

1996—Pub. L. 104-304 substituted “owner or operator of a gas pipeline facility” for “person transporting gas”, inserted “the use of a one-call notification system prior to excavation,” after “educate the public on”, and inserted comma after “gas leaks”.

§ 60117. Administrative

(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of records, take depositions, and conduct research, testing, development, demonstration, and training activities and promotional activities relating to prevention of damage to pipeline facilities. The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter.

(b) RECORDS, REPORTS, AND INFORMATION.—To enable the Secretary to decide whether a person owning or operating a pipeline facility is complying with this chapter and standards prescribed or orders issued under this chapter, the person shall—

- (1) maintain records, make reports, and provide information the Secretary requires; and
- (2) make the records, reports, and information available when the Secretary requests.

The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary’s ability to make a determination as to whether and to what extent to regulate gathering lines.

(c) ENTRY AND INSPECTION.—An officer, employee, or agent of the Department of Transportation designated by the Secretary, on display of proper credentials to the individual in charge, may enter premises to inspect the records and property of a person at a reasonable time and in a reasonable way to decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter.

(d) CONFIDENTIALITY OF INFORMATION.—Information related to a confidential matter referred to in section 1905 of title 18 that is obtained by the Secretary or an officer, employee, or agent in carrying out this section may be disclosed only to another officer or employee concerned with carrying out this chapter or in a proceeding under this chapter.

(e) USE OF ACCIDENT REPORTS.—(1) Each accident report made by an officer, employee, or agent of the Department may be used in a judicial proceeding resulting from the accident. The officer, employee, or agent may be required to testify in the proceeding about the facts developed in investigating the accident. The report shall be made available to the public in a way that does not identify an individual.

(2) Each report related to research and demonstration projects and related activities is public information.

(f) TESTING FACILITIES INVOLVED IN ACCIDENTS.—The Secretary may require testing of a part of a pipeline facility subject to this chapter that has been involved in or affected by an accident only after—

- (1) notifying the appropriate State official in the State in which the facility is located; and
- (2) attempting to negotiate a mutually acceptable plan for testing with the owner of the

facility and, when the Secretary considers appropriate, the National Transportation Safety Board.

(g) PROVIDING SAFETY INFORMATION.—On request, the Secretary shall provide the Federal Energy Regulatory Commission or appropriate State authority with information the Secretary has on the safety of material, operations, devices, or processes related to pipeline transportation or operating a pipeline facility.

(h) COOPERATION.—The Secretary may—

(1) advise, assist, and cooperate with other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons in planning and developing safety standards and ways to inspect and test to decide whether those standards have been complied with;

(2) consult with and make recommendations to other departments, agencies, and instrumentalities of the Government, State and local governments, and public and private agencies and persons to develop and encourage activities, including the enactment of legislation, that will assist in carrying out this chapter and improve State and local pipeline safety programs; and

(3) participate in a proceeding involving safety requirements related to a liquefied natural gas facility before the Commission or a State authority.

(i) PROMOTING COORDINATION.—(1) After consulting with appropriate State officials, the Secretary shall establish procedures to promote more effective coordination between departments, agencies, and instrumentalities of the Government and State authorities with regulatory authority over pipeline facilities about responses to a pipeline accident.

(2) In consultation with the Occupational Safety and Health Administration, the Secretary shall establish procedures to notify the Administration of any pipeline accident in which an excavator that has caused damage to a pipeline may have violated a regulation of the Administration.

(j) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping.

(l) SAFETY ORDERS.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary shall issue regulations providing that, after notice and opportunity for a hearing, if the Secretary determines that a pipeline facility has a condition that poses a pipeline integrity 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, or other appropriate action, to remedy that condition.

(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary, if relevant and pursuant to the regulations issued under paragraph (1), shall consider—

(A) the considerations specified in paragraphs (1) through (6) of 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; and

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

(m) RESTORATION OF OPERATIONS.—

(1) IN GENERAL.—The Secretary may advise, assist, and cooperate with the heads of other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons to facilitate the restoration of pipeline operations that have been or are anticipated to become disrupted by manmade or natural disasters.

(2) SAVINGS CLAUSE.—Nothing in this section alters or amends the authorities and responsibilities of any department, agency, or instrumentality of the United States Government, other than the Department of Transportation.

(n) COST RECOVERY FOR DESIGN REVIEWS.—

(1) IN GENERAL.—

(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this paragraph, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this paragraph. The Secretary may not collect design safety review fees under this paragraph and section 60301 for the same design safety review.

