

104TH CONGRESS
1ST SESSION

S. 1505

To reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 1995

Mr. LOTT (for himself, Mr. BREAUX, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, 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 “Accountable Pipeline
5 Safety and Partnership Act of 1995”.

6 **SEC. 2. REFERENCES.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-

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

3 **SEC. 3. DEFINITIONS.**

4 (a) IN GENERAL.—Section 60101(a) is amended—

5 (1) in each of paragraphs (1) through (22), by
 6 striking the period at the end and inserting a semi-
 7 colon;

8 (2) in paragraph (21), by striking subpara-
 9 graph (B) and inserting the following:

10 “(B) does not include the gathering of gas,
 11 other than gathering through regulated gather-
 12 ing lines, in those rural locations that are lo-
 13 cated outside the limits of any incorporated or
 14 unincorporated city, town, or village, or any
 15 other designated residential or commercial area
 16 (including a subdivision, business, shopping
 17 center, or community development) or any simi-
 18 lar populated area that the Secretary of Trans-
 19 portation determines to be a nonrural area, ex-
 20 cept that the term ‘transporting gas’ includes
 21 the movement of gas through regulated gather-
 22 ing lines;”;

23 (3) by adding at the end the following:

24 “(23) ‘benefits’ means the reasonably identifi-
 25 able or estimated safety, environmental, and eco-

1 nomic benefits that are reasonably expected to result
2 directly or indirectly from the implementation of a
3 standard, regulatory requirement, or option;

4 “(24) ‘costs’ means, with respect to the imple-
5 mentation of, or compliance with, a standard, regu-
6 latory requirement, or option, the estimated or ac-
7 tual direct and indirect costs of that implementation
8 or compliance;

9 “(25) ‘incremental benefit’ or ‘incremental cost’
10 means the additional estimated benefit or cost
11 that—

12 “(A) would be caused by a particular ac-
13 tion (whether regulatory or nonregulatory) in
14 comparison with other options that may be
15 taken in lieu of that action; and

16 “(B) is based on quantifiable or qualifiable
17 assessments that use generally available and
18 reasonably obtainable scientific or economic
19 data;

20 “(26) ‘risk management’ means the systematic
21 application, by the owner or operator of a pipeline
22 facility, of management policies, procedures, finite
23 resources, and practices to the tasks of analyzing,
24 assessing, and minimizing risk in order to protect

1 employees, the general public, the environment, and
2 pipeline facilities;

3 “(27) ‘risk management plan’ means a manage-
4 ment plan utilized by a gas or hazardous liquid pipe-
5 line facility owner or operator that encompasses risk
6 management; and

7 “(28) ‘Secretary’ means—

8 “(A) the Secretary of Transportation; or

9 “(B) if applicable, any person to whom the
10 Secretary of Transportation delegates authority
11 with respect to a matter concerned.”.

12 (b) GATHERING LINES.—Section 60101(b)(2) is
13 amended by inserting “, if appropriate,” after “Secretary”
14 the first place it appears.

15 **SEC. 4. GENERAL AUTHORITY.**

16 (a) MINIMUM SAFETY STANDARDS.—Section
17 60102(a) is amended—

18 (1) in paragraph (1), by striking subparagraph
19 (C) and inserting the following:

20 “(C) shall include a requirement that all indi-
21 viduals who operate and maintain pipeline facilities
22 shall be qualified to operate and maintain the pipe-
23 line facilities.”; and

24 (2) by striking paragraph (2) and inserting the
25 following:

1 “(2) The qualifications applicable to an individual
2 who operates and maintains a pipeline facility shall ad-
3 dress the ability to recognize and react appropriately to
4 abnormal operating conditions that may indicate a dan-
5 gerous situation or a condition exceeding design limits.
6 The operator of a pipeline facility shall ensure that em-
7 ployees who operate and maintain the facility are qualified
8 to operate and maintain the pipeline facilities.”.

9 (b) PRACTICABILITY AND SAFETY NEEDS STAND-
10 ARDS.—Section 60102(b) is amended to read as follows:

11 “(b) PRACTICABILITY AND SAFETY NEEDS.—

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

14 “(A) practicable; and

15 “(B) designed to meet the need for—

16 “(i) gas pipeline safety;

17 “(ii) safely transporting hazardous
18 liquids; and

19 “(iii) protecting the environment.

