

ency in this section. In clause (C), the words “overall” and “contract” are omitted as surplus.

In subsection (c), the words “the date which is”, “the date on which”, “or not”, and “and equitable” are omitted as surplus.

In subsection (d)(1), the words “finds under subsection (c) of this section is denying fair market opportunities” are substituted for “with respect to which an affirmative determination is made under subsection (b)” for clarity.

In subsection (d)(2)(A), the word “entire” is omitted as surplus.

PUB. L. 104-287, §5(89)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1573).

AMENDMENTS

1996—Pub. L. 104-287, §5(88)(D), renumbered section 49104 of this title as this section.

Subsec. (b)(1). Pub. L. 104-287, §5(89), substituted “section 47127” for “sections 47106(d) and 47127”.

§ 50105. Fraudulent use of “Made in America” label

If the Secretary of Transportation decides that a person intentionally affixed a “Made in America” label to goods sold in or shipped to the United States that are not made in the United States, the Secretary shall declare the person ineligible, for not less than 3 nor more than 5 years, to receive a contract or grant from the United States Government related to a contract made under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except section 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508, 104 Stat. 1388-353). The Secretary may bring a civil action to enforce this section in any district court of the United States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1300, §49105; renumbered §50105 and amended Pub. L. 104-287, §5(88)(D), (89), Oct. 11, 1996, 110 Stat. 3398.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 49105, 49 App.:2226b, Nov. 5, 1990, Pub. L. 101-508, §9130, 104 Stat. 1388-372; Oct. 31, 1992, Pub. L. 102-581, §118(a), 106 Stat. 4883.

PUB. L. 104-287, §5(89)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (88)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1573).

REFERENCES IN TEXT

Subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990, referred to in text, is subtitle B (§§9101-9131) of title IX of Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388-353, as amended, known as the Aviation Safety and Capacity Expansion Act of 1990. Sections

9102 to 9105, 9107 to 9112(b), 9113 to 9115, 9118, 9121 to 9123, 9124 “Sec. 613(c)”, 9125, 9127, and 9129 to 9131 of title IX of Pub. L. 101-508 were repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, Transportation, see table at the beginning of Title 49.

AMENDMENTS

1996—Pub. L. 104-287, §5(89), substituted “section 47127” for “sections 47106(d) and 47127”.

Pub. L. 104-287, §5(88)(D), renumbered section 49105 of this title as this section.

SUBTITLE VIII—PIPELINES

Chapter 601. Safety ..... 60101
603. User Fees ..... 60301
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CHAPTER 601—SAFETY

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AMENDMENTS

1996—Pub. L. 104-304, §§5(f)[(b)], 15(c)[(b)], 16(b), 18(b)(2), 20(e), Oct. 12, 1996, 110 Stat. 3800, 3803, 3804, substituted “State pipeline safety program certifications” for “State certifications” in item 60105, “State pipeline safety agreements” for “State agreements” in item 60106, “State pipeline safety grants” for “State grants” in item 60107, and “Biennial reports” for “Annual reports” in item 60124 and added items 60126, 60127, and 60128.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 5126, 60301 of this title; title 42 section 6991.

§ 60101. Definitions

- (a) GENERAL.—In this chapter—
(1) “existing liquefied natural gas facility”—
(A) means a liquefied natural gas facility for which an application to approve the site,

construction, or operation of the facility was filed before March 1, 1978, with—

(i) the Federal Energy Regulatory Commission (or any predecessor); or

(ii) the appropriate State or local authority, if the facility is not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); but

(B) does not include a facility on which construction is begun after November 29, 1979, without the approval;

(2) “gas” means natural gas, flammable gas, or toxic or corrosive gas;

(3) “gas pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used in transporting gas or treating gas during its transportation;

(4) “hazardous liquid” means—

(A) petroleum or a petroleum product; and

(B) a substance the Secretary of Transportation decides may pose an unreasonable risk to life or property when transported by a hazardous liquid pipeline facility in a liquid state (except for liquefied natural gas);

(5) “hazardous liquid pipeline facility” includes a pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid;

(6) “interstate gas pipeline facility”—

(A) means a gas pipeline facility—

(i) used to transport gas; and

(ii) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); but

(B) does not include a gas pipeline facility transporting gas from an interstate gas pipeline in a State to a direct sales customer in that State buying gas for its own consumption;

(7) “interstate hazardous liquid pipeline facility” means a hazardous liquid pipeline facility used to transport hazardous liquid in interstate or foreign commerce;

(8) “interstate or foreign commerce”—

(A) related to gas, means commerce—

(i) between a place in a State and a place outside that State; or

(ii) that affects any commerce described in subclause (A)(i) of this clause; and

(B) related to hazardous liquid, means commerce between—

(i) a place in a State and a place outside that State; or

(ii) places in the same State through a place outside the State;

(9) “intrastate gas pipeline facility” means—

(A) a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); and

(B) a gas pipeline facility transporting gas from an interstate gas pipeline in a State to a direct sales customer in that State buying gas for its own consumption;

(10) “intrastate hazardous liquid pipeline facility” means a hazardous liquid pipeline facility that is not an interstate hazardous liquid pipeline facility;

(11) “liquefied natural gas” means natural gas in a liquid or semisolid state;

(12) “liquefied natural gas accident” means a release, burning, or explosion of liquefied natural gas from any cause, except a release, burning, or explosion that, under regulations prescribed by the Secretary, does not pose a threat to public health or safety, property, or the environment;

(13) “liquefied natural gas conversion” means conversion of natural gas into liquefied natural gas or conversion of liquefied natural gas into natural gas;

(14) “liquefied natural gas pipeline facility”—

(A) means a gas pipeline facility used for transporting or storing liquefied natural gas, or for liquefied natural gas conversion, in interstate or foreign commerce; but

(B) does not include any part of a structure or equipment located in navigable waters (as defined in section 3 of the Federal Power Act (16 U.S.C. 796));

(15) “municipality” means a political subdivision of a State;

(16) “new liquefied natural gas pipeline facility” means a liquefied natural gas pipeline facility except an existing liquefied natural gas pipeline facility;

(17) “person”, in addition to its meaning under section 1 of title 1 (except as to societies), includes a State, a municipality, and a trustee, receiver, assignee, or personal representative of a person;

(18) “pipeline facility” means a gas pipeline facility and a hazardous liquid pipeline facility;

(19) “pipeline transportation” means transporting gas and transporting hazardous liquid;

(20) “State” means a State of the United States, the District of Columbia, and Puerto Rico;

(21) “transporting gas”—

(A) means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; but

(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term “transporting gas” includes the movement of gas through regulated gathering lines;

(22) “transporting hazardous liquid”—

(A) means the movement of hazardous liquid by pipeline, or the storage of hazardous liquid incidental to the movement of hazardous liquid by pipeline, in or affecting interstate or foreign commerce; but

(B) does not include moving hazardous liquid through—

(i) gathering lines in a rural area;

- (ii) onshore production, refining, or manufacturing facilities; or
- (iii) storage or in-plant piping systems associated with onshore production, refining, or manufacturing facilities;

(23) “risk management” means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

(24) “risk management plan” means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

(25) “Secretary” means the Secretary of Transportation.

(b) GATHERING LINES.—(1)(A) Not later than October 24, 1994, the Secretary shall prescribe standards defining the term “gathering line”.

(B) In defining “gathering line” for gas, the Secretary—

(i) shall consider functional and operational characteristics of the lines to be included in the definition; and

(ii) is not bound by a classification the Commission establishes under the Natural Gas Act (15 U.S.C. 717 et seq.).

(2)(A) Not later than October 24, 1995, the Secretary, if appropriate, shall prescribe standards defining the term “regulated gathering line”. In defining the term, the Secretary shall consider factors such as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas or hazardous liquid, as appropriate, in deciding on the types of lines that functionally are gathering but should be regulated under this chapter because of specific physical characteristics.

(B)(i) The Secretary also shall consider diameter when defining “regulated gathering line” for hazardous liquid.

(ii) The definition of “regulated gathering line” for hazardous liquid may not include a crude oil gathering line that has a nominal diameter of not more than 6 inches, is operated at low pressure, and is located in a rural area that is not unusually sensitive to environmental damage.

(Pub. L. 103–272, §§1(e), 4(s), July 5, 1994, 108 Stat. 1301, 1371; Pub. L. 104–287, §5(90), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 104–304, §§3, 20(f), Oct. 12, 1996, 110 Stat. 3793, 3805.)

AMENDMENT OF SUBSECTION (a)(21) AND (22)

*Pub. L. 103–272, §4(s), July 5, 1994, 108 Stat. 1371, provided that, effective on the date the regulations required under subsec. (b) of this section are effective, subsection (a)(21) and (22) of this section is amended to read as follows:*

(21) “transporting gas”—

(A) means—

(i) the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; and

(ii) the movement of gas through regulated gathering lines; but

(B) does not include gathering gas (except through regulated gathering lines) in a rural area outside a populated area designated by the Secretary as a nonrural area.

(22) “transporting hazardous liquid”—

(A) means—

(i) the movement of hazardous liquid by pipeline, or the storage of hazardous liquid incidental to the movement of hazardous liquid by pipeline, in or affecting interstate or foreign commerce; and

(ii) the movement of hazardous liquid through regulated gathering lines; but

(B) does not include moving hazardous liquid through—

(i) gathering lines (except regulated gathering lines) in a rural area;

(ii) onshore production, refining, or manufacturing facilities; or

(iii) storage or in-plant piping systems associated with onshore production, refining, or manufacturing facilities.

HISTORICAL AND REVISION NOTES  
PUB. L. 103–272, §1(e)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60101(a)(1) ...	49 App.:1671(10).	Aug. 12, 1968, Pub. L. 90–481, §2(10), 82 Stat. 720; Oct. 11, 1976, Pub. L. 94–477, §3(2), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §151, 93 Stat. 998.
	49 App.:1671(14).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §2(11)–(17); added Nov. 30, 1979, Pub. L. 96–129, §151, 93 Stat. 998.
	49 App.:2001(11).	Nov. 30, 1979, Pub. L. 96–129, §202(1)–(4) (1st–27th words), (5)–(9), (11), 93 Stat. 1003, 1004.
60101(a)(2) ...	49 App.:1671(2).	Aug. 12, 1968, Pub. L. 90–481, §2(1), (2), (4) (1st–32d words), (5), (6), 82 Stat. 720.
60101(a)(3) ...	49 App.:1671(4) (1st–32d words).	
60101(a)(4) ...	49 App.:2001(2).	
60101(a)(5) ...	49 App.:2001(4) (1st–27th words).	
60101(a)(6) ...	49 App.:1671(8).	Aug. 12, 1968, Pub. L. 90–481, §2(8), 82 Stat. 720; Oct. 11, 1976, Pub. L. 94–477, §3(1), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §109(b) (related to §2(8)), 93 Stat. 996.
60101(a)(7) ...	49 App.:2001(5).	
60101(a)(8)(A).	49 App.:1671(17).	
60101(a)(8)(B).	49 App.:2001(7).	
60101(a)(9) ...	49 App.:1671(9).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §2(9); added Oct. 11, 1976, Pub. L. 94–477, §3(2), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §109(b) (related to §2(9)), 151, 93 Stat. 996, 998.
60101(a)(10) ..	49 App.:2001(6).	
60101(a)(11) ..	49 App.:1671(11).	
60101(a)(12) ..	49 App.:1671(16).	
60101(a)(13) ..	49 App.:1671(13).	
60101(a)(14) ..	49 App.:1671(12).	
60101(a)(15) ..	49 App.:1671(6).	
	49 App.:2001(9).	
60101(a)(16) ..	49 App.:1671(15).	
60101(a)(17) ..	49 App.:1671(1).	
	49 App.:2001(1).	
60101(a)(18), (19).	(no source).	
60101(a)(20) ..	49 App.:1671(5).	
	49 App.:2001(8).	
60101(a)(21) ..	49 App.:1671(3).	Aug. 12, 1968, Pub. L. 90–481, §2(3), 82 Stat. 720; Nov. 30, 1979, Pub. L. 96–129, §152(b)(1), 93 Stat. 1001.
60101(a)(22) ..	49 App.:2001(3).	

HISTORICAL AND REVISION NOTES—CONTINUED  
 PUB. L. 103-272, §1(e)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60101(b) .....	49 App.:1688.	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §21; added Oct. 24, 1992, Pub. L. 102-508, §109(b), 106 Stat. 3295.
	49 App.:2016.	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §220; added Oct. 24, 1992, Pub. L. 102-508, §208(b), 106 Stat. 3303.

In this chapter, the words “liquefied natural gas” are substituted for “LNG” for clarity. The word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the United States Code. The words “gas” and “hazardous liquid” are added where applicable because of the restatement.

In subsection (a), before clause (1), the text of 49 App.:1671(10) and 2001(11) is omitted because the complete name of the Secretary of Transportation is used the first time the term appears in a section. The words “As used” are omitted as surplus. In clause (1)(A), the words “Federal Energy Regulatory Commission” and “Commission” are substituted for “Department of Energy” because under 42:7171(a) and 7172(a)(1) the Commission is statutorily independent of the Department and has the responsibility for siting, construction, and operating applications. In clauses (3) and (5), the words “without limitation, new and existing” are omitted as surplus. In clause (4)(B), the words “or material” are omitted as surplus. In clause (6), before subclause (A), the word “pipeline” is substituted for “transmission” for clarity and consistency. In clause (8)(A), before subclause (i), the words “trade, traffic, transportation, exchange, or other” are omitted as surplus. In subclause (ii), the words “trade, transportation, exchange, or other” are omitted as surplus. In clause (8)(B), the word “place” is substituted for “point” for clarity and consistency in the revised title. In clause (9), before subclause (A), the word “facility” is substituted for “transportation” for clarity and consistency. In clause (12), the words “resulting from” and the text of 49 App.:1671(16)(A)–(D) are omitted as surplus. In clause (13), the words “(liquefaction or solidification)” and “(vaporization)” are omitted as surplus. In clauses (14) and (16), the word “pipeline” is added for clarity. In clause (15), the words “city, county, or any other” are omitted as surplus. In clause (17), the words “in addition to its meaning under section 1 of title 1 (except as to societies)” are substituted for “any individual, firm, joint venture, partnership, corporation, association . . . cooperative association, or joint stock association” to eliminate unnecessary words, for clarity, and for consistency in the revised title and with other titles of the Code. Clauses (18) and (19) are added because of the restatement. In clause (20), the words “of the United States” are substituted for “of the several” for consistency in the revised title and with other titles of the Code. In clause (21)(B), the words “outside a populated area” are substituted for “which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area” to eliminate unnecessary words. In clause (22)(B)(i), the word “area” is substituted for “locations” for consistency.

PUB. L. 103-272, §4(s)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60101(a)(21), (22).	49 App.:1671 (note).	Oct. 24, 1992, Pub. L. 102-508, §109(a), 106 Stat. 3294.
	49 App.:2001 (note).	Oct. 24, 1992, Pub. L. 102-508, §208(a), 106 Stat. 3303.

Section 4(s) reflects an amendment to the restatement required by sections 109(a) and 208(a) of the Pipe-

line Safety Act of 1992 (Public Law 102-508, 106 Stat. 3294, 3303).

PUB. L. 104-287

This amends 49:60101 for consistency with the style of title 49.

REFERENCES IN TEXT

The Natural Gas Act, referred to in subsecs. (a)(1)(A)(ii), (6)(A)(ii), (9)(A) and (b)(1)(B)(ii), is act June 21, 1938, ch. 556, 52 Stat. 821, as amended, which is classified generally to chapter 15B (§717 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 717w of Title 15 and Tables.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-287 inserted heading.

Subsec. (a)(1) to (20). Pub. L. 104-304, §3(a)(1), substituted semicolon for period at end of pars. (1) to (20).

Subsec. (a)(21)(B). Pub. L. 104-304, §3(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “does not include gathering gas in a rural area outside a populated area designated by the Secretary as a nonrural area;”.

Pub. L. 104-304, §3(a)(1), substituted semicolon for period at end.

Subsec. (a)(22). Pub. L. 104-304, §3(a)(1), substituted semicolon for period at end.

Subsec. (a)(23) to (25). Pub. L. 104-304, §3(a)(3), added pars. (23) to (25).

Subsec. (b)(1)(A). Pub. L. 104-304, §20(f), substituted “prescribe standards defining” for “define by regulation”.

Subsec. (b)(2)(A). Pub. L. 104-304, §§3(b), 20(f), inserted “, if appropriate,” after “Not later than October 24, 1995, the Secretary” and substituted “prescribe standards defining” for “define by regulation”.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 4(s) of Pub. L. 103-272 provided that the amendment made by that section is effective on the date the regulation required under subsec. (b) of this section is effective.

SHORT TITLE OF 1996 AMENDMENT

Section 1 of Pub. L. 104-304 provided that: “This Act [enacting sections 60126 to 60128 of this title, amending this section and sections 60102, 60105 to 60110, 60113 to 60118, 60123 to 60125 of this title, and enacting provisions set out as a note under section 60301 of this title] may be cited as the ‘Accountable Pipeline Safety and Partnership Act of 1996.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60102 of this title; title 18 section 1366; title 33 section 1232a; title 42 sections 9601, 9607.

§ 60102. General authority

(a)(1) MINIMUM SAFETY STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to owners and operators of pipeline facilities;

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.

(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

- (A) practicable; and
- (B) designed to meet the need for—
  - (i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and
  - (ii) protecting the environment.

(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

- (A) relevant available—
  - (i) gas pipeline safety information;
  - (ii) hazardous liquid pipeline safety information; and
  - (iii) environmental information;

(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

(C) the reasonableness of the standard;

(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

(F) comments and information received from the public; and

(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

(B) identify the costs and benefits associated with the proposed standard;

(C) include—

(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

(4) REVIEW.—

(A) IN GENERAL.—The Secretary shall—

(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

(ii) make that risk assessment information available to the general public.

(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

(i) an evaluation of the merit of the data and methods used; and

(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

(i) shall review the report;

(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter<sup>1</sup> only upon a reasoned determination that the benefits of the intended standard justify its costs.

(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

<sup>1</sup> So in original. Probably should not be capitalized.

(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.

(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—

(1) The Secretary shall include in the standards prescribed under subsection (a) of this section a requirement that an operator of a gas pipeline facility participate in a public safety program that—

(A) notifies an operator of proposed demolition, excavation, tunneling, or construction near or affecting the facility;

(B) requires an operator to identify a pipeline facility that may be affected by the proposed demolition, excavation, tunneling, or construction, to prevent damaging the facility; and

(C) the Secretary decides will protect a facility adequately against a hazard caused by demolition, excavation, tunneling, or construction.

(2) To the extent a public safety program referred to in paragraph (1) of this subsection is not available, the Secretary shall prescribe standards requiring an operator to take action the Secretary prescribes to provide services comparable to services that would be available under a public safety program.

(3) The Secretary may include in the standards prescribed under subsection (a) of this section a requirement that an operator of a hazardous liquid pipeline facility participate in a public safety program meeting the requirements of paragraph (1) of this subsection or maintain and carry out a damage prevention program that provides services comparable to services that would be available under a public safety program.

(4) PROMOTING PUBLIC AWARENESS.—

(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996,<sup>2</sup> and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the

location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.

