-call damage prevention program established under State law.

"(3) LIMITATIONS.—Nothing in this subsection shall result in any State receiving grant funds under this Act or under the Hazardous Liquid Pipeline Safety Act of 1979 in excess of 50 percent of its allowable pipeline safety costs. No State shall receive funds under this subsection in excess of $75,000.

"(4) AVAILABILITY.—Funds made available under this subsection shall remain available until expended.".

SEC. 302. ADDITIONAL HIRINGS.

Section 17 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684) is amended by adding at the end thereof the following new subsection:

Appropriation authorization.

"(f) ADDITIONAL HIRING.—For purposes of hiring 8 additional inspectors to carry out inspections under section 13(b) of this Act and section 210(d) of the Hazardous Liquid Pipeline Safety Act of 1979 and necessary support staff, there is authorized to be appropriated $500,000 for fiscal year 1989. For purposes of retaining the persons hired under the preceding sentence and for hiring 8 additional inspectors to carry out such inspections and necessary support staff, there is authorized to be appropriated $1,000,000 for fiscal year 1990. For purposes of retaining the persons hired under the two preceding sentences, there is authorized to be appropriated $1,000,000 for fiscal year 1991.".

SEC. 303. MINIMUM REQUIREMENTS FOR ONE-CALL NOTIFICATION SYSTEMS.

(a) REQUIREMENT AND GRANT PROGRAM.—The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671-1686) is amended by adding at the end thereof the following new section:

"SEC. 20. MINIMUM REQUIREMENTS FOR ONE-CALL NOTIFICATION SYSTEMS.

49 USC app. 1687.

"(a) STATE ADOPTION OF SYSTEM.—In making allocations under section 5 of this Act, and under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979, the Secretary shall consider whether a State has adopted or is seeking adoption of a one-call notification system under subsection (b). If the Secretary determines that any State has not adopted, and is not seeking adoption of, such a system, such State may not receive the full reimbursement under such sections to which it would otherwise be entitled.

Regulations.

"(b) ONE-CALL NOTIFICATION SYSTEMS.—Not later than 18 months after the date of the enactment of this section, the Secretary shall issue regulations establishing minimum Federal requirements for establishment and operation of one-call notification systems for adoption by States as described in subsection (a) relating to notification of operators of pipeline facilities of activities in the vicinity of a pipeline facility which could threaten the safety of such facility. Such regulations shall include, but not be limited to, the following:

"(1) A requirement that the system or systems apply to all areas of the State containing underground pipeline facilities.

"(2) A requirement that any person intending to engage in any activity, as determined by the Secretary, which could cause physical damage to an underground pipeline facility must contact the appropriate one-call notification system to determine if there are underground pipeline facilities present in the area of the intended activity.

"(3) A requirement that all operators of underground pipeline facilities participate in an appropriate one-call notification system.

"(4) Qualifications for operation of such a system whether by operators of pipeline facilities, private contractors, or State or local agencies.

"(5) Procedures for advertisement and notice of the availability of such a system.

"(6) Requirements for the information to be provided by persons contacting the system under paragraph (2).

"(7) Requirements for the response of the operator of such notification system and of the operator of the pipeline facility after contact by a person under this subsection.

"(8) A requirement that each State determine whether the notification system will be toll free or not.

"(9) Requirements for sanctions substantially the same as are provided under sections 11 and 12 of this Act.

"(c) GRANTS TO STATES.—The Secretary may make grants to States for development and establishment of one-call notification systems which are consistent with all of the requirements established under subsection (b).

"(d) LIMITATION.—Nothing in this section or any regulation issued under this section shall alter any liability established under Federal or State law for damages caused by activities described in subsection (b)(2).

"(e) PIPELINE FACILITY DEFINED.—As used in this section, the term 'pipeline facility' includes, in addition to pipeline facilities as defined by this Act, any pipeline facility which is described in section 202(4) of the Hazardous Liquid Pipeline Safety Act of 1979.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out subsection (c), there is authorized to be appropriated $1,000,000 per fiscal year for each of fiscal years 1990 and 1991. Such sums shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—(1) Section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(a)) is amended by striking "section 19" and inserting in lieu thereof "sections 19 and 20".

(2) Section 17(a) of such Act (49 U.S.C. 1684(a)) is amended by inserting "or section 20" after "subsection (b) or (c)".

49 USC app. 1680 note.

SEC. 304. INTERNAL INSPECTION OF PIPELINES.

