

111TH CONGRESS  
2D SESSION

# S. 3856

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 SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER) 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 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,*

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

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Pipeline Transportation Safety Improvement Act of  
7       2010”.

1 (b) AMENDMENT OF TITLE 49, UNITED STATES  
 2 CODE.—Except as otherwise expressly provided, whenever  
 3 in this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or a repeal of, a section or other  
 5 provision, the reference shall be considered to be made to  
 6 a section or other provision of title 49, United States  
 7 Code.

8 (c) TABLE OF CONTENTS.—The table of contents for  
 9 this Act is as follows:

- Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
- Sec. 2. Civil penalties.
- Sec. 3. Pipeline damage prevention.
- Sec. 4. Offshore gathering pipelines.
- Sec. 5. Automatic and remote-controlled shut-off valves.
- Sec. 6. Excess flow valves.
- Sec. 7. Integrity management.
- Sec. 8. Public education and awareness.
- Sec. 9. Government Accountability Office report.
- Sec. 10. Leak detection.
- Sec. 11. Incident notification.
- Sec. 12. Transportation-related onshore facility response plan compliance.
- Sec. 13. Pipeline infrastructure data collection.
- Sec. 14. International cooperation and consultation.
- Sec. 15. Gas and hazardous liquid gathering lines.
- Sec. 16. Transportation related oil flow lines.
- Sec. 17. Alaska project coordination.
- Sec. 18. Cost recovery for design reviews.
- Sec. 19. Special permits.
- Sec. 20. Biofuel pipelines.
- Sec. 21. Carbon dioxide pipelines.
- Sec. 22. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 23. Clarifications.
- Sec. 24. Additional resources.
- Sec. 25. Maintenance of effort.
- Sec. 26. Authorization of appropriations.

## 10 **SEC. 2. CIVIL PENALTIES.**

11 (a) PENALTY CONSIDERATIONS; MAJOR CON-  
 12 SEQUENCE VIOLATIONS.—Section 60122 is amended—

1 (1) by striking “the ability to pay,” in sub-  
 2 section (b)(1)(B);

3 (2) by redesignating subsections (c) through (f)  
 4 as subsections (d) through (g), respectively; and

5 (3) by inserting after subsection (b) the fol-  
 6 lowing:

7 “(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLA-  
 8 TIONS.—

9 “(1) IN GENERAL.—A person that the Sec-  
 10 retary of Transportation decides, after written notice  
 11 and an opportunity for a hearing, has committed a  
 12 major consequence violation of section 60114(b),  
 13 60114(d), or 60118(a) of this title or a regulation  
 14 prescribed or order issued under this chapter is lia-  
 15 ble to the United States Government for a civil pen-  
 16 alty of not more than \$250,000 for each violation.  
 17 A separate violation occurs for each day the violation  
 18 continues. The maximum civil penalty under this  
 19 paragraph for a related series of major consequence  
 20 violations is \$2,500,000.

21 “(2) PENALTY CONSIDERATIONS.—In deter-  
 22 mining the amount of a civil penalty for a major  
 23 consequence violation under this subsection, the Sec-  
 24 retary shall consider the factors prescribed in sub-  
 25 section (b).

1           “(3) MAJOR CONSEQUENCE VIOLATION DE-  
 2           FINED.—In this subsection, the term ‘major con-  
 3           sequence violation’ means a violation that contrib-  
 4           uted to an incident resulting in—

5                   “(A) 1 or more deaths;

6                   “(B) 1 or more injuries or illnesses requir-  
 7           ing hospitalization;

8                   “(C) environmental harm exceeding  
 9           \$250,000 in estimated damage to the environ-  
 10          ment including property loss; or

11                  “(D) a release of gas or hazardous liquids  
 12          that ignites or otherwise presents a safety  
 13          threat to the public or presents a threat to the  
 14          environment in an area identified under section  
 15          60109(a) of this title.”.