(d) FACILITY OPERATION INFORMATION STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain, to the extent practicable, information related to operating the facility as required by the standards prescribed under this chapter and, when requested, to make the information available to the Secretary and an appropriate State official as determined by the Secretary. The information shall include—

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

(2) accurate maps and a supplementary geographic description, including an identification of areas described in regulations prescribed under section 60109 of this title, that show the location in the State of—

(A) major gas pipeline facilities of the operator, including transmission lines and significant distribution lines; and

(B) major hazardous liquid pipeline facilities of the operator;

(3) a description of—

(A) the characteristics of the operator's pipelines in the State; and

(B) products transported through the operator's pipelines in the State;

(4) the manual that governs operating and maintaining pipeline facilities in the State;

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

(A) identifying specific action the operator will take on discovering a release;

(B) liaison procedures with State and local authorities for emergency response; and

(C) communication and alert procedures for immediately notifying State and local officials at the time of a release; and

(6) other information the Secretary considers useful to inform a State of the presence of pipeline facilities and operations in the State.

(e) PIPE INVENTORY STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain for the Secretary, to the extent practicable, an inventory with appropriate information about the types of pipe used for the transportation of gas or hazardous liquid, as appropriate, in the operator's system and

<sup>2</sup> See References in Text note below.

additional information, including the material's history and the leak history of the pipe. The inventory—

(1) for a gas pipeline facility, shall include an identification of each facility passing through an area described in regulations prescribed under section 60109 of this title but shall exclude equipment used with the compression of gas; and

(2) for a hazardous liquid pipeline facility, shall include an identification of each facility and gathering line passing through an area described in regulations prescribed under section 60109 of this title, whether the facility or gathering line otherwise is subject to this chapter, but shall exclude equipment associated only with the pipeline pumps or storage facilities.

(f) STANDARDS AS ACCOMMODATING "SMART PIGS".—

(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid 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 natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as "smart pigs"). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.

(2) PERIODIC INSPECTIONS.—Not later than October 24, 1995, the Secretary shall prescribe, if necessary, additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109 of this title. The standards shall include any circumstances under which an inspection shall be conducted with an instrumented internal inspection device and, if the device is not required, use of an inspection method that is at least as effective as using the device in providing for the safety of the pipeline.

(g) EFFECTIVE DATES.—A standard prescribed under this section and section 60110 of this title is effective on the 30th day after the Secretary prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(h) SAFETY CONDITION REPORTS.—(1) The Secretary shall prescribe regulations requiring each operator of a pipeline facility (except a master meter) to submit to the Secretary a written report on any—

(A) condition that is a hazard to life, property, or the environment; and

(B) safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility.

(2) The Secretary must receive the report not later than 5 working days after a representative of a person to which this section applies first establishes that the condition exists. Notice of the condition shall be given concurrently to appropriate State authorities.

(i) CARBON DIOXIDE REGULATION.—The Secretary shall regulate carbon dioxide transported by a hazardous liquid pipeline facility. The Secretary shall prescribe standards related to hazardous liquid to ensure the safe transportation of carbon dioxide by such a facility.

(j) EMERGENCY FLOW RESTRICTING DEVICES.—(1) Not later than October 24, 1994, the Secretary shall survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate hazardous liquid pipeline ruptures and minimize product releases from hazardous liquid pipeline facilities.

(2) Not later than 2 years after the survey and assessment are completed, the Secretary shall prescribe standards on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device or other procedure, system, or equipment described in paragraph (1) of this subsection on the facility.

(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.

(k) PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.—The Secretary may not provide an exception to this chapter for a hazardous liquid pipeline facility only because the facility operates at low internal stress.

(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1304; Pub. L. 104-304, §§4, 20(g), Oct. 12, 1996, 110 Stat. 3794, 3805.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60102(a)(1) ..	49 App.:1672(a)(1) (1st, 2d sentences).	Aug. 12, 1968, Pub. L. 90-481, §3(a)(1) (1st, 2d, 7th, 8th sentences), 82 Stat. 721; Oct. 11, 1976, Pub. L. 94-477, §4(1), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96-129, §§101(a), 109(c)-(e), 93 Stat. 990, 996; Oct. 24, 1992, Pub. L. 102-508, §101(a)(1), (2), 106 Stat. 3290.
	49 App.:1672(a)(1) (3d sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(1) (3d sentence); added Oct. 31, 1988, Pub. L. 100-561, §101, 102 Stat. 2806; Oct. 24, 1992, Pub. L. 102-508, §106(1), 102 Stat. 3293.
	49 App.:2002(a)(1) (1st, 2d sentences).	Nov. 30, 1979, Pub. L. 96-129, 203(a)(1), 93 Stat. 1004; Oct. 22, 1986, Pub. L. 99-516, §3(b)(1)(A), 100 Stat. 2966; Oct. 24, 1992, Pub. L. 102-508, §201(a)(1), 106 Stat. 3299.
	49 App.:2002(c) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §203(c) (1st sentence), (e), (f), 93 Stat. 1004.
	49 App.:2002(c) (2d sentence).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(c) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, §201, 102 Stat. 2809; Oct. 24, 1992, Pub. L. 102-508, §205(i), 106 Stat. 3302.
60102(a)(2) ..	49 App.:1672(a)(1) (4th, 5th sentences).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(1) (4th, 5th sentences); added Oct. 24, 1992, Pub. L. 102-508, §106(2), 102 Stat. 3293.
	49 App.:2002(c) (3d, 4th sentences).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(c) (3d, 4th sentences); added Oct. 24, 1992, Pub. L. 102-508, §205(2), 106 Stat. 3302.
60102(b) .....	49 App.:1672(a)(1) (7th, 8th sentences).	
	49 App.:2002(a)(1) (last sentence).	
	49 App.:2002(b) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §203(b) (1st sentence), 93 Stat. 1004; Oct. 24, 1992, Pub. L. 102-508, §201(a)(3), 106 Stat. 3300.
60102(c)(1), (2).	49 App.:1672(a)(2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(2); added Nov. 30, 1979, Pub. L. 96-129, §§101(a), 109(c), 93 Stat. 990, 996.
60102(c)(3) ..	49 App.:2002(e).	
60102(d) .....	49 App.:1672(e).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(e); added Oct. 31, 1988, Pub. L. 100-561, §102, 102 Stat. 2806; Oct. 24, 1992, Pub. L. 102-508, §102(b), 106 Stat. 3291.
	49 App.:2002(i).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(i); added Oct. 31, 1988, Pub. L. 100-561, §202, 102 Stat. 2810; Oct. 24, 1992, Pub. L. 102-508, §202(b), 106 Stat. 3301.
60102(e) .....	49 App.:1672(f).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(f); added Oct. 31, 1988, Pub. L. 100-561, §102, 102 Stat. 2806; Oct. 24, 1992, Pub. L. 102-508, §102(a)(1), 106 Stat. 3290.
	49 App.:2002(j).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(j); added Oct. 31, 1988, Pub. L. 100-561, §202, 102 Stat. 2810; Oct. 24, 1992, Pub. L. 102-508, §202(a)(1), 106 Stat. 3300.
60102(f) .....	49 App.:1672(g).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(g); added Oct. 31, 1988, Pub. L. 100-561, §108(b), 102 Stat. 2808; Oct. 24, 1992, Pub. L. 102-508, §103, 106 Stat. 3291.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49 App.:2002(k).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(k); added Oct. 31, 1988, Pub. L. 100-561, §207(b), 102 Stat. 2812; Oct. 24, 1992, Pub. L. 102-508, §203, 106 Stat. 3301.
60102(g) .....	49 App.:1672(b).	Aug. 12, 1968, Pub. L. 90-481, §3(b), 82 Stat. 721; Nov. 30, 1979, Pub. L. 96-129, §109(c), (f), 93 Stat. 996.
	49 App.:2002(f).	
60102(h) .....	49 App.:1672(a)(3).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(3); added Oct. 22, 1986, Pub. L. 99-516, §3(a)(1), 100 Stat. 2965; Oct. 24, 1992, Pub. L. 102-508, §101(a)(3), 106 Stat. 3290.
	49 App.:2002(a)(2).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(a)(2); added Oct. 22, 1986, Pub. L. 99-516, §3(b)(1)(B), 100 Stat. 2966; Oct. 24, 1992, Pub. L. 102-508, §201(a)(2), 106 Stat. 3300.
60102(i) .....	49 App.:2015.	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §219; added Oct. 31, 1988, Pub. L. 100-561, §211(a), 102 Stat. 2813.
	49 App.:2015 (note).	Oct. 31, 1988, Pub. L. 100-561, §211(c), 102 Stat. 2813.
60102(j) .....	49 App.:2002(n).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(n); added Oct. 24, 1992, Pub. L. 102-508, §212, 106 Stat. 3304.
60102(k) .....	49 App.:2002(b) (last sentence).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(b) (last sentence); added Oct. 24, 1992, Pub. L. 102-508, §206, 106 Stat. 3302.

In this section, the word “Federal” is omitted as surplus.

In subsection (a)(1), before clause (A), the word “prescribe” is substituted for “by regulation, establish” for consistency in the revised title and with other titles of the United States Code. Standards are made applicable to transporters of gas and to owners and operators of gas pipeline facilities because of 49 App.:1677(a)(1), re-stated in section 60118 of the revised title.

In subsection (b), before clause (1), the words “Except as provided in section 60103 of this title” are added for clarity. In clause (3), the word “proposed” is omitted as surplus.

In subsection (c)(1), before clause (A), the words “Not later than 12 months after November 30, 1979” are omitted as executed. The word “gas” is added because of the restatement. In clause (B), the word “specific” is omitted as surplus. In clause (C), the words “will protect” are substituted for “is being carried out in a manner . . . to assure protection” to eliminate unnecessary words.

In subsection (c)(2) and (3), the words “to the public with respect to that operator’s pipeline facilities which are” are omitted as surplus.

In subsection (c)(2), the word “prescribe” is substituted for “provide” for consistency in the revised title and with other titles of the Code.

In subsection (c)(3), the words “participate in a public safety program meeting the requirements of paragraph (1) of this subsection” are substituted for 49 App.:2002(e)(1) to eliminate unnecessary words.

In subsection (d), before clause (1), the words “Not later than 1 year after October 31, 1988” are omitted as obsolete. The word “prescribe” is substituted for “establish by regulation” for consistency in the revised title and with other titles of the Code. The word “maintain” is substituted for “provide, and revise as necessary” and “completed and maintained” to eliminate unnecessary words. The words “as the case may be” are omitted as surplus. In clause (2), before subclause (A), the words “map or” and “appropriate” are omitted as surplus. In clause (5)(B), the word “government” is



omitted as surplus and for consistency in this chapter. In clause (6), the words “and necessary” are omitted as surplus.

In subsections (e) and (f), the word “prescribe” is substituted for “by regulation, establish” for consistency in the revised title and with other titles of the Code.

In subsection (e), before clause (1), the words “not later than 1 year after October 31, 1988” are omitted as obsolete. The words “complete and” and “and to revise as appropriate thereafter” are omitted as surplus.

In subsections (e)(2) and (k), the words “regulation under” are omitted as surplus.

In subsection (g), the words “and amendments thereto” and “recited” are omitted as surplus. The word “different” is substituted for “earlier or later” to eliminate unnecessary words. The words “or amending” are omitted as surplus.

In subsection (h)(1), before clause (A), the words “Not later than 12 months after October 22, 1986” are omitted as obsolete.

In subsection (i), the words “In addition to hazardous liquids”, “under this chapter”, and “as necessary and appropriate” are omitted as surplus.

In subsection (k), the words “In exercising any discretion under this chapter” are omitted as surplus. The word “because” is substituted for “on the basis of the fact that” to eliminate unnecessary words.

#### REFERENCES IN TEXT

The date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, referred to in subsec. (c)(4)(A), probably means the date of enactment of the Accountable Pipeline Safety and Partnership Act of 1996, Pub. L. 104-304, which amended this section and was approved Oct. 12, 1996.

#### AMENDMENTS

1996—Subsec. (a)(1)(A). Pub. L. 104-304, § 4(a)(1), struck out “transporters of gas and hazardous liquid and to” after “apply to”.

Subsec. (a)(1)(C). Pub. L. 104-304, § 4(a)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: “shall include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to operate and maintain those facilities.”

Subsec. (a)(2). Pub. L. 104-304, § 4(a)(3), added par. (2) and struck out former par. (2) which read as follows: “As the Secretary considers appropriate, the operator of a pipeline facility may make the certification under paragraph (1)(C) of this subsection. Testing and certification under paragraph (1)(C) shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits.”

Subsec. (b). Pub. L. 104-304, § 4(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “A standard prescribed under subsection (a) of this section shall be practicable and designed to meet the need for gas pipeline safety, for safely transporting hazardous liquid, and for protecting the environment. Except as provided in section 60103 of this title, when prescribing the standard the Secretary shall consider—

“(1) relevant available—

“(A) gas pipeline safety information; or

“(B) hazardous liquid pipeline information;

“(2) the appropriateness of the standard for the particular type of pipeline transportation or facility;

“(3) the reasonableness of the standard; and

“(4) the extent to which the standard will contribute to public safety and the protection of the environment.”

Subsec. (c)(4). Pub. L. 104-304, § 4(g), added par. (4).

Subsec. (d). Pub. L. 104-304, § 4(c), inserted “as required by the standards prescribed under this chapter” after “operating the facility”, substituted “to make the information available” for “to provide the information”, and inserted “as determined by the Secretary”

after “to the Secretary and an appropriate State official”.

Subsec. (e). Pub. L. 104-304, § 4(d)(2), substituted “transportation” for “transmission” in introductory provisions.

Pub. L. 104-304, § 4(d)(1), in introductory provisions, directed striking out “and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),” after “subject to this chapter”, which was executed by striking out text which read in part “regulated gathering line” instead of “regulated gather line”, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 104-304, § 4(e)(1), added heading and text of par. (1) and struck out former par. (1) which read as follows: “The Secretary shall prescribe minimum safety standards requiring that the design and construction of a new gas pipeline transmission facility or hazardous liquid pipeline facility, and the required replacement of an existing gas pipeline transmission facility, hazardous liquid pipeline facility, or equipment, be carried out, to the extent practicable, in a way that accommodates the passage through the facility of an instrumented internal inspection device (commonly referred to as a ‘smart pig’). The Secretary may apply the standard to an existing gas or hazardous liquid transmission facility and require the facility to be changed to allow the facility to be inspected with an instrumented internal inspection device if the basic construction of the facility will accommodate the device.”

Subsec. (f)(2). Pub. L. 104-304, §§ 4(e)(2), 20(g), inserted heading, realigned margins, inserted “, if necessary, additional” after “the Secretary shall prescribe”, and substituted “standards” for “regulations” in two places.

Subsecs. (i), (j)(2). Pub. L. 104-304, § 20(g), substituted “standards” for “regulations”.

Subsec. (j)(3). Pub. L. 104-304, § 4(h), added par. (3).

Subsec. (l). Pub. L. 104-304, § 4(f), added subsec. (l).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60103, 60108, 60109 of this title.

### § 60103. Standards for liquefied natural gas pipeline facilities

(a) LOCATION STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the location of a new liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider the—

- (1) kind and use of the facility;
- (2) existing and projected population and demographic characteristics of the location;
- (3) existing and proposed land use near the location;
- (4) natural physical aspects of the location;
- (5) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and
- (6) need to encourage remote siting.

(b) DESIGN, INSTALLATION, CONSTRUCTION, INSPECTION, AND TESTING STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for designing, installing, constructing, initially inspecting, and initially testing a new liquefied natural gas pipeline facility. When prescribing a standard, the Secretary shall consider—

- (1) the characteristics of material to be used in constructing the facility and of alternative material;

- (2) design factors;
- (3) the characteristics of the liquefied natural gas to be stored or converted at, or transported by, the facility; and
- (4) the public safety factors of the design and of alternative designs, particularly the ability to prevent and contain a liquefied natural gas spill.

(c) NONAPPLICATION.—(1) Except as provided in paragraph (2) of this subsection, a design, location, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, does not apply to an existing liquefied natural gas pipeline facility if the standard is to be applied because of authority given—

- (A) under this chapter; or
- (B) under another law, and the standard is not prescribed at the time the authority is applied.

(2)(A) Any design, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, may provide that the standard applies to any part of a replacement component of a liquefied natural gas pipeline facility if the component or part is placed in service after the standard is prescribed and application of the standard—

- (i) does not make the component or part incompatible with other components or parts; or
- (ii) is not impracticable otherwise.

(B) Any location standard prescribed under this chapter after March 1, 1978, does not apply to any part of a replacement component of an existing liquefied natural gas pipeline facility.

(3) A design, installation, construction, initial inspection, or initial testing standard does not apply to a liquefied natural gas pipeline facility existing when the standard is adopted.

(d) OPERATION AND MAINTENANCE STANDARDS.—The Secretary of Transportation shall prescribe minimum operating and maintenance standards for a liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider—

- (1) the conditions, features, and type of equipment and structures that make up or are used in connection with the facility;
- (2) the fire prevention and containment equipment at the facility;
- (3) security measures to prevent an intentional act that could cause a liquefied natural gas accident;
- (4) maintenance procedures and equipment;
- (5) the training of personnel in matters specified by this subsection; and
- (6) other factors and conditions related to the safe handling of liquefied natural gas.

(e) EFFECTIVE DATES.—A standard prescribed under this section is effective on the 30th day after the Secretary of Transportation prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(f) CONTINGENCY PLANS.—A new liquefied natural gas pipeline facility may be operated only

after the operator submits an adequate contingency plan that states the action to be taken if a liquefied natural gas accident occurs. The Secretary of Energy or appropriate State or local authority shall decide if the plan is adequate.

(g) EFFECT ON OTHER STANDARDS.—This section does not preclude applying a standard prescribed under section 60102 of this title to a gas pipeline facility (except a liquefied natural gas pipeline facility) associated with a liquefied natural gas pipeline facility.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1307.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60103(a) .....	49 App.:1674a(a) (1)(A), (d)(1), (e).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §6; added Nov. 30, 1979, Pub. L. 96–129, §152(a), 93 Stat. 999.
60103(b) .....	49 App.:1674a(a) (1)(B), (2), (d)(2), (e).	
60103(c)(1), (2).	49 App.:1674a(c)(1).	
60103(c)(3) ..	49 App.:1674a(c)(3).	
60103(d) .....	49 App.:1674a(b), (d)(3), (e).	
60103(e) .....	49 App.:1674a(f).	
60103(f) .....	49 App.:1674a(a)(3).	
60103(g) .....	49 App.:1674a(c)(2).	

In subsections (a), (b), and (d), the words “general safety” are omitted as surplus. The text of 49 App.:1674a(e) is omitted for consistency in the revised title and with other titles of the United States Code.

In subsections (a) and (b), before each clause (1), the words “Not later than 180 days after November 30, 1979” are omitted as executed. The word “prescribe” is substituted for “establish by regulation” for consistency in the revised title and with other titles of the Code.

In subsection (a), before clause (1), the words “with respect to standards relating to the location of any new LNG facility” are omitted because of the restatement. In clause (2), the word “involved” is omitted as surplus. In clause (4), the words “meteorological, geological, topographical, seismic, and other” are omitted as surplus. In clause (5), the word “existing” is omitted as surplus.

In subsection (b), before clause (1), the text of 49 App.:1674a(a)(2) (1st sentence) is omitted as executed. The text of 49 App.:1674a(a)(2) (last sentence) is omitted as surplus. The words “with respect to standards applicable to the design, installation, construction, initial inspection, and initial testing of any new LNG facility” are omitted because of the restatement. In clause (1), the words “thermal resistance and other” are omitted as surplus. In clause (2), the words “(such as multiple diking, insulated concrete, and vapor containment barriers)” are omitted as surplus. In clause (3), the words “(for example, whether it is to be in a liquid or semi-solid state)” are omitted as surplus. In clause (4), the words “under such a design” are omitted as surplus.

In subsection (c)(1) and (2), the word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the Code.

