

**Suspend the Rules and Pass the Bill, H.R. 2845, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

112TH CONGRESS  
1ST SESSION

# H. R. 2845

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2011

Mr. SHUSTER (for himself and Mr. MICA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and 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

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## A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, 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,*

1 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
2 **UNITED STATES CODE; DEFINITIONS; TABLE**  
3 **OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Pipeline Safety, Regulatory Certainty, and Job Creation  
6 Act of 2011”.

7 (b) **AMENDMENT OF TITLE 49, UNITED STATES**  
8 **CODE.**—Except as otherwise expressly provided, whenever  
9 in this Act an amendment or repeal is expressed in terms  
10 of an amendment to, or a repeal of, a section or other  
11 provision, the reference shall be considered to be made to  
12 a section or other provision of title 49, United States  
13 Code.

14 (c) **DEFINITIONS.**—

15 (1) **APPLICABILITY OF CHAPTER 601 DEFINI-**  
16 **TIONS.**—In this Act, any term defined in chapter  
17 601 of title 49, United States Code, has the mean-  
18 ing given that term in that chapter.

19 (2) **HIGH-CONSEQUENCE AREA.**—In this Act,  
20 the term “high-consequence area” means an area  
21 described in section 60109(a) of title 49, United  
22 States Code.

23 (d) **TABLE OF CONTENTS.**—The table of contents for  
24 this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; definitions;  
table of contents.
- Sec. 2. Civil penalties.

- Sec. 3. Pipeline damage prevention.
- Sec. 4. Automatic and remote-controlled shut-off valves.
- Sec. 5. Integrity management.
- Sec. 6. Public education and awareness.
- Sec. 7. Cast iron gas pipelines.
- Sec. 8. Leak detection.
- Sec. 9. Accident and incident notification.
- Sec. 10. Transportation-related onshore facility response plan compliance.
- Sec. 11. Pipeline infrastructure data collection.
- Sec. 12. Transportation-related oil flow lines.
- Sec. 13. Cost recovery for design reviews.
- Sec. 14. Biofuel pipelines.
- Sec. 15. Carbon dioxide pipelines.
- Sec. 16. Study of transportation of diluted bitumen.
- Sec. 17. Study of nonpetroleum hazardous liquids transported by pipeline.
- Sec. 18. Clarifications.
- Sec. 19. Maintenance of effort.
- Sec. 20. Administrative enforcement process.
- Sec. 21. Gas and hazardous liquid gathering lines.
- Sec. 22. Excess flow valves.
- Sec. 23. Maximum allowable operating pressure.
- Sec. 24. Limitation on incorporation of documents by reference.
- Sec. 25. Pipeline safety training for State and local government personnel.
- Sec. 26. Report on minority-owned, woman-owned, and disadvantaged businesses.
- Sec. 27. Report on pipeline projects.
- Sec. 28. Cover over buried pipelines.
- Sec. 29. Seismicity.
- Sec. 30. Tribal consultation for pipeline projects.
- Sec. 31. Pipeline inspection and enforcement needs.
- Sec. 32. Authorization of appropriations.

## 1 **SEC. 2. CIVIL PENALTIES.**

2 (a) GENERAL PENALTIES; PENALTY CONSIDER-  
3 ATIONS.—Section 60122 is amended—

4 (1) in subsection (a)(1)—

5 (A) in the first sentence by striking  
6 “\$100,000” and inserting “\$200,000”; and

7 (B) in the last sentence by striking  
8 “\$1,000,000” and inserting “\$2,000,000”; and

9 (2) in subsection (b)(1)(B) by striking “the  
10 ability to pay,”.

1 (b) OPERATOR ASSISTANCE IN INVESTIGATIONS.—  
2 Section 60118(e) is amended to read as follows:

3 “(e) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

4 “(1) ASSISTANCE AND ACCESS.—If the Sec-  
5 retary or the National Transportation Safety Board  
6 investigates an accident or incident involving a pipe-  
7 line facility, the operator of the facility shall—

8 “(A) make available to the Secretary or  
9 the Board all records and information that in  
10 any way pertain to the accident or incident, in-  
11 cluding integrity management plans and test re-  
12 sults; and

13 “(B) afford all reasonable assistance in the  
14 investigation of the accident or incident.

15 “(2) OPERATOR ASSISTANCE IN INVESTIGA-  
16 TIONS.—

17 “(A) IN GENERAL.—The Secretary may  
18 impose a civil penalty under section 60122 on  
19 a person who obstructs or prevents the Sec-  
20 retary from carrying out inspections or inves-  
21 tigations under this chapter.

22 “(B) OBSTRUCTS DEFINED.—

23 “(i) IN GENERAL.—In this paragraph,  
24 the term ‘obstructs’ includes actions that  
25 were known, or reasonably should have

1           been known, to prevent, hinder, or impede  
2           an investigation without good cause.

3           “(ii) GOOD CAUSE.—In clause (i), the  
4           term ‘good cause’ may include actions such  
5           as restricting access to facilities that are  
6           not secure or safe for nonpipeline per-  
7           sonnel or visitors.”.

8           (c) ADMINISTRATIVE PENALTY CAPS INAPPLI-  
9 CABLE.—Section 60120(a)(1) is amended by adding at the  
10 end the following: “The maximum amount of civil pen-  
11 alties for administrative enforcement actions under section  
12 60122 shall not apply to enforcement actions under this  
13 section.”.

14          (d) JUDICIAL REVIEW OF ADMINISTRATIVE EN-  
15 FORCEMENT ORDERS.—Section 60119(a) is amended—

16           (1) in the subsection heading by striking “AND  
17           WAIVER ORDERS” and inserting “, ORDERS, AND  
18           OTHER FINAL AGENCY ACTIONS”; and

19           (2) by striking “about an application for a  
20           waiver under section 60118(c) or (d) of this title”  
21           and inserting “under this chapter”.

22 **SEC. 3. PIPELINE DAMAGE PREVENTION.**

23          (a) MINIMUM STANDARDS FOR STATE ONE-CALL  
24 NOTIFICATION PROGRAMS.—Section 6103(a) is amended  
25 to read as follows:

1 “(a) MINIMUM STANDARDS.—

2 “(1) IN GENERAL.—In order to qualify for a  
3 grant under section 6106, a State one-call notifica-  
4 tion program, at a minimum, shall provide for—

5 “(A) appropriate participation by all un-  
6 derground facility operators, including all gov-  
7 ernment operators;

8 “(B) appropriate participation by all exca-  
9 vators, including all government and contract  
10 excavators; and

11 “(C) flexible and effective enforcement  
12 under State law with respect to participation in,  
13 and use of, one-call notification systems.

14 “(2) EXEMPTIONS PROHIBITED.—In order to  
15 qualify for a grant under section 6106, a State one-  
16 call notification program may not exempt munici-  
17 palities, State agencies, or their contractors from the  
18 one-call notification system requirements of the pro-  
19 gram.”.

20 (b) STATE DAMAGE PREVENTION PROGRAMS.—Sec-  
21 tion 60134(a) is amended—

22 (1) in paragraph (1) by striking “and” after  
23 the semicolon;

24 (2) in paragraph (2)(B) by striking “(b).” and  
25 inserting “(b); and”; and

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

2 “(3) does not provide any exemptions to mu-  
3 nicipalities, State agencies, or their contractors from  
4 the one-call notification system requirements of the  
5 program.”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect 2 years after the date of en-  
8 actment of this Act.

