

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60106(b)	49 App.:2004(b) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, § 205(b), (c) (related to agreement), (g), 93 Stat. 1007, 1008.
60106(c)	49 App.:1674(b) (last sentence). 49 App.:2004(b) (last sentence).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, § 5(c) (related to agreement); added Nov. 30, 1979, Pub. L. 96-129, § 103(b)(2)(C), 93 Stat. 991.
60106(d)	49 App.:1674(c) (related to agreement). 49 App.:2004(c) (related to agreement). 49 App.:1674(f). 49 App.:2004(g).	Aug. 12, 1968, Pub. L. 90-481, § 5(f), 82 Stat. 724; Nov. 30, 1979, Pub. L. 96-129, § 103(b)(2)(B), 93 Stat. 991.

In subsection (a), before clause (1), the word “annual” is omitted as surplus. The words “to take necessary action” are substituted for “to assume responsibility for, and carry out” for clarity. The words “on behalf of the Secretary” are omitted as surplus. In clause (1), the words “applicable . . . prescribed under this chapter” are added for clarity. The word “Federal” is omitted as surplus. In clause (2), the word “prescribe” is substituted for “establish” for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “action taken in carrying out an agreement” are substituted for “its program” for clarity.

In subsection (c), the words “conduct whatever . . . may be necessary” and “fully” are omitted as surplus. The words “with the Secretary” are substituted for “in any monitoring of their programs” for clarity.

REFERENCES IN TEXT

Enactment of the Pipeline Safety Improvement Act of 2002, referred to in subsec. (b)(3), is the enactment of Pub. L. 107-355, which was approved Dec. 17, 2002.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-355, § 4(a)(1), substituted “AGREEMENTS WITHOUT CERTIFICATION” for “GENERAL AUTHORITY” in heading.

Subsec. (b). Pub. L. 107-355, § 4(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-355, § 4(a)(2), (c), redesignated subsec. (b) as (c), designated existing provisions as par. (1), inserted par. heading, realigned margins, and added par. (2). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107-355, § 4(a)(2), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 107-355, § 4(a)(2), (b), redesignated subsec. (d) as (e), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Secretary may end an agreement made under this section when the Secretary finds that the State authority has not complied with any provision of the agreement. The Secretary shall give the authority notice and an opportunity for a hearing before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication.”

1996—Pub. L. 104-304 substituted “State pipeline safety agreements” for “State agreements” in section catchline.

§ 60107. State pipeline safety grants

(a) GENERAL AUTHORITY.—If a State authority files an application not later than September 30 of a calendar year, the Secretary of Transportation shall pay not more than 80 percent of the cost of the personnel, equipment, and activities

the authority reasonably requires during the next calendar year—

(1) to carry out a safety program under a certification under section 60105 of this title or an agreement under section 60106 of this title; or

(2) to act as an agent of the Secretary on interstate gas pipeline facilities or interstate hazardous liquid pipeline facilities.

(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for the 3 fiscal years prior to the fiscal year in which the Secretary makes the payment, except when the Secretary waives this requirement. For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.

(c) APPORTIONMENT AND METHOD OF PAYMENT.—The Secretary shall apportion the amount appropriated to carry out this section among the States. A payment may be made under this section in installments, in advance, or on a reimbursable basis.

(d) ADDITIONAL AUTHORITY AND CONSIDERATIONS.—(1) The Secretary may prescribe—

(A) the form of, and way of filing, an application under this section;

(B) reporting and fiscal procedures the Secretary considers necessary to ensure the proper accounting of money of the Government; and

(C) qualifications for a State to meet to receive a payment under this section, including qualifications for State employees who perform inspection activities under section 60105 or 60106 of this title.

(2) The qualifications prescribed under paragraph (1)(C) of this subsection may—

(A) consider the experience and training of the employee;

(B) order training or other requirements; and

(C) provide for approval of qualifications on a conditional basis until specified requirements are met.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1311; Pub. L. 104-304, § 20(c), Oct. 12, 1996, 110 Stat. 3804; Pub. L. 109-468, § 2(c), (d), Dec. 29, 2006, 120 Stat. 3489; Pub. L. 112-90, § 19, Jan. 3, 2012, 125 Stat. 1916.)