In subsection (c)(1), before clause (A), the words “if the standard is to be applied” are added for clarity. The word “either” is omitted as surplus. In clause (B), the word “Federal” is omitted as surplus. The words “the authority is applied” are substituted for “such authority was exercised” for clarity.

In subsection (c)(2)(A), before clause (i), the words “design, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978” are substituted for “Any such standard (other than one affecting location)” for clarity. In clause (i), the words “of the facility involved” are omitted as surplus. In clause (ii), the word “otherwise” is omitted as surplus.

In subsection (d), before clause (1), the words “Not later than 270 days after November 30, 1979” are omitted as executed. The words “with respect to standards for the operation and maintenance [sic] of any LNG facility” are omitted because of the restatement. In clause (3), the words “to be used with respect to the operation of such facility” and “sabotage or other” are omitted as surplus.

In subsection (e), the text of 49 App.:1674a(f) (related to 49 App.:1672(a)(1) (8th, last sentences), (c), and (d)) is omitted as surplus because those provisions apply to all standards prescribed under the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 82 Stat. 720).

In subsection (f), the words “Secretary of Energy” are substituted for “Department of Energy” because of 42:7131. The words “or local” are added for clarity. The words “in the case of any facility not subject to the jurisdiction of the Department under the Natural Gas Act” are omitted as surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60102, 60122 of this title.

§ 60104. Requirements and limitations

(a) OPPORTUNITY TO PRESENT VIEWS.—The Secretary of Transportation shall give an interested person an opportunity to make oral and written presentations of information, views, and arguments when prescribing a standard under this chapter.

(b) NONAPPLICATION.—A design, installation, construction, initial inspection, or initial testing standard does not apply to a pipeline facility existing when the standard is adopted.

(c) PREEMPTION.—A State authority that has submitted a current certification under section 60105(a) of this title may adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed under this chapter. A State authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation.

(d) CONSULTATION.—(1) When continuity of gas service is affected by prescribing a standard or waiving compliance with standards under this chapter, the Secretary of Transportation shall consult with and advise the Federal Energy Regulatory Commission or a State authority having jurisdiction over the affected gas pipeline facility before prescribing the standard or waiving compliance. The Secretary shall delay the effective date of the standard or waiver until the Commission or State authority has a reasonable opportunity to grant an authorization it considers necessary.

(2) In a proceeding under section 3 or 7 of the Natural Gas Act (15 U.S.C. 717b or 717f), each applicant for authority to import natural gas or to establish, construct, operate, or extend a gas pipeline facility subject to an applicable safety standard shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain a gas pipeline facility under those standards and plans for inspection and maintenance under section 60108 of this title. The certification is binding on the Secretary of Energy and the Commission except when an appropriate enforcement agency has given timely written notice to the Commission that the applicant has

violated a standard prescribed under this chapter.

(e) LOCATION AND ROUTING OF FACILITIES.—This chapter does not authorize the Secretary of Transportation to prescribe the location or routing of a pipeline facility.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1308.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60104(a) .....	49 App.:1672(c).  49 App.:2002(g).	Aug. 12, 1968, Pub. L. 90-481, §3(c), 82 Stat. 721; Nov. 30, 1979, Pub. L. 96-129, §§104(a)(2), (c), 109(c), 93 Stat. 992, 994, 996. Nov. 30, 1979, Pub. L. 96-129, §§202(4) (28th-last words), 203(c) (last sentence), (g), 93 Stat. 1003, 1004, 1005.
60104(b) .....	49 App.:1672(a)(1) (6th sentence).	Aug. 12, 1968, Pub. L. 90-481, §3(a)(1) (6th, 9th, last sentences), 82 Stat. 721; Oct. 11, 1976, Pub. L. 94-477, §4(2), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96-129, §§101(a), 109(c), (e), 93 Stat. 990, 996; Oct. 24, 1992, Pub. L. 102-508, §116, 106 Stat. 3298.
60104(c) .....	49 App.:2002(c) (last sentence). 49 App.:1672(a)(1) (9th, last sentences). 49 App.:2002(d).	Nov. 30, 1979, Pub. L. 96-129, §203(d), 93 Stat. 1004; Oct. 24, 1992, Pub. L. 102-508, §215, 106 Stat. 3305.
60104(d) .....	49 App.:1676(a).	Aug. 12, 1968, Pub. L. 90-481, §9(a), 82 Stat. 725; Nov. 30, 1979, Pub. L. 96-129, §§109(i), 152(a), (b)(3), 93 Stat. 997, 999, 1001; Oct. 30, 1988, Pub. L. 100-561, §105(1), 102 Stat. 2807.
60104(e) .....	49 App.:1671(4) (33d-last words). 49 App.:2001(4) (28th-last words).	Aug. 12, 1968, Pub. L. 90-481, §2(4) (33d-last words), 82 Stat. 720.

Subsection (a) is substituted for 49 App.:1672(c) (last sentence) and 2002(g) (last sentence) to eliminate unnecessary words. The text of 49 App.:1672(c) (1st sentence) and 2002(g) (1st sentence) is omitted as unnecessary because 5:ch. 5, subch. II applies unless otherwise stated.

In subsection (c), the words “prescribed under this chapter” are added for clarity. The words “after the Federal minimum standards become effective” in 49 App.:1672(a) (last sentence) are omitted as obsolete.

In subsection (d)(1), the words “waiving compliance” are substituted for “action upon application for waiver” and “acting on the waiver application” to eliminate unnecessary words. The words “the provisions of” are omitted as surplus. The word “authority” is substituted for “commission” for consistency in the revised title and with other titles of the Code.

In subsection (d)(2), the words “and conclusive” are omitted as being included in “binding”. The words “Secretary of Energy” are substituted for “Department of Energy” because of 42:7231.

§ 60105. State pipeline safety program certifications

(a) GENERAL REQUIREMENTS AND SUBMISSION.—Except as provided in this section and sections 60114 and 60121 of this title, the Secretary of Transportation may not prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a State authority (including a municipality if the standards and

practices apply to intrastate gas pipeline transportation) that submits to the Secretary annually a certification for the facilities and transportation that complies with subsections (b) and (c) of this section.

(b) CONTENTS.—Each certification submitted under subsection (a) of this section shall state that the State authority—

(1) has regulatory jurisdiction over the standards and practices to which the certification applies;

(2) has adopted, by the date of certification, each applicable standard prescribed under this chapter or, if a standard under this chapter was prescribed not later than 120 days before certification, is taking steps to adopt that standard;

(3) is enforcing each adopted standard through ways that include inspections conducted by State employees meeting the qualifications the Secretary prescribes under section 60107(d)(1)(C) of this title;

(4) is encouraging and promoting programs designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies;

(5) may require record maintenance, reporting, and inspection substantially the same as provided under section 60117 of this title;

(6) may require that plans for inspection and maintenance under section 60108 (a) and (b) of this title be filed for approval; and

(7) may enforce safety standards of the authority under a law of the State by injunctive relief and civil penalties substantially the same as provided under sections 60120 and 60122(a)(1) and (b)–(f) of this title.

(c) REPORTS.—(1) Each certification submitted under subsection (a) of this section shall include a report that contains—

(A) the name and address of each person to whom the certification applies that is subject to the safety jurisdiction of the State authority;

(B) each accident or incident reported during the prior 12 months by that person involving a fatality, personal injury requiring hospitalization, or property damage or loss of more than an amount the Secretary establishes (even if the person sustaining the fatality, personal injury, or property damage or loss is not subject to the safety jurisdiction of the authority), any other accident the authority considers significant, and a summary of the investigation by the authority of the cause and circumstances surrounding the accident or incident;

(C) the record maintenance, reporting, and inspection practices conducted by the authority to enforce compliance with safety standards prescribed under this chapter to which the certification applies, including the number of inspections of pipeline facilities the authority made during the prior 12 months; and

(D) any other information the Secretary requires.

(2) The report included in the first certification submitted under subsection (a) of this section is only required to state information available at the time of certification.

(d) APPLICATION.—A certification in effect under this section does not apply to safety standards prescribed under this chapter after the date of certification. This chapter applies to each applicable safety standard prescribed after the date of certification until the State authority adopts the standard and submits the appropriate certification to the Secretary under subsection (a) of this section.

(e) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the certification. A State authority shall cooperate with the Secretary under this subsection.

(f) REJECTIONS OF CERTIFICATION.—If after receiving a certification the Secretary decides the State authority is not enforcing satisfactorily compliance with applicable safety standards prescribed under this chapter, the Secretary may reject the certification, assert United States Government jurisdiction, or take other appropriate action to achieve adequate enforcement. The Secretary shall give the authority notice and an opportunity for a hearing before taking final action under this subsection. When notice is given, the burden of proof is on the authority to demonstrate that it is enforcing satisfactorily compliance with the prescribed standards.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1309; Pub. L. 104–304, §20(a), Oct. 12, 1996, 110 Stat. 3804.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60105(a) .....	49 App.:1674(a) (1st sentence words before “that such State agency”).	Aug. 12, 1968, Pub. L. 90–481, §5(a), 82 Stat. 722; Aug. 22, 1972, Pub. L. 92–401, §1, 86 Stat. 616; Oct. 11, 1976, Pub. L. 94–477, §5(a), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §§101(b), 103(a), (b)(3), 109(g), (h)(1), 93 Stat. 990, 991, 996; Jan. 14, 1983, Pub. L. 97–468, §104, 96 Stat. 2543; Oct. 31, 1988, Pub. L. 100–561, §§103, 303(b)(1), 102 Stat. 2807, 2816; Oct. 24, 1992, Pub. L. 102–508, §§110(a), 111, 106 Stat. 3295.
	49 App.:2004(a) (1st sentence words before “that such State agency”).	Nov. 30, 1979, Pub. L. 96–129, §205(a), 93 Stat. 1006; Oct. 31, 1988, Pub. L. 100–561, §203, 102 Stat. 2810; Oct. 24, 1992, Pub. L. 102–508, §§209(a), 210, 106 Stat. 3304.
60105(b) .....	49 App.:1674(a) (1st sentence words after “an annual certification”). 49 App.:2004(a) (1st sentence words after “an annual certification”).	
60105(c) .....	49 App.:1674(a) (2d, 3d sentences). 49 App.:2004(a) (2d, last sentences).	
60105(d) .....	49 App.:1674(e).	Aug. 12, 1968, Pub. L. 90–481, §5(e), 82 Stat. 724; Oct. 11, 1976, Pub. L. 94–477, §5(c), 90 Stat. 2074; Nov. 30, 1979, Pub. L. 96–129, §103(b)(2)(B), 93 Stat. 991.
	49 App.:2004(e).	Nov. 30, 1979, Pub. L. 96–129, §205(c) (related to certification), (e), (f), 93 Stat. 1007, 1008.
60105(e) .....	49 App.:1674(c) (related to certification).  49 App.:2004(c) (related to certification).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §5(c) (related to certification); added Nov. 30, 1979, Pub. L. 96–129, §103(b)(2)(C), 93 Stat. 991.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60105(f) .....	49 App.:1674(a) (4th, last sentences). 49 App.:2004(f).	

In subsection (a), the words “applicable to same” are omitted as surplus. The words “for the facilities and transportation that complies with subsections (b) and (c) of this section” are added for clarity.

In subsections (b) and (c), the words “to which the certification applies” and “to whom the certification applies” are added because of the restatement.

In subsection (b)(2), the words “Federal safety” and “pursuant to State law” are omitted as surplus.

In subsection (b)(7), the words “injunctive relief and civil penalties” are substituted for “injunctive and monetary sanctions” for clarity and consistency.

In subsection (c)(1), before clause (A), the word “annual” is omitted as surplus. The words “in such form as the Secretary may by regulation provide” are omitted as surplus because of 49:322(a). In clause (B), the words “or loss” are added for consistency in the revised title and with other titles of the United States Code. In clause (C), the words “a detail of” are omitted as surplus.

In subsection (d), the words “with respect” and “new or amended Federal” are omitted as surplus.

In subsection (e), the words “conduct whatever . . . may be necessary” and “fully” are omitted as surplus. The words “with the Secretary” are substituted for “in any monitoring of their programs” for clarity.

In subsection (f), the words “prescribed under this chapter” are added for clarity. The word “reasonable” is omitted as surplus.

AMENDMENTS

1996—Pub. L. 104-304 substituted “State pipeline safety program certifications” for “State certifications” in section catchline.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60104, 60106, 60107, 60108, 60118, 60121, 60124, 60125, 60126 of this title.

§ 60106. State pipeline safety agreements

(a) GENERAL AUTHORITY.—If the Secretary of Transportation does not receive a certification under section 60105 of this title, the Secretary may make an agreement with a State authority (including a municipality if the agreement applies to intrastate gas pipeline transportation) authorizing it to take necessary action. Each agreement shall—

(1) establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with applicable safety standards prescribed under this chapter; and

(2) prescribe procedures for approval of plans of inspection and maintenance substantially the same as required under section 60108 (a) and (b) of this title.

(b) NOTIFICATION.—Each agreement shall require the State authority to notify the Secretary promptly of a violation or probable violation of an applicable safety standard discovered as a result of action taken in carrying out an agreement under this section.

(c) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the agreement. A State authority shall cooperate with the Secretary under this subsection.

(d) ENDING AGREEMENTS.—The Secretary may end an agreement made under this section when the Secretary finds that the State authority has not complied with any provision of the agreement. The Secretary shall give the authority notice and an opportunity for a hearing before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication. (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1310; Pub. L. 104-304, §20(b), Oct. 12, 1996, 110 Stat. 3804.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60106(a) .....	49 App.:1674(b) (1st sentence).  49 App.:2004(b) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, §5(b), 82 Stat. 723; Oct. 11, 1976, Pub. L. 94-477, §5(b), 90 Stat. 2074; Nov. 30, 1979, Pub. L. 96-129, §§103(b)(1), 109(h)(2), 93 Stat. 991, 996. Nov. 30, 1979, Pub. L. 96-129, §205(b), (c) (related to agreement), (g), 93 Stat. 1007, 1008.
60106(b) .....	49 App.:1674(b) (last sentence). 49 App.:2004(b) (last sentence).	
60106(c) .....	49 App.:1674(c) (related to agreement).  49 App.:2004(c) (related to agreement). 49 App.:1674(f).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §5(c) (related to agreement); added Nov. 30, 1979, Pub. L. 96-129, §103(b)(2)(C), 93 Stat. 991.
60106(d) .....	49 App.:1674(f).  49 App.:2004(g).	Aug. 12, 1968, Pub. L. 90-481, §5(f), 82 Stat. 724; Nov. 30, 1979, Pub. L. 96-129, §103(b)(2)(B), 93 Stat. 991.

In subsection (a), before clause (1), the word “annual” is omitted as surplus. The words “to take necessary action” are substituted for “to assume responsibility for, and carry out” for clarity. The words “on behalf of the Secretary” are omitted as surplus. In clause (1), the words “applicable . . . prescribed under this chapter” are added for clarity. The word “Federal” is omitted as surplus. In clause (2), the word “prescribe” is substituted for “establish” for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “action taken in carrying out an agreement” are substituted for “its program” for clarity.

In subsection (c), the words “conduct whatever . . . may be necessary” and “fully” are omitted as surplus. The words “with the Secretary” are substituted for “in any monitoring of their programs” for clarity.

AMENDMENTS

1996—Pub. L. 104-304 substituted “State pipeline safety agreements” for “State agreements” in section catchline.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60107, 60108, 60118, 60124 of this title.

§ 60107. State pipeline safety grants

(a) GENERAL AUTHORITY.—If a State authority files an application not later than September 30 of a calendar year, the Secretary of Transportation shall pay not more than 50 percent of the cost of the personnel, equipment, and activities the authority reasonably requires during the next calendar year—

(1) to carry out a safety program under a certification under section 60105 of this title or

an agreement under section 60106 of this title; or

(2) to act as an agent of the Secretary on interstate gas pipeline facilities or interstate hazardous liquid pipeline facilities.

(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent—

(1) for a gas safety program, for the fiscal years that ended June 30, 1967, and June 30, 1968; and

(2) for a hazardous liquid safety program, for the fiscal years that ended September 30, 1978, and September 30, 1979.

(c) APPORTIONMENT AND METHOD OF PAYMENT.—The Secretary shall apportion the amount appropriated to carry out this section among the States. A payment may be made under this section in installments, in advance, or on a reimbursable basis.

(d) ADDITIONAL AUTHORITY AND CONSIDERATIONS.—(1) The Secretary may prescribe—

(A) the form of, and way of filing, an application under this section;

(B) reporting and fiscal procedures the Secretary considers necessary to ensure the proper accounting of money of the Government; and

(C) qualifications for a State to meet to receive a payment under this section, including qualifications for State employees who perform inspection activities under section 60105 or 60106 of this title.

(2) The qualifications prescribed under paragraph (1)(C) of this subsection may—

(A) consider the experience and training of the employee;

(B) order training or other requirements; and

(C) provide for approval of qualifications on a conditional basis until specified requirements are met.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1311; Pub. L. 104-304, §20(c), Oct. 12, 1996, 110 Stat. 3804.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60107(c) .....	49 App.:2004(d)(1) (2d, last sentences). 49 App.:1674(d)(2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §5(d)(2); added Aug. 30, 1974, Pub. L. 93-403, §2, 88 Stat. 802; Nov. 30, 1979, Pub. L. 96-129, §103(b)(2)(B), 109(h)(3), 93 Stat. 991, 996; Apr. 7, 1986, Pub. L. 99-272, §7002(b)(1), 100 Stat. 139.
	49 App.:1674(d)(3). 49 App.:2004(d)(2).	Nov. 30, 1979, Pub. L. 96-129, §205(d)(2), 93 Stat. 1008; Apr. 7, 1986, Pub. L. 99-272, §7002(b)(2), 100 Stat. 139.
60107(d) (1)(A), (B).	49 App.:2004(d)(3). 49 App.:1674(d)(4).	
60107(d) (1)(C), (2).	49 App.:2004(d)(4). 49 App.:1674(d)(5).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §5(d)(5); added Oct. 31, 1988, Pub. L. 100-561, §104, 102 Stat. 2807.
	49 App. 2004(d)(5).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §205(d)(5); added Oct. 31, 1988, Pub. L. 100-561, §204, 102 Stat. 2811.

In subsection (a), before clause (1), the words “Except as otherwise provided in this section” and “out of funds appropriated or otherwise made available” are omitted as surplus.

In subsection (b), before clause (1), the word “payment” is substituted for “funds” for clarity. The words “the total State amount spent” are substituted for “the aggregate expenditures of funds for the State”, and the words “at least equal the average amount spent” are substituted for “be maintained at a level which does not fall below the average level of such expenditures”, to eliminate unnecessary words. In clause (1), the words “that ended June 30, 1967, and June 30, 1968” are substituted for “last two . . . preceding August 12, 1968” for clarity. In clause (2), the words “that ended September 30, 1978, and September 30, 1979” are substituted for “last two . . . preceding November 30, 1979” for clarity.

In subsection (c), the words “the Federal grants-in-aid provisions of”, “for payments to aid in the conduct of pipeline safety programs in accordance with paragraph (1) of this subsection”, and “with necessary adjustments on account of overpayments and underpayments” are omitted as surplus.

In subsection (d)(1), before clause (A), the word “prescribe” is substituted for “by regulation, provide for” and “establish by regulation” for consistency in the revised title and with other titles of the United States Code. In clause (C), the words “to receive a payment under this section” are substituted for “in order to participate in the pipeline safety grant program under this subsection”, and the words “under section 60105 or 60106 of this title” are substituted for “pursuant to either an annual certification by a State agency or an agreement relating to inspection between a State agency and the Secretary”, to eliminate unnecessary words.