9 (d) EXCAVATION DAMAGE.—

10 (1) STUDY.—The Secretary of Transportation  
11 shall conduct a study on the impact of excavation  
12 damage on pipeline safety.

13 (2) CONTENTS.—The study shall include—

14 (A) an analysis of the frequency and sever-  
15 ity of different types of excavation damage inci-  
16 dents;

17 (B) an analysis of exemptions to the one-  
18 call notification system requirements in each  
19 State;

20 (C) a comparison of exemptions to the one-  
21 call notification system requirements in each  
22 State to the types of excavation damage inci-  
23 dents in that State; and

24 (D) an analysis of the potential safety ben-  
25 efits and adverse consequences of eliminating

1 all exemptions for mechanized excavation from  
2 State one-call notification systems.

3 (3) REPORT.—Not later than 2 years after the  
4 date of enactment of this Act, the Secretary shall  
5 submit to the Committee on Transportation and In-  
6 frastructure and the Committee on Energy and  
7 Commerce of the House of Representatives and the  
8 Committee on Commerce, Science, and Transpor-  
9 tation of the Senate a report on the results of the  
10 study.

11 **SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF**  
12 **VALVES.**

13 Section 60102 is amended—

14 (1) by striking subsection (j)(3); and

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

16 “(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-  
17 OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

18 “(1) IN GENERAL.—Not later than 2 years  
19 after the date of enactment of this subsection, and  
20 after considering the factors specified in subsection  
21 (b)(2), the Secretary, if appropriate, shall require by  
22 regulation the use of automatic or remote-controlled  
23 shut-off valves, or equivalent technology, where eco-  
24 nomically, technically, and operationally feasible on  
25 transmission pipeline facilities constructed or en-

1           tirely replaced after the date on which the Secretary  
2           issues the final rule containing such requirement.

3           “(2) HIGH-CONSEQUENCE AREA STUDY.—

4                   “(A) STUDY.—The Comptroller General of  
5           the United States shall conduct a study on the  
6           ability of transmission pipeline facility operators  
7           to respond to a hazardous liquid or gas release  
8           from a pipeline segment located in a high-con-  
9           sequence area.

10                   “(B) CONSIDERATIONS.—In conducting  
11           the study, the Comptroller General shall con-  
12           sider the swiftness of leak detection and pipe-  
13           line shutdown capabilities, the location of the  
14           nearest response personnel, and the costs, risks,  
15           and benefits of installing automatic and remote-  
16           controlled shut-off valves.

17                   “(C) REPORT.—Not later than 1 year  
18           after the date of enactment of this subsection,  
19           the Comptroller General shall submit to the  
20           Committee on Transportation and Infrastruc-  
21           ture and the Committee on Energy and Com-  
22           merce of the House of Representatives and the  
23           Committee on Commerce, Science, and Trans-  
24           portation of the Senate a report on the results  
25           of the study.”.

1 **SEC. 5. INTEGRITY MANAGEMENT.**

2 (a) EVALUATION.—Not later than 18 months after  
3 the date of enactment of this Act, the Secretary of Trans-  
4 portation shall evaluate—

5 (1) whether integrity management system re-  
6 quirements, or elements thereof, should be expanded  
7 beyond high-consequence areas; and

8 (2) with respect to gas transmission pipeline fa-  
9 cilities, whether applying integrity management pro-  
10 gram requirements, or elements thereof, to addi-  
11 tional areas would mitigate the need for class loca-  
12 tion requirements.

13 (b) FACTORS.—In conducting the evaluation under  
14 subsection (a), the Secretary shall consider, at a min-  
15 imum, the following:

16 (1) The continuing priority to enhance protec-  
17 tions for public safety.

18 (2) The continuing importance of reducing risk  
19 in high-consequence areas.

20 (3) The incremental costs of applying integrity  
21 management standards to pipelines outside of high-  
22 consequence areas where operators are already con-  
23 ducting assessments beyond what is required under  
24 chapter 601 of title 49, United States Code.

25 (4) The need to undertake integrity manage-  
26 ment assessments and repairs in a manner that is

1       achievable and sustainable, and that does not dis-  
2       rupt pipeline service.

3           (5) The options for phasing in the extension of  
4       integrity management requirements beyond high-  
5       consequence areas, including the most effective and  
6       efficient options for decreasing risks to an increasing  
7       number of people living or working in proximity to  
8       pipeline facilities.

9           (6) The appropriateness of applying repair cri-  
10      teria, such as pressure reductions and special re-  
11      quirements for scheduling remediation, to areas that  
12      are not high-consequence areas.

13      (c) REPORT.—Not later than 2 years after the date  
14      of enactment of this Act, the Secretary shall submit to  
15      the Committee on Transportation and Infrastructure and  
16      the Committee on Energy and Commerce of the House  
17      of Representatives and the Committee on Commerce,  
18      Science, and Transportation of the Senate a report, based  
19      on the evaluation conducted under subsection (a), con-  
20      taining the Secretary's analysis and findings regarding—

21           (1) expansion of integrity management require-  
22      ments, or elements thereof, beyond high-consequence  
23      areas; and

24           (2) with respect to gas transmission pipeline fa-  
25      cilities, whether applying the integrity management

1 program requirements, or elements thereof, to addi-  
2 tional areas would mitigate the need for class loca-  
3 tion requirements.

4 (d) DATA REPORTING.—The Secretary shall collect  
5 any relevant data necessary to complete the evaluation re-  
6 quired by subsection (a).

7 (e) TECHNICAL CORRECTION.—Section  
8 60109(c)(3)(B) is amended to read as follows:

9 “(B) Subject to paragraph (5), periodic re-  
10 assessments of the facility, at a minimum of  
11 once every 7 calendar years, using methods de-  
12 scribed in subparagraph (A). The Secretary  
13 may extend such deadline for an additional 6  
14 months if the operator submits written notice to  
15 the Secretary with sufficient justification of the  
16 need for the extension.”.

17 (f) RULEMAKING REQUIREMENTS.—

18 (1) REVIEW PERIOD DEFINED.—In this sub-  
19 section, the term “review period” means the period  
20 beginning on the date of enactment of this Act and  
21 ending on the earlier of—

22 (A) the date that is 1 year after the date  
23 of completion of the report under subsection  
24 (c); or

1 (B) the date that is 3 years after the date  
2 of enactment of this Act.

3 (2) CONGRESSIONAL AUTHORITY.—In order to  
4 provide Congress the necessary time to review the  
5 results of the report required by subsection (c) and  
6 implement appropriate recommendations, the Sec-  
7 retary shall not, during the review period, issue final  
8 regulations described in paragraph (3)(B).

9 (3) STANDARDS.—

10 (A) FINDINGS.—As soon as practicable fol-  
11 lowing the review period, the Secretary shall  
12 issue final regulations described in subpara-  
13 graph (B), if the Secretary finds, in the report  
14 required under subsection (c), that—

15 (i) integrity management system re-  
16 quirements, or elements thereof, should be  
17 expanded beyond high-consequence areas;  
18 and

19 (ii) with respect to gas transmission  
20 pipeline facilities, applying integrity man-  
21 agement program requirements, or ele-  
22 ments thereof, to additional areas would  
23 mitigate the need for class location re-  
24 quirements.

