

111TH CONGRESS
2D SESSION

H. R. 6295

To amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Ms. SPEIER (for herself, Ms. LEE of California, Ms. RICHARDSON, Ms. WOOLSEY, Ms. ESHOO, Mr. HONDA, Mrs. NAPOLITANO, Ms. MATSUI, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. STARK, Ms. CHU, Mr. GARAMENDI, Mr. FARR, Mr. TONKO, Mrs. CAPPS, Ms. SLAUGHTER, and Mr. THOMPSON of California) 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

A BILL

To amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Pipeline Safety and Community Empowerment Act of
4 2010”.

5 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States Code.
- Sec. 3. Notice to property owners and residents.
- Sec. 4. Facility operation information standards.
- Sec. 5. Required periodic inspection of pipelines by instrumented internal inspection devices.
- Sec. 6. Automatic or remote shut off valves.
- Sec. 7. Availability of industry standards and procedures adopted in regulations by reference.
- Sec. 8. Leak detection.
- Sec. 9. Considerations for identification of high consequence areas.
- Sec. 10. Public education programs.

6 **SEC. 2. REFERENCES TO 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
11 a section or other provision of title 49, United States
12 Code.

13 **SEC. 3. NOTICE TO PROPERTY OWNERS AND RESIDENTS.**

14 Section 60102(c)(4) is amended by adding at the end
15 the following:

16 “(C) NOTICE TO PROPERTY OWNERS AND RESI-
17 DENTS.—

18 “(i) IN GENERAL.—Not later than one
19 year after the date of enactment of this sub-
20 paragraph, the Secretary shall prescribe min-

imum standards to require the owner or operator of a pipeline facility to notify all owners and residents of property located within 2,000 feet of a transmission line of the facility of—

“(I) the proximity of the property to the transmission line; and

“(II) in the case of a transmission line located on private residential property, the specific location of the line on the property.

“(ii) REQUIRED INFORMATION.—The notice under clause (i) shall include, at a minimum—

“(I) a method for electronic access to the information described in clause (i) through an Internet Web site and toll free telephone number;

“(II) information on how to obtain a map of the pipeline system through the National Pipeline Mapping System; and

“(III) such other information as the Secretary considers appropriate.

“(iii) DEADLINES.—The notice under clause (i) shall be provided not later than 2 years after the date of enactment of this sub-

1 paragraph and at least once every 3 years
2 thereafter.”.

3 **SEC. 4. FACILITY OPERATION INFORMATION STANDARDS.**

4 Section 60102(d) is amended by striking the first
5 sentence and inserting the following: “Not later than one
6 year after the date of enactment of the Pipeline Safety
7 and Community Empowerment Act of 2010, the Secretary
8 shall prescribe minimum standards under this section re-
9 quiring an operator of a pipeline facility subject to this
10 chapter to maintain information related to operating the
11 facility as required by the standards prescribed under this
12 chapter and to provide that information, including any up-
13 dates and changes, to the Secretary, State regulatory offi-
14 cials, State and local emergency responders, and such
15 other entities as the Secretary considers appropriate (ex-
16 cept that in the case of a local emergency responder the
17 Secretary shall provide the information described in para-
18 graphs (1), (2), (5), and (6) only to the extent applicable
19 to the local district). The Secretary shall keep on file the
20 information submitted to the Secretary under the pre-
21 ceding sentence.”.

22 **SEC. 5. REQUIRED PERIODIC INSPECTION OF PIPELINES**
23 **BY INSTRUMENTED INTERNAL INSPECTION**
24 **DEVICES.**

25 Section 60102(f)(2) is amended to read as follows:

1 “(2) PERIODIC INSPECTIONS.—

2 “(A) IN GENERAL.—Not later than 270
3 days after the date of enactment of the Pipeline
4 Safety and Community Empowerment Act of
5 2010, the Secretary shall prescribe additional
6 standards requiring the periodic inspection of
7 each pipeline the operator of the pipeline identi-
8 fies under section 60109.

