

any other accident the authority considers significant, and a summary of the investigation by the authority of the cause and circumstances surrounding the accident or incident;

(C) the record maintenance, reporting, and inspection practices conducted by the authority to enforce compliance with safety standards prescribed under this chapter to which the certification applies, including the number of inspections of pipeline facilities the authority made during the prior 12 months; and

(D) any other information the Secretary requires.

(2) The report included in the first certification submitted under subsection (a) of this section is only required to state information available at the time of certification.

(d) APPLICATION.—A certification in effect under this section does not apply to safety standards prescribed under this chapter after the date of certification. This chapter applies to each applicable safety standard prescribed after the date of certification until the State authority adopts the standard and submits the appropriate certification to the Secretary under subsection (a) of this section.

(e) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the certification. A State authority shall cooperate with the Secretary under this subsection.

(f) REJECTIONS OF CERTIFICATION.—If after receiving a certification the Secretary decides the State authority is not enforcing satisfactorily compliance with applicable safety standards prescribed under this chapter, the Secretary may reject the certification, assert United States Government jurisdiction, or take other appropriate action to achieve adequate enforcement. The Secretary shall give the authority notice and an opportunity for a hearing before taking final action under this subsection. When notice is given, the burden of proof is on the authority to demonstrate that it is enforcing satisfactorily compliance with the prescribed standards.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1309; Pub. L. 104–304, §20(a), Oct. 12, 1996, 110 Stat. 3804; Pub. L. 109–468, §2(b)(1), Dec. 29, 2006, 120 Stat. 3487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60105(a) .....	49 App.:1674(a) (1st sentence words before “that such State agency”).	Aug. 12, 1968, Pub. L. 90–481, §5(a), 82 Stat. 722; Aug. 22, 1972, Pub. L. 92–401, §1, 86 Stat. 616; Oct. 11, 1976, Pub. L. 94–477, §5(a), 90 Stat. 2073; Nov. 30, 1979, Pub. L. 96–129, §§101(b), 103(a), (b)(3), 109(g), (h)(1), 93 Stat. 990, 991, 996; Jan. 14, 1983, Pub. L. 97–468, §104, 96 Stat. 2543; Oct. 31, 1988, Pub. L. 100–561, §§103, 303(b)(1), 102 Stat. 2807, 2816; Oct. 24, 1992, Pub. L. 102–508, §§110(a), 111, 106 Stat. 3295.
	49 App.:2004(a) (1st sentence words before “that such State agency”).	Nov. 30, 1979, Pub. L. 96–129, §205(a), 93 Stat. 1006; Oct. 31, 1988, Pub. L. 100–561, §203, 102 Stat. 2810; Oct. 24, 1992, Pub. L. 102–508, §§209(a), 210, 106 Stat. 3304.
60105(b) .....	49 App.:1674(a) (1st sentence words after “an annual certification”).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60105(c) .....	49 App.:2004(a) (1st sentence words after “an annual certification”).	
60105(d) .....	49 App.:1674(a) (2d, 3d sentences). 49 App.:2004(a) (2d, last sentences). 49 App.:1674(e).	Aug. 12, 1968, Pub. L. 90–481, §5(e), 82 Stat. 724; Oct. 11, 1976, Pub. L. 94–477, §5(c), 90 Stat. 2074; Nov. 30, 1979, Pub. L. 96–129, §103(b)(2)(B), 93 Stat. 991.
	49 App.:2004(e).	Nov. 30, 1979, Pub. L. 96–129, §205(c) (related to certification), (e), (f), 93 Stat. 1007, 1008.
60105(e) .....	49 App.:1674(c) (related to certification).	Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §5(c) (related to certification); added Nov. 30, 1979, Pub. L. 96–129, §103(b)(2)(C), 93 Stat. 991.
60105(f) .....	49 App.:2004(c) (related to certification). 49 App.:1674(a) (4th, last sentences). 49 App.:2004(f).	

In subsection (a), the words “applicable to same” are omitted as surplus. The words “for the facilities and transportation that complies with subsections (b) and (c) of this section” are added for clarity.