1 (B) REGULATIONS.—Regulations issued by  
2 the Secretary under subparagraph (A), if any,  
3 shall—

4 (i) expand integrity management sys-  
5 tem requirements, or elements thereof, be-  
6 yond high-consequence areas; and

7 (ii) remove redundant class location  
8 requirements for gas transmission pipeline  
9 facilities that are regulated under an integ-  
10 rity management program adopted and im-  
11 plemented under section 60109(c)(2) of  
12 title 49, United States Code.

13 (4) SAVINGS CLAUSE.—

14 (A) IN GENERAL.—Notwithstanding any  
15 other provision of this subsection, the Sec-  
16 retary, during the review period, may issue final  
17 regulations described in paragraph (3)(B), if  
18 the Secretary determines that a condition that  
19 poses a risk to public safety, property, or the  
20 environment is present or an imminent hazard  
21 exists and that the regulations will address the  
22 risk or hazard.

23 (B) IMMINENT HAZARD DEFINED.—In  
24 subparagraph (A), the term “imminent hazard”  
25 means the existence of a condition related to

1 pipelines or pipeline operations that presents a  
2 substantial likelihood that death, serious illness,  
3 severe personal injury, or substantial  
4 endangerment to health, property, or the envi-  
5 ronment may occur.

6 (g) REPORT TO CONGRESS ON RISK-BASED PIPE-  
7 LINE REASSESSMENT INTERVALS.—Not later than 2  
8 years after the date of enactment of this Act, the Comp-  
9 troller General of the United States shall evaluate—

10 (1) whether risk-based reassessment intervals  
11 are a more effective alternative for managing risks  
12 to pipelines in high-consequence areas once baseline  
13 assessments are complete when compared to the re-  
14 assessment interval specified in section  
15 60109(c)(3)(B) of title 49, United States Code;

16 (2) the number of anomalies found in baseline  
17 assessments required under section 60109(c)(3)(A)  
18 of title 49, United States Code, as compared to the  
19 number of anomalies found in reassessments re-  
20 quired under section 60109(c)(3)(B) of such title;  
21 and

22 (3) the progress made in implementing the rec-  
23 ommendations in GAO Report 06–945 and the cur-  
24 rent relevance of those recommendations that have  
25 not been implemented.

1 **SEC. 6. PUBLIC EDUCATION AND AWARENESS.**

2 (a) NATIONAL PIPELINE MAPPING SYSTEM.—Sec-  
3 tion 60132 is amended by adding at the end the following:

4 “(d) MAP OF HIGH-CONSEQUENCE AREAS.—The  
5 Secretary shall—

6 “(1) maintain, as part of the National Pipeline  
7 Mapping System, a map of designated high-con-  
8 sequence areas (as described in section 60109(a)) in  
9 which pipelines are required to meet integrity man-  
10 agement program regulations, excluding any propri-  
11 etary or sensitive security information; and

12 “(2) update the map biennially.

13 “(e) PROGRAM TO PROMOTE AWARENESS OF NA-  
14 TIONAL PIPELINE MAPPING SYSTEM.—Not later than 1  
15 year after the date of enactment of this subsection, the  
16 Secretary shall develop and implement a program pro-  
17 moting greater awareness of the existence of the National  
18 Pipeline Mapping System to State and local emergency re-  
19 sponders and other interested parties. The program shall  
20 include guidance on how to use the National Pipeline Map-  
21 ping System to locate pipelines in communities and local  
22 jurisdictions.”.

23 (b) INFORMATION TO EMERGENCY RESPONSE AGEN-  
24 CIES.—

25 (1) GUIDANCE.—Not later than 18 months  
26 after the date of enactment of this Act, the Sec-

1       retary shall issue guidance to owners and operators  
2       of pipeline facilities on the importance of providing  
3       system-specific information about their pipeline fa-  
4       cilities to emergency response agencies of the com-  
5       munities and jurisdictions in which those facilities  
6       are located.

7           (2) CONSULTATION.—Before issuing guidance  
8       under paragraph (1), the Secretary shall consult  
9       with owners and operators of pipeline facilities to de-  
10      termine the extent to which the owners and opera-  
11      tors are already providing system-specific informa-  
12      tion about their pipeline facilities to emergency re-  
13      sponse agencies.

14      (c) RESPONSE PLANS.—

15           (1) IN GENERAL.—Chapter 601 is amended by  
16      adding at the end the following:

17      **“§ 60138. Response plans**

18           “(a) IN GENERAL.—The Secretary of Transportation  
19      shall—

20           “(1) maintain on file a copy of the most recent  
21      response plan (as defined in part 194 of title 49,  
22      Code of Federal Regulations) prepared by an owner  
23      or operator of a pipeline facility; and

1           “(2) provide upon written request to a person  
2 a copy of the plan, which may exclude, as the Sec-  
3 retary determines appropriate—

4                   “(A) proprietary information;

5                   “(B) security-sensitive information, includ-  
6 ing information described in section 1520.5(a)  
7 of title 49, Code of Federal Regulations;

8                   “(C) specific response resources and tac-  
9 tical resource deployment plans; and

10                   “(D) the specific amount and location of  
11 worst case discharges (as defined in part 194 of  
12 title 49, Code of Federal Regulations), includ-  
13 ing the process by which an owner or operator  
14 determines the worst case discharge.

15           “(b) RELATIONSHIP TO FOIA.—Nothing in this sec-  
16 tion may be construed to require disclosure of information  
17 or records that are exempt from disclosure under section  
18 552 of title 5.”.

19           (2) CLERICAL AMENDMENT.—The analysis for  
20 chapter 601 is amended by inserting after the item  
21 relating to section 60137 the following:

“60138. Response plans.”.

22 **SEC. 7. CAST IRON GAS PIPELINES.**

23           (a) FOLLOW-UP SURVEYS.—Section 60108(d) is  
24 amended by adding at the end the following:

1       “(4) Not later than December 31, 2012, and every  
2 2 years thereafter, the Secretary shall conduct a follow-  
3 up survey to measure the progress that owners and opera-  
4 tors of pipeline facilities have made in adopting and imple-  
5 menting their plans for the safe management and replace-  
6 ment of cast iron gas pipelines.”.

7       (b) STATUS REPORT.—Not later than December 31,  
8 2013, the Secretary of Transportation shall transmit to  
9 the Committee on Transportation and Infrastructure and  
10 the Committee on Energy and Commerce of the House  
11 of Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate a report that—

13           (1) identifies the total mileage of cast iron gas  
14 pipelines in the United States; and

15           (2) evaluates the progress that owners and op-  
16 erators of pipeline facilities have made in imple-  
17 menting their plans for the safe management and  
18 replacement of cast iron gas pipelines.

19 **SEC. 8. LEAK DETECTION.**

20       (a) LEAK DETECTION REPORT.—

21           (1) IN GENERAL.—Not later than 1 year after  
22 the date of enactment of this Act, the Secretary of  
23 Transportation shall submit to the Committee on  
24 Commerce, Science, and Transportation of the Sen-  
25 ate and the Committee on Transportation and Infra-

1 structure and the Committee on Energy and Com-  
2 merce of the House of Representatives a report on  
3 leak detection systems utilized by operators of haz-  
4 ardous liquid pipeline facilities and transportation-  
5 related flow lines.

