To provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

introduced the following bill; which was referred to the Committee on

A BILL

To provide for enhanced safety and environmental protection in pipeline transportation, 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 Safety Improvement Act of 2006”.
(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) Table of Contents.—

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Pipeline safety and damage prevention.
Sec. 3. Authorization of appropriations.

SEC. 2. PIPELINE SAFETY AND DAMAGE PREVENTION.

(a) One Call Civil Enforcement.—(1) Section 60114 is amended by adding at the end the following new subsection:

“(d) Prohibition.—A person who engages in demolition, excavation, tunneling, or construction—

“(1) may not engage in such demolition, excavation, tunneling, or construction activity in a State that has adopted a one-call notification system without first using that system to establish the location of underground facilities in the demolition, excavation, tunneling, or construction area;

“(2) may not engage in such demolition, excavation, tunneling, or construction activity in disregard of location information or markings estab-
lished by a pipeline facility operator pursuant to subsection (b);

“(3) may not fail to take reasonable steps to ensure safe demolition, excavation, tunneling, or construction to prevent damage to a pipeline; and

“(4) if the person damages, or becomes aware of damage to, a pipeline facility and such damage may endanger life or cause serious bodily harm or damage to property, may not fail to promptly report the damage to the owner or operator of the facility and, if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, may not fail to promptly report to other appropriate authorities by calling the 911 emergency telephone number.”.

(2) Section 60122(a)(1) is amended by striking “60114(b)” and inserting “60114(b) or (d)”.

(3) Section 60123(a) is amended by striking “60114(b)” and inserting “60114(b) or (d)”.

(b) STATE DAMAGE PREVENTION PROGRAMS.—(1) Section 60105(b)(4) is amended to read as follows:

“(4) is encouraging and promoting the establishment of a program designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies that subjects persons who violate the
applicable requirements of that program to civil pen-
alties and other enforcement actions that are sub-
stantially the same as are provided under this chap-
ter, and addresses the elements in section
60134(b);”.

(2) Chapter 601 is amended by adding at the end
the following new section:

“§ 60134. State damage prevention programs

“(a) Eligibility.—A State authority (including a
municipality if the agreement under section 60106(a) or
(b) applies to intrastate gas pipeline transportation) shall
be eligible for a grant under this section only if it—

“(1) has an annual certification under section
60105 or an agreement under section 60106; and

“(2) is from a State that has an effective dam-
age prevention program that meets the requirements
of subsection (b).

“(b) Damage Prevention Program Elements.—
An effective damage prevention program includes the fol-
lowing elements:

“(1) Participation by operators, excavators, and
other stakeholders in the development and imple-
mentation of methods for establishing and maintain-
ing effective communications among stakeholders
from receipt of a notification of demolition, exca-
vation, tunneling, or construction until successful completion of the demolition, excavation, tunneling, or construction, as appropriate.

“(2) A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.

“(3) A process for reviewing the adequacy of a pipeline operator’s internal performance measures regarding persons performing locating services and quality assurance programs.

“(4) Participation by operators, excavators, the one-call center, the enforcing agency, and other stakeholders in the development and implementation of effective training programs for the employees of operators, excavators, and locators.

“(5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.

“(6) A process for resolving disputes that defines the State authority’s role as a partner and facilitator to resolve issues.

“(7) Enforcement of State damage prevention laws and regulations for all aspects of the demolition, excavation, tunneling, or construction process,
including public education, and the use of civil penalties for violations assessable by the appropriate State authority.

“(8) A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

“(9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

“(c) GRANTS TO STATES.—

“(1) IN GENERAL.—The Secretary may make a grant of financial assistance to a State authority that is eligible under this section to assist in improving the overall quality and effectiveness of a damage prevention program of a State. In making grants under this section, the Secretary shall take into consideration the commitment of each State to ensuring the effectiveness of its damage prevention program, including legislative and regulatory actions taken by the State.
“(2) Application.—If a State authority files an application for a grant under this section not later than September 30 of a calendar year, the Secretary of Transportation shall review the State’s damage prevention program to determine its effectiveness. For programs determined to be effective, the Secretary may make a grant of financial assistance for the cost of the personnel, equipment, and activities the authority reasonably requires during the next calendar year to carry out an effective damage prevention enforcement program. A grant made under this section is not subject to the section 60107(a) limitation on the maximum percentage of funds to be paid by the Secretary. Funds provided under this section may not be used for lobbying or in direct support of litigation.”.