16          (b) PENALTY FOR OBSTRUCTION OF INSPECTIONS  
 17          AND INVESTIGATIONS.—Section 60118(e) is amended by  
 18          adding at the end “The Secretary may impose a civil pen-  
 19          alty under section 60122 of this title on a person who ob-  
 20          structs or prevents the Secretary from carrying out inspec-  
 21          tions or investigations under this chapter.”.

22          (c) ADMINISTRATIVE PENALTY CAPS INAPPLI-  
 23          CABLE.—Section 60120(a)(1) is amended by adding at the  
 24          end “The maximum amount of civil penalties for adminis-  
 25          trative enforcement actions under section 60122 of this

1 title shall not apply to enforcement actions under this sec-  
 2 tion.”.

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

5 (1) by striking the subsection caption and in-  
 6 serting “(a) REVIEW OF REGULATIONS, ORDERS,  
 7 AND OTHER FINAL AGENCY ACTIONS.—”; and

8 (2) by striking “about an application for a  
 9 waiver under section 60118(c) or (d) of” and insert-  
 10 ing “under”.

11 **SEC. 3. PIPELINE DAMAGE PREVENTION.**

12 (a) MINIMUM STANDARDS FOR STATE ONE-CALL  
 13 NOTIFICATION PROGRAMS.—Section 6103(a) is amended  
 14 to read as follows:

15 “(a) MINIMUM STANDARDS.—

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

19 “(A) appropriate participation by all un-  
 20 derground facility operators, including all gov-  
 21 ernment operators;

22 “(B) appropriate participation by all exca-  
 23 vators, including all government and contract  
 24 excavators; and

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

4           “(2) EXEMPTIONS PROHIBITED.—A State one-  
5           call notification program may not exempt munici-  
6           palities, State agencies, or their contractors from its  
7           one-call notification system requirements.”.

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

10           (1) by striking “and” after the semicolon in  
11           paragraph (1);

12           (2) by striking “(b).” in paragraph (2) and in-  
13           serting “(b); and”; and

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

15           “(3) does not provide any exemptions to mu-  
16           nicipalities, State agencies, or their contractors from  
17           its one-call notification system requirements.”.

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

21   **SEC. 4. OFFSHORE GATHERING PIPELINES.**

22           Section 60102(k)(1) is amended by striking the last  
23           sentence and inserting “Not later than 1 year after the  
24           date of enactment of the Pipeline Transportation Safety  
25           Improvement Act of 2010, the Secretary shall issue regu-

lations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering pipelines and hazardous liquid gathering pipelines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid pipelines. The regulations issued under this paragraph shall not apply to low-stress distribution pipelines.”.

**SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.**

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

“(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Transportation Safety Improvement Act of 2010, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically and technically feasible on pipelines constructed after the date on which the Secretary issues a final rule.”.

**SEC. 6. EXCESS FLOW VALVES.**

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

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

3                   “(B) BRANCH SERVICES, MULTI-FAMILY  
4       FACILITIES, AND SMALL COMMERCIAL FACILI-  
5       TIES.—Not later than 2 years after the date of  
6       enactment of the Pipeline Transportation Safe-  
7       ty Improvement Act of 2010, the Secretary  
8       shall prescribe regulations, after notice and an  
9       opportunity for hearing, to require the use of  
10      excess flow valves, where economically and tech-  
11      nically feasible, on new or entirely replaced  
12      branch services, multi-family facilities, and  
13      small commercial facilities.”.

14   **SEC. 7. INTEGRITY MANAGEMENT.**

15       (a) EVALUATION.—Within 1 year after the date of  
16   enactment of this Act, the Secretary of Transportation  
17   shall evaluate—

18           (1) whether integrity management system re-  
19       quirements should be expanded beyond high con-  
20       sequence areas (as defined under section 60109(a)  
21       of title 49, United States Code); and

22           (2) with respect to gas pipeline facilities, wheth-  
23       er applying the integrity management program re-  
24       quirements to additional areas would mitigate the  
25       need for class location requirements.