6 (2) CONTENTS.—The report shall include—

7 (A) an analysis of the technical limitations  
8 of current leak detection systems, including the  
9 ability of the systems to detect ruptures and  
10 small leaks that are ongoing or intermittent,  
11 and what can be done to foster development of  
12 better technologies; and

13 (B) an analysis of the practicability of es-  
14 tablishing technically, operationally, and eco-  
15 nomically feasible standards for the capability  
16 of such systems to detect leaks, and the safety  
17 benefits and adverse consequences of requiring  
18 operators to use leak detection systems.

19 (b) RULEMAKING REQUIREMENTS.—

20 (1) REVIEW PERIOD DEFINED.—In this sub-  
21 section, the term “review period” means the period  
22 beginning on the date of enactment of this Act and  
23 ending on the earlier of—

1 (A) the date that is 1 year after the date  
2 of completion of the report under subsection  
3 (a); or

4 (B) the date that is 2 years after the date  
5 of enactment of this Act.

6 (2) CONGRESSIONAL AUTHORITY.—In order to  
7 provide Congress the necessary time to review the  
8 results of the report required by subsection (a) and  
9 implement appropriate recommendations, the Sec-  
10 retary, during the review period, shall not issue final  
11 regulations described in paragraph (3).

12 (3) STANDARDS.—As soon as practicable fol-  
13 lowing the review period, if the report required by  
14 subsection (a) finds that it is practicable to establish  
15 technically, operationally, and economically feasible  
16 standards for the capability of leak detection sys-  
17 tems to detect leaks, the Secretary shall issue final  
18 regulations that—

19 (A) require operators of hazardous liquid  
20 pipeline facilities to use leak detection systems  
21 where practicable; and

22 (B) establish technically, operationally, and  
23 economically feasible standards for the capa-  
24 bility of such systems to detect leaks.

25 (4) SAVINGS CLAUSE.—

1           (A) IN GENERAL.—Notwithstanding any  
2 other provision of this subsection, the Sec-  
3 retary, during the review period, may issue final  
4 regulations described in paragraph (3) if the  
5 Secretary determines that a condition that  
6 poses a risk to public safety, property, or the  
7 environment is present or an imminent hazard  
8 exists and that the regulations will address the  
9 risk or hazard.

10           (B) IMMINENT HAZARD DEFINED.—In  
11 subparagraph (A), the term “imminent hazard”  
12 means the existence of a condition related to  
13 pipelines or pipeline operations that presents a  
14 substantial likelihood that death, serious illness,  
15 severe personal injury, or substantial  
16 endangerment to health, property, or the envi-  
17 ronment may occur.

18 **SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.**

19           (a) REVISION OF REGULATIONS.—Not later than 18  
20 months after the date of enactment of this Act, the Sec-  
21 retary of Transportation shall revise regulations issued  
22 under sections 191.5 and 195.52 of title 49, Code of Fed-  
23 eral Regulations, to establish specific time limits for tele-  
24 phonic or electronic notice of accidents and incidents in-

1 volving pipeline facilities to the Secretary and the National  
2 Response Center.

3 (b) MINIMUM REQUIREMENTS.—In revising the regu-  
4 lations, the Secretary, at a minimum, shall—

5 (1) establish time limits for telephonic or elec-  
6 tronic notification of an accident or incident to re-  
7 quire such notification at the earliest practicable mo-  
8 ment following confirmed discovery of an accident or  
9 incident and not later than 1 hour following the time  
10 of such confirmed discovery;

11 (2) review procedures for owners and operators  
12 of pipeline facilities and the National Response Cen-  
13 ter to provide thorough and coordinated notification  
14 to all relevant State and local emergency response  
15 officials, including 911 emergency call centers, for  
16 the jurisdictions in which those pipeline facilities are  
17 located in the event of an accident or incident, and  
18 revise such procedures as appropriate; and

19 (3) require such owners and operators to revise  
20 their initial telephonic or electronic notice to the  
21 Secretary and the National Response Center with an  
22 estimate of the amount of the product released, an  
23 estimate of the number of fatalities and injuries, if  
24 any, and any other information determined appro-



1 reasonable notice to operators that the data are  
2 being requested.”.

3 (b) DISCLOSURE LIMITED TO FOIA REQUIRE-  
4 MENTS.—Section 60132, as amended by this Act, is fur-  
5 ther amended by adding at the end the following:

6 “(f) PUBLIC DISCLOSURE LIMITED.—The Secretary  
7 may not disclose information collected pursuant to sub-  
8 section (a) except to the extent permitted by section 552  
9 of title 5.”.

10 **SEC. 12. TRANSPORTATION-RELATED OIL FLOW LINES.**

11 Section 60102, as amended by this Act, is further  
12 amended by adding at the end the following:

13 “(o) TRANSPORTATION-RELATED OIL FLOW  
14 LINES.—

15 “(1) DATA COLLECTION.—The Secretary may  
16 collect geospatial or technical data on transpor-  
17 tation-related oil flow lines, including unregulated  
18 transportation-related oil flow lines.

19 “(2) TRANSPORTATION-RELATED OIL FLOW  
20 LINE DEFINED.—In this subsection, the term ‘trans-  
21 portation-related oil flow line’ means a pipeline  
22 transporting oil off of the grounds of the well where  
23 it originated and across areas not owned by the pro-  
24 ducer, regardless of the extent to which the oil has  
25 been processed, if at all.

1           “(3) LIMITATION.—Nothing in this subsection  
2           authorizes the Secretary to prescribe standards for  
3           the movement of oil through production, refining, or  
4           manufacturing facilities or through oil production  
5           flow lines located on the grounds of wells.”.

6 **SEC. 13. COST RECOVERY FOR DESIGN REVIEWS.**

7           (a) IN GENERAL.—Section 60117(n) is amended to  
8           read as follows:

9           “(n) COST RECOVERY FOR DESIGN REVIEWS.—

10           “(1) IN GENERAL.—

11           “(A) REVIEW COSTS.—For any project de-  
12           scribed in subparagraph (B), if the Secretary  
13           conducts facility design safety reviews in con-  
14           nection with a proposal to construct, expand, or  
15           operate a gas or hazardous liquid pipeline facil-  
16           ity or liquefied natural gas pipeline facility, in-  
17           cluding construction inspections and oversight,  
18           the Secretary may require the person proposing  
19           the project to pay the costs incurred by the Sec-  
20           retary relating to such reviews. If the Secretary  
21           exercises the cost recovery authority described  
22           in this paragraph, the Secretary shall prescribe  
23           a fee structure and assessment methodology  
24           that is based on the costs of providing these re-  
25           views and shall prescribe procedures to collect

1 fees under this paragraph. The Secretary may  
2 not collect design safety review fees under this  
3 paragraph and section 60301 for the same de-  
4 sign safety review.

5 “(B) PROJECTS TO WHICH APPLICABLE.—  
6 Subparagraph (A) applies to any project that—

7 “(i) has design and construction costs  
8 totaling at least \$2,500,000,000, as peri-  
9 odically adjusted by the Secretary to take  
10 into account increases in the Consumer  
11 Price Index for all-urban consumers pub-  
12 lished by the Department of Labor, based  
13 on—

14 “(I) the cost estimate provided to  
15 the Federal Energy Regulatory Com-  
16 mission in an application for a certifi-  
17 cate of public convenience and neces-  
18 sity for a gas pipeline facility or an  
19 application for authorization for a liq-  
20 uefied natural gas pipeline facility; or

21 “(II) a good faith estimate devel-  
22 oped by the person proposing a haz-  
23 ardous liquid pipeline facility and sub-  
24 mitted to the Secretary; or

1                   “(ii) uses new or novel technologies or  
2                   design, as determined by the Secretary.