20 “(2) FACTORS FOR CONSIDERATION.—Except
21 as provided in section 60112, when prescribing a
22 standard under this section or section 60101(b),
23 60103, 60108, 60109, 60110, or 60113, the Sec-
24 retary shall consider—

25 “(A) relevant available—

1 “(i) gas pipeline safety information; or

2 “(ii) hazardous liquid pipeline safety

3 and environmental protection information;

4 “(B) the appropriateness of the standard
5 for the particular type of pipeline transpor-
6 tation or facility;

7 “(C) the reasonableness of the standard;

8 “(D) based on a risk assessment, the ex-
9 tent to which the standard will benefit public
10 safety and the protection of the environment;

11 “(E) the costs of compliance with the
12 standard;

13 “(F) comments and information received
14 from the public; and

15 “(G) the comments and recommendations
16 of the Technical Pipeline Safety Standards
17 Committee described in section 60115 and the
18 Liquid Pipeline Safety Standards Committee
19 described in section 60115.

20 “(3) RISK ASSESSMENT DOCUMENT.—In pre-
21 scribing a standard referred to in paragraph (2), the
22 Secretary shall prepare a risk assessment document
23 that—

1 “(A) identifies the regulatory and non-
2 regulatory options that the Secretary considered
3 in prescribing a proposed standard;

4 “(B) identifies the incremental costs and
5 incremental benefits with respect to public safe-
6 ty and the protection of the environment that
7 are associated with the proposed standard;

8 “(C) includes—

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

12 “(ii) with respect to each of those
13 other options, a brief explanation of the
14 reasons that the Secretary found that op-
15 tion to be less cost-effective or flexible than
16 the proposed standard; and

17 “(D) provides any technical data or other
18 information upon which the risk assessment
19 document and proposed standard is based.

20 “(4) REVIEW.—

21 “(A) IN GENERAL.—The Secretary shall—

22 “(i) submit each risk assessment doc-
23 ument prepared under this section to the
24 Technical Pipeline Safety Standards Com-
25 mittee described in section 60115 or the

1 Hazardous Liquid Pipeline Safety Stand-
2 ards Committee described in section
3 60115, or both, as appropriate; and

4 “(ii) make that document available to
5 the general public.

6 “(B) PEER REVIEW PANELS.—The com-
7 mittees referred to in subparagraph (A) shall
8 serve as peer review panels to review risk as-
9 sessment documents prepared under this sec-
10 tion. Not later than 90 days after receiving a
11 risk assessment document for review pursuant
12 to subparagraph (A), each committee that re-
13 ceives that document shall prepare and submit
14 to the Secretary a report that includes—

15 “(i) an evaluation of the merit of the
16 data and methods used in that document;
17 and

18 “(ii) any recommended options relat-
19 ing to that document and the associated
20 standard or regulatory requirement that
21 the committee determines to be appro-
22 priate.

23 “(C) REVIEW BY SECRETARY.—Not later
24 than 90 days after receiving a report submitted

1 by a committee under subparagraph (B), the
2 Secretary—

3 “(i) shall review the report;

4 “(ii) shall provide a written response
5 to the committee that is the author of the
6 report concerning all significant peer re-
7 view comments and recommended alter-
8 natives contained in the report; and

9 “(iii) may revise the risk assessment
10 and the proposed standard or regulatory
11 requirement before promulgating the final
12 standard or requirement.

13 “(5) INCREMENTAL BENEFITS AND COSTS.—
14 Before issuing a final standard that is subject to the
15 requirements contained in paragraphs (1) and (2),
16 the Secretary shall certify that the incremental bene-
17 fits of the final standard will likely justify, and be
18 reasonably related to, the incremental costs incurred
19 by the Federal Government and State, local, and
20 tribal governments and any other public entity, and
21 the private sector.

22 “(6) EMERGENCIES.—In the case of an emer-
23 gency that meets the criteria described in section
24 60112(e), the Secretary may suspend the application
25 of this section for the duration of the emergency.