1 (b) STANDARDS.—Not later than 1 year after com-  
 2 pletion of the evaluation, the Secretary shall prescribe  
 3 such regulations, after notice and an opportunity for a  
 4 hearing.

5 (c) DATA REPORTING.—The Secretary may collect  
 6 any relevant data necessary to complete the evaluation re-  
 7 quired by subsection (a) and may collect such additional  
 8 data pursuant to regulations promulgated under sub-  
 9 section (b) as may be necessary.

10 **SEC. 8. PUBLIC EDUCATION AND AWARENESS.**

11 (a) IN GENERAL.—Chapter 601 is amended by add-  
 12 ing at the end the following:

13 **“§ 60138. Public education and awareness**

14 “(a) IN GENERAL.—Not later than 1 year after the  
 15 date of enactment of the Pipeline Transportation Safety  
 16 Improvement Act of 2010, the Secretary shall—

17 “(1) maintain a monthly updated summary of  
 18 all gas and hazardous liquid pipeline inspections con-  
 19 ducted by or reported to the Pipeline and Hazardous  
 20 Materials Safety Administration that includes—

21 “(A) identification of the operator in-  
 22 spected;

23 “(B) the type of inspection;

24 “(C) the results of the inspection, includ-  
 25 ing any deficiencies identified; and

1           “(D) any corrective actions required to be  
2           taken by the operator to remediate such defi-  
3           ciencies;

4           “(2) maintain a comprehensive list and indi-  
5           vidual copy of each gas and hazardous liquid pipe-  
6           line operator’s facility response plan, excluding any  
7           proprietary or security-sensitive information that  
8           may be contained in an operator’s plan;

9           “(3) excluding any proprietary or security-sen-  
10          sitive information, as part of the National Pipeline  
11          Mapping System maintain a map of all currently  
12          designated high consequence areas in which pipelines  
13          are required to meet integrity management safety  
14          regulations and update the map annually; and

15          “(4) maintain a current copy of any industry-  
16          developed or professional organization pipeline safety  
17          standards to the public, to the extent consistent with  
18          fair use.

19          “(b) PUBLIC AVAILABILITY.—The requirements of  
20          subsection (a) shall be considered to have been met if the  
21          information required to be made public is made available  
22          on the Pipeline and Hazardous Materials Safety Adminis-  
23          tration’s public website.

24          “(c) RELATIONSHIP TO FOIA.—Nothing in this sec-  
25          tion shall be construed to require disclosure of information

1 or records that are exempt from disclosure under section  
2 552 of title 5.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 for chapter 601 is amended by inserting after the item  
5 relating to section 60137 the following:

“60138. Public education and awareness.”.

6 **SEC. 9. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

7 The Comptroller General shall conduct a comprehen-  
8 sive analysis of the safety risks, including the risk of acci-  
9 dent and injury to individuals or the environment, from  
10 both onshore and offshore pipelines to which chapter 601  
11 of title 49, United States Code, does not apply, including  
12 gathering lines. The analysis shall also consider the safety  
13 risks and benefits of applying the regulations under sec-  
14 tion 60109(e) of title 49, United States Code, to low-stress  
15 gas transmission lines. Not later than 1 year after the date  
16 of enactment of this Act, the Comptroller General shall  
17 submit a report on the results of this analysis to the Sen-  
18 ate Committee on Commerce, Science, and Transportation  
19 and the House of Representatives Committees on Trans-  
20 portation and Infrastructure and on Energy and Com-  
21 merce.

22 **SEC. 10. LEAK DETECTION.**

23 (a) LEAK DETECTION STUDY UPDATE.—Not later  
24 than 1 year after the date of enactment of this Act, the  
25 Secretary of Transportation shall submit to the Senate

1 Committee on Commerce, Science, and Transportation  
2 and the House of Representatives Committee on Trans-  
3 portation and Infrastructure an updated report on leak  
4 detection systems utilized by operators of hazardous liquid  
5 pipelines. The report shall include an analysis of the tech-  
6 nical limitations of current leak detection systems, includ-  
7 ing the systems' ability to detect ruptures and small leaks  
8 that are ongoing or intermittent, and what can be done  
9 to foster development of better technologies.

