

104TH CONGRESS
1ST SESSION

H. R. 432

To amend chapter 601 of title 49, United States Code, to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1995

Mr. PALLONE (for himself and Mr. FRANKS of New Jersey) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure and, in addition, to the Committee on Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend chapter 601 of title 49, United States Code, to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Natural Gas Pipeline
5 Safety Improvement Act of 1995”.

1 **SEC. 2. RECOVERY BY SECRETARY OF TRANSPORTATION**
2 **OF COSTS OF INVESTIGATION OF CERTAIN**
3 **PIPELINE ACCIDENTS.**

4 Section 60117 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(k)(1)(A) Subject to paragraphs (2) and (3), the
7 Secretary of Transportation may recover from any person
8 who engages in the transportation of gas or hazardous liq-
9 uid, or who owns or operates pipeline facilities, the costs
10 incurred by the Secretary—

11 “(i) in investigating an accident with respect to
12 such transportation or facilities; and

13 “(ii) in overseeing the response of the person to
14 the accident.

15 “(B) For the purposes of this paragraph, the costs
16 incurred by the Secretary in an investigation of an acci-
17 dent may include the cost of hiring additional personnel
18 (including personnel to support monitoring activities by
19 the Office of Pipeline Safety), the cost of tests or studies,
20 and travel and administrative costs associated with the
21 investigation.

22 “(2) The Secretary may not recover costs under this
23 subsection with respect to an accident unless the
24 accident—

25 “(A) results in death or personal injury; or

1 “(B) results in property damage (including the
2 cost of any lost natural gas or hazardous liquid) and
3 environmental damage (including the cost of any en-
4 vironmental remediation) in an amount in excess of
5 \$250,000.

6 “(3) The amount that the Secretary may recover
7 under this subsection with respect to an accident may not
8 exceed \$500,000.

9 “(4)(A) Amounts recovered by the Secretary under
10 this subsection shall be available to the Secretary for pur-
11 poses of the payment of the costs of investigating and
12 overseeing responses to accidents under this subsection.
13 Such funds shall be available to the Secretary for such
14 purposes without fiscal year limitation.

15 “(B) Such amounts shall be used to supplement and
16 not to supplant other funds made available to the Sec-
17 retary for such purposes.”.

18 **SEC. 3. GRANTS TO STATES AND ONE-CALL NOTIFICATION**
19 **SYSTEMS TO PROMOTE USE OF SUCH SYS-**
20 **TEMS.**

21 (a) GRANTS TO STATES.—Subsection (b) of section
22 60114 of title 49, United States Code, is amended by add-
23 ing at the end the following: “The Secretary may make
24 a grant to a State for development and establishment of
25 a one-call notification system only if the State ensures that

1 the cost of establishing and operating the system are
2 shared equitably by persons owning or operating under-
3 ground facilities.”.

4 (b) GRANTS TO SYSTEMS.—Such subsection is fur-
5 ther amended—

6 (1) by inserting “(1)” after “GRANTS.—”; and

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

8 “(2)(A) The Secretary may also make grants to one-
9 call notification systems for activities relating to the pro-
10 motion of the utilization of such systems.

11 “(B) The Secretary shall ensure that the Federal
12 share of the cost of the activities referred to in subpara-
13 graph (A) under any grant made under this paragraph
14 does not exceed 50 percent of the cost of such activities.”.

15 (c) SANCTIONS.—Subsection (a)(9) of such section is
16 amended by inserting “, or that would provide for effective
17 civil or criminal penalty sanctions or equitable relief ap-
18 propriate to the nature of the offense” after “60123 of
19 this title”.

20 **SEC. 4. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.**

21 Section 60117(a) of title 49, United States Code, is
22 amended by inserting after “and training activities” the
23 following: “and promotional activities relating to preven-
24 tion of damage to pipeline facilities”.

1 **SEC. 5. ELECTRONIC DATA ON PIPELINE FACILITIES FOR**
2 **RISK ASSESSMENT AND SAFETY PLANNING.**

3 (a) **AUTHORITY TO DEVELOP.**—The Secretary of
4 Transportation may develop an electronic data base con-
5 taining uniform information on the nature, extent, and ge-
6 ographic location of pipeline facilities. The purpose of the
7 data base shall be to provide information on such facilities
8 to the Secretary, owners of pipeline facilities, as persons
9 engaged in transporting gas or hazardous liquids through
10 pipeline facilities, and for secured use by State agencies
11 concerned with land use planning, environmental regula-
12 tion, and pipeline regulatory oversight, in order to facili-
13 tate risk assessment and safety planning with respect to
14 such facilities.