HISTORICAL AND REVISION NOTES

AMENDMENTS

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60107(a)	49 App.:1674(d)(1) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, §5(d)(1), (3), (4), 82 Stat. 724; Aug. 22, 1972, Pub. L. 92-401, §2, 86 Stat. 616; Aug. 30, 1974, Pub. L. 93-403, §2, 88 Stat. 802; Nov. 30, 1979, Pub. L. 96-129, §103(b)(2)(B), 93 Stat. 991.
	49 App.:2004(d)(1) (1st sentence).	Nov. 30, 1979, Pub. L. 96-129, §205(d)(1), (3), (4), 93 Stat. 1008.
60107(b)	49 App.:1674(d)(1) (2d, last sentences).	
	49 App.:2004(d)(1) (2d, last sentences).	
60107(c)	49 App.:1674(d)(2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §5(d)(2); added Aug. 30, 1974, Pub. L. 93-403, §2, 88 Stat. 802; Nov. 30, 1979, Pub. L. 96-129, §103(b)(2)(B), 109(h)(3), 93 Stat. 991, 996; Apr. 7, 1986, Pub. L. 99-272, §7002(b)(1), 100 Stat. 139.
	49 App.:1674(d)(3).	
	49 App.:2004(d)(2).	Nov. 30, 1979, Pub. L. 96-129, §205(d)(2), 93 Stat. 1008; Apr. 7, 1986, Pub. L. 99-272, §7002(b)(2), 100 Stat. 139.
60107(d) (1)(A), (B).	49 App.:2004(d)(3).	
	49 App.:1674(d)(4).	
60107(d) (1)(C), (2).	49 App.:2004(d)(4).	
	49 App.:1674(d)(5).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §5(d)(5); added Oct. 31, 1988, Pub. L. 100-561, §104, 102 Stat. 2807.
	49 App. 2004(d)(5).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §205(d)(5); added Oct. 31, 1988, Pub. L. 100-561, §204, 102 Stat. 2811.

In subsection (a), before clause (1), the words “Except as otherwise provided in this section” and “out of funds appropriated or otherwise made available” are omitted as surplus.

In subsection (b), before clause (1), the word “payment” is substituted for “funds” for clarity. The words “the total State amount spent” are substituted for “the aggregate expenditures of funds for the State”, and the words “at least equal the average amount spent” are substituted for “be maintained at a level which does not fall below the average level of such expenditures”, to eliminate unnecessary words. In clause (1), the words “that ended June 30, 1967, and June 30, 1968” are substituted for “last two . . . preceding August 12, 1968” for clarity. In clause (2), the words “that ended September 30, 1978, and September 30, 1979” are substituted for “last two . . . preceding November 30, 1979” for clarity.

In subsection (c), the words “the Federal grants-in-aid provisions of”, “for payments to aid in the conduct of pipeline safety programs in accordance with paragraph (1) of this subsection”, and “with necessary adjustments on account of overpayments and underpayments” are omitted as surplus.

In subsection (d)(1), before clause (A), the word “prescribe” is substituted for “by regulation, provide for” and “establish by regulation” for consistency in the revised title and with other titles of the United States Code. In clause (C), the words “to receive a payment under this section” are substituted for “in order to participate in the pipeline safety grant program under this subsection”, and the words “under section 60105 or 60106 of this title” are substituted for “pursuant to either an annual certification by a State agency or an agreement relating to inspection between a State agency and the Secretary”, to eliminate unnecessary words.

In subsection (d)(2), before clause (A), the words “qualifications prescribed” are substituted for “regulations” for clarity and consistency.

2012—Subsec. (b). Pub. L. 112-90 inserted at end “For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.”

2006—Subsec. (a). Pub. L. 109-468, §2(c), substituted “not more than 80 percent” for “not more than 50 percent” in introductory provisions.

Subsec. (b). Pub. L. 109-468, §2(d), substituted “spent for gas and hazardous liquid safety programs for the 3 fiscal years prior to the fiscal year in which the Secretary makes the payment, except when the Secretary waives this requirement.” for “spent—

“(1) for a gas safety program, for the fiscal years that ended June 30, 1967, and June 30, 1968; and

“(2) for a hazardous liquid safety program, for the fiscal years that ended September 30, 1978, and September 30, 1979.”

1996—Pub. L. 104-304 substituted “State pipeline safety grants” for “State grants” in section catchline.

§ 60108. Inspection and maintenance

(a) PLANS.—(1) Each person owning or operating a gas pipeline facility or hazardous liquid pipeline facility shall carry out a current written plan (including any changes) for inspection and maintenance of each facility used in the transportation and owned or operated by the person. A copy of the plan shall be kept at any office of the person the Secretary of Transportation considers appropriate. The Secretary also may require a person owning or operating a pipeline facility subject to this chapter to file a plan for inspection and maintenance for approval.

(2) If the Secretary or a State authority responsible for enforcing standards prescribed under this chapter decides that a plan required under paragraph (1) of this subsection is inadequate for safe operation, the Secretary or authority shall require the person to revise the plan. Revision may be required only after giving notice and an opportunity for a hearing. A plan required under paragraph (1) must be practicable and designed to meet the need for pipeline safety and must include terms designed to enhance the ability to discover safety-related conditions described in section 60102(h)(1) of this title. In deciding on the adequacy of a plan, the Secretary or authority shall consider—

(A) relevant available pipeline safety information;

(B) the appropriateness of the plan for the particular kind of pipeline transportation or facility;

(C) the reasonableness of the plan; and

(D) the extent to which the plan will contribute to public safety and the protection of the environment.

(3) A plan required under this subsection shall be made available to the Secretary or State authority on request under section 60117 of this title.

(b) INSPECTION AND TESTING.—(1) The Secretary shall inspect and require appropriate testing of a pipeline facility subject to this chapter that is not covered by a certification