(3) In the table of sections of chapter 601, the following item is added at the end:

“60134. State damage prevention programs.”.

(e) State Pipeline Safety Grants.—Section 60107(a) is amended by striking “not more than 50 percent” and inserting “not more than 80 percent”.

(d) Damage Prevention Technology Development.—Section 60114 (as amended by this section) is further amended by adding at the end the following new subsection:
“(e) Technology Development Grants.—To the extent and in the amount provided in advance in appropriations acts, the Secretary may make grants to any organization or entity (not including for-profit entities) for the development of technologies that will facilitate the prevention of pipeline damage caused by demolition, excavation, tunneling, or construction activities, with emphasis on wireless and global positioning technologies having potential for use in connection with notification systems and underground facility locating and marking services. Funds provided under this subsection may not be used for lobbying or in direct support of litigation. The Secretary may also support such technology development through cooperative agreements with trade associations, academic institutions, and other organizations.”.

(e) Safety Orders.—Section 60117(l) is amended to read as follows:

“(l) Safety Orders.—(1) In General.—After notice and opportunity for a hearing, if the Secretary determines that a pipeline facility has any condition that poses a risk to public safety, property, or the environment, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, replacement, or other appropriate action, to remedy that condition.
“(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary shall, if relevant, consider—

“(A) the considerations specified in section 60112(b);

“(B) the likelihood that the condition will impair the serviceability of a pipeline;

“(C) the likelihood that the condition will worsen over time;

“(D) the likelihood that the condition is present or could develop on other areas of the pipeline; and

“(E) other factors the Secretary considers appropriate.”.

(f) INTEGRITY PROGRAM ENFORCEMENT.—Section 60109(c)(9)(A)(iii) is amended to read as follows:

“(iii) INADEQUATE PROGRAMS.—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), has not been adequately implemented, or is inadequate for the safe operation of a pipeline facility, the Secretary may conduct proceedings under sections 60108(a), 60112, 60118(a) and
(b), 60120, 60122, or any other section of this chapter.”.

(g) LOW-STRESS PIPELINES.—Section 60102(k) is amended to read as follows:

“(k) LOW-STRESS PIPELINES.—

“(1) PROHIBITION AGAINST EXCEPTION.—The Secretary may not provide an exception to this chapter for a hazardous liquid pipeline facility only because the facility operates at low internal stress.

“(2) MINIMUM STANDARDS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall issue minimum standards for the transportation of hazardous liquids by low-stress pipelines.”.

(h) SEVEN YEAR REINSPECTION.—Not later than 60 days after receipt of the Comptroller General report required under section 14(d)(1) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60109 note), the Secretary shall transmit to Congress any legislative recommendations the Secretary considers necessary to implement the conclusions of that report.

(i) TECHNICAL ASSISTANCE GRANTS.—Section 60130 is amended—

(1) in subsection (a)(1) by striking “The Secretary shall establish competitive” and insert “No
grants may be awarded under section 60114(e) until
the Secretary has established competitive’’;

(2) by redesignating paragraph (2) of sub-
section (a) as paragraph (4);

(3) by inserting after paragraph (1) of sub-
section (a) the following new paragraphs:

“(2) DEMONSTRATION GRANTS.—At least the
first 3 grants awarded under this section shall be
demonstration grants for the purpose of dem-
onstrating and evaluating the utility of grants under
this section. Each such demonstration grant shall
not exceed $25,000.

“(3) DISSEMINATION OF TECHNICAL FIND-
INGS.—Each recipient of a grant under this section
shall ensure that the technical findings made pos-
sible by the grants are made available to the rel-
evant operators, and that open communication be-
tween the grant recipients, local operators, local
communities, and other interested parties is encour-
aged.’’; and

(4) in subsection (d) by striking “2006” and in-
serting “2010”.

(j) ENFORCEMENT TRANSPARENCY.—(1) Chapter
601, as amended by this section, is amended by adding
at the end the following new section:
§ 60135. Enforcement transparency.