(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

(i) has design and construction costs totaling at least \$2,500,000,000, as periodically adjusted by the Secretary to take into account increases in the Consumer Price Index for all-urban consumers published by the Department of Labor, based on—

(I) the cost estimate provided to the Federal Energy Regulatory Commission in an application for a certificate of public convenience and necessity for a gas pipeline facility or an application for authorization for a liquefied natural gas pipeline facility; or

(II) a good faith estimate developed by the person proposing a hazardous liquid

pipeline facility and submitted to the Secretary; or

(ii) uses new or novel technologies or design, as determined by the Secretary.

(2) NOTIFICATION.—For any new pipeline facility construction project in which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. To the maximum extent practicable, not later than 90 days after receiving such design specifications, construction plans and procedures, and related materials, the Secretary shall provide written comments, feedback, and guidance on the project.

(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection may be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1321; Pub. L. 103-429, §6(77), Oct. 31, 1994, 108 Stat. 4388; Pub. L. 104-304, §§12, 19, Oct. 12, 1996, 110 Stat. 3802, 3804; Pub. L. 107-355, §7, Dec. 17, 2002, 116 Stat. 2993; Pub. L. 109-468, §§11, 13, 17, Dec. 29, 2006, 120 Stat. 3494-3496; Pub. L. 112-90, §13(a), Jan. 3, 2012, 125 Stat. 1913.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|--|---|
| 60117(a) | 49 App.:1681(a) (1st sentence words before semicolon). | Aug. 12, 1968, Pub. L. 90-481, §14(a) (1st sentence), 82 Stat. 727; restated Nov. 30, 1979, Pub. L. 96-129, §§104(b), 106, 93 Stat. 992, 994. |
| | 49 App.:1681(a) (last sentence). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §14(a) (last sentence); added Oct. 11, 1984, Pub. L. 98-464, §7(a), 98 Stat. 1823. |
| | 49 App.:2010(a) (1st sentence words before semicolon). | Nov. 30, 1979, Pub. L. 96-129, §211(a) (1st sentence), 93 Stat. 1012. |
| | 49 App.:2010(a) (last sentence). | Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §211(a) (last sentence); added Oct. 11, 1984, Pub. L. 98-464, §7(b), 98 Stat. 1823. |
| 60117(b) | 49 App.:1681(b). | Aug. 12, 1968, Pub. L. 90-481, §14(b)-(e), 82 Stat. 727; restated Nov. 30, 1979, Pub. L. 96-129, §§104(b), 106, 93 Stat. 992, 995. |
| | 49 App.:2010(b). | Nov. 30, 1979, Pub. L. 96-129, §211(b)-(e), 93 Stat. 1012. |
| 60117(c) | 49 App.:1681(c). | |
| | 49 App.:2010(c). | |
| 60117(d) | 49 App.:1681(e) (1st sentence). | |
| | 49 App.:2010(e) (1st sentence). | |

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 60117(e) | 49 App.:1681(d). | |
| 60117(f) | 49 App.:2010(d). 49 App.:1681(a) (1st sentence words after semicolon). 49 App.:1681(a) (2d sentence). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §14(a) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, §109, 102 Stat. 2809. |
| | 49 App.:2010(a) (1st sentence words after semicolon). 49 App.:2010(a) (2d sentence). | Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §211(a) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, §208, 102 Stat. 2812. |
| 60117(g) | 49 App.:1682(a). | Aug. 12, 1968, Pub. L. 90-481, §15(a), 82 Stat. 727; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 109(j)(2), (k), 155(b), 93 Stat. 992, 997, 1003. |
| | 49 App.:2011(a). | Nov. 30, 1979, Pub. L. 96-129, §212(a)–(c), 93 Stat. 1013. |
| 60117(h)(1) .. | 49 App.:1682(b). | Aug. 12, 1968, Pub. L. 90-481, §15(b), 82 Stat. 727; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 109(j)(2), 93 Stat. 992, 997. |
| | 49 App.:2011(b). 49 App.:1682(c). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §15(c); added Aug. 22, 1972, Pub. L. 92-401, §3, 86 Stat. 616; Nov. 30, 1979, Pub. L. 96-129, §§104(b), 109(j)(2), 93 Stat. 992, 997. |
| 60117(h)(2) .. | 49 App.:2011(c). 49 App.:1682(d). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §15(d); added Nov. 30, 1979, Pub. L. 96-129, §155(a), 93 Stat. 1003. |
| 60117(h)(3) .. | 49 App.:2011(c). 49 App.:1682(d). | Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §9(b); added Oct. 31, 1988, Pub. L. 100-561, §105(2), 102 Stat. 2807. |
| 60117(i) | 49 App.:1676(b). | Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §212(d); added Oct. 31, 1988, Pub. L. 100-561, §209, 102 Stat. 2812. |
| | 49 App.:2011(d). | |
| 60117(j) | 49 App.:1681(e) (last sentence). 49 App.:2010(e) (last sentence). | |

In subsection (a), the words “to the extent necessary . . . his responsibilities under” and “relevant” are omitted as surplus. The words “documents and” are omitted as being included in “records”. The words “directly or, by contract, or otherwise” are omitted as surplus.