3                   “(2) NOTIFICATION.—For any new pipeline fa-  
4                   cility construction project in which the Secretary will  
5                   conduct design reviews, the person proposing the  
6                   project shall notify the Secretary and provide the de-  
7                   sign specifications, construction plans and proce-  
8                   dures, and related materials at least 120 days prior  
9                   to the commencement of construction. To the max-  
10                  imum extent practicable, not later than 90 days  
11                  after receiving such design specifications, construc-  
12                  tion plans and procedures, and related materials, the  
13                  Secretary shall provide written comments, feedback,  
14                  and guidance on the project.

15                  “(3) PIPELINE SAFETY DESIGN REVIEW  
16                  FUND.—

17                  “(A) ESTABLISHMENT.—There is estab-  
18                  lished a Pipeline Safety Design Review Fund in  
19                  the Treasury of the United States.

20                  “(B) DEPOSITS.—The Secretary shall de-  
21                  posit funds paid under this subsection into the  
22                  Fund.

23                  “(C) USE.—Amounts in the Fund shall be  
24                  available to the Secretary, in amounts specified  
25                  in appropriations Acts, to offset the costs of

1           conducting facility design safety reviews under  
2           this subsection.

3           “(4) NO ADDITIONAL PERMITTING AUTHOR-  
4           ITY.—Nothing in this subsection may be construed  
5           as authorizing the Secretary to require a person to  
6           obtain a permit before beginning design and con-  
7           struction in connection with a project described in  
8           paragraph (1)(B).”.

9           (b) GUIDANCE.—Not later than 1 year after the date  
10          of enactment of this Act, the Secretary of Transportation  
11          shall issue guidance to clarify the meaning of the term  
12          “new or novel technologies or design” as used in section  
13          60117(n)(1)(B)(ii) of title 49, United States Code, as  
14          amended by subsection (a) of this section.

15       **SEC. 14. BIOFUEL PIPELINES.**

16          Section 60101(a)(4) is amended—

17               (1) in subparagraph (A) by striking “and” after  
18               the semicolon;

19               (2) by redesignating subparagraph (B) as sub-  
20               paragraph (C); and

21               (3) by inserting after subparagraph (A) the fol-  
22               lowing:

23                       “(B) nonpetroleum fuel, including biofuel,  
24                       that is flammable, toxic, or corrosive or would

1 be harmful to the environment if released in  
2 significant quantities; and”.

3 **SEC. 15. CARBON DIOXIDE PIPELINES.**

4 Section 60102(i) is amended—

5 (1) by striking “The Secretary shall regulate”  
6 and inserting the following:

7 “(1) TRANSPORTATION IN LIQUID STATE.—The  
8 Secretary shall regulate”.

9 (2) by adding at the end the following new  
10 paragraph:

11 “(2) TRANSPORTATION IN GASEOUS STATE.—

12 “(A) MINIMUM SAFETY STANDARDS.—The  
13 Secretary shall prescribe minimum safety  
14 standards for the transportation of carbon diox-  
15 ide by pipeline in a gaseous state.

16 “(B) CONSIDERATIONS.—In establishing  
17 the standards, the Secretary shall consider  
18 whether applying the minimum safety standards  
19 in part 195 of title 49, Code of Federal Regula-  
20 tions, as in effect on the date of enactment of  
21 this paragraph, for the transportation of carbon  
22 dioxide in a liquid state to the transportation of  
23 carbon dioxide in a gaseous state would ensure  
24 safety.

1           “(3) LIMITATION ON STATUTORY CONSTRUC-  
2           TION.—Nothing in this subsection authorizes the  
3           Secretary to regulate piping or equipment used in  
4           the production, extraction, recovery, lifting, stabiliza-  
5           tion, separation, or treatment of carbon dioxide or  
6           the preparation of carbon dioxide for transportation  
7           by pipeline at production, refining, or manufacturing  
8           facilities.”.

9   **SEC. 16. STUDY OF TRANSPORTATION OF DILUTED BITU-**  
10                                   **MEN.**

11           Not later than 18 months after the date of enactment  
12           of this Act, the Secretary of Transportation shall complete  
13           a comprehensive review of hazardous liquid pipeline facil-  
14           ity regulations to determine whether the regulations are  
15           sufficient to regulate pipeline facilities used for the trans-  
16           portation of diluted bitumen. In conducting the review, the  
17           Secretary shall conduct an analysis of whether any in-  
18           crease in the risk of a release exists for pipeline facilities  
19           transporting diluted bitumen. The Secretary shall report  
20           the results of the review to the Committee on Commerce,  
21           Science, and Transportation of the Senate and the Com-  
22           mittee on Transportation and Infrastructure and the  
23           Committee on Energy and Commerce of the House of  
24           Representatives.

1 **SEC. 17. STUDY OF NONPETROLEUM HAZARDOUS LIQUIDS**  
2 **TRANSPORTED BY PIPELINE.**

3 The Secretary of Transportation may conduct an  
4 analysis of the transportation of nonpetroleum hazardous  
5 liquids by pipeline facility for the purpose of identifying  
6 the extent to which pipeline facilities are currently being  
7 used to transport nonpetroleum hazardous liquids, such  
8 as chlorine, from chemical production facilities across land  
9 areas not owned by the producer that are accessible to  
10 the public. The analysis should identify the extent to which  
11 the safety of the pipeline facilities is unregulated by the  
12 States and evaluate whether the transportation of such  
13 chemicals by pipeline facility across areas accessible to the  
14 public would present significant risks to public safety,  
15 property, or the environment in the absence of regulation.  
16 The results of the analysis shall be made available to the  
17 Committee on Commerce, Science, and Transportation of  
18 the Senate and the Committee on Transportation and In-  
19 frastructure and the Committee on Energy and Commerce  
20 of the House of Representatives.

21 **SEC. 18. CLARIFICATIONS.**

22 (a) **INSPECTION AND MAINTENANCE.**—Section  
23 60108(a)(1) is amended by striking “an intrastate” and  
24 inserting “a”.

25 (b) **OWNER AND OPERATOR.**—Section  
26 60102(a)(2)(A) is amended by striking “owners and oper-

1 ators” and inserting “any or all of the owners or opera-  
2 tors”.

3 **SEC. 19. MAINTENANCE OF EFFORT.**

4 Section 60107(b) is amended by adding at the end  
5 the following: “For each of fiscal years 2012 and 2013,  
6 the Secretary shall grant such a waiver to a State if the  
7 State can demonstrate an inability to maintain or increase  
8 the required funding share of its safety program at or  
9 above the level required by this subsection due to economic  
10 hardship in that State. For fiscal year 2014, and each fis-  
11 cal year thereafter, the Secretary may grant such a waiver  
12 to a State if the State can make the demonstration de-  
13 scribed in the preceding sentence.”.