1 “(7) REPORT.—Not later than March 31, 1999,
2 the Secretary shall transmit to the Congress a re-
3 port that—

4 “(A) describes the implementation of the
5 risk assessment requirements of this section, in-
6 cluding the extent to which those requirements
7 have improved regulatory decision making; and

8 “(B) includes any recommendations that
9 the Secretary determines would make the risk
10 assessments conducted pursuant to the require-
11 ments under this chapter a more effective
12 means of assessing the benefits and costs asso-
13 ciated with alternative regulatory and non-
14 regulatory options in prescribing standards
15 under the Federal pipeline safety regulatory
16 program under this chapter.”.

17 (c) FACILITY OPERATION INFORMATION STAND-
18 ARDS.—The first sentence of section 60102(d) is amend-
19 ed—

20 (1) by inserting “as required by the standards
21 prescribed under this chapter” after “operating the
22 facility”;

23 (2) by striking “to provide the information”
24 and inserting “to make the information available”;
25 and

1 (3) by inserting “as determined by the Sec-
2 retary” after “to the Secretary and an appropriate
3 State official”.

4 (d) PIPE INVENTORY STANDARDS.—The first sen-
5 tence of section 60102(e) is amended—

6 (1) by striking “and, to the extent the Sec-
7 retary considers necessary, an operator of a gather-
8 ing line that is not a regulated gathering line (as de-
9 fined under section 60101(b)(2) of this title),”; and
10 (2) by striking “transmission” and inserting
11 “transportation”.

12 (e) SMART PIGS.—

13 (1) MINIMUM SAFETY STANDARDS.—Section
14 60102(f) is amended by striking paragraph (1) and
15 inserting the following:

16 “(1) MINIMUM SAFETY STANDARDS.—The Sec-
17 retary shall prescribe minimum safety standards re-
18 quiring that the design and construction of a new
19 gas or hazardous liquid pipeline transmission facility
20 be carried out, to the extent practicable, in a way
21 that accommodates the passage through the facility
22 of an instrumented internal inspection device (com-
23 monly referred to as a ‘smart pig’). The Secretary
24 shall also prescribe minimum safety standards that
25 require that when a segment of an existing gas or

1 hazardous liquid pipeline transmission facility is re-
2 placed, to the extent practicable, the replacement
3 segment can accommodate the passage of an instru-
4 mented internal inspection device. The Secretary
5 may apply the standards to an existing gas or haz-
6 ardous liquid facility and require that the facility be
7 changed to allow the facility to be inspected with an
8 instrumented internal inspection device if the basic
9 construction of the facility will accommodate the de-
10 vice.”.

11 (2) PERIODIC INSPECTIONS.—Section
12 60102(f)(2) is amended—

13 (A) by striking “(2) Not later than” and
14 inserting the following:

15 “(2) PERIODIC INSPECTIONS.—Not later than”;

16 and

17 (B) by inserting “, if necessary, addi-
18 tional” after “the Secretary shall prescribe”.

19 (f) UPDATING STANDARDS.—Section 60102 is
20 amended by adding at the end the following new sub-
21 section:

22 “(1) UPDATING STANDARDS.—The Secretary shall, to
23 the extent appropriate and practicable, update incor-
24 porated industry standards that have been adopted as part

1 of the Federal pipeline safety regulatory program under
2 this chapter.”.

3 **SEC. 5. RISK MANAGEMENT.**

4 (a) IN GENERAL.—Chapter 601 is amended by add-
5 ing at the end the following new section:

6 **“§ 60126. Risk management**

7 “(a) RISK MANAGEMENT PROGRAM DEMONSTRA-
8 TION PROJECTS.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish risk management demonstration projects—

11 “(A) to demonstrate, through the vol-
12 untary participation by owners and operators of
13 gas pipeline facilities and hazardous liquid pipe-
14 line facilities, the applications of risk manage-
15 ment; and

16 “(B) to evaluate the safety and cost-effec-
17 tiveness of the applications referred to in sub-
18 paragraph (A).

