

memorandum of understanding detailing their respective responsibilities in the program authorized by subsection (a).

“(2) AREAS OF EXPERTISE.—Under the memorandum of understanding, each of the participating agencies shall have the primary responsibility for ensuring that the elements of the program within its expertise are implemented in accordance with this section. The Department of Transportation’s responsibilities shall reflect its lead role in pipeline safety and expertise in pipeline inspection, integrity management, and damage prevention. The Department of Energy’s responsibilities shall reflect its expertise in system reliability, low-volume gas leak detection, and surveillance technologies. The National Institute of Standards and Technology’s responsibilities shall reflect its expertise in materials research and assisting in the development of consensus technical standards, as that term is used in section 12(d)(4) [probably should be “12(d)(5)”] of Public Law 104-13 [Pub. L. 104-113] (15 U.S.C. 272 note).

“(c) PROGRAM ELEMENTS.—The program authorized by subsection (a) shall include research, development, demonstration, and standardization activities related to—

- “(1) materials inspection;
- “(2) stress and fracture analysis, detection of cracks, abrasion, and other abnormalities inside pipelines that lead to pipeline failure, and development of new equipment or technologies that are inserted into pipelines to detect anomalies;
- “(3) internal inspection and leak detection technologies, including detection of leaks at very low volumes;
- “(4) methods of analyzing content of pipeline throughput;
- “(5) pipeline security, including improving the real-time surveillance of pipeline rights-of-way, developing tools for evaluating and enhancing pipeline security and infrastructure, reducing natural, technological, and terrorist threats, and protecting first response units and persons near an incident;
- “(6) risk assessment methodology, including vulnerability assessment and reduction of third-party damage;
- “(7) communication, control, and information systems surety;
- “(8) fire safety of pipelines;
- “(9) improved excavation, construction, and repair technologies;
- “(10) corrosion detection and improving methods, best practices, and technologies for identifying, detecting, preventing, and managing internal and external corrosion and other safety risks; and
- “(11) other appropriate elements.

The results of activities carried out under paragraph (10) shall be used by the participating agencies to support development and improvement of national consensus standards.

“(d) PROGRAM PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section [Dec. 17, 2002], the Secretary of Transportation, in coordination with the Secretary of Energy and the Director of the National Institute of Standards and Technology, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. Such program plan shall be submitted to the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee for review, and the report to Congress shall include the comments of the committees. The 5-year program plan shall be based on the memorandum of understanding under subsection (b) and take into account related activities of other Federal agencies.

“(2) CONSULTATION.—In preparing the program plan and selecting and prioritizing appropriate project proposals, the Secretary of Transportation shall consult with or seek the advice of appropriate representatives of the natural gas, crude oil, and petroleum

product pipeline industries, utilities, manufacturers, institutions of higher learning, Federal agencies, pipeline research institutions, national laboratories, State pipeline safety officials, labor organizations, environmental organizations, pipeline safety advocates, and professional and technical societies.

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years. The biennial report shall include a summary of updated research needs and priorities identified through the consultation requirements of paragraph (2).

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

“(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure at least 30 percent of the costs of program-wide research and development activities are carried out using non-Federal sources.

“(e) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2002], and annually thereafter, the heads of the participating agencies shall transmit jointly to Congress a report on the status and results to date of the implementation of the program plan prepared under subsection (d).

“(f) PIPELINE INTEGRITY PROGRAM.—Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention, and mitigation of oil spills for each of the fiscal years 2012 through 2015.

“(g) PARTICIPATING AGENCIES DEFINED.—In this section, the term ‘participating agencies’ means the Department of Transportation, the Department of Energy, and the National Institute of Standards and Technology.”

#### DEFINITIONS

Pub. L. 112-90, §1(c), Jan. 3, 2012, 125 Stat. 1904, provided that:

“(1) APPLICABILITY OF CHAPTER 601 DEFINITIONS.—In this Act [see Short Title of 2012 Amendment note above], any term defined in chapter 601 of title 49, United States Code, has the meaning given that term in that chapter.

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

#### § 60102. Purpose and general authority

(a) PURPOSE AND MINIMUM SAFETY STANDARDS.—

(1) PURPOSE.—The purpose of this chapter is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.

(2) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to any or all of the owners or operators of pipeline facilities;

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.