In subsections (b), before clause (1), and (c), the words “has acted or . . . acting” are omitted as surplus. The word “prescribed” is added for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the words “establish and” and “reasonably” are omitted as surplus.

In subsection (c), the words “enter premises to” are substituted for “enter upon” for clarity and consistency. The words “and examine” and “to the extent such records and properties are relevant” are omitted as surplus.

In subsection (d), the words “related to a confidential matter” are substituted for “which information contains or relates to a trade secret . . . shall be considered confidential for the purpose of that section” to eliminate unnecessary words. The words “All information reported to or otherwise” are omitted as surplus. The words “an officer, employee, or agent” are substituted for “his representative” for consistency. The word “only” is substituted for “except that such information” to eliminate unnecessary words. The words “when relevant” are omitted as surplus.

In subsection (e)(1), the words “civil, criminal, or other” are omitted as surplus.

In subsection (f), before clause (1), the words “however . . . exercise authority under this section to” are omitted as surplus. In clause (1), the word “affected” is omitted as surplus. In clause (2), the word “attempting” is substituted for “make every effort” to eliminate unnecessary words. The words “for testing” and “the Secretary considers” are added for clarity.

In subsection (g), the words “with respect to matters under their jurisdiction” in 49 App.:2011(a) are omitted as surplus.

In subsection (h)(1) and (2), the word “instrumentalities” is added for consistency in the revised title and with other titles of the Code.

In subsection (h)(1), the word “Federal” before “safety” is omitted as surplus.

In subsection (h)(3), the words “as a matter of right intervene or otherwise” and the text of 49 App.:1682(d) (last sentence) are omitted as surplus.

In subsection (i), the words “Not later than 1 year after October 31, 1988” are omitted as obsolete. The words “departments, agencies, and instrumentalities of the Government and State authorities” are substituted for “agencies of the United States and of the States” for consistency in the revised title and with other titles of the Code.

In subsection (j), the words “by the Secretary or any officer, employee, or agent under his control” are omitted as surplus. The words “to have the information” are substituted for “duly” for clarity.

PUB. L. 103-429

This amends 49:60117(i) by restating section 304(c) of the Pipeline Safety Act of 1992 (Public Law 102-508, 106 Stat. 3308) as 49:60117(i)(2).

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------|--|
| 60117(i)(2) ... | 49 App.:1682 (note). | Oct. 24, 1992, Pub. L. 102-508, §304(c), 106 Stat. 3308. |

AMENDMENTS

2012—Subsec. (n). Pub. L. 112-90 amended subsec. (n) generally. Prior to amendment, text read as follows:

“(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a liquefied natural gas pipeline facility, the Secretary may require the person requesting such reviews to pay the associated staff costs relating to such reviews incurred by the Secretary in section 60301(d). The Secretary may assess such costs in any reasonable manner.

“(2) DEPOSIT.—The Secretary shall deposit all funds paid to the Secretary under this subsection into the Department of Treasury account 69-5172-0-2-407 or its successor account.

“(3) AUTHORIZATION OF APPROPRIATIONS.—Funds deposited pursuant to this subsection are authorized to be appropriated for the purposes set forth in section 60301(d).”

2006—Subsec. (l). Pub. L. 109-468, §13, reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “If the Secretary decides that a pipeline facility has a potential safety-related condition, 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 the safety-related condition.”

Subsecs. (m), (n). Pub. L. 109-468, §§11, 17, added subsecs. (m) and (n).

2002—Subsec. (l). Pub. L. 107-355 added subsec. (l).

1996—Subsec. (a). Pub. L. 104-304, §19, inserted “and promotional activities relating to prevention of damage to pipeline facilities” after “and training activities”.

Subsec. (b). Pub. L. 104-304, §12(1), (3), substituted “owning” for “transporting gas or hazardous liquid”

and inserted at end “The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary’s ability to make a determination as to whether and to what extent to regulate gathering lines.”