19 “(2) WAIVERS.—In carrying out a demonstra-
20 tion project under this subsection, the Secretary—

21 “(A) may waive, with respect to the owner
22 or operator of any pipeline facility covered
23 under the project (referred to in this subsection
24 as a ‘covered pipeline facility’), the applicability
25 of all or a portion of the requirements under

1 this chapter that would otherwise apply to that
2 owner or operator with respect to the pipeline
3 facility; and

4 “(B) shall waive, for the period of the
5 project, with respect to the owner or operator
6 that participates in the project, the applicability
7 of any new standard or regulatory requirement
8 that the Secretary promulgates under this chap-
9 ter during the period of that participation, if
10 the Secretary determines that the risk manage-
11 ment plan applicable to the demonstration
12 project provides an overall level of safety that
13 is equivalent to or greater than the level of
14 safety provided by requiring the application of
15 that standard or regulatory requirement.

16 “(b) REQUIREMENTS.—In carrying out a demonstra-
17 tion project under this section, the Secretary shall—

18 “(1) invite owners and operators of pipeline fa-
19 cilities to submit risk management plans for timely
20 approval by the Secretary;

21 “(2) require, as a condition of approval, that a
22 risk management plan submitted under this sub-
23 section contain measures that are designed to
24 achieve an equivalent or greater overall level of safe-
25 ty than would otherwise be achieved through compli-

1 ance with the standards and regulatory requirements
2 contained in this chapter or promulgated by the Sec-
3 retary under this chapter;

4 “(3) provide for—

5 “(A) collaborative government and indus-
6 try training;

7 “(B) methods to measure the safety per-
8 formance of risk management plans;

9 “(C) the development and application of
10 new technologies;

11 “(D) the promotion of community aware-
12 ness concerning how the overall level of safety
13 will be enhanced by the demonstration project;

14 “(E) the development of a model that cat-
15 egorizes the risks inherent to each covered pipe-
16 line facility, taking into consideration the loca-
17 tion, volume, pressure, and material transported
18 or stored by that pipeline facility;

19 “(F) the application of risk assessment
20 and risk management methodologies that are
21 suitable to the inherent risks that are deter-
22 mined to exist through the use of the model de-
23 veloped under subparagraph (E);

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

1 “(i) the owners and operators that
2 participate in the demonstration project
3 demonstrate that they are effectively man-
4 aging the risks referred to in subparagraph
5 (E); and

6 “(ii) the risk management plans car-
7 ried out under the demonstration project
8 under this subsection can be audited;

9 “(H) a process whereby an owner or opera-
10 tor of a pipeline facility is able to amend, mod-
11 ify, or otherwise adjust a risk management plan
12 referred to in paragraph (1) that has been ap-
13 proved by the Secretary pursuant to that para-
14 graph to respond to—

15 “(i) changed circumstances; or

16 “(ii) a determination by the Secretary
17 that the owner or operator is not achieving
18 an overall level of safety that is at least
19 equivalent to the level that would otherwise
20 be achieved through compliance with the
21 standards and regulatory requirements
22 contained in this chapter or promulgated
23 by the Secretary under this chapter; and

24 “(I) such other elements as the Secretary,
25 with the agreement of the owners and operators

1 that participate in the demonstration project
2 under this section, determines to further the
3 purposes of this section; and

4 “(4) in selecting participants for the dem-
5 onstration project, take into consideration the past
6 safety and regulatory performance of each applicant
7 who submits a risk management plan pursuant to
8 paragraph (1).

9 “(c) EMERGENCIES.—In the case of an emergency
10 that meets the criteria described in section 60112(e), the
11 Secretary may suspend or revoke the participation of an
12 owner or operator in the demonstration project under this
13 section.

14 “(d) PARTICIPATION BY STATE AUTHORITY.—Not-
15 withstanding any other provision of this chapter, in carry-
16 ing out the demonstration project under this section, the
17 Secretary may provide for the participation in the dem-
18 onstration project by a State that has in effect a certifi-
19 cation that has been approved by the Secretary under sec-
20 tion 60105.

21 “(e) REPORT.—Not later than March 31, 1999, the
22 Secretary shall transmit to the Congress a report on the
23 results of the demonstration projects carried out under
24 this section that includes—

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

5 “(2) recommendations concerning whether the
6 applications of risk management demonstrated
7 under the demonstration project should be incor-
8 porated into the Federal pipeline safety program
9 under this chapter on a permanent basis.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 601 is amended by adding at the end the follow-
12 ing:

“60126. Risk management.”.

