

104TH CONGRESS  
1ST SESSION

# S. 836

To authorize appropriations for pipeline safety for fiscal years 1996, 1997, 1998, and 1999, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 15), 1995

Mr. EXON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To authorize appropriations for pipeline safety for fiscal years 1996, 1997, 1998, and 1999, 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 “Pipeline Safety Act  
5 of 1995”.

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

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 a repeal of, a section or other  
10 provision, the reference shall be considered to be made to

1 a section or other provision of title 49, United States  
2 Code.

3           **TITLE I—PIPELINE SAFETY**  
4                           **AMENDMENTS**

5 **SEC. 101. RISK MANAGEMENT.**

6           Chapter 601 is amended by adding at the end the  
7 following new section:

8 **“§ 60126. Risk Management**

9           “(a) The Secretary shall, based on information col-  
10 lected and maintained by the Secretary, conduct an assess-  
11 ment of the risk to public safety and the environment  
12 posed by pipeline transportation. The assessment shall—

13                   “(1) rank the risks identified by the Secretary  
14                   in terms of their probability of occurrence and their  
15                   likely consequences, and any other factors the Sec-  
16                   retary considers relevant;

17                   “(2) identify, in priority order, technically fea-  
18                   sible and economically justified actions that should  
19                   be taken to lessen the risks identified; and

20                   “(3) address, at a minimum, the following sub-  
21                   jects:

22                           “(A) Inspection by internal instrumented  
23                   devices.

24                           “(B) Hydrostatic testing.

1           “(C) Installation of emergency flow re-  
2           stricting devices, including leak detection sys-  
3           tems, for natural gas and hazardous liquid  
4           pipelines.

5           “(D) Inspection and burial of underwater  
6           pipelines.

7           “(b) Notwithstanding any other provision of this  
8           chapter, if the Secretary determines that rulemaking re-  
9           garding a subject listed in subsection (a)(3) is not prac-  
10          ticable, appropriate, or reasonable, the Secretary shall  
11          transmit to Congress, not later than 60 days after the date  
12          of such determination, an explanation of the reasons for  
13          that determination.

14          “(c) Not later than 18 months after the date of enact-  
15          ment of the Pipeline Safety Act of 1995, the Secretary  
16          shall transmit to Congress a report including the assess-  
17          ment required under subsection (a) and a plan setting  
18          forth the actions proposed by the Secretary to address  
19          each risk identified in the assessment. Within 30 days  
20          after any substantive change to the action plan, including  
21          the addition or deletion of any subject or action in the  
22          plan, the Secretary shall inform Congress in writing of the  
23          reasons for the change.”.

1 **SEC. 102. ONE CALL NOTIFICATION SYSTEMS.**

2 Section 60114 (relating to one-call notification sys-  
3 tems) is amended by striking subsections (b) and (d), and  
4 redesignating subsections (c) and (e) as (b) and (d), re-  
5 spectively.

6 **SEC. 103. INTERNATIONAL UNIFORMITY.**

7 Section 60117 (relating to administration) is amend-  
8 ed by adding at the end the following new subsection:

9 “(k) INTERNATIONAL UNIFORMITY OF STAND-  
10 ARDS.—

11 “(1) PARTICIPATION IN INTERNATIONAL FO-  
12 RUMS.—Subject to guidance and direction from the  
13 Secretary of State, the Secretary of Transportation  
14 may participate in international forums that estab-  
15 lish or recommend pipeline safety standards for  
16 transporting natural gas and hazardous liquids.

17 “(2) CONSULTATION.—The Secretary of Trans-  
18 portation may consult with interested authorities to  
19 ensure that, to the extent practicable, regulations  
20 the Secretary prescribes under this chapter are con-  
21 sistent with standards related to pipeline safety  
22 transportation adopted by international authorities.

23 “(3) DIFFERENCES WITH INTERNATIONAL  
24 STANDARDS AND REQUIREMENTS.—This section  
25 does not require the Secretary to prescribe a stand-  
26 ard identical to, less stringent than, or more strin-

1       gent than a standard adopted by an international  
2       authority or otherwise limit the Secretary’s discre-  
3       tion in issuing standards.”.

4       **SEC. 104. GENERAL AUTHORITY.**

5       Section 60117 (relating to administration), as  
6       amended by section 103, is further amended by adding  
7       at the end the following new subsection:

8       “(l) FUNDING AUTHORITY.—To carry out this chap-  
9       ter, the Secretary may enter into grants, cooperative  
10      agreements, and other transactions with any person, agen-  
11      cy, or instrumentality of the United States, any unit of  
12      State or local government, any educational institution, and  
13      any other entity to further the objectives of this chapter,  
14      including the development, improvement, and promotion  
15      of one-call damage prevention programs, research, risk as-  
16      sessment, and mapping.”.