10 (b) LEAK DETECTION STANDARDS.—Not later than  
11 1 year after completion of the report, the Secretary shall,  
12 based on the study in subsection (a), prescribe regulations,  
13 after notice and an opportunity for a hearing, requiring  
14 an operator of a hazardous liquid pipeline to use leak de-  
15 tection technologies, particularly in high consequence  
16 areas.

17 **SEC. 11. INCIDENT NOTIFICATION.**

18 Not later than 18 months after the date of enactment  
19 of this Act, the Secretary of Transportation shall—

20 (1) prescribe regulations, after notice and an  
21 opportunity for a hearing, that establish time limits  
22 for accident and incident telephonic notification by  
23 pipeline operators to State and local government of-  
24 ficials and emergency responders when a spill or  
25 rupture occurs; and

1           (2) review procedures for pipeline operators and  
 2           the National Response Center to provide thorough  
 3           and coordinated notification to all relevant emer-  
 4           gency response officials and revise such procedures  
 5           as appropriate.

6 **SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY**  
 7 **RESPONSE PLAN COMPLIANCE.**

8           (a) IN GENERAL.—Subparagraphs (A) and (B) of  
 9           section 311(m)(2) of the Federal Water Pollution Control  
 10          Act (33 U.S.C. 1321(m)(2)) are each amended by striking  
 11          “Administrator or” and inserting “Administrator, the  
 12          Secretary of Transportation, or”.

13          (b)           CONFORMING           AMENDMENT.—Section  
 14          311(b)(6)(A) of the Federal Water Pollution Control Act  
 15          (33 U.S.C. 1321(b)(6)(A)) is amended by striking “oper-  
 16          ating or” and inserting “operating, the Secretary of  
 17          Transportation, or”.

18 **SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.**

19          (a) IN GENERAL.—Section 60132(a) is amended—

20               (1) by striking “and gathering lines”; and

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

22               “(4) Any other geospatial, technical, or other  
 23          pipeline data, including design and material speci-  
 24          fications, that the Secretary determines is necessary  
 25          to carry out the purposes of this section. The Sec-

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

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

6       “(d) 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. 14. INTERNATIONAL COOPERATION AND CONSULTA-**  
11                           **TION.**

12       Section 60117 is amended by adding at the end the  
13       following:

14       “(o) INTERNATIONAL COOPERATION AND CONSULTA-  
15       TION.—

16               “(1) INFORMATION EXCHANGE AND TECHNICAL  
17       ASSISTANCE.—If the Secretary determines that it  
18       would benefit the United States, subject to guidance  
19       from the Secretary of State, the Secretary may en-  
20       gage in activities supporting cooperative inter-  
21       national efforts to share information about the risks  
22       to the public and the environment from pipelines  
23       and means of protecting against those risks. Such  
24       cooperation may include the exchange of information  
25       with domestic and appropriate international organi-

1 zations to facilitate efforts to develop and improve  
2 safety standards and requirements for pipeline  
3 transportation in or affecting interstate or foreign  
4 commerce.

5 “(2) CONSULTATION.—To the extent prac-  
6 ticable, subject to guidance from the Secretary of  
7 State, the Secretary may consult with interested au-  
8 thorities in Canada, Mexico, and other interested au-  
9 thorities, as needed, to ensure that the respective  
10 pipeline safety standards and requirements pre-  
11 scribed by the Secretary and those prescribed by  
12 such authorities are consistent with the safe and re-  
13 liable operation of cross-border pipelines.

14 “(3) DIFFERENCES IN INTERNATIONAL STAND-  
15 ARDS AND REQUIREMENTS.—Nothing in this section  
16 requires that a standard or requirement prescribed  
17 by the Secretary under this chapter be identical to  
18 a standard or requirement adopted by an inter-  
19 national authority.”.