(3) QUALIFICATIONS OF PIPELINE OPERATORS.—The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

(A) practicable; and

(B) designed to meet the need for—

(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

(ii) protecting the environment.

(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

(A) relevant available—

(i) gas pipeline safety information;

(ii) hazardous liquid pipeline safety information; and

(iii) environmental information;

(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

(C) the reasonableness of the standard;

(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

(F) comments and information received from the public; and

(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

(B) identify the costs and benefits associated with the proposed standard;

(C) include—

(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

(4) REVIEW.—

(A) IN GENERAL.—The Secretary shall—

(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

(ii) make that risk assessment information available to the general public.

(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

(i) an evaluation of the merit of the data and methods used; and

(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

(i) shall review the report;

(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter<sup>1</sup> only upon a reasoned determination that the benefits of the intended standard justify its costs.

(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or

<sup>1</sup> So in original. Probably should not be capitalized.

both, as applicable, the Secretary waives the requirements; or

(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.

(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—

(1) The Secretary shall include in the standards prescribed under subsection (a) of this section a requirement that an operator of a gas pipeline facility participate in a public safety program that—

(A) notifies an operator of proposed demolition, excavation, tunneling, or construction near or affecting the facility;

(B) requires an operator to identify a pipeline facility that may be affected by the proposed demolition, excavation, tunneling, or construction, to prevent damaging the facility; and

(C) the Secretary decides will protect a facility adequately against a hazard caused by demolition, excavation, tunneling, or construction.

(2) To the extent a public safety program referred to in paragraph (1) of this subsection is not available, the Secretary shall prescribe standards requiring an operator to take action the Secretary prescribes to provide services comparable to services that would be available under a public safety program.

(3) The Secretary may include in the standards prescribed under subsection (a) of this section a requirement that an operator of a hazardous liquid pipeline facility participate in a public safety program meeting the requirements of paragraph (1) of this subsection or maintain and carry out a damage prevention program that provides services comparable to services that would be available under a public safety program.

(4) PROMOTING PUBLIC AWARENESS.—

(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996,<sup>2</sup> and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is lo-

cated, a map identifying the location of such facility.

(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.

(d) FACILITY OPERATION INFORMATION STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain, to the extent practicable, information related to operating the facility as required by the standards prescribed under this chapter and, when requested, to make the information available to the Secretary and an appropriate State official as determined by the Secretary. The information shall include—

(1) the business name, address, and telephone number, including an operations emergency telephone number, of the operator;

(2) accurate maps and a supplementary geographic description, including an identification of areas described in regulations prescribed under section 60109 of this title, that show the location in the State of—

(A) major gas pipeline facilities of the operator, including transmission lines and significant distribution lines; and

(B) major hazardous liquid pipeline facilities of the operator;

(3) a description of—

(A) the characteristics of the operator's pipelines in the State; and

(B) products transported through the operator's pipelines in the State;

(4) the manual that governs operating and maintaining pipeline facilities in the State;

(5) an emergency response plan describing the operator's procedures for responding to and containing releases, including—

(A) identifying specific action the operator will take on discovering a release;

(B) liaison procedures with State and local authorities for emergency response; and

(C) communication and alert procedures for immediately notifying State and local officials at the time of a release; and

(6) other information the Secretary considers useful to inform a State of the presence of pipeline facilities and operations in the State.

<sup>2</sup> See References in Text note below.

(e) PIPE INVENTORY STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain for the Secretary, to the extent practicable, an inventory with appropriate information about the types of pipe used for the transportation of gas or hazardous liquid, as appropriate, in the operator's system and additional information, including the material's history and the leak history of the pipe. The inventory—

(1) for a gas pipeline facility, shall include an identification of each facility passing through an area described in regulations prescribed under section 60109 of this title but shall exclude equipment used with the compression of gas; and

(2) for a hazardous liquid pipeline facility, shall include an identification of each facility and gathering line passing through an area described in regulations prescribed under section 60109 of this title, whether the facility or gathering line otherwise is subject to this chapter, but shall exclude equipment associated only with the pipeline pumps or storage facilities.

(f) STANDARDS AS ACCOMMODATING "SMART PIGS".—

(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as "smart pigs"). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.