In subsection (d)(2), before clause (A), the words “qualifications prescribed” are substituted for “regulations” for clarity and consistency.

AMENDMENTS

1996—Pub. L. 104-304 substituted “State pipeline safety grants” for “State grants” in section catchline.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60105, 60125 of this title.

§ 60108. Inspection and maintenance

(a) PLANS.—(1) Each person owning or operating an intrastate gas pipeline facility or hazard-

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60107(a) .....	49 App.:1674(d)(1) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, §5(d)(1), (3), (4), 82 Stat. 724; Aug. 22, 1972, Pub. L. 92-401, §2, 86 Stat. 616; Aug. 30, 1974, Pub. L. 93-403, §2, 88 Stat. 802; Nov. 30, 1979, Pub. L. 96-129, §103(b)(2)(B), 93 Stat. 991.
	49 App.:2004(d)(1) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §205(d)(1), (3), (4), 93 Stat. 1008.
60107(b) .....	49 App.:1674(d)(1) (2d, last sentences).	

ous liquid pipeline facility shall carry out a current written plan (including any changes) for inspection and maintenance of each facility used in the transportation and owned or operated by the person. A copy of the plan shall be kept at any office of the person the Secretary of Transportation considers appropriate. The Secretary also may require a person owning or operating a pipeline facility subject to this chapter to file a plan for inspection and maintenance for approval.

(2) If the Secretary or a State authority responsible for enforcing standards prescribed under this chapter decides that a plan required under paragraph (1) of this subsection is inadequate for safe operation, the Secretary or authority shall require the person to revise the plan. Revision may be required only after giving notice and an opportunity for a hearing. A plan required under paragraph (1) must be practicable and designed to meet the need for pipeline safety and must include terms designed to enhance the ability to discover safety-related conditions described in section 60102(h)(1) of this title. In deciding on the adequacy of a plan, the Secretary or authority shall consider—

(A) relevant available pipeline safety information;

(B) the appropriateness of the plan for the particular kind of pipeline transportation or facility;

(C) the reasonableness of the plan; and

(D) the extent to which the plan will contribute to public safety and the protection of the environment.

(3) A plan required under this subsection shall be made available to the Secretary or State authority on request under section 60117 of this title.

(b) INSPECTION AND TESTING.—(1) The Secretary shall inspect and require appropriate testing of a pipeline facility subject to this chapter that is not covered by a certification under section 60105 of this title or an agreement under section 60106 of this title. The Secretary shall decide on the frequency and type of inspection and testing under this subsection on a case-by-case basis after considering the following:

(A) the location of the pipeline facility.

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

(C) the nature and volume of material transported through the pipeline facility.

(D) the pressure at which that material is transported.

(E) climatic, geologic, and seismic characteristics (including soil characteristics) and conditions of the area in which the pipeline facility is located.

(F) existing and projected population and demographic characteristics of the area in which the pipeline facility is located.

(G) for a hazardous liquid pipeline facility, the proximity of the area in which the facility is located to an area that is unusually sensitive to environmental damage.

(H) the frequency of leaks.

(I) other factors the Secretary decides are relevant to the safety of pipeline facilities.

(2) To the extent and in amounts provided in advance in an appropriation law, the Secretary

shall decide on the frequency of inspection under paragraph (1) of this subsection. The Secretary may reduce the frequency of an inspection of a master meter system.

(3) Testing under this subsection shall use the most appropriate technology practicable.

(c) PIPELINE FACILITIES OFFSHORE AND IN OTHER WATERS.—(1) In this subsection—

(A) “abandoned” means permanently removed from service.

(B) “pipeline facility” includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of—

(i) all offshore pipeline facilities; and

(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.

(B) In prescribing standards to carry out subparagraph (A) of this paragraph—

(i) the Secretary shall identify what is a hazard to navigation with respect to an underwater abandoned pipeline facility; and

(ii) for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(3)(A) The Secretary shall establish by regulation a program requiring an operator of a pipeline facility described in paragraph (2) of this subsection to report a potential or existing navigational hazard involving that pipeline facility to the Secretary through the appropriate Coast Guard office.

(B) The operator of a pipeline facility described in paragraph (2) of this subsection that discovers any part of the pipeline facility that is a hazard to navigation shall mark the location of the hazardous part with a Coast-Guard-approved marine buoy or marker and immediately shall notify the Secretary as provided by the Secretary under subparagraph (A) of this paragraph. A marine buoy or marker used under this subparagraph is deemed a pipeline sign or right-of-way marker under section 60123(c) of this title.

(4)(A) The Secretary shall establish a standard that each pipeline facility described in paragraph (2) of this subsection that is a hazard to navigation is buried not later than 6 months after the date the condition of the facility is reported to the Secretary. The Secretary may extend that 6-month period for a reasonable period to ensure compliance with this paragraph.

(B) In prescribing standards for subparagraph (A) of this paragraph for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(5)(A) Not later than October 24, 1994, the Secretary shall establish standards on what is an exposed offshore pipeline facility and what is a hazard to navigation under this subsection.

(B) Not later than 6 months after the Secretary establishes standards under subparagraph (A) of this paragraph, or October 24, 1995, whichever occurs first, the operator of each offshore pipeline facility not described in section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, shall inspect the facility and report to the Secretary on any part of the facility that is exposed or is a hazard to navigation. This subparagraph applies only to a facility that is between the high water mark and the point at which the subsurface is under 15 feet of water, as measured from mean low water. An inspection that occurred after October 3, 1989, may be used for compliance with this subparagraph if the inspection conforms to the requirements of this subparagraph.

(C) The Secretary may extend the time period specified in subparagraph (B) of this paragraph for not more than 6 months if the operator of a facility satisfies the Secretary that the operator has made a good faith effort, with reasonable diligence, but has been unable to comply by the end of that period.

(6)(A) The operator of a pipeline facility abandoned after October 24, 1992, shall report the abandonment to the Secretary in a way that specifies whether the facility has been abandoned properly according to applicable United States Government and State requirements.

(B) Not later than October 24, 1995, the operator of a pipeline facility abandoned before October 24, 1992, shall report to the Secretary reasonably available information related to the facility, including information that a third party possesses. The information shall include the location, size, date, and method of abandonment, whether the facility has been abandoned properly under applicable law, and other relevant information the Secretary may require. Not later than April 24, 1994, the Secretary shall specify how the information shall be reported. The Secretary shall ensure that the Government maintains the information in a way accessible to appropriate Government agencies and State authorities.

(C) The Secretary shall request that a State authority having information on a collision between a vessel and an underwater pipeline facility report the information to the Secretary in a timely way and make a reasonable effort to specify the location, date, and severity of the collision. Chapter 35 of title 44 does not apply to this subparagraph.

(7) The Secretary may not exempt from this chapter an offshore hazardous liquid pipeline fa-

cility only because the pipeline facility transfers hazardous liquid in an underwater pipeline between a vessel and an onshore facility.

(d) REPLACING CAST IRON GAS PIPELINES.—(1) The Secretary shall publish a notice on the availability of industry guidelines, developed by the Gas Piping Technology Committee, for replacing cast iron pipelines. Not later than 2 years after the guidelines become available, the Secretary shall conduct a survey of gas pipeline operators with cast iron pipe in their systems to establish—

(A) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron;

(B) the elements of the plan, including the anticipated rate of replacement; and

(C) the progress that has been made.

(2) Chapter 35 of title 44 does not apply to the conduct of the survey.

(3) This subsection does not prevent the Secretary from developing Government guidelines or standards for cast iron gas pipelines as the Secretary considers appropriate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1312; Pub. L. 104-304, §§6, 20(h), Oct. 12, 1996, 110 Stat. 3800, 3805.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60108(a)(1) ..	49 App.:1680(a) (1st, 2d sentences).	Aug. 12, 1968, Pub. L. 90-481, §13(a), 82 Stat. 726; Oct. 11, 1976, Pub. L. 94-477, §6, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 105(a), 93 Stat. 992, 994; Oct. 22, 1986, Pub. L. 99-516, §3(a)(2), 100 Stat. 2966; Oct. 31, 1988, Pub. L. 100-561, §108(a)(1), 102 Stat. 2808; Oct. 24, 1992, Pub. L. 102-508, §102(c), 106 Stat. 3291.
	49 App.:2009(a) (1st, 2d sentences).	Nov. 30, 1979, Pub. L. 96-129, §210(a), 93 Stat. 1011; Oct. 22, 1986, Pub. L. 99-516, §3(b)(2), 100 Stat. 2966; Oct. 31, 1988, Pub. L. 100-561, §207(c), 102 Stat. 2812.
60108(a)(2) ..	49 App.:1680(a) (3d-5th, last sentences).	
	49 App.:2009(a) (3d sentence 1st-18th words, last sentence).	
	49 App.:2009(b).	Nov. 30, 1979, Pub. L. 96-129, §210(b), 93 Stat. 1012; Oct. 24, 1992, Pub. L. 102-508, §202(c)(1), 106 Stat. 3301.
60108(a)(3) ..	49 App.:1680(a) (6th sentence).	
	49 App.:2009(a) (3d sentence 19th-last words).	
60108(b)(1) ..	49 App.:1680(b)(1) (1st sentence), (2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §13(b); added Oct. 31, 1988, Pub. L. 100-561, §108(a)(2), 102 Stat. 2808.
	49 App.:2009(d)(1) (1st sentence), (2).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §210(d); added Oct. 31, 1988, Pub. L. 100-561, §207(a), 102 Stat. 2811; Oct. 24, 1992, Pub. L. 102-508, §202(c)(2) (related to §210(d)(2)(D)), 106 Stat. 3301.
60108(b)(2) ..	49 App.:1680(b)(1) (2d, 3d sentences).	
	49 App.:2009(d)(1) (2d, 3d sentences).	
60108(b)(3) ..	49 App.:1680(b)(1) (last sentence).	
	49 App.:2009(d)(1) (last sentence).	



HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60108(c)(1) ..	49 App.:1672(h)(6)(A), (D). 49 App.:2002(l)(7)(A), (D).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(h)(6); added Oct. 24, 1992, Pub. L. 102-508, §117, 106 Stat. 3298. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(l)(7); added Oct. 24, 1992, Pub. L. 102-508, §216, 106 Stat. 3306.
60108(c)(2)(A).	49 App.:1672(h)(3). 49 App.:2002(l)(3).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(h)(1)-(4); added Nov. 16, 1990, Pub. L. 101-599, §1(a), 104 Stat. 3038; Oct. 24, 1992, Pub. L. 102-508, §108(1)-(4), 106 Stat. 3293. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(l)(1)-(4); added Nov. 16, 1990, Pub. L. 101-599, §1(b), 104 Stat. 3039; Oct. 24, 1992, Pub. L. 102-508, §207(1)-(4), 106 Stat. 3302.
60108(c)(2)(B).	49 App.:1672(h)(6)(B)(i), (ii) (related to paragraph (3)). 49 App.:2002(l)(7)(B)(i), (ii) (related to paragraph (3)).	
60108(c)(3) ..	49 App.:1672(h)(1), (2). 49 App.:2002(l)(1), (2). 49 App.:1672(h)(4).	
60108(c)(4)(A).	49 App.:2002(l)(4).	
60108(c)(4)(B).	49 App.:1672(h)(6)(B)(ii) (related to paragraph (4)). 49 App.:2002(l)(7)(B)(ii) (related to paragraph (4)).	
60108(c)(5) ..	49 App.:1672(h)(5). 49 App.:2002(l)(6).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(h)(5); added Oct. 24, 1992, Pub. L. 102-508, §108(5), 106 Stat. 3294. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(l)(5), (6); added Oct. 24, 1992, Pub. L. 102-508, §207(5), 106 Stat. 3302.
60108(c)(6) ..	49 App.:1672(h)(6)(C). 49 App.:2002(l)(7)(C).	
60108(c)(7) ..	49 App.:2002(l)(5).	
60108(d) .....	49 App.:1680(c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §13(c); added Oct. 24, 1992, Pub. L. 102-508, §107, 106 Stat. 3293.

In subsection (a)(1), the word “prepare” is omitted as surplus. The words “or offices” are omitted because of 1:1. The words “in accordance with regulations prescribed by the Secretary or appropriate State agency” in 49 App.:1680(a) (1st sentence), “in accordance with regulations prescribed by the Secretary or, where a certification or agreement pursuant to section 2004 of this Appendix is in effect, by the appropriate State agency” in 49 App.:2009(a) (1st sentence), and “by regulation” are omitted as surplus because of 49:322(a) and sections 60102-60105 of the revised title.

In subsection (a)(2), before clause (A), the words “the Secretary or” are added for clarity. The words “at any time” in 49 App.:1680(a) (3d sentence) are omitted as surplus.

In subsection (a)(3), the word “appropriate” is omitted as surplus.

In subsection (b)(1), before clause (A), the words “to ensure the safety of such pipeline facilities” and “factors” are omitted as surplus. In clause (G), the words “if any” are omitted as surplus.

In subsection (b)(2), the text of 49 App.:1680(b)(1) (3d sentence) and 2009(d)(1) (3d sentence) is omitted as obsolete.

In subsection (c)(1)(B), the words “except with respect to the initial inspection required under paragraph (1)” are omitted as obsolete.

In subsection (c)(1)(C), the word “current” is omitted as surplus.

In subsection (c)(2)(B), before clause (i), the words “to carry out” are substituted for “under” because the Secretary does not prescribe regulations under 49 App.:1672(h)(3) or 2002(l)(3).

In subsection (c)(3), the text of 49 App.:1672(h)(1) and 2002(l)(1) is omitted as executed.

In subsection (c)(4)(A), the text of 49 App.:1672(h)(4)(A) and 2002(l)(4)(A) is omitted as obsolete.

In subsection (c)(5)(A), the words “for the purposes of this paragraph” are omitted as surplus.

In subsection (c)(5)(C), the words “an additional period of” and “and care” are omitted as surplus.

In subsection (c)(6)(C), the words “relating to coordination of Federal information policies” are omitted as surplus.

In subsection (c)(7), the words “regulation under” are omitted as surplus. The word “because” is substituted for “on the basis of the fact that” to eliminate unnecessary words.

In subsection (d)(2), the words “(relating to coordination of Federal information policy)” are omitted as surplus.

REFERENCES IN TEXT

Section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968, referred to in subsec. (c)(2)(A), (5)(B), is section 3(h)(1)(A) of Pub. L. 90-481, which was classified to section 1672(h)(1)(A) of former Title 49, Transportation, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379. For further details, see Historical and Revision Notes above.

Section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, referred to in subsec. (c)(2)(A), (5)(B), is section 203(l)(1)(A) of Pub. L. 96-129, which was classified to section 2002(l)(1)(A) of former Title 49, Transportation, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379. For further details, see Historical and Revision Notes above.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-304, §6(1), struck out “transporting gas or hazardous liquid or” after “Each person” and “a person”.

Subsec. (b)(2). Pub. L. 104-304, §6(2), struck out after first sentence “However, an inspection must occur at least once every 2 years.”

Subsec. (c). Pub. L. 104-304, §6(3), substituted “OTHER WATERS” for “NAVIGABLE WATERS” in heading.

Subsec. (c)(2)(A)(ii). Pub. L. 104-304, §6(4), added cl. (ii) and struck out former cl. (ii) which read as follows: “any other pipeline facility crossing under, over, or through navigable waters (as defined by the Secretary) if the Secretary decides that the location of the facility in those navigable waters could pose a hazard to navigation or public safety.”

Subsec. (c)(2)(B). Pub. L. 104-304, §20(h)(1), substituted “standards” for “regulations” in introductory provisions.

Subsec. (c)(4)(A). Pub. L. 104-304, §20(h)(2), substituted “establish a standard” for “require by regulation”.

Subsecs. (c)(4)(B), (d)(3). Pub. L. 104-304, §20(h)(1), substituted “standards” for “regulations”.

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

Pub. L. 102-508, title III, §307, Oct. 24, 1992, 106 Stat. 3309, directed Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities and with pipeline owners and operators, fishing and maritime industries, and other affected groups, to submit to Congress, not later than 3 years after Oct. 24, 1992, report and recommendations on abandonment of such pipeline facilities, including analysis of problems caused by such facilities, alternative methods to abandonment, as well as navigational, safety, economic, and environmental impacts

associated with abandonment, and further authorized Secretary to require, based on findings of such study, additional appropriate actions to prevent hazards to navigation in connection with such facilities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60102, 60104, 60105, 60106, 60118 of this title.

**§ 60109. High-density population areas and environmentally sensitive areas**

(a) IDENTIFICATION REQUIREMENTS.—Not later than October 24, 1994, the Secretary of Transportation shall prescribe standards that—

(1) establish criteria for identifying—

(A) by operators of gas pipeline facilities, each gas pipeline facility (except a natural gas distribution line) located in a high-density population area; and

(B) by operators of hazardous liquid pipeline facilities and gathering lines—

(i) each hazardous liquid pipeline facility, whether otherwise subject to this chapter, that crosses waters where a substantial likelihood of commercial navigation exists or that is located in an area described in the criteria as a high-density population area; and

(ii) each hazardous liquid pipeline facility and gathering line, whether otherwise subject to this chapter, located in an area that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, describes as unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident; and

(2) provide that the identification be carried out through the inventory required under section 60102(e) of this title.

(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1315; Pub. L. 103-429, §6(75), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 104-304, §§7, 20(i), Oct. 12, 1996, 110 Stat. 3800, 3805.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60109(a) (1)(A).	49 App.:1672(i)(1) (1st sentence), (2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(i); added Oct. 24, 1992, Pub. L. 102-508, §102(a)(2), 106 Stat. 3291.

HISTORICAL AND REVISION NOTES—CONTINUED  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60109(a) (1)(B).	49 App.:2002(m)(1) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(m); added Oct. 24, 1992, Pub. L. 102-508, §202(a)(2), 106 Stat. 3300.
60109(a)(2) ..	49 App.:1672(i)(1) (last sentence). 49 App.:2002(m)(1) (2d sentence).	
60109(b) .....	49 App.:2002(m)(1) (last sentence).	

In subsection (a)(1)(B)(i) and (ii), the words “regulation under” and “or not” are omitted as surplus.

PUB. L. 103-429

This amends 49:60109(a)(2) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1315).

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-304, §20(i), substituted “standards” for “regulations” in introductory provisions.

Subsec. (a)(1)(B)(i). Pub. L. 104-304, §7(a), substituted “waters where a substantial likelihood of commercial navigation exists” for “a navigable waterway (as the Secretary defines by regulation)”.

Subsec. (b). Pub. L. 104-304, §7(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “When describing an area that is unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider including—

“(1) earthquake zones and areas subject to landslides and other substantial ground movements;

“(2) areas of likely ground water contamination if a hazardous liquid pipeline facility ruptures;

“(3) freshwater lakes, rivers, and waterways; and

“(4) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action where a hazardous liquid pipeline facility is likely to become exposed or undermined.”

1994—Subsec. (a)(2). Pub. L. 103-429 substituted “section 60102(e)” for “section 60102(c)”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60102 of this title.

**§ 60110. Excess flow valves**

(a) APPLICATION.—This section applies only to—

(1) a natural gas distribution system installed after the effective date of regulations prescribed under this section; and

(2) any other natural gas distribution system when repair to the system requires replacing a part to accommodate installing excess flow valves.

(b) INSTALLATION REQUIREMENTS AND CONSIDERATIONS.—Not later than April 24, 1994, the Secretary of Transportation shall prescribe standards on the circumstances, if any, under which an operator of a natural gas distribution system must install excess flow valves in the system. The Secretary shall consider—

(1) the system design pressure;

- (2) the system operating pressure;
- (3) the types of customers to which the distribution system supplies gas, including hospitals, schools, and commercial enterprises;
- (4) the technical feasibility and cost of installing, operating, and maintaining the valve;
- (5) the public safety benefits of installing the valve;
- (6) the location of customer meters; and
- (7) other factors the Secretary considers relevant.