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

21 Not later than 2 years after the date of enactment  
22 of this Act, the Secretary shall complete a review of all  
23 exemptions for gas and hazardous liquid gathering lines.  
24 Based on this review the Secretary shall submit a report  
25 to the Senate Committee on Commerce, Science, and

1 Transportation and the House of Representatives Com-  
 2 mittee on Transportation and Infrastructure containing  
 3 the Secretary’s recommendations with respect to the modi-  
 4 fication or revocation of existing exemptions.

5 **SEC. 16. TRANSPORTATION-RELATED OIL FLOW LINES.**

6 Section 60102, as amended by section 5, is further  
 7 amended by adding at the end the following:

8 “(o) TRANSPORTATION-RELATED OIL FLOW  
 9 LINES.—

10 “(1) DATA COLLECTION.—The Secretary may  
 11 collect geospatial, technical, or other pipeline data on  
 12 transportation-related oil flow lines, including un-  
 13 regulated transportation-related oil flow lines.

14 “(2) TRANSPORTATION-RELATED OIL FLOW  
 15 LINE DEFINED.—In this subsection, the term ‘trans-  
 16 portation-related oil flow line’ means a pipeline  
 17 transporting oil off of the grounds of the production  
 18 facility where it originated across areas not owned  
 19 by the producer regardless of the extent to which the  
 20 oil has been processed, if at all.

21 “(3) LIMITATION.—Nothing in this subsection  
 22 authorizes the Secretary to prescribe standards for  
 23 the movement of oil through production, refining, or  
 24 manufacturing facilities, or through oil production



1 flow lines located on the grounds of production fa-  
2 cilities.”.

3 **SEC. 17. ALASKA PROJECT COORDINATION.**

4 (a) IN GENERAL.—Chapter 601, as amended by sec-  
5 tion 8 of this Act, is further amended by adding at the  
6 end the following:

7 **“§ 60139. Alaska project coordination**

8 “The Secretary may provide technical assistance to  
9 the State of Alaska for the purpose of achieving coordi-  
10 nated and effective oversight of the construction, expan-  
11 sion, or operation of pipeline systems in Alaska. The as-  
12 sistance may include—

13 “(1) conducting coordinated inspections of pipe-  
14 line systems subject to the respective authorities of  
15 the Department of Transportation and the State of  
16 Alaska;

17 “(2) consulting on the development and imple-  
18 mentation of programs designed to manage the in-  
19 tegrity risks associated with operating pipeline sys-  
20 tems in the unique conditions of Alaska;

21 “(3) training inspection and enforcement per-  
22 sonnel and consulting on the development and imple-  
23 mentation of inspection protocols and training pro-  
24 grams; and

1           “(4) entering into cooperative agreements,  
2           grants, or other transactions with the State of Alas-  
3           ka, the Joint Pipeline Office, other Federal agencies,  
4           and other public and private agencies to carry out  
5           the objectives of this section.”.

6           (b) CLERICAL AMENDMENT.—The table of contents  
7           for chapter 601, as amended by section 8 of this Act, is  
8           further amended by inserting the following after the item  
9           relating to section 60138:

          “60139. Alaska project coordination.”.

10   **SEC. 18. COST RECOVERY FOR DESIGN REVIEWS.**

11           Section 60117(n) is amended to read as follows:

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

13                   “(1) IN GENERAL.—

14                           “(A) REVIEW COSTS.—For any project de-  
15                           scribed in subparagraph (B), if the Secretary  
16                           conducts facility design safety reviews in con-  
17                           nection with a proposal to construct, expand, or  
18                           operate a new gas or hazardous liquid pipeline  
19                           or liquefied natural gas pipeline facility, includ-  
20                           ing construction inspections and oversight, the  
21                           Secretary may require the person or entity pro-  
22                           posing the project to pay the costs incurred by  
23                           the Secretary relating to such reviews. If the  
24                           Secretary exercises the cost recovery authority  
25                           described in this section, the Secretary shall

1           prescribe a fee structure and assessment meth-  
2           odology that is based on the costs of providing  
3           these reviews and shall prescribe procedures to  
4           collect fees under this section. This authority is  
5           in addition to the authority provided in section  
6           60301 of this title, but the Secretary may not  
7           collect fees under this section and section  
8           60301 for the same design safety review.