Subsec. (k). Pub. L. 104-304, §12(2), added subsec. (k). 1994—Subsec. (i). Pub. L. 103-429 designated existing provisions as par. (1) and added par. (2).

REGULATIONS

Pub. L. 112-90, §20(a), Jan. 3, 2012, 125 Stat. 1916, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Jan. 3, 2012], the Secretary of Transportation shall issue regulations—

“(A) requiring hearings under sections 60112, 60117, 60118, and 60122 of title 49, United States Code, to be convened before a presiding official;

“(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 of such title to arrange for a transcript of the hearing, at the expense of the requesting person;

“(C) ensuring expedited review of any order issued pursuant to section 60112(e) of such title;

“(D) implementing a separation of functions between personnel involved with the investigation and prosecution of an enforcement case and advising the Secretary on findings and determinations; and

“(E) prohibiting ex-parte communication relevant to the question to be decided in such a case by parties to an investigation or hearing.

“(2) PRESIDING OFFICIAL.—The regulations issued under this subsection shall—

“(A) define the term ‘presiding official’ to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

“(B) require that the presiding official be an attorney on the staff of the Deputy Chief Counsel of the Pipeline and Hazardous Materials Safety Administration that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

“(3) EXPEDITED REVIEW.—The regulations issued under this subsection shall define the term ‘expedited review’ for the purposes of paragraph (1)(C).”

ACCIDENT AND INCIDENT NOTIFICATION

Pub. L. 112-90, §9, Jan. 3, 2012, 125 Stat. 1912, provided that:

“(a) REVISION OF REGULATIONS.—Not later than 18 months after the date of enactment of this Act [Jan. 3, 2012], the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

“(b) MINIMUM REQUIREMENTS.—In revising the regulations, the Secretary, at a minimum, shall—

“(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than 1 hour following the time of such confirmed discovery;

“(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

“(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an

estimate of the amount of the product released, an estimate of the number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 48 hours of the accident or incident, to the extent practicable.

“(c) UPDATING OF REPORTS.—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.”

[Terms used in section 9 of Pub. L. 112-90, set out above, have the meaning given those terms in this chapter, see section 1(c)(1) of Pub. L. 112-90, set out as a note under section 60101 of this title.]

GUIDANCE

Pub. L. 112-90, §13(b), Jan. 3, 2012, 125 Stat. 1914, provided that: “Not later than 1 year after the date of enactment of this Act [Jan. 3, 2012], the Secretary of Transportation shall issue guidance to clarify the meaning of the term ‘new or novel technologies or design’ as used in section 60117(n)(1)(B)(ii) of title 49, United States Code, as amended by subsection (a) of this section.”

PIPELINE SAFETY TRAINING FOR STATE AND LOCAL GOVERNMENT PERSONNEL

Pub. L. 112-90, §25, Jan. 3, 2012, 125 Stat. 1919, provided that:

“(a) IN GENERAL.—To further the objectives of chapter 601 of title 49, United States Code, the Secretary of Transportation may provide the services of personnel from the Pipeline and Hazardous Materials Safety Administration to provide training for State and local government personnel at a pipeline safety training facility that is established and operated by an agency or instrumentality of the United States, a unit of State or local government, or an educational institution.

“(b) REIMBURSEMENTS FOR TRAINING EXPENDITURES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may require reimbursement from sources other than the Federal Government for all expenses incurred by the Secretary in providing training for State and local government personnel under subsection (a), including salaries, expenses, transportation for Pipeline and Hazardous Materials Safety Administration personnel, and the cost of training materials.

“(2) AUTHORIZATION OF APPROPRIATIONS.—Amounts collected as reimbursement under paragraph (1) are authorized to be appropriated for the purposes set forth in chapter 601 of title 49, United States Code.”

[Terms used in section 25 of Pub. L. 112-90, set out above, have the meaning given those terms in this chapter, see section 1(c)(1) of Pub. L. 112-90, set out as a note under section 60101 of this title.]

TRIBAL CONSULTATION FOR PIPELINE PROJECTS

Pub. L. 112-90, §30, Jan. 3, 2012, 125 Stat. 1921, provided that: “Not later than 1 year after the date of enactment of this Act [Jan. 3, 2012], the Secretary of Transportation shall develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines that are under the jurisdiction of Indian tribes.”

