

Pub. L. 107-355, §8(b)(1), substituted “\$100,000” for “\$25,000” and “\$1,000,000” for “\$500,000”.

Subsec. (a)(3). Pub. L. 107-355, §6(b), added par. (3).

Subsec. (b). Pub. L. 107-355, §8(b)(2), substituted “under this section—” and pars. (1) and (2) for “under this section, the Secretary shall consider—

“(1) the nature, circumstances, and gravity of the violation;

“(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on ability to continue doing business;

“(3) good faith in attempting to comply; and

“(4) other matters that justice requires.”

COMPTROLLER GENERAL STUDY

Pub. L. 107-355, §8(d), Dec. 17, 2002, 116 Stat. 2994, required the Comptroller General to study the actions, policies, and procedures of the Secretary of Transportation for assessing and collecting fines and penalties on operators of hazardous liquid and gas transmission pipelines, and to report, not later than 1 year after Dec. 17, 2002, the results of the study to certain committees of Congress.

§ 60123. Criminal penalties

(a) GENERAL PENALTY.—A person knowingly and willfully violating section 60114(b), 60118(a), or 60128 of this title or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PENALTY FOR DAMAGING OR DESTROYING FACILITY.—A person knowingly and willfully damaging or destroying an interstate gas pipeline facility, an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, or attempting or conspiring to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(c) PENALTY FOR DAMAGING OR DESTROYING SIGN.—A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.

(d) PENALTY FOR NOT USING ONE-CALL NOTIFICATION SYSTEM OR NOT HEEDING LOCATION INFORMATION OR MARKINGS.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) knowingly and willfully engages in an excavation activity—

(A) without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or

(B) without paying attention to appropriate location information or markings the operator of a pipeline facility establishes; and

(2) subsequently damages—

(A) a pipeline facility that results in death, serious bodily harm, or actual damage to property of more than \$50,000;

(B) a pipeline facility, and knows or has reason to know of the damage, but does not

report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or

(C) a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product.

Penalties under this subsection may be reduced in the case of a violation that is promptly reported by the violator.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1325; Pub. L. 104-304, §§14, 18(b)(1), Oct. 12, 1996, 110 Stat. 3803, 3804; Pub. L. 107-56, title VIII, §§810(h), 811(k), Oct. 26, 2001, 115 Stat. 381, 382; Pub. L. 107-355, §§3(c), 8(c), 21(4), Dec. 17, 2002, 116 Stat. 2986, 2994, 3010.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60123(a)	49 App.:1679a(c)(1).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(c)(1); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992; Oct. 24, 1992, Pub. L. 102-508, §304(b), 106 Stat. 3308.
	49 App.:2007(c)(1).	Nov. 30, 1979, Pub. L. 96-129, §208(c)(1), (2), 93 Stat. 1010.
60123(b)	49 App.:1679a(c)(2).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(c)(2); added Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992.
	49 App.:2007(c)(2).	
60123(c)	49 App.:1679a(c)(3).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §11(c)(3); added Oct. 31, 1988, Pub. L. 100-561, §107, 102 Stat. 2807.
	49 App.:2007(c)(3).	Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, §208(c)(3); added Oct. 31, 1988, Pub. L. 100-561, §206, 102 Stat. 2811.
60123(d)	49 App.:1687(g).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §20(g); added Oct. 24, 1992, Pub. L. 102-508, §304(a), 106 Stat. 3307.

In this section, the words “upon conviction . . . subject, for each offense, to” and “a term” are omitted as surplus.

In subsections (a)–(c), the words “fined under title 18” are substituted for “a fine of not more than \$25,000” and “a fine of not more than \$5,000” for consistency with title 18.

In subsection (a), the word “prescribed” is added for consistency in the revised title and with other titles of the United States Code. The words “including any order issued under section 1677(b) and 1679b(b) of this Appendix” in 49 App.:1679a(c)(1) and “including any order issued under section 2006(b) or 2008(b) of the Appendix” in 49 App.:2007(c)(1) are omitted as surplus.

In subsection (b), the word “damaging” is substituted for “injures”, and the word “damage” is substituted for “injure”, for clarity.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-355, §21(4), substituted “60114(b)” for “60114(c)”.

Subsec. (b). Pub. L. 107-355, §8(c), substituted “gas pipeline facility, an” for “gas pipeline facility or” and inserted “, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce” after “liquid pipeline facility”.

Subsec. (d). Pub. L. 107-355, §3(c)(1), (4), struck out “knowingly and willfully” after “if the person” in introductory provisions and inserted concluding provisions.

Subsec. (d)(1). Pub. L. 107-355, §3(c)(2), inserted “knowingly and willfully” before “engages”.

Subsec. (d)(2)(B). Pub. L. 107-355, §3(c)(3), added subpar. (B) and struck out former subpar. (B) which read as follows: “a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or”.