13 **SEC. 6. INSPECTION AND MAINTENANCE.**

14 Section 60108 is amended—

15 (1) in subsection (a)(1), by striking “transport-
16 ing gas or hazardous liquid or” each place it ap-
17 pears;

18 (2) in subsection (b)(2), by striking the second
19 sentence;

20 (3) in the heading to subsection (c), by striking
21 “NAVIGABLE WATERS” and inserting “OTHER WA-
22 TERS”; and

23 (4) by striking clause (ii) of subsection
24 (c)(2)(A) and inserting the following:

1 “(ii) any other pipeline facility crossing under,
 2 over, or through waters where a substantial likeli-
 3 hood of commercial navigation exists, if the Sec-
 4 retary decides that the location of the facility in
 5 those waters could pose a hazard to navigation or
 6 public safety.”.

7 **SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRON-**
 8 **MENTALLY SENSITIVE AREAS.**

9 (a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is
 10 amended by striking “a navigable waterway (as the Sec-
 11 retary defines by regulation)” and inserting “waters where
 12 a substantial likelihood of commercial navigation exists”.

13 (b) UNUSUALLY SENSITIVE AREAS.—Section
 14 60109(b) is amended to read as follows:

15 “(b) AREAS TO BE INCLUDED AS UNUSUALLY SEN-
 16 SITIVE.—When describing areas that are unusually sen-
 17 sitive to environmental damage if there is a hazardous liq-
 18 uid pipeline accident, the Secretary shall consider areas
 19 where a pipeline rupture would likely cause permanent or
 20 long-term environmental damage, including—

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

1 “(2) locations near pipeline rights-of-way that
2 have been identified as critical wetlands, riverine or
3 estuarine systems, national parks, wilderness areas,
4 wildlife preservation areas or refuges, wild and sce-
5 nic rivers, or critical habitat areas for threatened
6 and endangered species.”.

7 **SEC. 8. EXCESS FLOW VALUES.**

8 Section 60110 is amended—

9 (1) in subsection (b)—

10 (A) in the first sentence, by inserting “, if
11 any,” after “circumstances”; and

12 (B) in paragraph (4), by inserting “, oper-
13 ating, and maintaining” after “cost of install-
14 ing”;

15 (2) in subsection (c)(1)(C), by inserting “,
16 maintenance, and replacement” after “installation”;
17 and

18 (3) in subsection (e), by inserting after the first
19 sentence the following: “The Secretary may adopt
20 industry accepted performance standards in order to
21 comply with the requirement under the preceding
22 sentence.”.

23 **SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.**

24 Section 60113 is amended—

1 (1) by striking “(a) MAINTENANCE INFORMA-
2 TION.—”; and

3 (2) by striking subsection (b).

4 **SEC. 10. UNDERGROUND FACILITY DAMAGE PREVENTION**
5 **PROGRAMS.**

6 (a) APPLICATION.—Section 60114(a) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “one-call notification system” and inserting
9 “underground facility damage prevention program
10 (hereafter in this subsection referred to as a ‘pro-
11 gram’)”;

12 (2) in paragraph (1)—

13 (A) by striking “the system apply to”; and

14 (B) by inserting before the period the fol-
15 lowing: “be covered by the program”;

16 (3) in each of paragraphs (2), (4), (5), (6), and
17 (8), by striking “system” each place it appears and
18 inserting “program”;

19 (4) in paragraph (3), by striking “appropriate
20 one-call notification system” and inserting “appro-
21 priate program”;

22 (5) in paragraph (4), by striking “qualifica-
23 tions” and inserting “Qualifications”;

24 (6) in paragraph (5), by striking “procedures”
25 and inserting “Procedures”; and

1 (7) in each of paragraphs (1), (2), (3), (6), (7),
 2 (8), and (9), by striking “a” the first place it ap-
 3 pears and inserting “A”.

4 (b) SANCTIONS.—Section 60114(a)(9), as amended
 5 by subsection (a)(7), is further amended by striking
 6 “60120, 60122, and 60123” and inserting “60120 and
 7 60122”.

8 (c) GRANTS.—Section 60114(b) is amended by strik-
 9 ing “one-call notification system” and inserting “under-
 10 ground facility damage prevention program”.