17      **SEC. 105. ANNUAL REPORTS.**

18      Section 60124 (relating to annual reports) is re-  
19      pealed.

20      **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

21      Section 60125 (relating to authorization of appro-  
22      priations) is amended—

23              (1) by striking “gas:” and all that follows in  
24              subsection (a) and inserting “gas, \$16,450,000 for  
25              the fiscal year ending September 30, 1996, and such

1 sums as may be necessary for fiscal years 1997,  
2 1998, and 1999.”;

3 (2) by striking “liquid:” and all that follows in  
4 subsection (b) and inserting “liquid, \$10,968,000 for  
5 the fiscal year ending September 30, 1996, and such  
6 sums as may be necessary for fiscal years 1997,  
7 1998, and 1999.”;

8 (3)(A) by striking the heading of subsection (c)  
9 and inserting in lieu thereof “STATE PIPELINE  
10 SAFETY GRANTS.—”;

11 (B) by striking “title:” and all that follows in  
12 subsection (c)(1) and inserting “title, \$15,000,000  
13 for the fiscal year ending September 30, 1996, and  
14 such sums as may be necessary for fiscal years  
15 1997, 1998, and 1999.”;

16 (4) by striking subsection (d) and inserting the  
17 following:

18 “(d) OTHER TRANSACTIONS.—Not more than the fol-  
19 lowing amounts may be appropriated to the Secretary to  
20 carry out section 60117(1) of this title: \$5,000,000 for  
21 the fiscal year ending September 30, 1996, and such sums  
22 as may be necessary for fiscal years 1997, 1998, and  
23 1999.”; and

24 (5) by adding at the end the following new sub-  
25 section:

1       “(g) SPECIAL PROJECTS.—For each of fiscal years  
 2 1996, 1997, 1998, and 1999, not more than \$500,000 or  
 3 0.5 percent of the amount appropriated annually to carry  
 4 out chapter 601, whichever is less, may be appropriated  
 5 to the Secretary to fund special projects undertaken joint-  
 6 ly with other offices within the Department to improve the  
 7 administration of transportation safety programs.”.

8 **SEC. 107. TECHNICAL CORRECTIONS.**

9       (a) Section 60105 is amended by inserting “PIPE-  
 10 LINE SAFETY PROGRAM” after “STATE” in the heading.

11       (b) Section 60106 is amended by inserting “PIPE-  
 12 LINE SAFETY” after “STATE” in the heading.

13       (c) Section 60107 is amended by inserting “PIPE-  
 14 LINE SAFETY” after “STATE” in the heading.

15       (d) Section 60114(a)(9) is amended by striking “,  
 16 60122, and 60123” and inserting “and 60122”.

17       **TITLE II—AVIATION TARIFF**  
 18                                   **AMENDMENT**

19 **SEC. 201. AVIATION TARIFF AMENDMENT.**

20       Section 40114(b) (relating to reports and records),  
 21 is amended—

22               (1) by striking “the Secretary” in the second  
 23 sentence and inserting “With the exception of tar-  
 24 iffs, the Secretary; and”

1           (2) by inserting “The Secretary shall ensure  
2           that tariff records are available to the public on a  
3           permanent basis.” after the second sentence.

4                           **TITLE III—HAZARDOUS**  
5                           **MATERIALS AMENDMENTS**

6   **SEC. 301. HAZARDOUS MATERIALS AMENDMENTS.**

7           (a) Section 5107(e) (relating to employee training re-  
8           quirements) is amended by striking “section 5127(c)(3)”  
9           and inserting “section 5127(b)(1)”.

10          (b) Section 5116(j)(4)(A) (relating to supplemental  
11          training grants) is amended by striking “subsection (g)”  
12          and inserting “section 5115”.

13          (c) Section 5110(e) (relating to retention of shipping  
14          papers) is amended—

15               (1) by striking the heading and inserting the  
16               following:

17               “(e) RETENTION OF SHIPPING PAPERS.—”; and

18               (2) by striking the first sentence and inserting  
19               “A person required to provide a shipping paper to  
20               a carrier and a carrier to which a shipping paper is  
21               provided shall retain, at or accessible through its  
22               principal place of business, a paper or electronic  
23               image copy of each shipping paper for one year from

- 1 the date the shipping paper has been provided to the
- 2 carrier.”.