14 **SEC. 20. ADMINISTRATIVE ENFORCEMENT PROCESS.**

15 (a) ISSUANCE OF REGULATIONS.—

16 (1) IN GENERAL.—Not later than 2 years after  
17 the date of enactment of this Act, the Secretary of  
18 Transportation shall issue regulations—

19 (A) requiring hearings under sections  
20 60112, 60117, 60118, and 60122 of title 49,  
21 United States Code, to be convened before a  
22 presiding official;

23 (B) providing the opportunity for any per-  
24 son requesting a hearing under section 60112,  
25 60117, 60118, or 60122 of such title to ar-

1 range for a transcript of the hearing, at the ex-  
2 pense of the requesting person;

3 (C) ensuring expedited review of any order  
4 issued pursuant to section 60112(e) of such  
5 title;

6 (D) implementing a separation of functions  
7 between personnel involved with the investiga-  
8 tion and prosecution of an enforcement case  
9 and advising the Secretary on findings and de-  
10 terminations; and

11 (E) prohibiting ex-parte communication  
12 relevant to the question to be decided in such  
13 a case by parties to an investigation or hearing.

14 (2) PRESIDING OFFICIAL.—The regulations  
15 issued under this subsection shall—

16 (A) define the term “presiding official” to  
17 mean the person who conducts any hearing re-  
18 lating to civil penalty assessments, compliance  
19 orders, safety orders, or corrective action or-  
20 ders; and

21 (B) require that the presiding official be  
22 an attorney on the staff of the Deputy Chief  
23 Counsel of the Pipeline and Hazardous Mate-  
24 rials Safety Administration that is not engaged  
25 in investigative or prosecutorial functions, in-

1 including the preparation of notices of probable  
2 violations, notices relating to civil penalty as-  
3 sessments, notices relating to compliance, or no-  
4 tices of proposed corrective actions.

5 (3) EXPEDITED REVIEW.—The regulations  
6 issued under this subsection shall define the term  
7 “expedited review” for the purposes of paragraph  
8 (1)(C).

9 (b) STANDARDS OF JUDICIAL REVIEW.—Section  
10 60119(a) is amended by adding at the end the following  
11 new paragraph:

12 “(3) A judicial review of agency action under this sec-  
13 tion shall apply the standards of review established in sec-  
14 tion 706 of title 5.”.

15 **SEC. 21. GAS AND HAZARDOUS LIQUID GATHERING LINES.**

16 (a) REVIEW.—The Secretary of Transportation shall  
17 conduct a review of existing Federal and State regulations  
18 for gas and hazardous liquid gathering lines located on-  
19 shore and offshore in the United States, including within  
20 the inlets of the Gulf of Mexico.

21 (b) REPORT TO CONGRESS.—

22 (1) IN GENERAL.—Not later than 2 years after  
23 the date of enactment of this Act, the Secretary  
24 shall submit to the Committee on Transportation  
25 and Infrastructure and the Committee on Energy

1 and Commerce of the House of Representatives and  
2 the Committee on Commerce, Science, and Trans-  
3 portation of the Senate a report on the results of the  
4 review.

5 (2) RECOMMENDATIONS.—The report shall in-  
6 clude the Secretary’s recommendations with respect  
7 to—

8 (A) the sufficiency of existing Federal and  
9 State laws and regulations to ensure the safety  
10 of gas and hazardous liquid gathering lines;

11 (B) the economic impacts, technical prac-  
12 ticability, and challenges of applying existing  
13 Federal regulations to gathering lines that are  
14 not currently subject to Federal regulation  
15 when compared to the public safety benefits;  
16 and

17 (C) subject to a risk-based assessment, the  
18 need to modify or revoke existing exemptions  
19 from Federal regulation for gas and hazardous  
20 liquid gathering lines.

21 (c) OFFSHORE GATHERING LINES.—Section  
22 60108(c) is amended by adding at the end the following:

23 “(8) If, after reviewing existing Federal and State  
24 regulations for hazardous liquid gathering lines located  
25 offshore in the United States, including within the inlets

1 of the Gulf of Mexico, the Secretary determines it is ap-  
2 propriate, the Secretary shall issue regulations, after no-  
3 tice and an opportunity for a hearing, subjecting offshore  
4 hazardous liquid gathering lines and hazardous liquid  
5 gathering lines located within the inlets of the Gulf of  
6 Mexico to the same standards and regulations as other  
7 hazardous liquid gathering lines. The regulations issued  
8 under this paragraph shall not apply to production pipe-  
9 lines or flow lines.”.

10 **SEC. 22. EXCESS FLOW VALVES.**

11 Section 60109(e)(3) is amended—

12 (1) by redesignating subparagraph (B) as sub-  
13 paragraph (C); and

14 (2) by inserting after subparagraph (A) the fol-  
15 lowing:

16 “(B) DISTRIBUTION BRANCH SERVICES,  
17 MULTIFAMILY FACILITIES, AND SMALL COM-  
18 MERCIAL FACILITIES.—Not later than 2 years  
19 after the date of enactment of the Pipeline  
20 Safety, Regulatory Certainty, and Job Creation  
21 Act of 2011, and after issuing a final report on  
22 the evaluation of the National Transportation  
23 Safety Board’s recommendation on excess flow  
24 valves in applications other than service lines  
25 serving one single family residence, the Sec-

1           retary, if appropriate, shall by regulation re-  
2           quire the use of excess flow valves, or equivalent  
3           technology, where economically, technically, and  
4           operationally feasible on new or entirely re-  
5           placed distribution branch services, multifamily  
6           facilities, and small commercial facilities.”.

7   **SEC. 23. MAXIMUM ALLOWABLE OPERATING PRESSURE.**

8           (a) IN GENERAL.—Chapter 601, as amended by this  
9 Act, is further amended by adding at the end the fol-  
10 lowing:

11   **“§ 60139. Maximum allowable operating pressure**

12           “(a) VERIFICATION OF RECORDS.—

13                   “(1) IN GENERAL.—The Secretary of Transpor-  
14 tation shall require each owner or operator of a pipe-  
15 line facility to conduct, not later than 6 months  
16 after the date of enactment of this section, a  
17 verification of the records of the owner or operator  
18 relating to the interstate and intrastate gas trans-  
19 mission pipelines of the owner or operator in class  
20 3 and class 4 locations and class 1 and class 2 high-  
21 consequence areas.

22                   “(2) PURPOSE.—The purpose of the verification  
23 shall be to ensure that the records accurately reflect  
24 the physical and operational characteristics of the  
25 pipelines described in paragraph (1) and confirm the

1 established maximum allowable operating pressure of  
2 the pipelines.

3 “(3) ELEMENTS.—The verification process  
4 under this subsection shall include such elements as  
5 the Secretary considers appropriate.

6 “(b) REPORTING.—

7 “(1) DOCUMENTATION OF CERTAIN PIPE-  
8 LINES.—Not later than 18 months after the date of  
9 enactment of this section, each owner or operator of  
10 a pipeline facility shall identify and submit to the  
11 Secretary documentation relating to each pipeline  
12 segment of the owner or operator described in sub-  
13 section (a)(1) for which the records of the owner or  
14 operator are insufficient to confirm the established  
15 maximum allowable operating pressure of the seg-  
16 ment.

17 “(2) EXCEEDANCES OF MAXIMUM ALLOWABLE  
18 OPERATING PRESSURE.—If there is an exceedance of  
19 the maximum allowable operating pressure with re-  
20 spect to a gas transmission pipeline of an owner or  
21 operator of a pipeline facility that exceeds the build-  
22 up allowed for operation of pressure-limiting or con-  
23 trol devices, the owner or operator shall report the  
24 exceedance to the Secretary and appropriate State

1 authorities on or before the 5th day following the  
2 date on which the exceedance occurs.