In subsections (b) and (c), the words “to which the certification applies” and “to whom the certification applies” are added because of the restatement.

In subsection (b)(2), the words “Federal safety” and “pursuant to State law” are omitted as surplus.

In subsection (b)(7), the words “injunctive relief and civil penalties” are substituted for “injunctive and monetary sanctions” for clarity and consistency.

In subsection (c)(1), before clause (A), the word “annual” is omitted as surplus. The words “in such form as the Secretary may by regulation provide” are omitted as surplus because of 49:322(a). In clause (B), the words “or loss” are added for consistency in the revised title and with other titles of the United States Code. In clause (C), the words “a detail of” are omitted as surplus.

In subsection (d), the words “with respect” and “new or amended Federal” are omitted as surplus.

In subsection (e), 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.

In subsection (f), the words “prescribed under this chapter” are added for clarity. The word “reasonable” is omitted as surplus.

AMENDMENTS

2006—Subsec. (b)(4). Pub. L. 109–468 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “is encouraging and promoting programs designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies;”.

1996—Pub. L. 104–304 substituted “State pipeline safety program certifications” for “State certifications” in section catchline.

§ 60106. State pipeline safety agreements

(a) AGREEMENTS WITHOUT CERTIFICATION.—If the Secretary of Transportation does not receive a certification under section 60105 of this title, the Secretary may make an agreement with a State authority (including a municipality if the agreement applies to intrastate gas pipeline transportation) authorizing it to take necessary action. Each agreement shall—

(1) establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with applicable safety standards prescribed under this chapter; and

(2) prescribe procedures for approval of plans of inspection and maintenance substantially the same as required under section 60108 (a) and (b) of this title.

(b) AGREEMENTS WITH CERTIFICATION.—

(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards for interstate pipeline facilities prescribed under this chapter to a State authority.

(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines in writing that—

(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

(3) EXISTING AGREEMENTS.—If requested by the State authority, the Secretary shall authorize a State authority which had an interstate agreement in effect after January 31, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2003, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2002 if—

(A) the State authority fails to comply with the terms of the agreement;

(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority; or

(C) continued participation by the State authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.

(c) NOTIFICATION.—

(1) IN GENERAL.—Each agreement shall require the State authority to notify the Secretary promptly of a violation or probable violation of an applicable safety standard discovered as a result of action taken in carrying out an agreement under this section.

(2) RESPONSE BY SECRETARY.—If a State authority notifies the Secretary under paragraph (1) of a violation or probable violation of an applicable safety standard, the Secretary, not later than 60 days after the date of receipt of the notification, shall—

(A) issue an order under section 60118(b) or take other appropriate enforcement actions to ensure compliance with this chapter; or

(B) provide the State authority with a written explanation as to why the Secretary has determined not to take such actions.

(d) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the agreement. A State authority shall cooperate with the Secretary under this subsection.

(e) ENDING AGREEMENTS.—

(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies 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 unless the Secretary finds that continuation of an agreement poses an imminent hazard.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1310; Pub. L. 104-304, §20(b), Oct. 12, 1996, 110 Stat. 3804; Pub. L. 107-355, §4, Dec. 17, 2002, 116 Stat. 2986.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60106(a) .....	49 App.:1674(b) (1st sentence).  49 App.:2004(b) (1st sentence).	Aug. 12, 1968, Pub. L. 90-481, § 5(b), 82 Stat. 723; Oct. 11, 1976, Pub. L. 94-477, § 5(b), 90 Stat. 2074; Nov. 30, 1979, Pub. L. 96-129, §§ 103(b)(1), 109(h)(2), 93 Stat. 991, 996. Nov. 30, 1979, Pub. L. 96-129, § 205(b), (c) (related to agreement), (g), 93 Stat. 1007, 1008.
60106(b) .....	49 App.:1674(b) (last sentence). 49 App.:2004(b) (last sentence).	
60106(c) .....	49 App.:1674(c) (related to agreement).  49 App.:2004(c) (related to agreement).	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(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