(2) PERIODIC INSPECTIONS.—Not later than October 24, 1995, the Secretary shall prescribe, if necessary, additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109 of this title. The standards shall include any circumstances under which an inspection shall be conducted with an instrumented internal inspection device and, if the device is not required, use of an inspection method that is at least as effective as using the device in providing for the safety of the pipeline.

(g) EFFECTIVE DATES.—A standard prescribed under this section and section 60110 of this title is effective on the 30th day after the Secretary prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard.

The different date must be specified in the regulation prescribing the standard.

(h) SAFETY CONDITION REPORTS.—(1) The Secretary shall prescribe regulations requiring each operator of a pipeline facility (except a master meter) to submit to the Secretary a written report on any—

(A) condition that is a hazard to life, property, or the environment; and

(B) safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility.

(2) The Secretary must receive the report not later than 5 working days after a representative of a person to which this section applies first establishes that the condition exists. Notice of the condition shall be given concurrently to appropriate State authorities.

(i) CARBON DIOXIDE REGULATION.—

(1) TRANSPORTATION IN LIQUID STATE.—The Secretary shall regulate carbon dioxide transported by a hazardous liquid pipeline facility. The Secretary shall prescribe standards related to hazardous liquid to ensure the safe transportation of carbon dioxide by such a facility.

(2) TRANSPORTATION IN GASEOUS STATE.—

(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to regulate piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of carbon dioxide or the preparation of carbon dioxide for transportation by pipeline at production, refining, or manufacturing facilities.

(j) EMERGENCY FLOW RESTRICTING DEVICES.—

(1) Not later than October 24, 1994, the Secretary shall survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate hazardous liquid pipeline ruptures and minimize product releases from hazardous liquid pipeline facilities.

(2) Not later than 2 years after the survey and assessment are completed, the Secretary shall prescribe standards on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device or other procedure, system, or equipment described in paragraph (1) of this subsection on the facility.

(k) LOW-STRESS HAZARDOUS LIQUID PIPELINES.—

(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regula-

tions as other hazardous liquid pipelines, except as provided in paragraph (3). The implementation of the applicable standards and regulatory requirements may be phased in. The regulations issued under this paragraph shall not apply to gathering lines.

(2) GENERAL PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.—Except as provided in paragraph (3), the Secretary may not provide an exception to the requirements of this chapter for a hazardous liquid pipeline because the pipeline operates at low internal stress.

(3) LIMITED EXCEPTIONS.—The Secretary shall provide or continue in force exceptions to this subsection for low-stress hazardous liquid pipelines that—

(A) are subject to safety regulations of the United States Coast Guard; or

(B) serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation,

until regulations issued under paragraph (1) become effective. After such regulations become effective, the Secretary may retain or remove those exceptions as appropriate.

(4) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to prohibit or otherwise affect the applicability of any other statutory or regulatory exemption to any hazardous liquid pipeline.

(5) DEFINITION.—For purposes of this subsection, the term “low-stress hazardous liquid pipeline” means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

(6) EFFECTIVE DATE.—The requirements of this subsection shall not take effect as to low-stress hazardous liquid pipeline operators before the effective date of the rules promulgated by the Secretary under this subsection.

(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.

(m) INSPECTIONS BY DIRECT ASSESSMENT.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.

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

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

(2) HIGH-CONSEQUENCE AREA STUDY.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.

(B) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider the swiftness of leak detection and pipeline shutdown capabilities, the location of the nearest response personnel, and the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

(C) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term “transportation-related oil flow line” means a pipeline transporting oil off of the grounds of the well where it originated and across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