(c) NOTIFICATION OF AVAILABILITY.—(1) Not later than October 24, 1994, the Secretary shall prescribe standards requiring an operator of a natural gas distribution system to notify in writing its customers having lines in which excess flow valves are not required by law but can be installed according to the standards prescribed under subsection (e) of this section, of—

- (A) the availability of excess flow valves for installation in the system;
- (B) safety benefits to be derived from installation; and
- (C) costs associated with installation, maintenance, and replacement.

(2) The standards shall provide that, except when installation is required under subsection (b) of this section, excess flow valves shall be installed at the request of the customer if the customer will pay all costs associated with installation.

(d) REPORT.—If the Secretary decides under subsection (b) of this section that there are no circumstances under which an operator must install excess flow valves, the Secretary shall submit to Congress a report on the reasons for the decision not later than 30 days after the decision is made.

(e) PERFORMANCE STANDARDS.—Not later than April 24, 1994, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in a natural gas distribution system. The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence. The standards shall be incorporated into regulations the Secretary prescribes under this section. All excess flow valves shall be installed according to the standards.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1316; Pub. L. 104-304, §§8, 20(j), Oct. 12, 1996, 110 Stat. 3800, 3805.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60110(a) .....	49 App.:1672(j)(5).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(j); added Oct. 24, 1992, Pub. L. 102-508, §104, 106 Stat. 3291.
60110(b) .....	49 App.:1672(j)(1).	
60110(c) .....	49 App.:1672(j)(2).	
60110(d) .....	49 App.:1672(j)(3).	
60110(e) .....	49 App.:1672(j)(4).	

In subsection (a)(2), the words “in a manner” are omitted as surplus.

In subsection (b), before clause (1), the words “on when” are substituted for “prescribing the circumstances, if any, under which” to eliminate unnecessary words.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-304, §20(j), substituted “standards” for “regulations” in introductory provisions.

Pub. L. 104-304, §8(1), which directed the insertion of “, if any,” after “circumstances” in the first sentence of subsection (b)(1), was executed to the introductory provisions of subsec. (b) to reflect the probable intent of Congress.

Subsec. (b)(4). Pub. L. 104-304, §8(2), inserted “, operating, and maintaining” after “cost of installing”.

Subsec. (c)(1). Pub. L. 104-304, §20(j), substituted “standards” for “regulations” after “prescribe” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 104-304, §8(3), inserted “, maintenance, and replacement” after “installation”.

Subsec. (c)(2). Pub. L. 104-304, §20(j), substituted “standards” for “regulations”.

Subsec. (e). Pub. L. 104-304, §8(4), inserted after first sentence “The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60102 of this title.

§ 60111. Financial responsibility for liquefied natural gas facilities

(a) NOTICE.—When the Secretary of Transportation believes that an operator of a liquefied natural gas facility does not have adequate financial responsibility for the facility, the Secretary may issue a notice to the operator about the inadequacy and the amount of financial responsibility the Secretary considers adequate.

(b) HEARINGS.—An operator receiving a notice under subsection (a) of this section may have a hearing on the record not later than 30 days after receiving the notice. The operator may show why the Secretary should not issue an order requiring the operator to demonstrate and maintain financial responsibility in at least the amount the Secretary considers adequate.

(c) ORDERS.—After an opportunity for a hearing on the record, the Secretary may issue the order if the Secretary decides it is justified in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1317.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60111(a) .....	49 App.:1674b(b)(1), (c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §7(b)(1)-(3), (c); added Nov. 30, 1979, Pub. L. 96-129, §153, 93 Stat. 1002.
60111(b) .....	49 App.:1674b(b)(2).	
60111(c) .....	49 App.:1674b(b)(3).	

In subsection (a), the words “is not maintaining adequate insurance or otherwise”, the text of 49 App.:1674b(c), and the words “and serve upon” and “a statement of” are omitted as surplus.

In subsection (b), the words “in accordance with section 554 of title 5” are omitted for consistency in the revised title and because 5:554 applies to a hearing on the record unless otherwise stated. The words “to be held” and “cause as to” are omitted as surplus. The words “the Secretary considers adequate” are substituted for “indicated in the notice under paragraph (1)” for clarity and to eliminate unnecessary words.

Subsection (c) is substituted for 49 App.:1674b(b)(3) to eliminate unnecessary words.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60119, 60122 of this title.

**§ 60112. Pipeline facilities hazardous to life and property**

(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides the facility is—

(1) hazardous to life, property, or the environment; or

(2) constructed or operated, or a component of the facility is constructed or operated, with equipment, material, or a technique the Secretary decides is hazardous to life, property, or the environment.

(b) CONSIDERATIONS.—In making a decision under subsection (a) of this section, the Secretary shall consider, if relevant—

(1) the characteristics of the pipe and other equipment used in the pipeline facility, including the age, manufacture, physical properties, and method of manufacturing, constructing, or assembling the equipment;

(2) the nature of the material the pipeline facility transports, the corrosive and deteriorative qualities of the material, the sequence in which the material are transported, and the pressure required for transporting the material;

(3) the aspects of the area in which the pipeline facility is located, including climatic and geologic conditions and soil characteristics;

(4) the proximity of the area in which the hazardous liquid pipeline facility is located to environmentally sensitive areas;

(5) the population density and population and growth patterns of the area in which the pipeline facility is located;

(6) any recommendation of the National Transportation Safety Board made under another law; and

(7) other factors the Secretary considers appropriate.

(c) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to any appropriate official of a State in which a pipeline facility is located and about which a proceeding has begun under this section, notice and an opportunity to comment on an agreement the Secretary proposes to make to resolve the proceeding. State comment shall incorporate comments of affected local officials.

(d) CORRECTIVE ACTION ORDERS.—If the Secretary decides under subsection (a) of this section that a pipeline facility is hazardous, the Secretary shall order the operator of the facility to take necessary corrective action, including suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action.

(e) WAIVER OF NOTICE AND HEARING IN EMERGENCY.—The Secretary may waive the requirements for notice and an opportunity for a hearing under this section and issue expeditiously an

order under this section if the Secretary decides failure to issue the order expeditiously will result in likely serious harm to life, property, or the environment. An order under this subsection shall provide an opportunity for a hearing as soon as practicable after the order is issued.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1317; Pub. L. 103-429, §6(76), Oct. 31, 1994, 108 Stat. 4388.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60112(a) .....	49 App.:1679b(b)(1) (1st sentence words before 3d comma), (2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §12(b)(1)-(5); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 993; Oct. 24, 1992, Pub. L. 102-508, §101(b), 106 Stat. 3290.
	49 App.:2008(b)(1) (1st sentence words before 3d comma), (2).	Nov. 30, 1979, Pub. L. 96-129, §209(b)(1)-(5), 93 Stat. 1010; Oct. 24, 1992, Pub. L. 102-508, §201(b), 106 Stat. 3300.
60112(b) .....	49 App.:1679b(b)(3).	
60112(c) .....	49 App.:2008(b)(3).	
	49 App.:1679b(b)(6).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §12(b)(6); added Oct. 24, 1992, Pub. L. 102-508, §113(a), 106 Stat. 3296.
	49 App.:2008(b)(6).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §209(b)(6); added Oct. 24, 1992, Pub. L. 102-508, §213(a), 106 Stat. 3305.
60112(d) .....	49 App.:1679b(b)(1) (1st sentence words after 3d comma, last sentence).	
	49 App.:2008(b)(1) (1st sentence words after 3d comma, last sentence).	
60112(e) .....	49 App.:1679b(b)(4), (5).	
	49 App.:2008(b)(4), (5).	

In subsection (a), before clause (1), the word “reasonable” and the text of 49 App.:1679b(b)(1) (last sentence) and 2008(b)(1) (last sentence) are omitted as surplus. Clauses (1) and (2) are substituted for “that any pipeline facility is hazardous to life or property” and 49 App.:1679b(b)(2) and 2008(b)(2) to eliminate unnecessary words.

In subsection (b)(1), the words “involved” and “(including its resistance to corrosion and deterioration)” are omitted as surplus.

In subsection (b)(5), the words “in connection with any investigation conducted by the Board” are omitted as surplus.

In subsection (c), the words “responsible for pipeline safety” are omitted as surplus.

In subsection (e), the text of 49 App.:1679b(b)(4) and 2008(b)(4) is omitted because of 28:516 and 1331.

PUB. L. 103-429

This amends 49:60112(d) to clarify the restatement of 49 App.:1679b(b)(1) and 2008(b)(1) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1317).

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-429 inserted before period at end “, including suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other appropriate action”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60122 of this title.

**§ 60113. Customer-owned natural gas service lines**

Not later than October 24, 1993, the Secretary of Transportation shall prescribe standards requiring an operator of a natural gas distribution pipeline that does not maintain customer-owned natural gas service lines up to building walls to advise its customers of—

- (1) the requirements for maintaining those lines;
- (2) any resources known to the operator that could assist customers in carrying out the maintenance;
- (3) information the operator has on operating and maintaining its lines that could assist customers; and
- (4) the potential hazards of not maintaining the lines.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1318; Pub. L. 104-304, §§9, 20(k), Oct. 12, 1996, 110 Stat. 3801, 3805.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60113(a) .....	49 App.:1685(b).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §18(b); added Oct. 24, 1992, Pub. L. 102-508, §115(a)(2), 106 Stat. 3296.
60113(b) .....	49 App.:1672(k).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(k); added Oct. 24, 1992, Pub. L. 102-508, §115(c), 106 Stat. 3297.

AMENDMENTS

1996—Pub. L. 104-304 struck out subsec. (a) designation and heading, substituted “standards” for “regulations”, and struck out subsec. (b), which read as follows:

“(b) ACTIONS TO PROMOTE SAFETY.—Not later than one year after submitting the report required under section 115(b) of the Pipeline Safety Act of 1992 (Public Law 102-508, 106 Stat. 3296), the Secretary, considering the report and in cooperation and coordination with appropriate State and local authorities, shall take appropriate action to promote the adoption of measures to improve the safety of customer-owned natural gas service lines.”

MAINTENANCE OF CUSTOMER-OWNED SERVICE LINES

Pub. L. 102-508, title I, §115(b), Oct. 24, 1992, 106 Stat. 3296, provided that:

“(1) DOT SAFETY REVIEW.—Within 18 months after the date of the enactment of this Act [Oct. 24, 1992], the Secretary of Transportation shall conduct a review of Department of Transportation and State rules, policies, procedures, and other measures with respect to the safety of customer-owned natural gas service lines, including the effectiveness of such rules, policies, procedures, and other measures. The Secretary of Transportation shall include in the review an evaluation of the extent to which lack of maintenance of customer-owned natural gas service lines raises safety concerns and shall make recommendations regarding maintenance of such lines, including the need for any legislative changes or regulatory action. In conducting the review and developing the recommendations, the Secretary of Transportation shall consider the following factors: State and local law, including law governing private property and rights, and including State pipe-

line safety regulation of distribution operators; the views of State and local regulatory authorities; the extent of operator compliance with the program for advising customers regarding maintenance of such lines required under section 18(b) of the Natural Gas Pipeline Safety Act of 1968 [see subsec. (a) of this section]; available accident information; the recommendations of the National Transportation Safety Board; costs; the civil liability implications of distribution operators taking responsibility for customer-owned service lines; and whether the service line maintenance information program required under such section 18(b) sufficiently addresses safety risks and concerns involving customer-owned service lines.

“(2) OPERATION AND MAINTENANCE RESPONSIBILITY.—Within 18 months after the date of the enactment of this Act [Oct. 24, 1992], the Secretary of Transportation shall conduct, with the participation of the operators of natural gas distribution facilities, a survey of owners of customer-owned service lines to determine the views of such owners regarding whether distribution companies should assume responsibility for the operation and maintenance of customer-owned service lines. In conducting the survey, the Secretary of Transportation shall ensure that such customers are aware of any potential safety benefits, any potential implementation issues (including any property rights or cost issues), the recommendations of the National Transportation Safety Board, and accidents that have occurred, related to customer-owned service lines.

“(3) APPLICABILITY.—Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy) shall not apply to the conduct of the review or survey under this subsection.

“(4) REPORT.—Not later than 2 years after the date of the enactment of this Act [Oct. 24, 1992], the Secretary of Transportation shall transmit to Congress a report on the results of the review and survey conducted under this subsection, together with any recommendations (including legislative recommendations) regarding maintenance of customer-owned natural gas service lines.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60102 of this title.

**§ 60114. One-call notification systems**

(a) MINIMUM REQUIREMENTS.—The Secretary of Transportation shall prescribe regulations providing minimum requirements for establishing and operating a one-call notification system for a State to adopt that will notify an operator of a pipeline facility of activity in the vicinity of the facility that could threaten the safety of the facility. The regulations shall include the following:

- (1) a requirement that the system apply to all areas of the State containing underground pipeline facilities.
- (2) a requirement that a person intending to engage in an activity the Secretary decides could cause physical damage to an underground facility must contact the appropriate system to establish if there are underground 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 an operator of a facility, a private contractor, or a State or local authority to operate a system.
- (5) procedures for advertisement and notice of the availability of a system.

(6) a requirement about the information to be provided by a person contacting the system under clause (2) of this subsection.

(7) a requirement for the response of the operator of the system and of the facility after they are contacted by an individual under this subsection.

(8) a requirement that each State decide whether the system will be toll free.

(9) a requirement for sanctions substantially the same as provided under sections 60120 and 60122 of this title.

(b) MARKING FACILITIES.—On notification by an operator of a damage prevention program or by a person planning to carry out demolition, excavation, tunneling, or construction in the vicinity of a pipeline facility, the operator of the facility shall mark accurately, in a reasonable and timely way, the location of the pipeline facilities in the vicinity of the demolition, excavation, tunneling, or construction.

(d)<sup>1</sup> RELATIONSHIP TO OTHER LAWS.—This section and regulations prescribed under this section do not affect the liability established under a law of the United States or a State for damage caused by an activity described in subsection (a)(2) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1318; Pub. L. 104-287, §5(91), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 104-304, §20(d), Oct. 12, 1996, 110 Stat. 3804.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60114(a) .....	49 App.:1687(b), (e).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §20(a)-(e); added Oct. 31, 1988, Pub. L. 100-561, §303(a), 102 Stat. 2814.
60114(b) .....	49 App.:1687(c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §20(h); added Oct. 24, 1992, Pub. L. 102-508, §304(a), 106 Stat. 3308.
60114(c) .....	49 App.:1687(h).	
60114(d) .....	49 App.:1687(a).	
60114(e) .....	49 App.:1687(d).	

In subsection (a), before clause (1), the words “Not later than 18 months after October 31, 1988” are omitted as obsolete. The words “as described in subsection (a)” are omitted as surplus. In clause (1), the words “or systems” are omitted because of 1:1. In clause (8), the words “or not” are omitted as surplus.

In subsection (b), the words “all of the requirements established under” are omitted as surplus.

In subsection (c), the words “contractor, excavator, or other” are omitted as surplus.

In subsection (d), before clause (1), the words “When apportioning the amount appropriated to carry out” are substituted for “In making allocations under” for consistency with section 60107 of the revised title. In clause (2), the words “shall withhold part of a payment under section 60107 of this title” are substituted for “such State may not receive the full reimbursement under such sections to which it would otherwise be entitled” for clarity and consistency.

PUB. L. 104-287

This amends 49:60114(a)(9) to clarify the restatement of 49 App.:1687(b) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1319), because the require-

ment for substantially the same sanctions was not intended to include criminal penalties.

AMENDMENTS

1996—Subsec. (a)(9). Pub. L. 104-287 and Pub. L. 104-304, §20(d)(1), amended par. (9) identically, substituting “60120 and 60122” for “60120, 60122, and 60123”.

Subsec. (b). Pub. L. 104-304, §20(d)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(b) GRANTS.—The Secretary may make a grant to a State under this section to develop and establish a one-call notification system consistent with subsection (a) of this section.”

Subsec. (c). Pub. L. 104-304, §20(d)(3), redesignated subsec. (c) as (b).

Subsecs. (d), (e). Pub. L. 104-304, §20(d)(2), (3), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows:

“(d) APPORTIONMENT.—When apportioning the amount appropriated to carry out section 60107 of this title among the States, the Secretary—

“(1) shall consider whether a State has adopted or is seeking adoption of a one-call notification system under this section; and

“(2) shall withhold part of a payment under section 60107 of this title when the Secretary decides a State has not adopted, or is not seeking adoption of, a one-call notification system.”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60105, 60122, 60123, 60125 of this title.

§ 60115. Technical safety standards committees

(a) ORGANIZATION.—The Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee are committees in the Department of Transportation. The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.

(b) COMPOSITION AND APPOINTMENT.—(1) The Technical Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary of Transportation after consulting with public and private agencies concerned with the technical aspect of transporting gas or operating a gas pipeline facility. Each member must be experienced in the safety regulation of transporting gas and of gas pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting gas or operating a gas pipeline facility, to evaluate gas pipeline safety standards or risk management principles.

(2) The Technical Hazardous Liquid Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary after consulting with public and private agencies concerned with the technical aspect of transporting hazardous liquid or operating a hazardous liquid

<sup>1</sup> So in original. Probably should be “(c)”.

pipeline facility. Each member must be experienced in the safety regulation of transporting hazardous liquid and of hazardous liquid pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting hazardous liquid or operating a hazardous liquid pipeline facility, to evaluate hazardous liquid pipeline safety standards or risk management principles.

(3) The members of each committee are appointed as follows:

(A) 5 individuals selected from departments, agencies, and instrumentalities of the United States Government and of the States.

(B) 5 individuals selected from the natural gas or hazardous liquid industry, as appropriate, after consulting with industry representatives.

(C) 5 individuals selected from the general public.

(4)(A) Two of the individuals selected for each committee under paragraph (3)(A) of this subsection must be State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals.

(B) At least 3 of the individuals selected for each committee under paragraph (3)(B) of this subsection must be currently in the active operation of natural gas pipelines or hazardous liquid pipeline facilities, as appropriate. At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).

(C) Two of the individuals selected for each committee under paragraph (3)(C) of this subsection must have education, background, or experience in environmental protection or public safety. At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis. At least one individual selected for each committee under paragraph (3)(C) may not have a financial interest in the pipeline, petroleum, or natural gas industries.

(c) COMMITTEE REPORTS ON PROPOSED STANDARDS.—(1) The Secretary shall give to—

(A) the Technical Pipeline Safety Standards Committee each standard proposed under this chapter for transporting gas and for gas pipeline facilities including the risk assessment information and other analyses supporting each proposed standard; and

(B) the Technical Hazardous Liquid Pipeline Safety Standards Committee each standard proposed under this chapter for transporting hazardous liquid and for hazardous liquid pipeline facilities including the risk assessment information and other analyses supporting each proposed standard.

(2) Not later than 90 days after receiving the proposed standard and supporting analyses, the appropriate committee shall prepare and submit

to the Secretary a report on the technical feasibility, reasonableness, cost-effectiveness, and practicability of the proposed standard and include in the report recommended actions. The Secretary shall publish each report, including any recommended actions and minority views. The report if timely made is part of the proceeding for prescribing the standard. The Secretary is not bound by the conclusions of the committee. However, if the Secretary rejects the conclusions of the committee, the Secretary shall publish the reasons.

(3) The Secretary may prescribe a standard after the end of the 90-day period.

(d) PROPOSED COMMITTEE STANDARDS AND POLICY DEVELOPMENT RECOMMENDATIONS.—(1) The Technical Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting gas and for gas pipeline facilities. The Technical Hazardous Liquid Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting hazardous liquid and for hazardous liquid pipeline facilities.