11 (d) APPORTIONMENT.—Section 60114(d) is amended
 12 by striking “one-call notification system” each place it ap-
 13 pears and inserting “underground facility damage preven-
 14 tion program”.

15 (e) CONFORMING AMENDMENTS.—

16 (1) SECTION HEADING.—The heading to section
 17 60114 is amended to read as follows:

18 **“§ 60114. Underground facility damage prevention**
 19 **programs”.**

20 (2) CHAPTER ANALYSIS.—The analysis for
 21 chapter 601 is amended by striking the item relating
 22 to section 60114 and inserting the following item:

“60114. Underground facility damage prevention programs.”.

23 **SEC. 11. TECHNICAL SAFETY STANDARDS COMMITTEES.**

24 (a) PEER REVIEW.—Section 60115(a) is amended by
 25 adding at the end the following: “The committees referred

1 to in the preceding sentence shall serve as peer review
2 committees for carrying out this chapter. Peer reviews
3 conducted by the committees shall be treated for purposes
4 of all Federal laws relating to risk assessment and peer
5 review (including laws that take effect after the date of
6 the enactment of the Pipeline Safety Act of 1995) as meet-
7 ing any peer review requirements of such laws.”.

8 (b) COMPOSITION AND APPOINTMENT.—Section
9 60115(b) is amended—

10 (1) in paragraph (1), by inserting “or risk man-
11 agement” before the period at the end of the last
12 sentence;

13 (2) in paragraph (2), by inserting “or risk man-
14 agement” before the period at the end of the last
15 sentence;

16 (3) in paragraph (3)—

17 (A) in subparagraph (B), by striking “4”
18 and inserting “5”; and

19 (B) in subparagraph (C), by striking “6”
20 and inserting “5”; and

21 (4) in paragraph (4)—

22 (A) in subparagraph (A), by adding at the
23 end the following: “At least 1 of the individuals
24 selected for each committee under paragraph

1 (3)(A) shall have relevant scientific education,
2 background, or experience.”;

3 (B) in subparagraph (B), by adding at the
4 end the following: “At least 1 of the individuals
5 selected for each committee under paragraph
6 (3)(B) shall have education, background, or ex-
7 perience in risk assessment and cost-benefit
8 analysis. The Secretary shall consult with the
9 national organizations representing the owners
10 and operators of pipeline facilities before select-
11 ing individuals under paragraph (3)(B).”; and

12 (C) in subparagraph (C), by inserting after
13 the first sentence the following: “At least 1 of
14 the individuals selected for each committee
15 under paragraph (3)(C) shall have education,
16 background, or experience in risk assessment
17 and cost-benefit analysis.”.

18 (c) COMMITTEE REPORTS.—Section 60115(c) is
19 amended—

20 (1) by inserting “or regulatory requirement”
21 after “standard” each place it appears in para-
22 graphs (1), (2), and (3);

23 (2) in paragraph (1)—

24 (A) in subparagraph (A), by inserting “,
25 including the risk assessment document and

1 other analyses supporting each proposed stand-
2 ard or regulatory requirement” before the semi-
3 colon; and

4 (B) in subparagraph (B), by inserting “,
5 including the risk assessment document and
6 other analyses supporting each proposed stand-
7 ard or regulatory requirement” before the pe-
8 riod; and

9 (3) in paragraph (2)—

10 (A) in the first sentence—

11 (i) by inserting “and supporting anal-
12 yses” before the first comma;

13 (ii) by inserting “and submit to the
14 Secretary” after “prepare”;

15 (iii) by inserting “cost-effectiveness,”
16 after “reasonableness,”; and

17 (iv) by inserting “and include in the
18 report recommended actions” before the
19 period at the end; and

20 (B) in the second sentence, by inserting
21 “any recommended actions and” after “includ-
22 ing”.

23 (d) PROPOSED COMMITTEE STANDARDS AND REGU-
24 LATORY REQUIREMENTS.—Section 60115(d)(1) is amend-

1 ed by inserting “or regulatory requirement” after “stand-
2 ard” each place it appears.

3 (e) MEETINGS.—Section 60115(e) is amended by
4 striking “twice” and inserting “4 times”.