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

(p) LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.—Beginning 1 year after the date of enactment of this subsection, the Secretary may not issue guidance or a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1304; Pub. L. 104-304, §§ 4, 20(g), Oct. 12, 1996, 110 Stat. 3794, 3805; Pub. L. 107-355, §§ 20(a)(1), (2)(A), 23, Dec. 17, 2002, 116 Stat. 3009, 3011; Pub. L. 109-468, § 4, Dec. 29, 2006, 120 Stat. 3490; Pub. L. 112-90, §§ 4, 12, 15, 18(b), 24, Jan. 3, 2012, 125 Stat. 1906, 1913, 1915, 1916, 1919.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60102(a)(1) ..	49 App.:1672(a)(1) (1st, 2d sentences).	Aug. 12, 1968, Pub. L. 90-481, § 3(a)(1) (1st, 2d, 7th, 8th sentences), 82 Stat. 721; Oct. 11, 1976, Pub. L. 94-477, § 4(1), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96-129, §§ 101(a), 109(c)-(e), 93 Stat. 990, 996; Oct. 24, 1992, Pub. L. 102-508, § 101(a)(1), (2), 106 Stat. 3290.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49 App.:1672(a)(1) (3d sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(1) (3d sentence); added Oct. 31, 1988, Pub. L. 100-561, §101, 102 Stat. 2806; Oct. 24, 1992, Pub. L. 102-508, §106(1), 102 Stat. 3293.
	49 App.:2002(a)(1) (1st, 2d sentences).	Nov. 30, 1979, Pub. L. 96-129, 203(a)(1), 93 Stat. 1004; Oct. 22, 1986, Pub. L. 99-516, §3(b)(1)(A), 100 Stat. 2966; Oct. 24, 1992, Pub. L. 102-508, §201(a)(1), 106 Stat. 3299.
	49 App.:2002(c) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §203(c) (1st sentence), (e), (f), 93 Stat. 1004.
	49 App.:2002(c) (2d sentence).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(c) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, §201, 102 Stat. 2809; Oct. 24, 1992, Pub. L. 102-508, §205(1), 106 Stat. 3302.
60102(a)(2) ..	49 App.:1672(a)(1) (4th, 5th sentences).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(1) (4th, 5th sentences); added Oct. 24, 1992, Pub. L. 102-508, §106(2), 102 Stat. 3293.
	49 App.:2002(c) (3d, 4th sentences).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(c) (3d, 4th sentences); added Oct. 24, 1992, Pub. L. 102-508, §205(2), 106 Stat. 3302.
60102(b) .....	49 App.:1672(a)(1) (7th, 8th sentences).	
	49 App.:2002(a)(1) (last sentence).	
	49 App.:2002(b) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §203(b) (1st sentence), 93 Stat. 1004; Oct. 24, 1992, Pub. L. 102-508, §201(a)(3), 106 Stat. 3300.
60102(c)(1), (2).	49 App.:1672(a)(2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(2); added Nov. 30, 1979, Pub. L. 96-129, §§101(a), 109(c), 93 Stat. 990, 996.
60102(c)(3) ..	49 App.:2002(e).	
60102(d) .....	49 App.:1672(e).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(e); added Oct. 31, 1988, Pub. L. 100-561, §102, 102 Stat. 2806; Oct. 24, 1992, Pub. L. 102-508, §102(b), 106 Stat. 3291.
	49 App.:2002(i).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(i); added Oct. 31, 1988, Pub. L. 100-561, §202, 102 Stat. 2810; Oct. 24, 1992, Pub. L. 102-508, §202(b), 106 Stat. 3301.
60102(e) .....	49 App.:1672(f).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(f); added Oct. 31, 1988, Pub. L. 100-561, §102, 102 Stat. 2806; Oct. 24, 1992, Pub. L. 102-508, §102(a)(1), 106 Stat. 3290.
	49 App.:2002(j).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(j); added Oct. 31, 1988, Pub. L. 100-561, §202, 102 Stat. 2810; Oct. 24, 1992, Pub. L. 102-508, §202(a)(1), 106 Stat. 3300.
60102(f) .....	49 App.:1672(g).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(g); added Oct. 31, 1988, Pub. L. 100-561, §108(b), 102 Stat. 2808; Oct. 24, 1992, Pub. L. 102-508, §103, 106 Stat. 3291.
	49 App.:2002(k).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(k); added Oct. 31, 1988, Pub. L. 100-561, §207(b), 102 Stat. 2812; Oct. 24, 1992, Pub. L. 102-508, §203, 106 Stat. 3301.
60102(g) .....	49 App.:1672(b).	Aug. 12, 1968, Pub. L. 90-481, §3(b), 82 Stat. 721; Nov. 30, 1979, Pub. L. 96-129, §109(c), (f), 93 Stat. 996.
	49 App.:2002(f).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60102(h) .....	49 App.:1672(a)(3).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §3(a)(3); added Oct. 22, 1986, Pub. L. 99-516, §3(a)(1), 100 Stat. 2965; Oct. 24, 1992, Pub. L. 102-508, §101(a)(3), 106 Stat. 3290.
	49 App.:2002(a)(2).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(a)(2); added Oct. 22, 1986, Pub. L. 99-516, §3(b)(1)(B), 100 Stat. 2966; Oct. 24, 1992, Pub. L. 102-508, §201(a)(2), 106 Stat. 3300.
60102(i) .....	49 App.:2015.	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §219; added Oct. 31, 1988, Pub. L. 100-561, §211(a), 102 Stat. 2813.
	49 App.:2015 (note).	Oct. 31, 1988, Pub. L. 100-561, §211(c), 102 Stat. 2813.
60102(j) .....	49 App.:2002(n).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(n); added Oct. 24, 1992, Pub. L. 102-508, §212, 106 Stat. 3304.
60102(k) .....	49 App.:2002(b) (last sentence).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §203(b) (last sentence); added Oct. 24, 1992, Pub. L. 102-508, §206, 106 Stat. 3302.