9 “(B) INSPECTION WITH INTERNAL INSPEC-
10 TION DEVICE.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), the standards pre-
13 scribed under subparagraph (A) shall re-
14 quire that an inspection be conducted at
15 least once every 5 years with an instru-
16 mented internal inspection device.

17 “(ii) EXCEPTION FOR SEGMENTS
18 WHERE DEVICES CANNOT BE USED.—If a
19 device described in clause (i) cannot be
20 used in a segment of a pipeline, the stand-
21 ards prescribed in subparagraph (A) shall
22 require use of an inspection method that
23 the Secretary certifies to be at least as ef-
24 fective as using the device in—

25 “(I) detecting corrosion;

1 “(II) detecting pipe stress; and
 2 “(III) otherwise providing for the
 3 safety of the pipeline.

4 “(C) OPERATION UNDER HIGH PRES-
 5 SURE.—The Secretary shall prohibit a pipeline
 6 segment from operating under high pressure if
 7 the pipeline segment cannot be inspected—

8 “(i) with a device described in sub-
 9 paragraph (B)(i) in accordance with the
 10 standards prescribed pursuant to such sub-
 11 paragraph; or

12 “(ii) using an inspection method de-
 13 scribed in subparagraph (B)(ii) in accord-
 14 ance with the standards prescribed pursu-
 15 ant to such subparagraph.”.

16 **SEC. 6. AUTOMATIC OR REMOTE SHUT OFF VALVES.**

17 Section 60102(j) is amended by adding at the end
 18 the following:

19 “(4) AUTOMATIC OR REMOTE SHUT OFF VALVES.—

20 “(A) MINIMUM STANDARDS.—Not later than
 21 one year after the date of enactment of this para-
 22 graph, the Secretary shall prescribe minimum stand-
 23 ards to require an owner or operator of a covered
 24 pipeline facility to install and use automatic or re-

1 mote shut off valves to reduce risks in the event of
2 a rupture.

3 “(B) APPLICABILITY OF MINIMUM STAND-
4 ARDS.—

5 “(i) NEW FACILITIES.—The minimum
6 standards shall apply to a covered pipeline facil-
7 ity that is newly constructed or entirely re-
8 placed after the date of issuance of the stand-
9 ards.

10 “(ii) EXISTING FACILITIES.—

11 “(I) FACILITIES LOCATED NEAR
12 EARTHQUAKE FAULTS.—The minimum
13 standards shall apply to a covered pipeline
14 facility that exists as of the date of
15 issuance of the standards and is located
16 within 10 miles of a significant earthquake
17 fault beginning on the earliest date that
18 the Secretary determines is technically fea-
19 sible and not later than 2 years after the
20 date of issuance of the standards.

21 “(II) OTHER FACILITIES.—The min-
22 imum standards shall apply to a covered
23 pipeline facility that exists as of the date
24 of issuance of the standards (other than a
25 facility described in subclause (I)) not later

1 than 5 years after the date of issuance of
2 the standards.

3 “(C) DEFINITIONS.—In this paragraph, the fol-
4 lowing definitions apply:

5 “(i) COVERED PIPELINE FACILITY.—The
6 term ‘covered pipeline facility’ means a pipeline
7 facility that is located in a Class 3 or 4 loca-
8 tion, as described in section 192.5 of title 49,
9 Code of Federal Regulations, as in effect on the
10 date of enactment of the Pipeline Safety and
11 Community Empowerment Act of 2010.

12 “(ii) SIGNIFICANT EARTHQUAKE FAULT.—
13 The term ‘significant earthquake fault’ means
14 an earthquake fault for which there is a 1 in 10
15 chance or greater of a magnitude 6.7 or greater
16 earthquake in the next 50 years, as determined
17 by the Secretary based on information compiled
18 by the United States Geological Survey.”.