(a) STUDY.—The Secretary of Transportation shall undertake a study assessing the feasibility of requiring the inspection of transmission facilities with instrumented internal inspection devices at periodic intervals determined after consideration of the factors set forth in section 13(b)(2) of the Natural Gas Pipeline Safety Act of 1968 and section 210(d)(2) of the Hazardous Liquid Pipeline Safety Act of 1979.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report detailing the Secretary's findings under subsection (a) together with any recommendations of the Secretary for appropriate legislation.

49 USC app. 1672 note.

SEC. 305. EMERGENCY FLOW RESTRICTING DEVICES.

(a) STUDY.—The Secretary of Transportation shall undertake a study of the safety, cost, feasibility, and effectiveness of requiring operators of pipeline facilities subject to the Natural Gas Pipeline Safety Act of 1968 and operators of pipeline facilities subject to the Hazardous Liquid Pipeline Safety Act of 1979 to install emergency flow restricting devices in existing and future pipeline systems in varying circumstances and locations. The Secretary of Transportation shall also assess the cost and effectiveness of initiating a demonstration project of such emergency flow restricting devices.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report detailing the Secretary's findings under subsection (a) together with any recommendations of the Secretary for appropriate legislation.

49 USC app. 1672 note.

SEC. 306. FEASIBILITY OF REGULATING EXCAVATION ACTIVITIES.

(a) ASSESSMENT AND REPORT.—The Secretary of Transportation shall assess the feasibility of regulating persons whose excavation activities may result in damage to pipeline facilities (as defined under section 2 of the Natural Gas Pipeline Safety Act of 1968 and under section 202 of the Hazardous Liquid Pipeline Safety Act of 1979) and, not later than 1 year after the date of the enactment of this Act, transmit to Congress a report on the results of such assessment together with any legislative recommendations of the Secretary concerning regulation of such persons.

(b) FUNDING.—The Secretary of Transportation may use such sums as may be necessary of funds appropriated pursuant to section 17(a) of the Natural Gas Pipeline Safety Act of 1968 and section 214(a) of the Hazardous Liquid Pipeline Safety Act to carry out this section.

SEC. 307. PIPELINE SAFETY INSTRUCTORS.

To the extent and in such amounts as are provided in advance by appropriation Acts, the Secretary of Transportation shall increase by not less than 2 the number of instructors of pipeline safety at the Transportation Safety Institute of the Department of Transportation.

SEC. 308. CLARIFICATION OF CONGRESSIONAL INTENT.

49 USC prec. 101 note.

The Act entitled "An Act to revise, codify, and enact without substantive change the Interstate Commerce Act and related laws as subtitle IV of title 49, United States Code, 'Transportation' ", approved October 17, 1978 (92 Stat. 1337; Public Law 95-473) does not repeal and has no substantive effect on any rights, obligations, liabilities, or remedies of oil pipelines, including those arising under any provisions of the Interstate Commerce Act (49 U.S.C. App. 1 et seq.) or the Pomerene Bills of Lading Act (49 U.S.C. App. 81 et seq.), before any Federal department or agency or official thereof or a court of competent jurisdiction.

TITLE IV—MOTOR VEHICLE INFORMATION AND COST SAVINGS

SEC. 401. TRANSFER OF TITLES HELD BY LIENHOLDERS.

Section 408(d)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(d)(1)) is amended by adding at the end thereof the following new subparagraph:

"(C) In the case of a transferor to whom title to a motor vehicle has been issued by any State and such title is, at the time of a transfer of such motor vehicle, physically held by a lienholder, nothing in this subsection shall be construed to prohibit for purposes of the mileage disclosure requirements of this section the use of a written power of attorney (if otherwise permitted by State law) in a form, and under reasonable conditions, prescribed by rule by the Secretary before February 1, 1989. The rule shall (i) ensure disclosure on the power of attorney document of the actual mileage at the time of the transfer, and (ii) ensure that such mileage will be restated exactly by the person exercising the power of attorney in the space referred to in paragraph (2)(A)(iii). The rule, consistent with the purposes of this Act and the need to facilitate enforcement thereof, shall prescribe that the form be issued by the State to the transferee in accordance with paragraph (2)(A)(i) and shall provide for retention of a copy of such power of attorney and for the original to be submitted back to the State by the person granted such power of attorney. The provisions of sections 412 and 413 shall apply to any person granting or granted such power of attorney.".

Approved October 31, 1988.

LEGISLATIVE HISTORY—H.R. 2266 (S. 2424):

HOUSE REPORTS: No. 100-445, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 100-436 accompanying S. 2424 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 134 (1988):
Apr. 19, considered and passed House.
Sept. 30, considered and passed Senate, amended, in lieu of S. 2424.
Oct. 12, House concurred in Senate amendment with an amendment.
Oct. 14, Senate concurred in House amendment.