9           “(B) PROJECTS TO WHICH APPLICABLE.—

10          Subparagraph (A) applies to any project that—

11               “(i) has design and construction costs  
12               totaling at least \$3.4 billion;

13               “(ii) is a multi-state project at least  
14               100 miles in length; or

15               “(iii) uses new or novel technologies  
16               or designs.

17          “(2) NOTIFICATION.—For any new pipeline  
18          construction project in which the Secretary will con-  
19          duct design reviews, the person or entity proposing  
20          the project shall notify the Secretary and provide the  
21          design specifications, construction plans and proce-  
22          dures, and related materials at least 120 days prior  
23          to the commencement of construction.

24          “(3) DEPOSIT AND USE.—There is established  
25          a Pipeline Safety Design Review Fund in the Treas-

1       ury of the United States. The Secretary shall deposit  
 2       funds paid under this subsection into the Fund.  
 3       Funds deposited under this section are authorized to  
 4       be appropriated for the purposes set forth in this  
 5       chapter. Fees authorized under this section shall be  
 6       collected and available for obligation only to the ex-  
 7       tent and in the amount provided in advance in ap-  
 8       propriations Acts.”.

9   **SEC. 19. SPECIAL PERMITS.**

10       Section 60118(c)(1) is amended to read as follows:

11               “(1) ISSUANCE OF WAIVERS.—

12                       “(A) IN GENERAL.—On application of an  
 13                       owner or operator of a pipeline facility, the Sec-  
 14                       retary by order may waive compliance with any  
 15                       part of an applicable standard prescribed under  
 16                       this chapter with respect to the facility on  
 17                       terms the Secretary considers appropriate, if  
 18                       the Secretary determines that the waiver is not  
 19                       inconsistent with pipeline safety.

20                       “(B) CONSIDERATIONS.—In determining  
 21                       whether to grant a waiver, the Secretary shall  
 22                       consider—

23                               “(i) the fitness of the applicant to  
 24                               conduct the activity authorized by the

1 waiver in a manner that is consistent with  
2 pipeline safety;

3 “(ii) the applicant’s compliance his-  
4 tory;

5 “(iii) the applicant’s accident history;  
6 and

7 “(iv) any other information or data  
8 the Secretary considers relevant to making  
9 the determination.

10 “(C) EFFECTIVE PERIOD.—A waiver of  
11 one or more pipeline operating requirements  
12 shall be effective for an initial period of not  
13 more than 5 years and may be renewed by the  
14 Secretary upon application. In reviewing an ap-  
15 plication for renewal, the Secretary shall con-  
16 sider any change in ownership or control of the  
17 pipeline, any change in the conditions around  
18 the pipeline, and other factors as appropriate.

19 “(D) PUBLIC NOTICE AND HEARING.—The  
20 Secretary may act on a waiver under this sec-  
21 tion only after public notice and an opportunity  
22 for a hearing, which may consist of publication  
23 of notice in the Federal Register that an appli-  
24 cation for a waiver has been filed and providing  
25 the public with the opportunity to review and

comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to show cause, the Secretary may modify, suspend, or revoke a waiver issued under this section for failure to comply with its terms or conditions, intervening changes in Federal law, a material change in circumstances affecting safety, including erroneous information in the application, or any other reason. If necessary to avoid a significant risk of harm to persons, property, or the environment, the Secretary may waive the show cause procedure and make the action immediately effective.”.