15 (b) **CONTRACT AND GRANT AUTHORITY.**—(1) Sub-
16 ject to paragraph (2), the Secretary may develop the data
17 base described under subsection (a) by entering into con-
18 tracts or cooperative agreements with any entity that the
19 Secretary determines appropriate for that purpose and by
20 making grants to States or institutions of higher edu-
21 cation for that purpose.

22 (2) The Secretary shall ensure that the Federal share
23 of the cost of any activities carried out under a grant or
24 cooperative agreement made under this subsection does
25 not exceed 50 percent of the cost of such activities.

1 (c) USE OF GEOGRAPHIC INFORMATION SYSTEM
2 TECHNOLOGY.—In developing the data base described in
3 subsection (a), the Secretary shall, to the maximum extent
4 practicable, develop a data base that—

5 (1) utilizes Geographic Information System
6 technology or any similar technology providing data
7 of an equivalent quality and usefulness; and

8 (2) permits ready incorporation of data and in-
9 formation from a variety of sources.

10 (d) DEFINITION.—For purposes of this section, the
11 term “pipeline facility” has the meaning given such term
12 in section 60101 of title 49, United States Code.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) NATURAL GAS.—(1) Section 60125(a) of title 49,
15 United States Code, is amended by adding after para-
16 graph (3) the following new paragraphs:

17 “(4) \$20,000,000 for the fiscal year ending
18 September 30, 1996.

19 “(5) \$30,000,000 for the fiscal year ending
20 September 30, 1997.

21 “(6) \$35,000,000 for the fiscal year ending
22 September 30, 1998.”.

23 (2) Section 60125(c)(1) of title 49, United States
24 Code, is amended by adding after subparagraph (C) the
25 following new subparagraphs:

1 “(D) \$16,500,000 for the fiscal year ending
2 September 30, 1996.

3 “(E) \$19,000,000 for the fiscal year ending
4 September 30, 1997.

5 “(F) \$21,500,000 for the fiscal year ending
6 September 30, 1998.”.

7 (b) HAZARDOUS LIQUID.—Section 60125(b) of title
8 49, United States Code, is amended by adding after para-
9 graph (3) the following new paragraphs:

10 “(4) \$7,000,000 for the fiscal year ending Sep-
11 tember 30, 1996.

12 “(5) \$10,000,000 for the fiscal year ending
13 September 30, 1997.

14 “(6) \$11,000,000 for the fiscal year ending
15 September 30, 1998.”.

16 **SEC. 7. SITING OF INTERSTATE PIPELINE FACILITIES.**

17 (a) SITING GUIDELINES.—Within 2 years after the
18 date of enactment of this Act, the Federal Energy Regu-
19 latory Commission shall review its practices and guidelines
20 for siting interstate gas pipeline facilities in urban areas
21 to determine whether changes are needed in the areas of—

22 (1) selecting routes for pipelines; and

23 (2) determining the appropriate width of rights-
24 of-way.

1 (b) EDUCATIONAL INFORMATION FOR LOCAL JURIS-
2 DICTIONS.—(1)(A) Within 2 years after the date of enact-
3 ment of this Act, the Secretary of Transportation, in con-
4 sultation with the Federal Energy Regulatory Commis-
5 sion, shall make educational information available, regard-
6 ing interstate gas pipeline facilities permits and rights-of-
7 way and issues with respect to development in the vicinity
8 of such interstate gas pipeline facilities, for distribution
9 to appropriate agencies of local governments with jurisdic-
10 tion over the lands through which interstate gas pipeline
11 facilities pass.

12 (B) For purposes of this section, the term “interstate
13 gas pipeline facility” has the meaning given such term in
14 section 60101 of title 49, United States Code.

15 (2)(A) Within 2 years after the date of enactment
16 of this Act, the Secretary of Transportation shall make
17 educational information available, regarding interstate
18 hazardous liquid pipeline facilities rights-of-way and issues
19 with respect to development in the vicinity of such inter-
20 state pipeline facilities, for distribution to appropriate
21 agencies of local governments with jurisdiction over the
22 lands through which interstate hazardous liquid pipeline
23 facilities pass.

24 (B) For purposes of this paragraph, the term “inter-
25 state hazardous liquid pipeline facility” has the meaning

1 given such term in section 60101 of title 49, United States
2 Code.

3 (3) There are authorized to be appropriated to the
4 Secretary of Transportation for carrying out this sub-
5 section, \$2,000,000, to remain available until expended.