5 (f) EXPENSES.—Section 60115(f) is amended—

6 (1) in the subsection heading by striking “PAY
7 AND”;

8 (2) by striking the first 2 sentences; and

9 (3) by inserting “of a committee under this sec-
10 tion” after “A member”.

11 **SEC. 12. PUBLIC EDUCATION PROGRAMS.**

12 Section 60116 is amended—

13 (1) by striking “person transporting gas” and
14 inserting “owner or operator of a gas pipeline facil-
15 ity”;

16 (2) by inserting “the use of an underground fa-
17 cility damage prevention program prior to exca-
18 vation,” after “educate the public on”; and

19 (3) by inserting a comma after “gas leaks”.

20 **SEC. 13. ADMINISTRATIVE.**

21 Section 60117 is amended by adding at the end the
22 following new subsection:

23 “(k) AUTHORITY FOR COOPERATIVE AGREE-
24 MENTS.—To carry out this chapter, the Secretary may
25 enter into grants, cooperative agreements, and other

1 transactions with any person, agency, or instrumentality
2 of the United States, any unit of State or local govern-
3 ment, any educational institution, or any other entity to
4 further the objectives of this chapter. The objectives of
5 this chapter include the development, improvement, and
6 promotion of one-call damage prevention programs, re-
7 search, risk assessment, and mapping.”.

8 **SEC. 14. COMPLIANCE AND WAIVERS.**

9 Section 60118 is amended by adding at the end the
10 following new subsection:

11 “(e) COMPLIANCE WITH RISK MANAGEMENT
12 PLANS.—The owners and operators of pipeline facilities
13 that participate in the demonstration project under section
14 60126 shall, during the applicable period of participation
15 in the program, be considered to be in compliance with
16 any prescribed safety standard or regulatory requirement
17 that is covered by a plan that is approved by the Secretary
18 under section 60126.”.

19 **SEC. 15. DAMAGE REPORTING.**

20 Section 60123(d)(2) is amended—

21 (1) by striking “or” at the end of subparagraph

22 (A);

23 (2) by redesignating subparagraph (B) as sub-
24 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) a pipeline facility and does not report
4 the damage promptly to the operator of the
5 pipeline facility and to other appropriate au-
6 thorities; or”.

7 **SEC. 16. BIENNIAL REPORTS.**

8 (a) BIENNIAL REPORTS.—

9 (1) SECTION HEADING.—The section heading of
10 section 60124 is amended to read as follows:

11 **“§ 60124. Biennial reports”.**

12 (2) REPORTS.—Section 60124(a) is amended
13 by striking the first sentence and inserting the fol-
14 lowing:

15 “(a) SUBMISSION AND COMMENTS.—Not later than
16 August 15, 1997, and every 2 years thereafter, the Sec-
17 retary of Transportation shall submit to Congress a report
18 on carrying out this chapter for the 2 immediately preced-
19 ing calendar years for gas and a report on carrying out
20 this chapter for such period for hazardous liquid.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 601 is amended by striking the item relating to
23 section 60124 and inserting the following:

“60124. Biennial reports.”.

1 **SEC. 17. POPULATION ENCROACHMENT.**

2 (a) IN GENERAL.—Chapter 601, as amended by sec-
3 tion 5, is further amended by adding at the end the follow-
4 ing new section:

5 **“§ 60127. Population encroachment**

6 “(a) LAND USE RECOMMENDATIONS.—The Sec-
7 retary of Transportation shall make available to an appro-
8 priate official of each State, as determined by the Sec-
9 retary, the land use recommendations of the special report
10 numbered 219 of the Transportation Research Board, en-
11 titled ‘Pipelines and Public Safety’.

12 “(b) EVALUATION.—The Secretary shall—

13 “(1) evaluate the recommendations in the re-
14 port referred to in subsection (a);

15 “(2) determine to what extent the recommenda-
16 tions are being implemented;

17 “(3) consider ways to improve the implementa-
18 tion of the recommendations; and

19 “(4) consider other initiatives to further im-
20 prove awareness of local planning and zoning enti-
21 ties regarding issues involved with population en-
22 croachment in proximity to the rights-of-way of any
23 interstate gas pipeline facility or interstate hazard-
24 ous liquid pipeline facility.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 601 is amended by inserting after the item relat-
 3 ing to section 60126 the following:

“60127. Population encroachment.”.