**SEC. 20. BIOFUEL PIPELINES.**

Section 60101(a)(4) is amended—

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

(2) by redesignating subparagraph (B) as subparagraph (C); and

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

3                   “(B)    non-petroleum    fuels,    including  
 4           biofuels that are flammable, toxic, or corrosive  
 5           or would be harmful to the environment if re-  
 6           leased in significant quantities, and”.

7   **SEC. 21. CARBON DIOXIDE PIPELINES.**

8       Section 60102(i) is amended to read as follows:

9       “(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—  
 10   The Secretary shall prescribe minimum safety standards  
 11   for the transportation of carbon dioxide by pipeline in ei-  
 12   ther a liquid or gaseous state.”.

13   **SEC. 22. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS**  
 14                   **TRANSPORTED BY PIPELINE.**

15       The Secretary of Transportation may conduct an  
 16   analysis of the transportation of non-petroleum hazardous  
 17   liquids by pipeline for the purpose of identifying the extent  
 18   to which pipelines are currently being used to transport  
 19   non-petroleum hazardous liquids, such as chlorine, from  
 20   chemical production facilities across land areas not owned  
 21   by the producer that are accessible to the public. The anal-  
 22   ysis should identify the extent to which the safety of the  
 23   lines is unregulated by the States and evaluate whether  
 24   the transportation of such chemicals by pipeline across  
 25   areas accessible to the public would present significant

1 risks to public safety, property, or the environment in the  
2 absence of regulation. The results of the analysis shall be  
3 made available to the Senate Committee on Commerce,  
4 Science, and Transportation and the House of Represent-  
5 atives Committees on Transportation and Infrastructure  
6 and on Energy and Commerce.

7 **SEC. 23. CLARIFICATIONS.**

8 (a) AMENDMENT OF PROCEDURES CLARIFICA-  
9 TION.—Section 60108(a)(1) is amended by striking “an  
10 intrastate” and inserting “a”.

11 (b) OWNER AND OPERATOR CLARIFICATION.—Sec-  
12 tion 60102(a)(2)(A) is amended by striking “owners and  
13 operators” and inserting in their place the words “any or  
14 all of the owners or operators”.

15 (c) ONE-CALL ENFORCEMENT CLARIFICATION.—  
16 Section 60114(f) is amended by adding at the end “This  
17 subsection does not apply to proceedings against persons  
18 who are pipeline operators.”.

19 **SEC. 24. ADDITIONAL RESOURCES.**

20 (a) IN GENERAL.—To the extent funds are appro-  
21 priated, the Secretary shall increase the personnel of the  
22 Pipeline and Hazardous Materials Safety Administration  
23 by a total of 40 fulltime employees to carry out the pipe-  
24 line safety program and the administration of that pro-  
25 gram, of which at least—



1           (1) 9 employees shall be added in fiscal year  
2       2011;

3           (2) 10 employees shall be added in fiscal year  
4       2012;

5           (3) 10 employees shall be added in fiscal year  
6       2013; and

7           (4) 10 employees shall be added in fiscal year  
8       2014.

9       (b) FUNCTIONS.—In increasing the number of em-  
10 ployees under subsection (a), the Secretary shall focus on  
11 hiring employees—

12           (1) to conduct data collection, analysis, and re-  
13       porting;

14           (2) to develop, implement, and update informa-  
15       tion technology;

16           (3) to conduct inspections of pipeline facilities  
17       to determine compliance with applicable regulations  
18       and standards;

19           (4) to provide administrative, legal, and other  
20       support for pipeline enforcement activities; and

21           (5) to support the overall pipeline safety mis-  
22       sion of the Pipeline and Hazardous Materials Safety  
23       Administration, including training of pipeline en-  
24       forcement personnel.