(a) In General.—Not later than 12 months after the date of enactment of this section, the Secretary shall begin to provide a monthly summary to the public of all gas and hazardous liquid pipeline enforcement actions taken by the Secretary or the Pipeline and Hazardous Materials Safety Administration. Each summary shall include information on the operator involved in the enforcement activity, the type of violation that necessitated the enforcement activity, the penalty or penalties proposed, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate.

(b) Electronic Posting.—Each summary required under this section shall be made available to the public via posting by electronic means.''

(2) In the table of sections of chapter 601, as amended by this section, the following item is added at the end: "60135. Enforcement transparency.''

(k) Cost Reimbursements.—Section 60117 is amended by adding at the end the following new subsection:

(n) Cost Recovery for Design Reviews.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a pipeline system or liquefied natural gas pipeline facility, the Secretary may require the person requesting such re-
views to pay the associated staff costs relating to such re-
views incurred by the Secretary, such funds to be depos-
ited into the pipeline safety fund. Funds deposited pursu-
ant to this section are authorized to be appropriated for 
the purposes set forth in section 60301(d). The Secretary 
may assess such costs in any reasonable manner.”.

(l) [DIRECT LINE SALES.—Section 60101(a) is 
amended—

(1) by amending paragraph (6) to read as fol-
lows:

“(6) ‘interstate gas pipeline facility’ means a gas pipeline facility—

“(A) used to transport gas; and

“(B) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);”;

and

(2) by amending paragraph (9) to read as fol-
lows:

“(9) ‘intrastate gas pipeline facility’ means a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Com-
mission under the Natural Gas Act (15 U.S.C. 717 et seq.);”].”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 60125(a) is amended to read as follows:
“(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for section 60107) related to gas and hazardous liquid, the following amounts are authorized to be appropriated to the Secretary, from fees collected under section 60301 in each respective year, and from the Oil Spill Liability Trust Fund:

“(1) For fiscal year 2007, $55,497,000, of which $39,872,000 shall be from fees and $15,625,000 shall be from the Fund.

“(2) For fiscal year 2008, $57,997,000, of which $42,651,000 shall be from fees and $15,346,000 shall be from the Fund.

“(3) For fiscal year 2009, $60,482,000, of which $44,839,000 shall be from fees and $15,643,000 shall be from the Fund.

“(4) For fiscal year 2010, $62,375,000, of which $46,444,000 shall be from fees and $15,931,000 shall be from the Fund.”.

(b) Section 60125(b)(1) is amended to read as follows:

“(1) To carry out section 60107, the following amounts are authorized to be appropriated to the Secretary, from fees collected under section 60301 in each respective year, and from the Oil Spill Liability Trust Fund:
“(A) For fiscal year 2007, $20,238,000, of which $17,053,000 shall be from fees and $3,185,000 shall be from the Fund.

“(B) For fiscal year 2008, $23,221,000, of which $19,567,000 shall be from fees and $3,654,000 shall be from the Fund. Of the amount appropriated, $1,500,000 shall be available for fiscal year 2008 for the grants to States authorized in section 60134.

“(C) For fiscal year 2009, $24,513,000, of which $20,656,000 shall be from fees and $3,857,000 shall be from the Fund. Of the amount appropriated, $1,750,000 shall be available for fiscal year 2009 for the grants to States authorized in section 60134.

“(D) For fiscal year 2010, $25,855,000, of which $21,786,000 shall be from fees and $4,069,000 shall be from the Fund. Of the amount appropriated, $2,000,000 shall be available for fiscal year 2010 for the grants to States authorized in section 60134.”.

(c) Section 60125(c) is repealed.

(d) Subsections (d) and (e) of section 60125 are redesignated as subsections (c) and (d), respectively.
(e) Section 60125(c)(2), as so redesignated by subsection (d) of this section, is amended by striking “2003 through 2006” and inserting “2007 through 2010”.

(f) Section 6107 is amended—

(1) in subsection (a), by striking “fiscal years 2003 through 2006” and inserting “fiscal years 2007 through 2010”; and

(2) in subsection (b), by striking “for fiscal years 2003 through 2006” and inserting “for fiscal years 2007 through 2010”.