(2) If requested by the Secretary, a committee shall make policy development recommendations to the Secretary.

(e) MEETINGS.—Each committee shall meet with the Secretary at least up to 4 times annually. Each committee proceeding shall be recorded. The record of the proceeding shall be available to the public.

(f) EXPENSES.—A member of a committee under this section is entitled to expenses under section 5703 of title 5. A payment under this subsection does not make a member an officer or employee of the Government. This subsection does not apply to members regularly employed by the Government.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1319; Pub. L. 104-88, title III, §308(m), Dec. 29, 1995, 109 Stat. 948; Pub. L. 104-304, §10, Oct. 12, 1996, 110 Stat. 3801.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60115(a) .....	49 App.:1673(a) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, §4(a), 82 Stat. 722; Nov. 30, 1979, Pub. L. 96-129, §102(a), 93 Stat. 991; Oct. 24, 1992, Pub. L. 102-508, §105(1), 106 Stat. 3293.
	49 App.:2003(a) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §204(a), 93 Stat. 1005; Oct. 24, 1992, Pub. L. 102-508, §204(1), 106 Stat. 3301.
60115(b)(1) ..	49 App.:1673(a) (last sentence words before colon).	
60115(b)(2) ..	49 App.:2003(a) (last sentence words before colon).	
60115(b)(3), (4).	49 App.:1671(7).	Aug. 12, 1968, Pub. L. 90-481, §2(7), 82 Stat. 720; Nov. 30, 1979, Pub. L. 96-129, §109(a), 93 Stat. 996.
	49 App.:1673(a) (last sentence words after colon).	
	49 App.:2001(10).	Nov. 30, 1979, Pub. L. 96-129, §§202(10), 204(c), 93 Stat. 1004, 1006.
	49 App.:2003(a) (last sentence words after colon).	

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60115(c) .....	49 App.:1673(b) (1st-5th sentences).	Aug. 12, 1968, Pub. L. 90-481, §4(b), 82 Stat. 722; Nov. 30, 1979, Pub. L. 96-129, §102(b), 93 Stat. 991; Jan. 14, 1983, Pub. L. 97-468, §101 (related to §4(b)), 96 Stat. 2543; Oct. 24, 1992, Pub. L. 102-508, §105(2), 106 Stat. 3293.
	49 App.:2003(b) (1st-5th sentences).	Nov. 30, 1979, Pub. L. 96-129, §204(b), 93 Stat. 1006; Jan. 14, 1983, Pub. L. 97-468, §101 (related to §204(b)), 96 Stat. 2543; Oct. 24, 1992, Pub. L. 102-508, §204(2), 106 Stat. 3302.
60115(d) .....	49 App.:1673(b) (6th sentence).	
	49 App.:2003(b) (6th sentence).	
60115(e) .....	49 App.:1673(b) (7th, last sentences).	
	49 App.:2003(b) (7th, last sentences).	
60115(f) .....	49 App.:1673(c).	Aug. 12, 1968, Pub. L. 90-481, §4(c), 82 Stat. 722; Nov. 30, 1979, Pub. L. 96-129, §102(c), 93 Stat. 991.
	49 App.:2003(c).	

In subsection (a), the words “Not later than 12 months after November 30, 1979” and “and appoint the initial members of the Committee” in 49 App.:2003(a) (1st sentence) are omitted as executed.

In subsection (b)(3)(A)–(C), the word “individuals” is substituted for “members” for consistency.

In subsection (b)(3)(A), the words “departments, agencies, and instrumentalities of the United States Government and of the States” are substituted for “governmental agencies, including State and Federal Governments” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(3)(B), the words “as appropriate” are added because of the restatement.

In subsection (b)(4), the words “representatives of” are omitted as surplus. The words “section 10344(f) of this title” are substituted for “subchapter III of chapter 103 of title 49” for clarity.

In subsection (c)(1)(A) and (B), the words “or any proposed amendment to a standard under this chapter, for its consideration” are omitted as surplus.

In subsection (c)(1)(B), the words “After the Committee has been established and its members appointed” in 49 App.:2003(b) are omitted as executed.

In subsection (c)(2), the words “or amendment”, “by the Committee”, “of the majority”, and “for rejection thereof” are omitted as surplus.

In subsection (c)(3), the words “final . . . or a final amendment to a standard at any time” are omitted as surplus. The words “the end of the 90-day period” are substituted for “the 90th day after its submission to the Committee, whether or not the Committee has reported on such standard or amendment” to eliminate unnecessary words.

In subsection (d), the words “for his consideration” are omitted as surplus.

In subsection (e), the words “(or his designee)” are omitted as surplus because of 49:322(b). The words “at least” are substituted for “not less frequently than” to eliminate unnecessary words. The word “calendar” is omitted as surplus.

In subsection (f), the words “The Secretary may establish the pay” are substituted for “may be compensated at a rate to be fixed by the Secretary” for consistency and to eliminate unnecessary words. The words “of the Committee” after “Members”, “actual”, and “then currently” are omitted as surplus. The reference to section 5376 of title 5 is substituted for the reference to section 5332 of title 5 because of section 529 of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509, 104 Stat. 1442). The words “A member is entitled to expenses under section 5703 of title 5” are substituted for

49 App.:1673(c) (2d sentence) and 2003(c) (2d sentence) to eliminate unnecessary words. The words “for any purpose” are omitted as surplus. The words “This subsection does not apply to members regularly employed by the Government” are substituted for “other than Federal employees” for clarity.

## REFERENCES IN TEXT

The date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996, referred to in subsec. (a), is the date of enactment of Pub. L. 104-304, which was approved Oct. 12, 1996.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-304, §10(a), inserted at end “The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.”

Subsec. (b)(1), (2). Pub. L. 104-304, §10(b)(1), (2), inserted before period at end “or risk management principles”.

Subsec. (b)(3)(B). Pub. L. 104-304, §10(b)(3), substituted “5” for “4”.

Subsec. (b)(3)(C). Pub. L. 104-304, §10(b)(4), substituted “5” for “6”.

Subsec. (b)(4)(B). Pub. L. 104-304, §10(b)(5), inserted at end “At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).”

Subsec. (b)(4)(C). Pub. L. 104-304, §10(b)(6), inserted after first sentence “At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.”

Subsec. (c)(1)(A). Pub. L. 104-304, §10(c)(1), inserted before semicolon “including the risk assessment information and other analyses supporting each proposed standard”.

Subsec. (c)(1)(B). Pub. L. 104-304, §10(c)(2), inserted before period at end “including the risk assessment information and other analyses supporting each proposed standard”.

Subsec. (c)(2). Pub. L. 104-304, §10(c)(3)–(6), inserted “and supporting analyses” after “receiving the proposed standard”, “and submit to the Secretary” after “prepare”, “cost-effectiveness,” after “reasonableness,” “and include in the report recommended actions” after “practicability of the proposed standard”, and “any recommended actions and” after “including”.

Subsec. (e). Pub. L. 104-304, §10(d), substituted “up to 4 times” for “twice”.

Subsec. (f). Pub. L. 104-304, §10(e), substituted “EXPENSES” for “PAY AND EXPENSES” in heading, struck out “The Secretary may establish the pay for each member of a committee for each day (including travel time) when performing duties of the committee. However, a member may not be paid more than the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5.” after heading, and inserted “of a committee under this section” after “A member”.

1995—Subsec. (b)(4)(A). Pub. L. 104-88 struck out “(referred to in section 10344(f) of this title)” after “commissions”.

## EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.



**§ 60116. Public education programs**

Under regulations the Secretary of Transportation prescribes, each owner or operator of a gas pipeline facility shall carry out a program to educate the public on the use of a one-call notification system prior to excavation, the possible hazards associated with gas leaks, and the importance of reporting gas odors and leaks to the appropriate authority. The Secretary may develop material suitable for use in the program.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1321; Pub. L. 104-304, §11, Oct. 12, 1996, 110 Stat. 3802.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60116 .....	49 App.:1685(a).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §18(a); added Oct. 11, 1976, Pub. L. 94-477, §8, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992; Oct. 24, 1992, Pub. L. 102-508, §115(a)(1), 106 Stat. 3296.

AMENDMENTS

1996—Pub. L. 104-304 substituted “owner or operator of a gas pipeline facility” for “person transporting gas”, inserted “the use of a one-call notification system prior to excavation,” after “educate the public on”, and inserted comma after “gas leaks”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60102 of this title.

**§ 60117. Administrative**

(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of records, take depositions, and conduct research, testing, development, demonstration, and training activities and promotional activities relating to prevention of damage to pipeline facilities. The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter.

(b) RECORDS, REPORTS, AND INFORMATION.—To enable the Secretary to decide whether a person owning or operating a pipeline facility is complying with this chapter and standards prescribed or orders issued under this chapter, the person shall—

- (1) maintain records, make reports, and provide information the Secretary requires; and
- (2) make the records, reports, and information available when the Secretary requests.

The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary’s ability to make a determination as to whether and to what extent to regulate gathering lines.

(c) ENTRY AND INSPECTION.—An officer, employee, or agent of the Department of Transportation designated by the Secretary, on display of proper credentials to the individual in charge, may enter premises to inspect the records and property of a person at a reasonable time and in

a reasonable way to decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter.

(d) CONFIDENTIALITY OF INFORMATION.—Information related to a confidential matter referred to in section 1905 of title 18 that is obtained by the Secretary or an officer, employee, or agent in carrying out this section may be disclosed only to another officer or employee concerned with carrying out this chapter or in a proceeding under this chapter.

(e) USE OF ACCIDENT REPORTS.—(1) Each accident report made by an officer, employee, or agent of the Department may be used in a judicial proceeding resulting from the accident. The officer, employee, or agent may be required to testify in the proceeding about the facts developed in investigating the accident. The report shall be made available to the public in a way that does not identify an individual.

(2) Each report related to research and demonstration projects and related activities is public information.

(f) TESTING FACILITIES INVOLVED IN ACCIDENTS.—The Secretary may require testing of a part of a pipeline facility subject to this chapter that has been involved in or affected by an accident only after—

- (1) notifying the appropriate State official in the State in which the facility is located; and
- (2) attempting to negotiate a mutually acceptable plan for testing with the owner of the facility and, when the Secretary considers appropriate, the National Transportation Safety Board.

(g) PROVIDING SAFETY INFORMATION.—On request, the Secretary shall provide the Federal Energy Regulatory Commission or appropriate State authority with information the Secretary has on the safety of material, operations, devices, or processes related to pipeline transportation or operating a pipeline facility.

(h) COOPERATION.—The Secretary may—

- (1) advise, assist, and cooperate with other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons in planning and developing safety standards and ways to inspect and test to decide whether those standards have been complied with;
- (2) consult with and make recommendations to other departments, agencies, and instrumentalities of the Government, State and local governments, and public and private agencies and persons to develop and encourage activities, including the enactment of legislation, that will assist in carrying out this chapter and improve State and local pipeline safety programs; and
- (3) participate in a proceeding involving safety requirements related to a liquefied natural gas facility before the Commission or a State authority.

(i) PROMOTING COORDINATION.—(1) After consulting with appropriate State officials, the Secretary shall establish procedures to promote more effective coordination between departments, agencies, and instrumentalities of the Government and State authorities with regulatory authority over pipeline facilities about responses to a pipeline accident.

(2) In consultation with the Occupational Safety and Health Administration, the Secretary shall establish procedures to notify the Administration of any pipeline accident in which an excavator that has caused damage to a pipeline may have violated a regulation of the Administration.

(j) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1321; Pub. L. 103-429, §6(77), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 104-304, §§12, 19, Oct. 12, 1996, 110 Stat. 3802, 3804.)

HISTORICAL AND REVISION NOTES—CONTINUED  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60117(h)(1) ..	49 App.:1682(b).	Aug. 12, 1968, Pub. L. 90-481, §15(b), 82 Stat. 727; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 109(j)(2), 93 Stat. 992, 997.
60117(h)(2) ..	49 App.:2011(b). 49 App.:1682(c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §15(c); added Aug. 22, 1972, Pub. L. 92-401, §3, 86 Stat. 616; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 109(j)(2), 93 Stat. 992, 997.
60117(h)(3) ..	49 App.:2011(c). 49 App.:1682(d).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §15(d); added Nov. 30, 1979, Pub. L. 96-129, §155(a), 93 Stat. 1003.
60117(i) .....	49 App.:1676(b).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §9(b); added Oct. 31, 1988, Pub. L. 100-561, §105(2), 102 Stat. 2807.
	49 App.:2011(d).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §212(d); added Oct. 31, 1988, Pub. L. 100-561, §209, 102 Stat. 2812.
60117(j) .....	49 App.:1681(e) (last sentence). 49 App.:2010(e) (last sentence).	

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60117(a) .....	49 App.:1681(a) (1st sentence words before semicolon).  49 App.:1681(a) (last sentence).  49 App.:2010(a) (1st sentence words before semicolon). 49 App.:2010(a) (last sentence).	Aug. 12, 1968, Pub. L. 90-481, §14(a) (1st sentence), 82 Stat. 727; restated Nov. 30, 1979, Pub. L. 96-129, §§104(b), 106, 93 Stat. 992, 994. Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §14(a) (last sentence); added Oct. 11, 1984, Pub. L. 98-464, §7(a), 98 Stat. 1823. Nov. 30, 1979, Pub. L. 96-129, §211(a) (1st sentence), 93 Stat. 1012. Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §211(a) (last sentence); added Oct. 11, 1984, Pub. L. 98-464, §7(b), 98 Stat. 1823.
60117(b) .....	49 App.:1681(b).  49 App.:2010(b).	Aug. 12, 1968, Pub. L. 90-481, §14(b)-(e), 82 Stat. 727; restated Nov. 30, 1979, Pub. L. 96-129, §§104(b), 106, 93 Stat. 992, 995. Nov. 30, 1979, Pub. L. 96-129, §211(b)-(e), 93 Stat. 1012.
60117(c) .....	49 App.:1681(c).	
60117(d) .....	49 App.:2010(c).	
60117(e) .....	49 App.:1681(e) (1st sentence).	
60117(f) .....	49 App.:2010(e) (1st sentence). 49 App.:1681(d). 49 App.:2010(d).	
	49 App.:1681(a) (1st sentence words after semicolon). 49 App.:1681(a) (2d sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §14(a) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, §109, 102 Stat. 2809.
	49 App.:2010(a) (1st sentence words after semicolon). 49 App.:2010(a) (2d sentence).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §211(a) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, §208, 102 Stat. 2812.
60117(g) .....	49 App.:1682(a).	Aug. 12, 1968, Pub. L. 90-481, §15(a), 82 Stat. 727; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 109(j)(2), (k), 155(b), 93 Stat. 992, 997, 1003.
	49 App.:2011(a).	Nov. 30, 1979, Pub. L. 96-129, §212(a)-(c), 93 Stat. 1013.

In subsection (a), the words “to the extent necessary . . . his responsibilities under” and “relevant” are omitted as surplus. The words “documents and” are omitted as being included in “records”. The words “directly or, by contract, or otherwise” are omitted as surplus.

In subsections (b), before clause (1), and (c), the words “has acted or . . . acting” are omitted as surplus. The word “prescribed” is added for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the words “establish and” and “reasonably” are omitted as surplus.

In subsection (c), the words “enter premises to” are substituted for “enter upon” for clarity and consistency. The words “and examine” and “to the extent such records and properties are relevant” are omitted as surplus.

In subsection (d), the words “related to a confidential matter” are substituted for “which information contains or relates to a trade secret . . . shall be considered confidential for the purpose of that section” to eliminate unnecessary words. The words “All information reported to or otherwise” are omitted as surplus. The words “an officer, employee, or agent” are substituted for “his representative” for consistency. The word “only” is substituted for “except that such information” to eliminate unnecessary words. The words “when relevant” are omitted as surplus.

In subsection (e)(1), the words “civil, criminal, or other” are omitted as surplus.

In subsection (f), before clause (1), the words “however . . . exercise authority under this section to” are omitted as surplus. In clause (1), the word “affected” is omitted as surplus. In clause (2), the word “attempting” is substituted for “make every effort” to eliminate unnecessary words. The words “for testing” and “the Secretary considers” are added for clarity.

In subsection (g), the words “with respect to matters under their jurisdiction” in 49 App.:2011(a) are omitted as surplus.

In subsection (h)(1) and (2), the word “instrumentalities” is added for consistency in the revised title and with other titles of the Code.

In subsection (h)(1), the word “Federal” before “safety” is omitted as surplus.

In subsection (h)(3), the words “as a matter of right intervene or otherwise” and the text of 49 App.:1682(d) (last sentence) are omitted as surplus.

In subsection (i), the words “Not later than 1 year after October 31, 1988” are omitted as obsolete. The words “departments, agencies, and instrumentalities of the Government and State authorities” are substituted for “agencies of the United States and of the States” for consistency in the revised title and with other titles of the Code.

In subsection (j), the words “by the Secretary or any officer, employee, or agent under his control” are omitted as surplus. The words “to have the information” are substituted for “duly” for clarity.

PUB. L. 103-429

This amends 49:60117(i) by restating section 304(c) of the Pipeline Safety Act of 1992 (Public Law 102-508, 106 Stat. 3308) as 49:60117(i)(2).

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60117(i)(2) ...	49 App.:1682 (note).	Oct. 24, 1992, Pub. L. 102-508, § 304(c), 106 Stat. 3308.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-304, §19, inserted “and promotional activities relating to prevention of damage to pipeline facilities” after “and training activities”.

Subsec. (b). Pub. L. 104-304, §12(1), (3), substituted “owning” for “transporting gas or hazardous liquid” and inserted at end “The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary’s ability to make a determination as to whether and to what extent to regulate gathering lines.”

Subsec. (k). Pub. L. 104-304, §12(2), added subsec. (k).

1994—Subsec. (i). Pub. L. 103-429 designated existing provisions as par. (1) and added par. (2).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60105, 60108, 60118 of this title.

§ 60118. Compliance and waivers

(a) GENERAL REQUIREMENTS.—A person owning or operating a pipeline facility shall—

(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;

(2) prepare and carry out a plan for inspection and maintenance required under section 60108(a) and (b) of this title; and

(3) allow access to or copying of records, make reports and provide information, and allow entry or inspection required under section 60117(a)–(d) of this title.

(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.

(c) WAIVERS BY SECRETARY.—On application of a person owning or operating a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate, if the waiver is not inconsistent with pipeline safety. The Secretary shall state the reasons for granting a waiver under this subsection. The Secretary may act on a waiver only after notice and an opportunity for a hearing.

(d) WAIVERS BY STATE AUTHORITIES.—If a certification under section 60105 of this title or an

agreement under section 60106 of this title is in effect, the State authority may waive compliance with a safety standard to which the certification or agreement applies in the same way and to the same extent the Secretary may waive compliance under subsection (c) of this section. However, the authority must give the Secretary written notice of the waiver at least 60 days before its effective date. If the Secretary makes a written objection before the effective date of the waiver, the waiver is stayed. After notifying the authority of the objection, the Secretary shall provide a prompt opportunity for a hearing. The Secretary shall make the final decision on granting the waiver.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1322; Pub. L. 104-304, §13, Oct. 12, 1996, 110 Stat. 3802.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60118(a) .....	49 App.:1677(a).	Aug. 12, 1968, Pub. L. 90-481, §10(a), 82 Stat. 725; Nov. 30, 1979, Pub. L. 96-129, §105(b), 109(h)(4), 152(a), 93 Stat. 994, 996, 999.
	49 App.:2006(a).	Nov. 30, 1979, Pub. L. 96-129, §§203(h), 207(a), (b)(1), 93 Stat. 1005, 1009.
60118(b) .....	49 App.:1677(b)(1).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §10(b)(1); added Nov. 30, 1979, Pub. L. 96-129, §104(a)(1), 152(a), 93 Stat. 992, 999.
60118(c) .....	49 App.:2006(b)(1). 49 App.:1672(d) (1st, 2d sentences).	Aug. 12, 1968, Pub. L. 90-481, §3(d), 82 Stat. 721; Nov. 30, 1979, Pub. L. 96-129, §104(d), 109(c), 152(b)(2), 93 Stat. 994, 996, 1001.
60118(d) .....	49 App.:2002(h) (1st, 2d sentences). 49 App.:1672(d) (3d-last sentences). 49 App.:2002(h) (3d-last sentences).	