19 **SEC. 7. AVAILABILITY OF INDUSTRY STANDARDS AND PRO-**
20 **CEDURES ADOPTED IN REGULATIONS BY**
21 **REFERENCE.**

22 Section 60102 is amended by adding at the end the
23 following:

24 “(n) AVAILABILITY OF INDUSTRY STANDARDS AND
25 PROCEDURES ADOPTED IN REGULATIONS BY REF-

1 ERENCE.—The Secretary shall ensure that industry stand-
2 ards and procedures adopted by reference as part of the
3 Federal pipeline safety regulatory program under this
4 chapter are easily available to the public free of charge.
5 This subsection shall apply to regulations issued before,
6 on, or after the date of enactment of this subsection.”.

7 **SEC. 8. LEAK DETECTION.**

8 Section 60102 (as amended by section 7 of this Act)
9 is further amended by adding at the end the following:

10 “(o) LEAK DETECTION.—

11 “(1) IN GENERAL.—An owner or operator of a
12 pipeline facility shall ensure that the facility is
13 equipped with a leak detection system capable of
14 promptly detecting a leak.

15 “(2) PERFORMANCE STANDARDS.—Not later
16 than 18 months after the date of enactment of this
17 subsection, the Secretary shall issue a final rule es-
18 tablishing performance standards for such leak de-
19 tection systems. In establishing the performance
20 standards, the Secretary shall consider, at a min-
21 imum, requiring—

22 “(A) hazardous liquid pipeline facilities to
23 have the continuous capability to detect a daily
24 discharge equal to not more than one percent of
25 daily throughput;

1 “(B) natural gas transmission pipeline fa-
 2 cilities to provide for flow verification through
 3 an accounting method such as volume balance
 4 and rate of pressure at least once every 24
 5 hours;

6 “(C) in the case of a remote pipeline, in-
 7 creased aerial surveillance of the pipeline; and

8 “(D) owners and operators of pipeline fa-
 9 cilities to meet other requirements as the Sec-
 10 retary determines necessary and practicable to
 11 enhance the ability of such owners and opera-
 12 tors to promptly detect a leak.”.

13 **SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH**
 14 **CONSEQUENCE AREAS.**

15 Section 60109 is amended by adding at the end the
 16 following:

17 “(g) CONSIDERATIONS FOR IDENTIFICATION OF
 18 HIGH CONSEQUENCE AREAS.—In identifying high con-
 19 sequence areas under this section, the Secretary shall con-
 20 sider—

21 “(1) the seismicity of the area;

22 “(2) the age of the pipe; and

23 “(3) whether the pipe at issue can be inspected
 24 using the most modern instrumented internal inspec-
 25 tion devices.”.

1 **SEC. 10. PUBLIC EDUCATION PROGRAMS.**

2 Section 60116 is amended by adding at the end the
3 following:

4 “(d) APPROVAL PROCESS.—

5 “(1) IN GENERAL.—The Secretary shall ap-
6 prove or disapprove a public education program sub-
7 mitted to the Secretary by the owner or operator of
8 a pipeline facility under subsection (b).

9 “(2) CONTEXT OF REVIEW.—The Secretary
10 may conduct the approval process under paragraph
11 (1) as an element of the Secretary’s inspection of an
12 owner or operator.

13 “(3) INADEQUATE PROGRAMS.—If the Sec-
14 retary determines that a public education program
15 does not comply with the requirements of this sec-
16 tion or regulations issued under this section or has
17 not been adequately implemented, the Secretary may
18 conduct proceedings under this chapter.

19 “(e) EFFECTIVENESS OF PUBLIC EDUCATION PRO-
20 GRAMS.—

21 “(1) ASSESSMENT.—The Comptroller General
22 shall conduct an assessment of the effectiveness of
23 the public education programs carried out under this
24 section.

25 “(2) REPORT TO CONGRESS.—Not later than
26 one year after the date of enactment of this sub-

- 1 section, the Comptroller General shall submit to
- 2 Congress a report on the results of the assessment.”.

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