1 **SEC. 25. MAINTENANCE OF EFFORT.**

2 Section 60107(b) is amended to read as follows:

3 “PAYMENTS.—After notifying and consulting with a  
4 State authority, the Secretary may withhold any part of  
5 a payment when the Secretary decides that the authority  
6 is not carrying out satisfactorily a safety program or not  
7 acting satisfactorily as an agent. The Secretary may pay  
8 an authority under this section only when the authority  
9 ensures the Secretary that it will provide the remaining  
10 costs of a safety program and that the total State amount  
11 spent for a safety program (excluding grants of the United  
12 States Government) will at least equal the average amount  
13 spent for gas and hazardous liquid safety programs for  
14 fiscal years 2004 through 2006, except when the Secretary  
15 waives the requirements of this subsection.”.

16 **SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) GAS AND HAZARDOUS LIQUID.—

18 (1) Section 60125(a)(1) is amended by striking  
19 subparagraphs (A) through (D) and inserting the  
20 following:

21 “(A) for fiscal year 2011, \$92,206,000, of  
22 which \$9,200,000 is for carrying out such sec-  
23 tion 12 and \$36,958,000 is for making grants;

24 “(B) for fiscal year 2012, \$96,144,000, of  
25 which \$9,600,000 for carrying out such section  
26 12 and \$39,611,000 is for making grants;

1           “(C) for fiscal year 2013, \$99,876,000, of  
2           which \$9,900,000 is for carrying out such sec-  
3           tion 12 and \$41,148,000 is for making grants;  
4           and

5           “(D) for fiscal year 2014, \$102,807,000,  
6           of which \$10,200,000 is for carrying out such  
7           section 12 and \$42,356,000 is for making  
8           grants.”.

9           (2) Section 60125(a)(2) is amended by striking  
10          subparagraphs (A) through (D) and inserting the  
11          following:

12           “(A) for fiscal year 2011, \$18,905,000, of  
13           which \$7,562,000 is for carrying out such sec-  
14           tion 12 and \$7,864,000 is for making grants;

15           “(B) for fiscal year 2012, \$19,661,000, of  
16           which \$7,864,000 is for carrying out such sec-  
17           tion 12 and \$7,864,000 is for making grants;

18           “(C) for fiscal year 2013, \$20,000,000, of  
19           which \$8,000,000 is for carrying out such sec-  
20           tion 12 and \$8,000,000 is for making grants;  
21           and

22           “(D) for fiscal year 2014, \$20,000,000, of  
23           which \$8,000,000 is for carrying out such sec-  
24           tion 12 and \$8,000,000 is for making grants.”.

1 (b) EMERGENCY RESPONSE GRANTS.—Section  
 2 60125(b)(2) is amended by striking “2007 through 2010”  
 3 and inserting “2011 through 2014”.

4 (c) ONE-CALL NOTIFICATION PROGRAMS.—Section  
 5 6107 is amended—

6 (1) by striking “2007 through 2010.” in sub-  
 7 section (a) and inserting “2011 through 2014.”;

8 (2) by striking “2007 through 2010.” in sub-  
 9 section (b) and inserting “2011 through 2014.”; and

10 (3) by striking subsection (c).

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

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
 14 are authorized to be appropriated to the Secretary to pro-  
 15 vide grants under this section \$2,000,000 for each of fiscal  
 16 years 2011 through 2014. The funds shall remain avail-  
 17 able until expended.”.

18 (e) COMMUNITY PIPELINE SAFETY INFORMATION  
 19 GRANTS.—Section 60130(d) is amended by striking  
 20 “2003 through 2010.” and inserting “2011 through  
 21 2014.”.

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) by adding the following at the end of sub-  
2       section (d):

3           “(3) ONGOING PIPELINE TRANSPORTATION RE-  
4       SEARCH AND DEVELOPMENT.—After the initial 5-  
5       year program plan has been carried out by the par-  
6       ticipating agencies, the Secretary of Transportation  
7       shall prepare a research and development program  
8       plan every 5 years thereafter and shall transmit a  
9       report to Congress on the status and results-to-date  
10      of implementation of the program each year that  
11      funds are appropriated for carrying out the plan.”;  
12      and

13           (2) by striking “2003 through 2006.” in sub-  
14      section (f) and inserting “2011 through 2014.”.

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