6 **SEC. 8. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

7 (a) AMENDMENT.—Chapter 601 of title 49, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§ 60126. Dumping within pipeline rights-of-way**

11 “(a) PROHIBITION.—No person shall excavate within
12 the right-of-way of an interstate gas pipeline facility or
13 interstate hazardous liquid pipeline facility, or any other
14 limited area in the vicinity of any such interstate pipeline
15 facility established by the Secretary of Transportation,
16 and dispose solid waste therein.

17 “(b) DEFINITION.—For purposes of this section, the
18 term ‘solid waste’ has the meaning given such term in sec-
19 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.
20 6903(27)).”.

21 (b) CONFORMING AMENDMENTS.—(1) Sections
22 60122 and 60123 of title 49, United States Code, are
23 amended by striking “or 60118(a)” and inserting in lieu
24 thereof “, 60118(a), or 60126”.

1 (2) The table of sections of chapter 601 of such title
2 is amended by adding at the end the following new item:

“60126. Dumping within pipeline rights-of-way.”.

3 **SEC. 9. PERIODIC INSPECTION BY INSTRUMENTED INTER-**
4 **NAL INSPECTION DEVICES.**

5 Section 60102(f)(2) of title 49, United States Code,
6 is amended—

7 (1) by striking “October 24, 1995” and insert-
8 ing in lieu thereof “1 year after the date of the en-
9 actment of the Natural Gas Pipeline Safety Im-
10 provement Act of 1995”; and

11 (2) in the first sentence, by inserting “, and
12 shall prescribe a schedule or schedules for such in-
13 spections” after “60109 of this title”.

14 **SEC. 10. PROMOTING PUBLIC AWARENESS FOR NEIGHBORS**
15 **OF PIPELINES.**

16 Section 60116 of title 49, United States Code, is
17 amended—

18 (1) by inserting “(a) GAS LEAKS.—” before
19 “Under regulations the Secretary”; and

20 (2) by adding at the end the following new sub-
21 sections:

22 “(b) PROMOTING PUBLIC AWARENESS FOR NEIGH-
23 BORS OF PIPELINES.—Not later than 1 year after the date
24 of enactment of this subsection, and annually thereafter,
25 the owner or operator of each interstate gas pipeline facil-

1 ity or interstate hazardous liquid pipeline facility shall no-
2 tify all residents within 1000 yards, or such other distance
3 as the Secretary of Transportation determines appro-
4 priate, of such interstate pipeline facility of—

5 “(1) the general location of the interstate pipe-
6 line facility;

7 “(2) a request for reporting of any instances of
8 excavation or dumping on or near the interstate
9 pipeline facility;

10 “(3) a phone number to use to make such re-
11 ports; and

12 “(4) appropriate procedures for such residents
13 to follow in response to accidents concerning inter-
14 state pipeline facilities.

15 “(c) PUBLIC EDUCATION.—The Secretary of Trans-
16 portation shall develop, in conjunction with appropriate
17 representatives of the natural gas pipeline industry and
18 the hazardous liquid pipeline industry, public service an-
19 nouncements to be broadcast or published to educate the
20 public about pipeline safety.”.

21 **SEC. 11. REMOTELY OR AUTOMATICALLY CONTROLLED**
22 **VALVES.**

23 Section 60102 of title 49, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(1) REMOTELY OR AUTOMATICALLY CONTROLLED
2 VALVES.—Not later than 18 months after the date of en-
3 actment of this subsection, the Secretary of Transpor-
4 tation shall prescribe regulations requiring the installation
5 and use, wherever technically and economically feasible,
6 of remotely or automatically controlled valves that are reli-
7 able and capable of shutting off the flow of gas in the
8 event of an accident, including accidents in which there
9 is a loss of the primary power source. In developing pro-
10 posed regulations, the Secretary shall consult with, and
11 give special consideration to recommendations of, appro-
12 priate groups from the gas pipeline industry, such as the
13 Gas Research Institute.”.

14 **SEC. 12. BASELINE INFORMATION.**

15 Section 60102(f) of title 49, United States Code, is
16 amended by adding at the end the following new para-
17 graph:

18 “(3) Before transporting natural gas or hazardous
19 liquid through a pipeline which, because of its design, con-
20 struction, or replacement, is required by regulations issued
21 under paragraph (1) to accommodate the passage of in-
22 strumented internal inspection devices, the owner or oper-
23 ator of such pipeline shall, using such a device, obtain

- 1 baseline information with respect to the safety of the pipe-
- 2 line.”.