3 “(c) DETERMINATION OF MAXIMUM ALLOWABLE OP-  
4 ERATING PRESSURE.—

5 “(1) IN GENERAL.—In the case of a trans-  
6 mission line of an owner or operator of a pipeline fa-  
7 cility identified under subsection (b)(1), the Sec-  
8 retary shall—

9 “(A) require the owner or operator to re-  
10 confirm a maximum allowable operating pres-  
11 sure as expeditiously as economically feasible;  
12 and

13 “(B) determine what actions are appro-  
14 priate for the pipeline owner or operator to take  
15 to maintain safety until a maximum allowable  
16 operating pressure is confirmed.

17 “(2) INTERIM ACTIONS.—In determining the  
18 actions for an owner or operator of a pipeline facility  
19 to take under paragraph (1)(B), the Secretary shall  
20 take into account potential consequences to public  
21 safety and the environment, potential impacts on  
22 pipeline system reliability and deliverability, and  
23 other factors, as appropriate.

24 “(d) TESTING REGULATIONS.—

1           “(1) IN GENERAL.—Not later than 18 months  
2 after the date of enactment of this section, the Sec-  
3 retary shall issue regulations for conducting tests to  
4 confirm the material strength of previously untested  
5 natural gas transmission pipelines located in high-  
6 consequence areas and operating at a pressure  
7 greater than 30 percent of specified minimum yield  
8 strength.

9           “(2) CONSIDERATIONS.—In developing the reg-  
10 ulations, the Secretary shall consider safety testing  
11 methodologies, including, at a minimum—

12                   “(A) pressure testing; and

13                   “(B) other alternative methods, including  
14 in-line inspections, determined by the Secretary  
15 to be of equal or greater effectiveness.

16           “(3) COMPLETION OF TESTING.—The Sec-  
17 retary, in consultation with the Chairman of the  
18 Federal Energy Regulatory Commission and State  
19 regulators, as appropriate, shall establish timeframes  
20 for the completion of such testing that take into ac-  
21 count potential consequences to public safety and  
22 the environment and that minimize costs and service  
23 disruptions.



1 personnel at a pipeline safety training facility that is es-  
2 tablished and operated by an agency or instrumentality  
3 of the United States, a unit of State or local government,  
4 or an educational institution.

5 (b) REIMBURSEMENTS FOR TRAINING EXPENDI-  
6 TURES.—

7 (1) IN GENERAL.—Notwithstanding any other  
8 provision of law, the Secretary may require reim-  
9 bursement from sources other than the Federal Gov-  
10 ernment for all expenses incurred by the Secretary  
11 in providing training for State and local government  
12 personnel under subsection (a), including salaries,  
13 expenses, transportation for Pipeline and Hazardous  
14 Materials Safety Administration personnel, and the  
15 cost of training materials.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—  
17 Amounts collected as reimbursement under para-  
18 graph (1) are authorized to be appropriated for the  
19 purposes set forth in chapter 601 of title 49, United  
20 States Code.

21 **SEC. 26. REPORT ON MINORITY-OWNED, WOMAN-OWNED,**  
22 **AND DISADVANTAGED BUSINESSES.**

23 Not later than 1 year after the date of enactment  
24 of this Act, the Comptroller General of the United States,  
25 based upon available information, shall submit to the

1 Committee on Commerce, Science, and Transportation of  
2 the Senate and the Committee on Transportation and In-  
3 frastructure and the Committee on Energy and Commerce  
4 of the House of Representatives a comprehensive report  
5 assessing the levels and types of participation and methods  
6 of facilitating the participation of minority-owned business  
7 enterprises, woman-owned business enterprises, and dis-  
8 advantaged business enterprises in the construction and  
9 operation of pipeline facilities in the United States.

10 **SEC. 27. REPORT ON PIPELINE PROJECTS.**

11 (a) STUDY.—The Comptroller General of the United  
12 States shall conduct a comprehensive study regarding the  
13 process for obtaining Federal and State permits for  
14 projects to construct pipeline facilities.

15 (b) EVALUATION.—In conducting the study, the  
16 Comptroller General shall evaluate how long it takes to  
17 issue permits for pipeline construction projects, the rela-  
18 tionship between the States and the Federal Government  
19 in issuing such permits, and any recommendations from  
20 the States for improving the permitting process.

21 (c) CONSULTATION.—In conducting the study, the  
22 Comptroller General shall consult with the Committee on  
23 Transportation and Infrastructure and the Committee on  
24 Energy and Commerce of the House of Representatives

1 and the Committee on Commerce, Science, and Transpor-  
2 tation of the Senate.

3 (d) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Comptroller General shall  
5 submit to the Committee on Transportation and Infra-  
6 structure and the Committee on Energy and Commerce  
7 of the House of Representatives and the Committee on  
8 Commerce, Science, and Transportation of the Senate a  
9 report on the results of the study.

10 **SEC. 28. COVER OVER BURIED PIPELINES.**

11 (a) IN GENERAL.—Chapter 601, as amended by this  
12 Act, is further amended by adding at the end the fol-  
13 lowing:

14 **“§ 60140. Cover over buried pipelines**

15 “(a) HAZARDOUS LIQUID PIPELINE INCIDENTS IN-  
16 VOLVING BURIED PIPELINES.—

17 “(1) STUDY.—The Secretary of Transportation  
18 shall conduct a study of hazardous liquid pipeline in-  
19 cidents at crossings of inland bodies of water with  
20 a width of at least 100 feet from high water mark  
21 to high water mark to determine if the depth of  
22 cover over the buried pipeline was a factor in any ac-  
23 cidental release of hazardous liquids.

24 “(2) REPORT.—Not later than 1 year after the  
25 date of enactment of this section, the Secretary shall

1 transmit to the Committee on Transportation and  
2 Infrastructure and the Committee on Energy and  
3 Commerce of the House of Representatives and the  
4 Committee on Commerce, Science, and Transpor-  
5 tation of the Senate a report on the results of the  
6 study.

7 “(b) ASSESSMENT OF CURRENT REQUIREMENTS FOR  
8 DEPTH OF COVER OVER BURIED PIPELINES.—

9 “(1) IN GENERAL.—If, following completion of  
10 the study under subsection (a), the Secretary finds  
11 that the depth of cover over buried pipelines is a  
12 contributing factor in the accidental release of haz-  
13 ardous liquids from the pipelines, the Secretary, not  
14 later than 1 year after the date of completion of the  
15 study, shall review and determine the sufficiency of  
16 current requirements for the depth of cover over  
17 buried pipelines.

18 “(2) LEGISLATIVE RECOMMENDATIONS.—

19 “(A) DEVELOPMENT.—If the Secretary de-  
20 termines under paragraph (1) that the current  
21 requirements for the depth of cover over buried  
22 pipelines are insufficient, the Secretary shall de-  
23 velop legislative recommendations for improving  
24 the safety of buried pipelines at crossings of in-  
25 land bodies of water with a width of at least

1 100 feet from high water mark to high water  
2 mark.

3 “(B) CONSIDERATION OF FACTORS.—In  
4 developing legislative recommendations under  
5 subparagraph (A), the Secretary shall consider  
6 the factors specified in section 60102(b)(2).