INCIDENT REPORTING

Pub. L. 109-468, §15, Dec. 29, 2006, 120 Stat. 3496, provided that: “Not later than December 31, 2007, the Secretary of Transportation shall review the incident reporting requirements for operators of natural gas pipelines and modify the reporting criteria as appropriate to ensure that the incident data gathered accurately reflects incident trends over time, taking into consideration the recommendations from the Comptroller General in GAO report 06-946.”

ACCIDENT REPORTING FORM

Pub. L. 109-468, §20, Dec. 29, 2006, 120 Stat. 3498, provided that: “Not later than December 31, 2007, the Sec-

retary of Transportation shall amend accident reporting forms to require operators of gas and hazardous liquid pipelines to provide data related to controller fatigue.”

§ 60118. Compliance and waivers

(a) GENERAL REQUIREMENTS.—A person owning or operating a pipeline facility shall—

- (1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;
- (2) prepare and carry out a plan for inspection and maintenance required under section 60108(a) and (b) of this title;
- (3) allow access to or copying of records, make reports and provide information, and allow entry or inspection required under section 60117(a)–(d) of this title; and
- (4) conduct a risk analysis, and adopt and implement an integrity management program, for pipeline facilities as required under section 60109(c).

(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.

(c) WAIVERS BY SECRETARY.—

(1) NONEMERGENCY WAIVERS.—

(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to such facility on terms the Secretary considers appropriate if the Secretary determines that the waiver is not inconsistent with pipeline safety.

(B) HEARING.—The Secretary may act on a waiver under this paragraph only after notice and an opportunity for a hearing.

(2) EMERGENCY WAIVERS.—

(A) IN GENERAL.—The Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate without prior notice and comment if the Secretary determines that—

- (i) it is in the public interest to grant the waiver;
- (ii) the waiver is not inconsistent with pipeline safety; and
- (iii) the waiver is necessary to address an actual or impending emergency involving pipeline transportation, including an emergency caused by a natural or man-made disaster.

(B) PERIOD OF WAIVER.—A waiver under this paragraph may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

(3) STATEMENT OF REASONS.—The Secretary shall state in an order issued under this subsection the reasons for granting the waiver.

(d) WAIVERS BY STATE AUTHORITIES.—If a certification under section 60105 of this title or an agreement under section 60106 of this title is in effect, the State authority may waive compliance with a safety standard to which the certification or agreement applies in the same way and to the same extent the Secretary may waive compliance under subsection (c) of this section. However, the authority must give the Secretary written notice of the waiver at least 60 days before its effective date. If the Secretary makes a written objection before the effective date of the waiver, the waiver is stayed. After notifying the authority of the objection, the Secretary shall provide a prompt opportunity for a hearing. The Secretary shall make the final decision on granting the waiver.

(e) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

(1) ASSISTANCE AND ACCESS.—If the Secretary or the National Transportation Safety Board investigates an accident or incident involving a pipeline facility, the operator of the facility shall—

- (A) make available to the Secretary or the Board all records and information that in any way pertain to the accident or incident, including integrity management plans and test results; and
- (B) afford all reasonable assistance in the investigation of the accident or incident.

(2) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

(A) IN GENERAL.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

(B) OBSTRUCTS DEFINED.—

(i) IN GENERAL.—In this paragraph, the term “obstructs” includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

(ii) GOOD CAUSE.—In clause (i), the term “good cause” may include actions such as restricting access to facilities that are not secure or safe for nonpipeline personnel or visitors.

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to infringe upon the constitutional rights of an operator or its employees.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1322; Pub. L. 104–304, §13, Oct. 12, 1996, 110 Stat. 3802; Pub. L. 107–355, §§10(a), (c), 14(c), Dec. 17, 2002, 116 Stat. 2995, 2996, 3005; Pub. L. 109–468, §10, Dec. 29, 2006, 120 Stat. 3494; Pub. L. 112–90, §2(b), Jan. 3, 2012, 125 Stat. 1905.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|--|
| 60118(a) | 49 App.:1677(a). | Aug. 12, 1968, Pub. L. 90–481, §10(a), 82 Stat. 725; Nov. 30, 1979, Pub. L. 96–129, §§105(b), 109(h)(4), 152(a), 93 Stat. 994, 996, 999. |
| | 49 App.:2006(a). | Nov. 30, 1979, Pub. L. 96–129, §§203(h), 207(a), (b)(1), 93 Stat. 1005, 1009. |
| 60118(b) | 49 App.:1677(b)(1). | Aug. 12, 1968, Pub. L. 90–481, 82 Stat. 720, §10(b)(1); added Nov. 30, 1979, Pub. L. 96–129, §§104(a)(1), 152(a), 93 Stat. 992, 999. |