In subsection (a)(1), the words “at all times after the date . . . takes effect . . . the requirements of” are omitted as surplus. The words “except as provided in this section” are added for clarity.

In subsection (a)(2), the words “establish and” in 49 App.:2006(a)(2) and “and comply with such plan” are omitted as surplus.

In subsection (b), the word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the United States Code. The word “particular” is omitted as surplus. The words “a person must take to comply” are substituted for “required of the person to whom the order is issued” for clarity and to eliminate unnecessary words.

In subsection (c), the words “any part of” are substituted for “in whole or in part” to eliminate unnecessary words. The words “and to such extent” and “he determines that . . . of compliance with such standard” are omitted as surplus.

In subsection (d), the words “to which the certification or agreement applies” are added for clarity. The words “to the granting of the waiver” and “any State agency action granting” are omitted as surplus. The words “shall provide a prompt opportunity for a hearing” are substituted for “shall afford such agency a prompt opportunity to present its request for waiver, with opportunity for hearing” to eliminate unnecessary words and for consistency in the revised title and with other titles of the Code.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-304, §13(a)(1), struck out “transporting gas or hazardous liquid or” after “person” in introductory provisions.

Subsec. (a)(1). Pub. L. 104-304, §13(a)(2), added par. (1) and struck out former par. (1) which read as follows: “comply with applicable safety standards prescribed under this chapter, except as provided in this section;”.

Subsec. (b). Pub. L. 104-304, §13(b), reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: “The Secretary of Transportation may issue orders directing compliance with this chapter or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.”

Subsec. (c). Pub. L. 104-304, §13(c), substituted “owning” for “transporting gas or hazardous liquid”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60119, 60122, 60123, 60124 of this title.

§ 60119. Judicial review

(a) REVIEW OF REGULATIONS AND WAIVER ORDERS.—(1) Except as provided in subsection (b) of this section, a person adversely affected by a regulation prescribed under this chapter or an order issued about an application for a waiver under section 60118(c) or (d) of this title may apply for review of the regulation or order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 89 days after the regulation is prescribed or order is issued. The clerk of the court immediately shall send a copy of the petition to the Secretary of Transportation.

(2) A judgment of a court under paragraph (1) of this subsection may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under paragraph (1) is in addition to any other remedies provided by law.

(b) REVIEW OF FINANCIAL RESPONSIBILITY ORDERS.—(1) A person adversely affected by an order issued under section 60111 of this title may apply for review of the order by filing a petition for review in the appropriate court of appeals of the United States. The petition must be filed not later than 60 days after the order is issued. Findings of fact the Secretary makes are conclusive if supported by substantial evidence.

(2) A judgment of a court under paragraph (1) of this subsection may be reviewed only by the Supreme Court under section 1254(1) of title 28. (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1323.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60119(b)(1) ..	49 App.:2005(b)-(e). 49 App.:1674b(b)(4)(A), (B).	Nov. 30, 1979, Pub. L. 96-129, §206(b)-(e), 93 Stat. 1009. Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §7(b)(4); added Nov. 30, 1979, Pub. L. 96-129, §153, 93 Stat. 1002.
60119(b)(2) ..	49 App.:1674b(b)(4)(C).	

In this section, the word “judicial” is omitted as surplus.

In subsection (a)(1), the words “Except as provided in subsection (b) of this section” are added for clarity. The words “who is or will be . . . or aggrieved” are omitted as surplus. The word “prescribed” is added for consistency in the revised title and with other titles of the United States Code. The word “Circuit” is added to complete the proper title of the Court. The word “resides” is substituted for “located” for clarity and for consistency in the revised title and with other titles of the Code. The words “or other officer designated by him for that purpose” are omitted as surplus because of 49:322(b).

In subsection (a)(2), the text of 49 App.:1675(b) and 2005(b) is omitted as surplus because of 28:1331 and because 5:ch. 7 applies in the absence of an exception. The text of 49 App.:1675(d) and 2005(d) is omitted as covered by rule 43 of the Federal Rules of Appellate Procedure (28 App. U.S.C.). The words “affirming or setting aside, in whole or in part, any such regulation or order of the Secretary” are omitted as surplus. The words “may be reviewed only” are substituted for “shall be final, subject to review” for consistency. The words “and not in substitution for” are omitted as surplus.

In subsection (b)(1), the words “adversely affected” are substituted for “aggrieved” for consistency in the revised title and with other titles of the Code. The word “only” is omitted as surplus. The text of 49 App.:1674b(b)(4)(B) (1st sentence) is omitted as surplus because 28:2112 applies in the absence of an exception. The text of 49 App.:1674b(b)(4)(B) (2d sentence) is omitted as surplus and because of 28:1651.

In subsection (b)(2), the words “and decree” are omitted as surplus. The words “may be reviewed only” are substituted for “shall be final, except that such judgment and decree shall be subject to review” for consistency and to eliminate unnecessary words. The words “upon certiorari” are omitted as surplus because of 28:1254(1).

§ 60120. Enforcement

(a) CIVIL ACTIONS.—(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including punitive damages.

(2) At the request of the Secretary, the Attorney General may bring a civil action in a district court of the United States to require a person to comply immediately with a subpoena or to allow an officer, employee, or agent authorized by the Secretary to enter the premises, and inspect the records and property, of the person to decide whether the person is complying with this chapter. The action may be brought in the judicial district in which the defendant resides, is found, or does business. The court may punish a failure to obey the order as a contempt of court.

(b) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction issued under this section, the violation of which is also

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60119(a)(1) ..	49 App.:1675(a).	Aug. 12, 1968, Pub. L. 90-481, §8(a), 82 Stat. 724; Nov. 30, 1979, Pub. L. 96-129, §§104(e)(2), 152(a), 93 Stat. 994, 999; Jan. 14, 1983, Pub. L. 97-468, §102, 96 Stat. 2543.
	49 App.:2005(a).	Nov. 30, 1979, Pub. L. 96-129, §206(a), 93 Stat. 1009; Jan. 14, 1983, Pub. L. 97-468, §103, 96 Stat. 2543.
60119(a)(2) ..	49 App.:1675(b), (c).	Aug. 12, 1968, Pub. L. 90-481, §8(b), (c), 82 Stat. 724; Nov. 30, 1979, Pub. L. 96-129, §§104(e)(3), 152(a), 93 Stat. 994, 999.
	49 App.:1675(d), (e).	Aug. 12, 1968, Pub. L. 90-481, §8(d), (e), 82 Stat. 725; Nov. 30, 1979, Pub. L. 96-129, §152(a), 93 Stat. 999.

a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(c) EFFECT ON TORT LIABILITY.—This chapter does not affect the tort liability of any person.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1323.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60120(a)(1) ..	49 App.:1677(b)(2). 49 App.:1679b(a)(1). 49 App.:2006(b)(2). 49 App.:2008(a)(1). 49 App.:1681(f).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §10(b)(2); added Nov. 30, 1979, Pub. L. 96–129, §§104(a)(1), 152(a), 93 Stat. 992, 999. Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §12(a); added Nov. 30, 1979, Pub. L. 96–129, §104(b), 93 Stat. 993. Nov. 30, 1979, Pub. L. 96–129, §§207(b)(2), (c), 209(a), 93 Stat. 1009, 1010.
60120(a)(2) ..	49 App.:2010(f).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §14(f); added Oct. 24, 1992, Pub. L. 102–508, §112(b), 106 Stat. 3295. Nov. 30, 1979, Pub. L. 96–129, 93 Stat. 989, §211(f); added Oct. 24, 1992, Pub. L. 102–508, §211(b), 106 Stat. 3304.
60120(b) .....	49 App.:1679b(a)(2). 49 App.:2008(a)(2).	
60120(c) .....	49 App.:1677(c). 49 App.:2006(c).	Aug. 12, 1968, Pub. L. 90–481, §10(c), 82 Stat. 725; Nov. 30, 1979, Pub. L. 96–129, §§104(a)(1), 152(a), 93 Stat. 992, 999.

In subsection (a)(1), the text of 49 App.:1677(b)(2) and 2006(b)(2) and the words “shall have jurisdiction to determine such actions” in 49 App.:1679b(a)(1) and 2008(a)(1) are omitted as redundant and because of 28:1331 and 1345. The word “civil” is added for consistency in the revised title and with other titles of the United States Code and because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “to enforce this chapter” are substituted for “for equitable relief to redress or restrain a violation by any person of a provision of this chapter” to eliminate unnecessary words. The word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the Code. The words “necessary or . . . mandatory or prohibitive injunctive relief, interim equitable relief, and” are omitted as surplus.

In subsection (a)(2), the words “the Attorney General may bring a civil action in a district court of the United States” are substituted for “such district court shall, upon the request of the Attorney General . . . have jurisdiction to issue to such person an order” for clarity and consistency and because of 28:1331 and 1345. The words “contumacy or” are omitted as surplus. The word “premises” is added for clarity and consistency. The words “or examine” are omitted as being included in “inspect”.

In subsection (b), the words “mandatory or prohibitive” are omitted as surplus. The words “the defendant may demand a jury trial” are substituted for “trial shall be by the court or, upon demand of the accused, by a jury” to eliminate unnecessary words and for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “common law or statutory” are omitted as surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60105, 60114 of this title.

§ 60121. Actions by private persons

(a) GENERAL AUTHORITY.—(1) A person may bring a civil action in an appropriate district court of the United States for an injunction against another person (including the United States Government and other governmental authorities to the extent permitted under the 11th amendment to the Constitution) for a violation of this chapter or a regulation prescribed or order issued under this chapter. However, the person—

(A) may bring the action only after 60 days after the person has given notice of the violation to the Secretary of Transportation or to the appropriate State authority (when the violation is alleged to have occurred in a State certified under section 60105 of this title) and to the person alleged to have committed the violation;

(B) may not bring the action if the Secretary or authority has begun and diligently is pursuing an administrative proceeding for the violation; and

(C) may not bring the action if the Attorney General of the United States, or the chief law enforcement officer of a State, has begun and diligently is pursuing a judicial proceeding for the violation.

(2) The Secretary shall prescribe the way in which notice is given under this subsection.

(3) The Secretary, with the approval of the Attorney General, or the Attorney General may intervene in an action under paragraph (1) of this subsection.

(b) COSTS AND FEES.—The court may award costs, reasonable expert witness fees, and a reasonable attorney’s fee to a prevailing plaintiff in a civil action under this section. The court may award costs to a prevailing defendant when the action is unreasonable, frivolous, or meritless. In this subsection, a reasonable attorney’s fee is a fee—

(1) based on the actual time spent and the reasonable expenses of the attorney for legal services provided to a person under this section; and

(2) computed at the rate prevailing for providing similar services for actions brought in the court awarding the fee.

(c) STATE VIOLATIONS AS VIOLATIONS OF THIS CHAPTER.—In this section, a violation of a safety standard or practice of a State is deemed to be a violation of this chapter or a regulation prescribed or order issued under this chapter only to the extent the standard or practice is not more stringent than a comparable minimum safety standard prescribed under this chapter.

(d) ADDITIONAL REMEDIES.—A remedy under this section is in addition to any other remedies provided by law. This section does not restrict a right to relief that a person or a class of persons may have under another law or at common law.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1324.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60121(a)(1) ..	49 App.:1686(a), (b) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §19; added Oct. 11, 1976, Pub. L. 94-477, §8, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992.
60121(a)(2) ..	49 App.:2014(a), (b) (1st sentence). 49 App.:1686(b) (last sentence). 49 App.:2014(b) (last sentence).	Nov. 30, 1979, Pub. L. 96-129, §215, 93 Stat. 1014.
60121(a)(3) ..	49 App.:1686(c).	
60121(b) .....	49 App.:2014(c).	
60121(c) .....	49 App.:1686(e).	
60121(d) .....	49 App.:2014(e).	
	49 App.:1686(f).	
	49 App.:2014(f).	
	49 App.:1686(d).	
	49 App.:2014(d).	

In subsection (a)(1), before clause (A), the text of 49 App.:1686(a) (last sentence, words after the comma) and 2014(a) (last sentence, words after the comma) is omitted as surplus because the amount in controversy is no longer a criterion. The word “bring” is substituted for “commence” for consistency in the revised title and with other titles of the United States Code. The words “mandatory or prohibitive”, “including interim equitable relief”, “State, municipality, or”, and “alleged to be” are omitted as surplus. The word “prescribed” is added for consistency in the revised title and with other titles of the Code.

In subsection (a)(2), the words “by regulation” are omitted as surplus because of 49:322(a).

In subsection (a)(3), the words “as a matter of right” are omitted as surplus.

In subsection (b), before clause (1), the words “in the interest of justice” and “of suit, including” are omitted as surplus. In clause (1), the words “by an attorney” and “advice and other” are omitted as surplus. The words “provided to a person under this section” are substituted for “providing . . . in connection with representing a person in an action brought under this section” to eliminate unnecessary words.

In subsection (c), the word “Federal” is omitted as surplus. The words “prescribed under this chapter” are added for clarity.

In subsection (d), the words “enforcement of this chapter or any order or regulation under this chapter or to seek any other” are omitted as surplus.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60105 of this title.

§ 60122. Civil penalties

(a) GENERAL PENALTIES.—(1) A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has violated section 60114(c)<sup>1</sup> or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of violations is \$500,000.

(2) A person violating a standard or order under section 60103 or 60111 of this title is liable to the Government for a civil penalty of not more than \$50,000 for each violation. A penalty under this paragraph may be imposed in addition to penalties imposed under paragraph (1) of this subsection.

<sup>1</sup> See References in Text note below.

(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

- (1) the nature, circumstances, and gravity of the violation;
- (2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on ability to continue doing business;
- (3) good faith in attempting to comply; and
- (4) other matters that justice requires.

(c) COLLECTION AND COMPROMISE.—(1) The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(d) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(e) DEPOSIT IN TREASURY.—Amounts collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(f) PROHIBITION ON MULTIPLE PENALTIES FOR SAME ACT.—Separate penalties for violating a regulation prescribed under this chapter and for violating an order under section 60112 or 60118(b) of this title may not be imposed under this chapter if both violations are based on the same act.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1325.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60122(a)(1) ..	49 App.:1679a(a)(1), (3) (1st sentence).  49 App.:2007(a)(1), (2) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(a); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 154, 93 Stat. 992, 1002; Oct. 31, 1988, Pub. L. 100-561, §106, 102 Stat. 2807; Oct. 24, 1992, Pub. L. 102-508, §112(a), 304(b), 106 Stat. 3295, 3308. Nov. 30, 1979, Pub. L. 96-129, §208(a), (b), (d), 93 Stat. 1009, 1010; Oct. 31, 1988, Pub. L. 100-561, §205, 102 Stat. 2811; Oct. 24, 1992, Pub. L. 102-508, §211(a), 106 Stat. 3304.
60122(a)(2) ..	49 App.:1679a(a)(2).	
60122(b) .....	49 App.:1679a(a)(3) (last sentence). 49 App.:2007(a)(2) (last sentence).	
60122(c) .....	49 App.:1679a(b) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(b), (d); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992, 993.
60122(d) .....	49 App.:2007(b) (1st sentence). 49 App.:1679a(b) (2d sentence). 49 App.:2007(b) (2d sentence).	
60122(e) .....	49 App.:1679a(b) (last sentence). 49 App.:2007(b) (last sentence).	
60122(f) .....	49 App.:1679a(d). 49 App.:2007(d).	

In subsection (a)(1), 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 sections 1677(b) and 1679b(b)” in 49 App.:1679a(a)(1) and “including any order issued under

section 2006(b) or 2008(b)” in 49 App.:2007(a)(1) are omitted as surplus. The word “occurs” is added for clarity.

In subsection (a)(2), the words “is determined by the Secretary to have” are omitted as surplus. The words “for each violation” are added for clarity and consistency. The word “imposed” is substituted for “to which such person may be subject” for consistency and to eliminate unnecessary words.

In subsection (b)(2), the word “violation” is substituted for “the person found to have committed the violation” for consistency and to eliminate unnecessary words. The words “the penalty” are omitted as surplus.

In subsection (c)(1), the words “The Secretary may request the Attorney General to bring a civil action” are substituted for “in an action brought by the Attorney General on behalf of the United States” for clarity, to eliminate unnecessary words, and because of 28:2461 and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (d), the words “imposed or compromised under this section” are substituted for “of the penalty, when finally determined (or agreed upon in compromise)” to eliminate unnecessary words and for consistency. The words “liable for the penalty” are substituted for “charged” for clarity.

In subsection (f), the words “Separate penalties . . . prescribed under this chapter . . . may not be imposed under this chapter” are substituted for “Nothing in this title shall be construed to authorize . . . penalties” 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60105, 60114 of this title.

§ 60123. Criminal penalties

(a) GENERAL PENALTY.—A person knowingly and willfully violating section 60114(c),<sup>1</sup> 60118(a), or 60128 of this title or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PENALTY FOR DAMAGING OR DESTROYING FACILITY.—A person knowingly and willfully damaging or destroying, or attempting to damage or destroy, an interstate gas pipeline facility or interstate hazardous liquid pipeline facility shall be fined under title 18, imprisoned for not more than 15 years, or both.

(c) PENALTY FOR DAMAGING OR DESTROYING SIGN.—A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a 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.
60123(b) .....	49 App.:2007(c)(1). 49 App.:1679a(c)(2).	Nov. 30, 1979, Pub. L. 96-129, §208(c)(1), (2), 93 Stat. 1010. 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.
60123(c) .....	49 App.:2007(c)(2). 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.
60123(d) .....	49 App.:2007(c)(3). 49 App.:1687(g).	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. 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 1679b(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).

<sup>1</sup> See References in Text note below.

## 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—

(A) in effect; or

(B) ended in any part by the Secretary and a summary of the reasons for ending each agreement.

(11) a description of the number and qualifications of State pipeline safety inspectors in each State for which a certification under section 60105 of this title or an agreement under section 60106 of this title is in effect and the number and qualifications of inspectors the Secretary recommends for that State.

(12) recommendations for legislation the Secretary considers necessary—

(A) to promote cooperation among the States in improving—

(i) gas pipeline safety; or

(ii) hazardous liquid pipeline safety programs; and

(B) to strengthen the national gas pipeline safety program.