7 “(C) REPORT TO CONGRESS.—If the Sec-  
8 retary develops legislative recommendations  
9 under subparagraph (A), the Secretary shall  
10 submit to the committees referred to in sub-  
11 section (a)(2) a report containing the legislative  
12 recommendations.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-  
14 ter 601 is amended by inserting after the item relating  
15 to section 60139 the following:

“60140. Cover over buried pipelines.”.

16 **SEC. 29. SEISMICITY.**

17 In identifying and evaluating all potential threats to  
18 each pipeline segment pursuant to parts 192 and 195 of  
19 title 49, Code of Federal Regulations, an operator of a  
20 pipeline facility shall consider the seismicity of the area.

21 **SEC. 30. TRIBAL CONSULTATION FOR PIPELINE PROJECTS.**

22 Not later than 1 year after the date of enactment  
23 of this Act, the Secretary of Transportation shall develop  
24 and implement a protocol for consulting with Indian tribes

1 to provide technical assistance for the regulation of pipe-  
2 lines that are under the jurisdiction of Indian tribes.

3 **SEC. 31. PIPELINE INSPECTION AND ENFORCEMENT**  
4 **NEEDS.**

5 (a) INSPECTION AND ENFORCEMENT NEEDS.—Not  
6 later than 12 months after the date of enactment of this  
7 Act, the Secretary of Transportation shall submit to the  
8 Committee on Transportation and Infrastructure and the  
9 Committee on Energy and Commerce of the House of  
10 Representatives and the Committee on Commerce,  
11 Science, and Transportation of the Senate a report that  
12 provides information on—

13 (1) the total number of full-time equivalent po-  
14 sitions for pipeline inspection and enforcement per-  
15 sonnel at the Pipeline and Hazardous Materials  
16 Safety Administration;

17 (2) out of the total number of such positions,  
18 how many of the positions are not filled and the rea-  
19 sons why the positions are not filled;

20 (3) the actions the Administrator of the Pipe-  
21 line and Hazardous Materials Safety Administration  
22 is taking to fill the positions; and

23 (4) any additional inspection and enforcement  
24 resource needs of the Pipeline and Hazardous Mate-  
25 rials Safety Administration.

1 (b) STAFFING.—Subject to the availability of funds,  
2 the Secretary may increase the number of positions for  
3 pipeline inspection and enforcement personnel at the Pipe-  
4 line and Hazardous Materials Safety Administration by 10  
5 full-time equivalent employees, if—

6 (1) on or before September 30, 2014, the Sec-  
7 retary fills the 135 full-time equivalent positions for  
8 pipeline inspection and enforcement personnel speci-  
9 fied in section 18(e) of the Pipeline Inspection, Pro-  
10 tection, Enforcement, and Safety Act of 2006 (120  
11 Stat. 3498); and

12 (2) in preparing the report under subsection  
13 (a), the Secretary finds that additional pipeline in-  
14 spection and enforcement personnel are necessary.

15 **SEC. 32. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) GAS AND HAZARDOUS LIQUID.—Section  
17 60125(a) is amended to read as follows:

18 “(a) GAS AND HAZARDOUS LIQUID.—

19 “(1) IN GENERAL.—To carry out the provisions  
20 of this chapter related to gas and hazardous liquid  
21 and section 12 of the Pipeline Safety Improvement  
22 Act of 2002 (49 U.S.C. 60101 note; Public Law  
23 107–355), there is authorized to be appropriated to  
24 the Department of Transportation for each of fiscal  
25 years 2012 through 2015, from fees collected under

1 section 60301, \$90,679,000, of which \$4,746,000 is  
2 for carrying out such section 12 and \$36,194,000 is  
3 for making grants.

4 “(2) TRUST FUND AMOUNTS.—In addition to  
5 the amounts authorized to be appropriated by para-  
6 graph (1), there is authorized to be appropriated for  
7 each of fiscal years 2012 through 2015 from the Oil  
8 Spill Liability Trust Fund to carry out the provi-  
9 sions of this chapter related to hazardous liquid and  
10 section 12 of the Pipeline Safety Improvement Act  
11 of 2002 (49 U.S.C. 60101 note; Public Law 107–  
12 355), \$18,573,000, of which \$2,174,000 is for car-  
13 rying out such section 12 and \$4,558,000 is for  
14 making grants.”.

15 (b) EMERGENCY RESPONSE GRANTS.—Section  
16 60125(b)(2) is amended by striking “2007 through 2010”  
17 and inserting “2012 through 2015”.

18 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section  
19 6107 is amended—

20 (1) in subsection (a) by striking “2007 through  
21 2010.” and inserting “2012 through 2015.”;

22 (2) in subsection (b) by striking “2007 through  
23 2010.” and inserting “2012 through 2015.”; and

24 (3) by striking subsection (c).

1 (d) STATE DAMAGE PREVENTION PROGRAMS.—Sec-  
2 tion 60134 is amended by adding at the end the following:

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Secretary to provide  
5 grants under this section \$1,500,000 for each of fiscal  
6 years 2012 through 2015. Such funds shall remain avail-  
7 able until expended.”.

8 (e) COMMUNITY PIPELINE SAFETY INFORMATION  
9 GRANTS.—Section 60130 is amended—

10 (1) in subsection (a)(1) by striking “\$50,000”  
11 and inserting “\$100,000”;

12 (2) in subsection (b)—

13 (A) by inserting “to grant recipients and  
14 their contractors” after “this section”; and

15 (B) by inserting “, for direct advocacy for  
16 or against a pipeline construction or expansion  
17 project,” after “for lobbying”; and

18 (3) in subsection (d) by striking “\$1,000,000  
19 for each of the fiscal years 2003 through 2010” and  
20 inserting “\$1,500,000 for each of fiscal years 2012  
21 through 2015”.

22 (f) PIPELINE TRANSPORTATION RESEARCH AND DE-  
23 VELOPMENT.—Section 12 of the Pipeline Safety Improve-  
24 ment Act of 2002 (49 U.S.C. 60101 note) is amended—

1           (1) in subsection (d) by adding at the end the  
2 following:

3           “(3) ONGOING PIPELINE TRANSPORTATION RE-  
4 SEARCH AND DEVELOPMENT.—

5           “(A) IN GENERAL.—After the initial 5-  
6 year program plan has been carried out by the  
7 participating agencies, the Secretary of Trans-  
8 portation, in coordination with the Director of  
9 the National Institute of Standards and Tech-  
10 nology, as appropriate, shall prepare a research  
11 and development program plan every 5 years  
12 thereafter and shall transmit a report to Con-  
13 gress on the status and results-to-date of imple-  
14 mentation of the program every 2 years. The  
15 biennial report shall include a summary of up-  
16 dated research needs and priorities identified  
17 through the consultation requirements of para-  
18 graph (2).

19           “(B) CONSULTATION.—The Secretary  
20 shall comply with the consultation requirements  
21 of paragraph (2) when preparing the program  
22 plan and in the selection and prioritization of  
23 research and development projects.

24           “(C) FUNDING FROM NON-FEDERAL  
25 SOURCES.—The Secretary shall ensure at least

1           30 percent of the costs of program-wide re-  
2           search and development activities are carried  
3           out using non-Federal sources.”.

4           (2) in subsection (f) by striking “2003 through  
5           2006.” and inserting “2012 through 2015.”.