

law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.

(d) PENALTY FOR NOT USING ONE-CALL NOTIFICATION SYSTEM OR NOT HEEDING LOCATION INFORMATION OR MARKINGS.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person knowingly and willfully—

- (1) engages in an excavation activity—
 - (A) without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or
 - (B) without paying attention to appropriate location information or markings the operator of a pipeline facility establishes; and

- (2) subsequently damages—
 - (A) a pipeline facility that results in death, serious bodily harm, or actual damage to property of more than \$50,000;
 - (B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or
 - (C) a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1325; Pub. L. 104-304, §§14, 18(b)(1), Oct. 12, 1996, 110 Stat. 3803, 3804.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60123(a)	49 App.:1679a(c)(1).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(c)(1); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992; Oct. 24, 1992, Pub. L. 102-508, §304(b), 106 Stat. 3308.
	49 App.:2007(c)(1).	Nov. 30, 1979, Pub. L. 96-129, §208(c)(1), (2), 93 Stat. 1010.
60123(b)	49 App.:1679a(c)(2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(c)(2); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992.
	49 App.:2007(c)(2).	
60123(c)	49 App.:1679a(c)(3).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(c)(3); added Oct. 31, 1988, Pub. L. 100-561, §107, 102 Stat. 2807.
	49 App.:2007(c)(3).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §208(c)(3); added Oct. 31, 1988, Pub. L. 100-561, §206, 102 Stat. 2811.
60123(d)	49 App.:1687(g).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §20(g); added Oct. 24, 1992, Pub. L. 102-508, §304(a), 106 Stat. 3307.

In this section, the words “upon conviction . . . subject, for each offense, to” and “a term” are omitted as surplus.

In subsections (a)–(c), the words “fined under title 18” are substituted for “a fine of not more than \$25,000” and “a fine of not more than \$5,000” for consistency with title 18.

In subsection (a), the word “prescribed” is added for consistency in the revised title and with other titles of the United States Code. The words “including any order issued under section 1677(b) and 1679(b) of this Appendix” in 49 App.:1679a(c)(1) and “including any order issued under section 2006(b) or 2008(b) of the Appendix” in 49 App.:2007(c)(1) are omitted as surplus.

In subsection (b), the word “damaging” is substituted for “injures”, and the word “damage” is substituted for “injure”, for clarity.

REFERENCES IN TEXT

Section 60114(c) of this title, referred to in subsec. (a), was redesignated section 60114(b) by Pub. L. 104-304, §20(d), Oct. 12, 1996, 110 Stat. 3804.

AMENDMENTS

- 1996—Subsec. (a). Pub. L. 104-304, §18(b)(1), substituted “, 60118(a), or 60128” for “or 60118(a)”.
- Subsec. (d)(2). Pub. L. 104-304, §14, added subpar. (B) and redesignated former subpar. (B) as (C).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60108 of this title; title 18 sections 2332b, 2516.

§ 60124. Biennial reports

(a) SUBMISSION AND CONTENTS.—Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid. Each report shall include the following information about the prior year for gas or hazardous liquid, as appropriate:

- (1) a thorough compilation of the leak repairs, accidents, and casualties and a statement of cause when investigated and established by the National Transportation Safety Board.
- (2) a list of applicable pipeline safety standards prescribed under this chapter including identification of standards prescribed during the year.
- (3) a summary of the reasons for each waiver granted under section 60118(c) and (d) of this title.
- (4) an evaluation of the degree of compliance with applicable safety standards, including a list of enforcement actions and compromises of alleged violations by location and company name.
- (5) a summary of outstanding problems in carrying out this chapter, in order of priority.
- (6) an analysis and evaluation of—
 - (A) research activities, including their policy implications, completed as a result of the United States Government and private sponsorship; and
 - (B) technological progress in safety achieved.

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under this chapter.

(8) the extent to which technical information was distributed to the scientific community and consumer-oriented information was made available to the public.

(9) a compilation of certifications filed under section 60105 of this title that were—

- (A) in effect; or
- (B) rejected in any part by the Secretary and a summary of the reasons for each rejection.

(10) a compilation of agreements made under section 60106 of this title that were—