(b) SUBMISSION OF ONE REPORT.—The Secretary may submit one report to carry out subsection (a) of this section.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1326; Pub. L. 104-66, title I, § 1121(l), Dec. 21, 1995, 109 Stat. 724; Pub. L. 104-304, § 15(a), Oct. 12, 1996, 110 Stat. 3803.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60124(a) .....	49 App.:1683(a).	Aug. 12, 1968, Pub. L. 90-481, § 16(a), 82 Stat. 728; Oct. 11, 1976, Pub. L. 94-477, § 7, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §§ 104(b), 107, 109(l), (m), 93 Stat. 992, 995, 997; Oct. 11, 1984, Pub. L. 98-464, § 3(a), 98 Stat. 1821; Oct. 24, 1992, Pub. L. 102-508, § 110(b), 106 Stat. 3295.
	49 App.:1683(b).	Aug. 12, 1968, Pub. L. 90-481, § 16(b), 82 Stat. 728; Nov. 30, 1979, Pub. L. 96-129, § 104(b), 93 Stat. 992.
	49 App.:2012(a).	Nov. 30, 1979, Pub. L. 96-129, § 213(a), 93 Stat. 1013; Oct. 11, 1984, Pub. L. 98-464, § 3(b), 98 Stat. 1821; Oct. 24, 1992, Pub. L. 102-508, § 209(b), 106 Stat. 3304.
	49 App.:2012(b).	Nov. 30, 1979, Pub. L. 96-129, § 213(b), (c), 93 Stat. 1014.
60124(b) .....	49 App.:2012(c).	

In subsection (a), before clause (1), the words “prepare and” and “comprehensive” are omitted as surplus. The words “the following information” are added for clarity. The words “about the prior year” are substituted for “occurring in such year”, “established or in effect in such year”, “during such year”, and “during the preceding calendar year” to eliminate unnecessary words. In clause (2), the word “Federal” is omitted as surplus. The word “prescribed” is substituted for “established or in effect” and “established” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The word “newly” is omitted as surplus. In clause (4), the words “for the transportation of gas and pipeline facilities” in 49 App.:1683(a)(4) and “for the transportation of hazardous liquids and pipeline facilities” in 49 App.:2012(a)(4) are omitted because of the re-statement. In clause (5), the words “in carrying out” are substituted for “confronting the administration of” for consistency. In clause (9), before subclause (A), the words “by State agencies (including municipalities)” are omitted as surplus. In clauses (9)(B) and (10)(B), the words “in any part” are added for clarity. In clause (10), before subclause (A), the words “with State agencies (including municipalities)” are omitted as surplus. In clause (12), before subclause (A), the word “additional” is omitted as surplus. In subclause (A), the word “several” is omitted as surplus.

In subsection (b), the words “annual” and “the report requirements of” are omitted as surplus.

## AMENDMENTS

1996—Pub. L. 104-304, § 15(a)(1), substituted “Biennial” for “Annual” in section catchline.

Subsec. (a). Pub. L. 104-304, § 15(a)(2), inserted first sentence and struck out former first sentence which read as follows: “The Secretary of Transportation shall submit to Congress not later than August 15 of each



odd-numbered year a report on carrying out this chapter for the prior calendar year for gas and a report on carrying out this chapter for the prior calendar year for hazardous liquid.”

1995—Subsec. (a). Pub. L. 104-66 substituted “of each odd-numbered year” for “of each year” in first sentence of introductory provisions.

**§ 60125. Authorization of appropriations**

(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b))<sup>1</sup> related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

- (1) \$19,448,000 for fiscal year 1996;
- (2) \$20,028,000 for fiscal year 1997, of which \$14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;
- (3) \$20,729,000 for fiscal year 1998, of which \$15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;
- (4) \$21,442,000 for fiscal year 1999, of which \$15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and
- (5) \$22,194,000 for fiscal year 2000, of which \$16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.

(b) HAZARDOUS LIQUID.—Not more than the following amounts may be appropriated to the Secretary to carry out this chapter (except sections 60107 and 60114(b))<sup>1</sup> related to hazardous liquid:

- (1) \$1,728,500 for the fiscal year ending September 30, 1993.
- (2) \$1,866,800 for the fiscal year ending September 30, 1994.
- (3) \$2,000,000 for the fiscal year ending September 30, 1995.

(c) STATE GRANTS.—(1) Not more than the following amounts may be appropriated to the Secretary to carry out section 60107 of this title:

- (A) \$7,750,000 for the fiscal year ending September 30, 1993.
- (B) \$9,000,000 for the fiscal year ending September 30, 1994.
- (C) \$10,000,000 for the fiscal year ending September 30, 1995.
- (D) \$12,000,000 for fiscal year 1996.
- (E) \$14,000,000 for fiscal year 1997, of which \$12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.
- (F) \$14,490,000 for fiscal year 1998, of which \$12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.
- (G) \$15,000,000 for fiscal year 1999, of which \$13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.
- (H) \$15,524,000 for fiscal year 2000, of which \$13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.

(2) At least 5 percent of amounts appropriated to carry out United States Government grants-

in-aid programs for a fiscal year are available only to carry out section 60107 of this title related to hazardous liquid.

(3) Not more than 20 percent of a pipeline safety program grant under section 60107 of this title may be allocated to indirect expenses.

(d) GRANTS FOR ONE-CALL NOTIFICATION SYSTEMS.—Not more than \$ \_\_\_\_\_ may be appropriated to the Secretary for the fiscal year ending September 30, 19\_\_, to carry out section 60114(b)<sup>1</sup> of this title. Amounts under this subsection remain available until expended.

(e) CREDITING APPROPRIATIONS FOR EXPENDITURES FOR TRAINING.—The Secretary may credit to an appropriation authorized under subsection (a) or (b) of this section amounts received from sources other than the Government for reimbursement for expenses incurred by the Secretary in providing training.

(f) AVAILABILITY OF UNUSED AMOUNTS FOR GRANTS.—(1) The Secretary shall make available for grants to States amounts appropriated for each of the fiscal years that ended September 30, 1986, and 1987, that have not been expended in making grants under section 60107 of this title.

(2) A grant under this subsection is available to a State that after December 31, 1987—

- (A) undertakes a new responsibility under section 60105 of this title; or
- (B) implements a one-call damage prevention program established under State law.

(3) This subsection does not authorize a State to receive more than 50 percent of its allowable pipeline safety costs from a grant under this chapter.

(4) A State may receive not more than \$75,000 under this subsection.

(5) Amounts under this subsection remain available until expended.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1327; Pub. L. 104-304, §21, Oct. 12, 1996, 110 Stat. 3805.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60125(a) .....	49 App.:1684(a) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, §17(a), 82 Stat. 729; Aug. 22, 1972, Pub. L. 92-401, §4, 86 Stat. 616; Aug. 30, 1974, Pub. L. 93-403, §3, 88 Stat. 802; Oct. 11, 1976, Pub. L. 94-477, §2(1), 90 Stat. 2073; restated Nov. 30, 1979, Pub. L. 96-129, §§104(b), 108, 93 Stat. 992, 996; Oct. 11, 1984, Pub. L. 98-464, §1(a), 98 Stat. 1821; Apr. 7, 1986, Pub. L. 99-272, §§7001, 7002(b)(4), 100 Stat. 139; Oct. 22, 1986, Pub. L. 99-516, §1(a), 100 Stat. 2965; Oct. 31, 1988, Pub. L. 100-561, §§110, 303(b)(2), 102 Stat. 2809, 2816; Oct. 24, 1992, Pub. L. 102-508, §114, 106 Stat. 3296.
60125(b) .....	49 App.:2013(a) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §214(a), 93 Stat. 1014; Oct. 11, 1984, Pub. L. 98-464, §2(a), 98 Stat. 1821; Apr. 7, 1986, Pub. L. 99-272, §§7002(b)(3), 7004, 100 Stat. 139, 140; Oct. 22, 1986, Pub. L. 99-516, §2, 100 Stat. 2965; Oct. 31, 1988, Pub. L. 100-561, §210, 102 Stat. 2812; Oct. 24, 1992, Pub. L. 102-508, §214, 106 Stat. 3305.

<sup>1</sup> See References in Text note below.

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60125(c)(1) ..	49 App.:1684(c).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §17(c); added Apr. 7, 1986, Pub. L. 99-272, §7002(a), 100 Stat. 139; Oct. 22, 1986, Pub. L. 99-516, §1(b), 100 Stat. 2965; Oct. 31, 1988, Pub. L. 100-561, §301(a), 102 Stat. 2813; Oct. 24, 1992, Pub. L. 102-508, §301, 106 Stat. 3307.
60125(c)(2), (3).	49 App.:1684(d).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §17(d); added Apr. 7, 1986, Pub. L. 99-272, §7002(a), 100 Stat. 139; Oct. 31, 1988, Pub. L. 100-561, §301(b), 102 Stat. 2813.
60125(d) .....	49 App.:1687(f).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §20(f); added Oct. 31, 1988, Pub. L. 100-561, §303(a), 102 Stat. 2816.
60125(e) .....	49 App.:1684(a) (2d, last sentences). 49 App.:2013(a) (last sentence).	
60125(f) .....	49 App.:1684(e).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §17(e); added Oct. 31, 1988, Pub. L. 100-561, §301(c), 102 Stat. 2814.

In this section, references to fiscal years ending September 30, 1980, 1981, and 1985-1992, are omitted as expired.

In subsection (a), the words “(except sections 60107 and 60114(b))” are substituted for “(other than provisions for which funds are authorized to be appropriated under subsection . . . (c) of this section or section 1687 of this Appendix)” to eliminate unnecessary words. The reference to subsection (b) is omitted as obsolete.

In subsection (b), the words “(except sections 60107” are substituted for “(other than provisions for which funds are authorized to be appropriated under . . . section 1684(c) of this Appendix)” to eliminate unnecessary words. The words “subsection (b) of this section or” are omitted as obsolete. The reference to section 60114(b) of the revised title is added for clarity.

In subsection (c)(1) and (2), the words “the Federal grants-in-aid provisions of” are omitted as surplus.

In subsection (c)(3), the words “the amount of” are omitted as surplus. The word “program” is added for consistency in this chapter. The words “made to a State” are omitted as surplus.

In subsection (e), the text of 49 App.:1684(a) (last sentence) is omitted as expired.

In subsection (f)(5), the words “made available” are omitted as surplus.

## REFERENCES IN TEXT

Section 60114(b) of this title, referred to in subsecs. (a), (b), and (d), which related to grants to States to establish one-call notification systems, was repealed and section 60114(c) was redesignated section 60114(b) by Pub. L. 104-304, §20(d)(2), (3), Oct. 12, 1996, 110 Stat. 3804.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-304, §21(a)(1), added subsec. (a) and struck out former subsec. (a) which read as follows:

“(a) GAS.—Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter (except sections 60107 and 60114(b)) related to gas:

“(1) \$6,857,000 for the fiscal year ending September 30, 1993.

“(2) \$7,000,000 for the fiscal year ending September 30, 1994.

“(3) \$7,500,000 for the fiscal year ending September 30, 1995.”

Subsec. (c)(1). Pub. L. 104-304, §21(b), added subpars. (D) to (H).

## § 60126. Risk management

(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

(B) to evaluate the safety and cost-effectiveness of the program.

(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a “covered pipeline facility”), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

(3) provide for—

(A) collaborative government and industry training;

(B) methods to measure the safety performance of risk management plans;

(C) the development and application of new technologies;

(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

(G) the development of project elements that are necessary to ensure that—

(i) the owners and operators that participate in the demonstration project dem-

onstrate that they are effectively managing the risks referred to in subparagraph (E); and

(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

(i) changed circumstances; or

(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

(J) an opportunity for public comment in the approval process; and

(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.

(Added Pub. L. 104-304, §5(a), Oct. 12, 1996, 110 Stat. 3798.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60118 of this title.

#### § 60127. Population encroachment

(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled "Pipelines and Public Safety".

(b) EVALUATION.—The Secretary shall—

(1) evaluate the recommendations in the report referred to in subsection (a);

(2) determine to what extent the recommendations are being implemented;

(3) consider ways to improve the implementation of the recommendations; and

(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.

(Added Pub. L. 104-304, §16(a), Oct. 12, 1996, 110 Stat. 3803.)

#### § 60128. Dumping within pipeline rights-of-way

(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

(b) DEFINITION.—For purposes of this section, the term "solid waste" has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(Added Pub. L. 104-304, §18(a), Oct. 12, 1996, 110 Stat. 3804.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60123 of this title.

### CHAPTER 603—USER FEES

Sec.  
60301. User fees.

#### § 60301. User fees

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

(b) IMPOSITION AND TIME OF COLLECTION.—A fee shall be imposed on each person operating a gas pipeline transmission facility, a liquefied natural gas pipeline facility, or a hazardous liquid

pipeline facility to which chapter 601 of this title applies. The fee shall be collected before the end of the fiscal year to which it applies.

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

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

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

(B) related to a hazardous liquid pipeline facility may be used only for an activity related to hazardous liquid under chapter 601 of this title; and

(2) may be used only to the extent provided in advance in an appropriation law.

(e) LIMITATIONS.—Fees prescribed under subsection (a) of this section shall be sufficient to pay for the costs of activities described in subsection (d) of this section. However, the total amount collected for a fiscal year may not be more than 105 percent of the total amount of the appropriations made for the fiscal year for activities to be financed by the fees.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1328.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60301(a) .....	49 App.:1682a(a)(1), (d) (words after "subsection (a) of this section" and before "shall be sufficient").	Apr. 7, 1986, Pub. L. 99-272, § 7005, 100 Stat. 140.
60301(b) .....	49 App.:1682a(a)(3), (b).	
60301(c) .....	49 App.:1682a(a)(2).	
60301(d) .....	49 App.:1682a(c).	
60301(e) .....	49 App.:1682a(d) (less words after "subsection (a) of this section" and before "shall be sufficient").	

In this section, the word "prescribe" is substituted for "establish" for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words "(hereafter in this section referred to as the 'Secretary')" and "appropriate" are omitted as surplus.

In subsection (b), the words "after September 30, 1985" are omitted as obsolete. The words "imposed on each person" are substituted for "assessed to the persons" for consistency in the revised title and with other titles of the Code. The words "the jurisdiction of" and "assess and" are omitted as surplus.

In subsection (c), the words "the services of" are omitted as surplus. The words "department, agency, or instrumentality of the United States Government" are substituted for "Federal . . . agency or instrumentality" for consistency in the revised title and with other titles of the Code.

In subsection (e), the words "by the Secretary" are omitted as surplus. The words "beginning on October 1, 1985" are omitted as executed.

STUDY AND REPORT ON USER FEE ASSESSMENT FACTORS

Pub. L. 104-304, §17, Oct. 12, 1996, 110 Stat. 3803, provided that:

"(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Oct. 12, 1996], the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

"(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

"(2) another basis of assessment would be a more appropriate measure of those resources.

"(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60125 of this title.

CHAPTER 605—INTERSTATE COMMERCE REGULATION

Sec.	
60501.	Secretary of Energy.
60502.	Federal Energy Regulatory Commission.
60503.	Effect of enactment.

§ 60501. Secretary of Energy

Except as provided in section 60502 of this title, the Secretary of Energy has the duties and powers related to the transportation of oil by pipeline that were vested on October 1, 1977, in the Interstate Commerce Commission or the chairman or a member of the Commission.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1329.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60501 .....	42:7155.	Aug. 4, 1977, Pub. L. 95-91, § 306, 91 Stat. 581.
	49:101 (note prec.).	Oct. 17, 1978, Pub. L. 95-473, § 4(c)(1)(A), (2) (related to § 306 of Department of Energy Organization Act), 92 Stat. 1470.

The words "duties and powers . . . that were vested . . . in" are coextensive with, and substituted for, "transferred . . . such functions set forth in the Interstate Commerce Act and vested by law in" for clarity and to eliminate unnecessary words. The words "on October 1, 1977" are added to reflect the effective date of the transfer of the duties and powers to the Secretary of Energy.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 7174.

§ 60502. Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission has the duties and powers related to the estab-

ishment of a rate or charge for the transportation of oil by pipeline or the valuation of that pipeline that were vested on October 1, 1977, in the Interstate Commerce Commission or an officer or component of the Interstate Commerce Commission.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1329.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60502 .....	42:7172(b). 49:101 (note prec.)	Aug. 4, 1977, Pub. L. 95-91, §402(b), 91 Stat. 584. Oct. 17, 1978, Pub. L. 95-473, §4(c)(1)(B), (2) (related to §402(b) of Department of Energy Organization Act), 92 Stat. 1470.

The words “duties and powers . . . that were vested . . . in” are coextensive with, and substituted for, “transferred to, and vested in . . . all functions and authority of” for clarity and to eliminate unnecessary words. The word “regulatory” is omitted as surplus. The words “on October 1, 1977” are added to reflect the effective date of the transfer of the duties and powers to the Federal Energy Regulatory Commission.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60501 of this title; title 42 section 7174.

§ 60503. Effect of enactment

The enactment of the Act of October 17, 1978 (Public Law 95-473, 92 Stat. 1337), the Act of January 12, 1983 (Public Law 97-449, 96 Stat. 2413), and the Act enacting this section does not repeal, and has no substantive effect on, any right, obligation, liability, or remedy of an oil pipeline, including a right, obligation, liability, or remedy arising under the Interstate Commerce Act or the Act of August 29, 1916 (known as the Pomerene Bills of Lading Act), before any department, agency, or instrumentality of the United States Government, an officer or employee of the Government, or a court of competent jurisdiction.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1329.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60503 .....	49:101 (note prec.)	Oct. 31, 1988, Pub. L. 100-561, §308, 102 Stat. 2817.

The words “the Act of January 12, 1983 (Public Law 97-449, 96 Stat. 2413), and the Act enacting this section” are added for clarity. The words “department, agency, or instrumentality of the United States Government”

are substituted for “Federal department or agency”, and the words “officer or employee” are substituted for “official”, for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

Act of October 17, 1978, referred to in text, is Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1337, the first section of which enacted subtitle IV of this title. For complete classification of this Act to the Code, see Tables.

Act of January 12, 1983, referred to in text, is Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2413, the first section of which enacted subtitles I and II of this title. For complete classification of this Act to the Code, see Tables.

The Act enacting this section, referred to in text, is Pub. L. 103-272, July 5, 1994, 108 Stat. 745, the first section of which enacted subtitles II, III, and V to X of this title. For complete classification of this Act to the Code, see Tables.

The Interstate Commerce Act, referred to in text, is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended, which was classified to chapters 1 (§1 et seq.), 8 (§301 et seq.), 12 (§901 et seq.), 13 (§1001 et seq.), and 19 (1231 et seq.) of former Title 49, Transportation. The Act was repealed by Pub. L. 95-473, §4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49, Transportation. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

Act of August 29, 1916, referred to in text, is act Aug. 29, 1916, ch. 415, 39 Stat. 538, as amended, known as the Pomerene Bills of Lading Act, which was classified generally to chapter 4 (§81 et seq.) of former Title 49, and was repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as chapter 801 of this title.

SUBTITLE IX—COMMERCIAL SPACE TRANSPORTATION

Chapter	Sec.
<b>701. Commercial Space Launch Activities .....</b>	<b>70101</b>
<b>703. Space Transportation Infrastructure Matching Grants .....</b>	<b>70301</b>

CHAPTER 701—COMMERCIAL SPACE LAUNCH ACTIVITIES

Sec.	
70101.	Findings and purposes.
70102.	Definitions.
70103.	General authority.
70104.	Restrictions on launches and operations.
70105.	License applications and requirements.
70106.	Monitoring activities.
70107.	Effective periods, and modifications, suspensions, and revocations, of licenses.
70108.	Prohibition, suspension, and end of launches and operation of launch sites.
70109.	Preemption of scheduled launches.
70110.	Administrative hearings and judicial review.
70111.	Acquiring United States Government property and services.
70112.	Liability insurance and financial responsibility requirements.
70113.	Paying claims exceeding liability insurance and financial responsibility requirements.
70114.	Disclosing information.
70115.	Enforcement and penalty.
70116.	Consultation.
70117.	Relationship to other executive agencies, laws, and international obligations.
70118.	User fees.
70119.	Authorization of appropriations.

AMENDMENTS

1994—Pub. L. 103-429, §6(78), Oct. 31, 1994, 108 Stat. 4388, made technical amendment to chapter heading.