2001—Subsec. (b). Pub. L. 107-56 struck out “, or attempting to damage or destroy,” before “an interstate gas pipeline facility”, inserted “, or attempting or conspiring to do such an act,” before “shall be fined under title 18,” and substituted “20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.” for “15 years, or both.”

1996—Subsec. (a). Pub. L. 104-304, §18(b)(1), substituted “, 60118(a), or 60128” for “or 60118(a)”.

Subsec. (d)(2). Pub. L. 104-304, §14, added subpar. (B) and redesignated former subpar. (B) as (C).

§ 60124. Biennial reports

(a) SUBMISSION AND CONTENTS.—Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid. Each report shall include the following information about the prior year for gas or hazardous liquid, as appropriate:

(1) a thorough compilation of the leak repairs, accidents, and casualties and a statement of cause when investigated and established by the National Transportation Safety Board.

(2) a list of applicable pipeline safety standards prescribed under this chapter including identification of standards prescribed during the year.

(3) a summary of the reasons for each waiver granted under section 60118(c) and (d) of this title.

(4) an evaluation of the degree of compliance with applicable safety standards, including a list of enforcement actions and compromises of alleged violations by location and company name.

(5) a summary of outstanding problems in carrying out this chapter, in order of priority.

(6) an analysis and evaluation of—

(A) research activities, including their policy implications, completed as a result of the United States Government and private sponsorship; and

(B) technological progress in safety achieved.

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under this chapter.

(8) the extent to which technical information was distributed to the scientific community and consumer-oriented information was made available to the public.

(9) a compilation of certifications filed under section 60105 of this title that were—

(A) in effect; or

(B) rejected in any part by the Secretary and a summary of the reasons for each rejection.

(10) a compilation of agreements made under section 60106 of this title that were—

(A) in effect; or

(B) ended in any part by the Secretary and a summary of the reasons for ending each agreement.

(11) a description of the number and qualifications of State pipeline safety inspectors in each State for which a certification under section 60105 of this title or an agreement under section 60106 of this title is in effect and the number and qualifications of inspectors the Secretary recommends for that State.

(12) recommendations for legislation the Secretary considers necessary—

(A) to promote cooperation among the States in improving—

(i) gas pipeline safety; or

(ii) hazardous liquid pipeline safety programs; and

(B) to strengthen the national gas pipeline safety program.

(b) SUBMISSION OF ONE REPORT.—The Secretary may submit one report to carry out subsection (a) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1326; Pub. L. 104-66, title I, §1121(l), Dec. 21, 1995, 109 Stat. 724; Pub. L. 104-304, §15(a), Oct. 12, 1996, 110 Stat. 3803.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60124(a)	49 App.:1683(a).	Aug. 12, 1968, Pub. L. 90-481, §16(a), 82 Stat. 728; Oct. 11, 1976, Pub. L. 94-477, §7, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §104(b), 107, 109(l), (m), 93 Stat. 992, 995, 997; Oct. 11, 1984, Pub. L. 98-464, §3(a), 98 Stat. 1821; Oct. 24, 1992, Pub. L. 102-508, §110(b), 106 Stat. 3295.
	49 App.:1683(b).	Aug. 12, 1968, Pub. L. 90-481, §16(b), 82 Stat. 728; Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992.
	49 App.:2012(a).	Nov. 30, 1979, Pub. L. 96-129, §213(a), 93 Stat. 1013; Oct. 11, 1984, Pub. L. 98-464, §3(b), 98 Stat. 1821; Oct. 24, 1992, Pub. L. 102-508, §209(b), 106 Stat. 3304.
	49 App.:2012(b).	Nov. 30, 1979, Pub. L. 96-129, §213(b), (c), 93 Stat. 1014.
60124(b)	49 App.:2012(c).	

In subsection (a), before clause (1), the words “prepare and” and “comprehensive” are omitted as surplus. The words “the following information” are added for clarity. The words “about the prior year” are substituted for “occurring in such year”, “established or in effect in such year”, “during such year”, and “during the preceding calendar year” to eliminate unnecessary words. In clause (2), the word “Federal” is omitted as surplus. The word “prescribed” is substituted for “established or in effect” and “established” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The word “newly” is omitted as surplus. In clause (4), the words “for the transportation of gas and pipeline facilities” in 49 App.:1683(a)(4) and “for the transportation of hazardous liquids and pipeline facilities” in 49 App.:2012(a)(4) are omitted because of the restatement. In clause (5), the words “in carrying out” are substituted for “confronting the administration of” for consistency. In clause (9), before subclause (A), the words “by State agencies (including municipalities)” are omitted as surplus. In clauses (9)(B) and (10)(B), the words “in any part” are added for clarity. In clause (10), before subclause (A), the words “with State agencies (including municipalities)” are omitted as surplus. In clause (12), before subclause (A), the word “additional” is omitted as surplus. In subclause (A), the word “several” is omitted as surplus.