In this section, the word “Federal” is omitted as surplus.

In subsection (a)(1), before clause (A), the word “prescribe” is substituted for “by regulation, establish” for consistency in the revised title and with other titles of the United States Code. Standards are made applicable to transporters of gas and to owners and operators of gas pipeline facilities because of 49 App.:1677(a)(1), re-stated in section 60118 of the revised title.

In subsection (b), before clause (1), the words “Except as provided in section 60103 of this title” are added for clarity. In clause (3), the word “proposed” is omitted as surplus.

In subsection (c)(1), before clause (A), the words “Not later than 12 months after November 30, 1979” are omitted as executed. The word “gas” is added because of the restatement. In clause (B), the word “specific” is omitted as surplus. In clause (C), the words “will protect” are substituted for “is being carried out in a manner . . . to assure protection” to eliminate unnecessary words.

In subsection (c)(2) and (3), the words “to the public with respect to that operator’s pipeline facilities which are” are omitted as surplus.

In subsection (c)(2), the word “prescribe” is substituted for “provide” for consistency in the revised title and with other titles of the Code.

In subsection (c)(3), the words “participate in a public safety program meeting the requirements of paragraph (1) of this subsection” are substituted for 49 App.:2002(e)(1) to eliminate unnecessary words.

In subsection (d), before clause (1), the words “Not later than 1 year after October 31, 1988” are omitted as obsolete. The word “prescribe” is substituted for “establish by regulation” for consistency in the revised title and with other titles of the Code. The word “maintain” is substituted for “provide, and revise as necessary” and “completed and maintained” to eliminate unnecessary words. The words “as the case may be” are omitted as surplus. In clause (2), before subclause (A), the words “map or” and “appropriate” are omitted as surplus. In clause (5)(B), the word “government” is omitted as surplus and for consistency in this chapter. In clause (6), the words “and necessary” are omitted as surplus.

In subsections (e) and (f), the word “prescribe” is substituted for “by regulation, establish” for consistency in the revised title and with other titles of the Code.

In subsection (e), before clause (1), the words “not later than 1 year after October 31, 1988” are omitted as obsolete. The words “complete and” and “and to revise as appropriate thereafter” are omitted as surplus.

In subsections (e)(2) and (k), the words “regulation under” are omitted as surplus.

In subsection (g), the words “and amendments thereto” and “recited” are omitted as surplus. The word “different” is substituted for “earlier or later” to eliminate unnecessary words. The words “or amending” are omitted as surplus.

In subsection (h)(1), before clause (A), the words “Not later than 12 months after October 22, 1986” are omitted as obsolete.

In subsection (i), the words “In addition to hazardous liquids”, “under this chapter”, and “as necessary and appropriate” are omitted as surplus.

In subsection (k), the words “In exercising any discretion under this chapter” are omitted as surplus. The word “because” is substituted for “on the basis of the fact that” to eliminate unnecessary words.

#### REFERENCES IN TEXT

The date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, referred to in subsec. (c)(4)(A), probably means the date of enactment of the Accountable Pipeline Safety and Partnership Act of 1996, Pub. L. 104-304, which amended this section and was approved Oct. 12, 1996.

The date of enactment of this paragraph, referred to in subsec. (i)(2)(B), and the date of enactment of this subsection, referred to in subsections (n) and (p), are the date of enactment of Pub. L. 112-90, which was approved Jan. 3, 2012.