4 **SEC. 18. USER FEES.**

5 Not later than 180 days after the date of the enact-
 6 ment of this Act, the Secretary of Transportation shall
 7 transmit to the Congress a report analyzing the assess-
 8 ment of pipeline safety user fees solely on the basis of
 9 mileage to determine whether—

10 (1) that measure of the resources of the De-
 11 partment of Transportation is the most appropriate
 12 measure of the resources used by the Department of
 13 Transportation in the regulation of pipeline trans-
 14 portation; or

15 (2) another basis of assessment would be a
 16 more appropriate measure of those resources.

17 **SEC. 19. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

18 (a) AMENDMENT.—Chapter 601, as amended by sec-
 19 tion 17, is further amended by adding at the end the fol-
 20 lowing new section:

21 **“§ 60128. Dumping within pipeline rights-of-way**

22 “(a) PROHIBITION.—No person shall excavate for the
 23 purpose of unauthorized disposal within the right-of-way
 24 of an interstate gas pipeline facility or interstate hazard-
 25 ous liquid pipeline facility, or any other limited area in

1 the vicinity of any such interstate pipeline facility estab-
 2 lished by the Secretary of Transportation, and dispose
 3 solid waste therein.

4 “(b) DEFINITION.—For purposes of this section, the
 5 term ‘solid waste’ has the meaning given that term in sec-
 6 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.
 7 6903(27)).”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) CROSS-REFERENCE.—Sections 60122 and
 10 60123 are each amended by striking “or 60118(a)”
 11 and inserting “, 60118(a), or 60128”.

12 (2) CHAPTER ANALYSIS.—The analysis for
 13 chapter 601 is amended by adding at the end the
 14 following new item:

“60128. Dumping within pipeline rights-of-way.”.

15 **SEC. 20. PREVENTION OF DAMAGE TO PIPELINE FACILI-**
 16 **TIES.**

17 Section 60117(a) is amended by inserting after “and
 18 training activities” the following: “and promotional activi-
 19 ties relating to prevention of damage to pipeline facilities”.

20 **SEC. 21. TECHNICAL CORRECTIONS.**

21 (a) SECTION 60105.—The heading to section 60105
 22 is amended by inserting “**pipeline safety program**”
 23 after “**State**”.

1 (b) SECTION 60106.—The heading to section 60106
 2 is amended by inserting “**pipeline safety**” after
 3 “**State**”.

4 (c) SECTION 60107.—The heading to section 60107
 5 is amended by inserting “**pipeline safety**” after
 6 “**State**”.

7 (d) CHAPTER ANALYSIS.—The analysis for chapter
 8 601 is amended—

9 (1) in the item relating to section 60105, by in-
 10 sserting “pipeline safety program” after “State”;

11 (2) in the item relating to section 60106, by in-
 12 sserting “pipeline safety” after “State”; and

13 (3) in the item relating to section 60107, by in-
 14 sserting “pipeline safety” after “State”.

15 **SEC. 22. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) GAS AND HAZARDOUS LIQUID.—Section 60125
 17 is amended—

18 (1) by striking subsection (a) and inserting the
 19 following new subsection:

20 “(a) GAS AND HAZARDOUS LIQUID.—To carry out
 21 this chapter (except for sections 60107 and 60114(b)) re-
 22 lated to gas and hazardous liquid, there are authorized
 23 to be appropriated to the Department of Transportation—

24 “(1) \$9,936,000 for fiscal year 1996;

25 “(2) \$10,512,000 for fiscal year 1997;

1 “(3) \$11,088,000 for fiscal year 1998; and
 2 “(4) \$11,664,000 for fiscal year 1999.”; and
 3 (2) by striking subsection (b).

4 (b) STATE GRANTS.—Section 60125(c)(1) is amend-
 5 ed by adding at the end the following:

6 “(D) \$10,764,000 for fiscal year 1996.

7 “(E) \$11,388,000 for fiscal year 1997.

8 “(F) \$12,012,000 for fiscal year 1998.

9 “(G) \$12,636,000 for fiscal year 1999.”.

○

S 1505 IS—2

S 1505 IS—3

S 1505 IS—4