The date of the enactment of this subsection, referred to in subsec. (m), is the date of enactment of Pub. L. 107-355, which was approved Dec. 17, 2002.

#### AMENDMENTS

2012—Subsec. (a)(2)(A). Pub. L. 112-90, §18(b), substituted “any or all of the owners or operators” for “owners and operators”.

Subsec. (i). Pub. L. 112-90, §15, designated existing provisions as par. (1), inserted heading, and added pars. (2) and (3).

Subsec. (j)(3). Pub. L. 112-90, §4(1), struck out par. (3). Text read as follows:

“(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

“(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.”

Subsec. (n). Pub. L. 112-90, §4(2), added subsec. (n).

Subsec. (o). Pub. L. 112-90, §12, added subsec. (o).

Subsec. (p). Pub. L. 112-90, §24, added subsec. (p).

2006—Subsec. (k). Pub. L. 109-468 amended heading and text of subsec. (k) generally. Prior to amendment, text read as follows: “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.”

2002—Pub. L. 107-355, §20(a)(2)(A), substituted “Purpose and general authority” for “General authority” in section catchline.

Subsec. (a). Pub. L. 107-355, §20(a)(1), inserted subsec. heading, added par. (1), redesignated former par. (1) as (2), realigned margins, and substituted “MINIMUM SAFETY STANDARDS” for “MINIMUM SAFETY STANDARDS” in

heading and “The Secretary” for “The Secretary of Transportation” in introductory provisions, and redesignated former par. (2) as (3) and inserted heading.

Subsec. (m). Pub. L. 107-355, §23, added subsec. (m).

1996—Subsec. (a)(1)(A). Pub. L. 104-304, §4(a)(1), struck out “transporters of gas and hazardous liquid and to” after “apply to”.

Subsec. (a)(1)(C). Pub. L. 104-304, §4(a)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: “shall include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to operate and maintain those facilities.”

Subsec. (a)(2). Pub. L. 104-304, §4(a)(3), added par. (2) and struck out former par. (2) which read as follows: “As the Secretary considers appropriate, the operator of a pipeline facility may make the certification under paragraph (1)(C) of this subsection. Testing and certification under paragraph (1)(C) shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits.”

Subsec. (b). Pub. L. 104-304, §4(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “A standard prescribed under subsection (a) of this section shall be practicable and designed to meet the need for gas pipeline safety, for safely transporting hazardous liquid, and for protecting the environment. Except as provided in section 60103 of this title, when prescribing the standard the Secretary shall consider—

“(1) relevant available—

“(A) gas pipeline safety information; or

“(B) hazardous liquid pipeline information;

“(2) the appropriateness of the standard for the particular type of pipeline transportation or facility;

“(3) the reasonableness of the standard; and

“(4) the extent to which the standard will contribute to public safety and the protection of the environment.”

Subsec. (c)(4). Pub. L. 104-304, §4(g), added par. (4).

Subsec. (d). Pub. L. 104-304, §4(c), inserted “as required by the standards prescribed under this chapter” after “operating the facility”, substituted “to make the information available” for “to provide the information”, and inserted “as determined by the Secretary” after “to the Secretary and an appropriate State official”.

Subsec. (e). Pub. L. 104-304, §4(d)(2), substituted “transportation” for “transmission” in introductory provisions.

Pub. L. 104-304, §4(d)(1), in introductory provisions, directed striking out “and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),” after “subject to this chapter”, which was executed by striking out text which read in part “regulated gathering line” instead of “regulated gather line”, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 104-304, §4(e)(1), added heading and text of par. (1) and struck out former par. (1) which read as follows: “The Secretary shall prescribe minimum safety standards requiring that the design and construction of a new gas pipeline transmission facility or hazardous liquid pipeline facility, and the required replacement of an existing gas pipeline transmission facility, hazardous liquid pipeline facility, or equipment, be carried out, to the extent practicable, in a way that accommodates the passage through the facility of an instrumented internal inspection device (commonly referred to as a ‘smart pig’). The Secretary may apply the standard to an existing gas or hazardous liquid transmission facility and require the facility to be changed to allow the facility to be inspected with an instrumented internal inspection device if the basic construction of the facility will accommodate the device.”

Subsec. (f)(2). Pub. L. 104-304, §§4(e)(2), 20(g), inserted heading, realigned margins, inserted “, if necessary,

additional” after “the Secretary shall prescribe”, and substituted “standards” for “regulations” in two places.

Subsecs. (i), (j)(2). Pub. L. 104-304, §20(g), substituted “standards” for “regulations”.

Subsec. (j)(3). Pub. L. 104-304, §4(h), added par. (3).

Subsec. (l). Pub. L. 104-304, §4(f), added subsec. (l).

#### STANDARDS TO IMPLEMENT NTSB RECOMMENDATIONS

Pub. L. 109-468, §19, Dec. 29, 2006, 120 Stat. 3498, as amended by Pub. L. 110-244, title III, §302(j), June 6, 2008, 122 Stat. 1618, provided that: “Not later than June 1, 2008, the Secretary of Transportation shall issue standards that implement the following recommendations contained in the National Transportation Safety Board’s report entitled ‘Supervisory Control and Data Acquisition (SCADA) in Liquid Pipelines’ and adopted November 29, 2005:

“(1) Implementation of the American Petroleum Institute’s Recommended Practice 1165 for the use of graphics on the supervisory control and data acquisition screens.

“(2) Implementation of a standard for pipeline companies to review and audit alarms on monitoring equipment.

“(3) Implementation of standards for pipeline controller training that include simulator or noncomputerized simulations for controller recognition of abnormal pipeline operating conditions, in particular, leak events.”

#### STATE PIPELINE SAFETY ADVISORY COMMITTEES

Pub. L. 107-355, §24, Dec. 17, 2002, 116 Stat. 3011, provided that: “Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary’s reasons for acting or not acting upon any of the recommendations.”

### § 60103. Standards for liquefied natural gas pipeline facilities

(a) LOCATION STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the location of a new liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider the—

- (1) kind and use of the facility;
- (2) existing and projected population and demographic characteristics of the location;
- (3) existing and proposed land use near the location;
- (4) natural physical aspects of the location;
- (5) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and
- (6) need to encourage remote siting.

(b) DESIGN, INSTALLATION, CONSTRUCTION, INSPECTION, AND TESTING STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for designing, installing, constructing, initially inspecting, and initially testing a new liquefied natural gas pipeline facility. When prescribing a standard, the Secretary shall consider—

- (1) the characteristics of material to be used in constructing the facility and of alternative material;
- (2) design factors;
- (3) the characteristics of the liquefied natural gas to be stored or converted at, or transported by, the facility; and

(4) the public safety factors of the design and of alternative designs, particularly the ability to prevent and contain a liquefied natural gas spill.

(c) NONAPPLICATION.—(1) Except as provided in paragraph (2) of this subsection, a design, location, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, does not apply to an existing liquefied natural gas pipeline facility if the standard is to be applied because of authority given—

(A) under this chapter; or

(B) under another law, and the standard is not prescribed at the time the authority is applied.

(2)(A) Any design, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, may provide that the standard applies to any part of a replacement component of a liquefied natural gas pipeline facility if the component or part is placed in service after the standard is prescribed and application of the standard—

(i) does not make the component or part incompatible with other components or parts; or

(ii) is not impracticable otherwise.

(B) Any location standard prescribed under this chapter after March 1, 1978, does not apply to any part of a replacement component of an existing liquefied natural gas pipeline facility.

(3) A design, installation, construction, initial inspection, or initial testing standard does not apply to a liquefied natural gas pipeline facility existing when the standard is adopted.

(d) OPERATION AND MAINTENANCE STANDARDS.—The Secretary of Transportation shall prescribe minimum operating and maintenance standards for a liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider—

(1) the conditions, features, and type of equipment and structures that make up or are used in connection with the facility;

(2) the fire prevention and containment equipment at the facility;

(3) security measures to prevent an intentional act that could cause a liquefied natural gas accident;

(4) maintenance procedures and equipment;

(5) the training of personnel in matters specified by this subsection; and

(6) other factors and conditions related to the safe handling of liquefied natural gas.

(e) EFFECTIVE DATES.—A standard prescribed under this section is effective on the 30th day after the Secretary of Transportation prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(f) CONTINGENCY PLANS.—A new liquefied natural gas pipeline facility may be operated only after the operator submits an adequate contingency plan that states the action to be taken if a liquefied natural gas accident occurs. The Sec-