

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a)(1), (b)(1), and (d)(1), is the date of enactment of Pub. L. 112-90, which was approved Jan. 3, 2012.

§ 60140. Cover over buried pipelines

(a) HAZARDOUS LIQUID PIPELINE INCIDENTS INVOLVING BURIED PIPELINES.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of hazardous liquid pipeline incidents at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark to determine if the depth of cover over the buried pipeline was a factor in any accidental release of hazardous liquids.

(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit 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.

(b) ASSESSMENT OF CURRENT REQUIREMENTS FOR DEPTH OF COVER OVER BURIED PIPELINES.—

(1) IN GENERAL.—If, following completion of the study under subsection (a), the Secretary finds that the depth of cover over buried pipelines is a contributing factor in the accidental release of hazardous liquids from the pipelines, the Secretary, not later than 1 year after the date of completion of the study, shall review and determine the sufficiency of current requirements for the depth of cover over buried pipelines.

(2) LEGISLATIVE RECOMMENDATIONS.—

(A) DEVELOPMENT.—If the Secretary determines under paragraph (1) that the current requirements for the depth of cover over buried pipelines are insufficient, the Secretary shall develop legislative recommendations for improving the safety of buried pipelines at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark.

(B) CONSIDERATION OF FACTORS.—In developing legislative recommendations under subparagraph (A), the Secretary shall consider the factors specified in section 60102(b)(2).

(C) REPORT TO CONGRESS.—If the Secretary develops legislative recommendations under subparagraph (A), the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the legislative recommendations.

(Added Pub. L. 112-90, §28(a), Jan. 3, 2012, 125 Stat. 1920.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 112-90, which was approved Jan. 3, 2012.

§ 60141. Standards for underground natural gas storage facilities

(a) MINIMUM SAFETY STANDARDS.—Not later than 2 years after the date of enactment of the

PIPES Act of 2016, the Secretary, in consultation with the heads of other relevant Federal agencies, shall issue minimum safety standards for underground natural gas storage facilities.

(b) CONSIDERATIONS.—In developing the safety standards required under subsection (a), the Secretary shall, to the extent practicable—

(1) consider consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities;

(2) consider the economic impacts of the regulations on individual gas customers;

(3) ensure that the regulations do not have a significant economic impact on end users; and

(4) consider the recommendations of the Aliso Canyon natural gas leak task force established under section 31 of the PIPES Act of 2016.

(c) FEDERAL-STATE COOPERATION.—The Secretary may authorize a State authority (including a municipality) to participate in the oversight of underground natural gas storage facilities in the same manner as provided in sections 60105 and 60106.

(d) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section may be construed to affect any Federal regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of the PIPES Act of 2016.

(2) LIMITATIONS.—Nothing in this section may be construed to authorize the Secretary—

(A) to prescribe the location of an underground natural gas storage facility; or

(B) to require the Secretary's permission to construct a facility referred to in subparagraph (A).

(e) PREEMPTION.—A State authority may adopt additional or more stringent safety standards for intrastate underground natural gas storage facilities if such standards are compatible with the minimum standards prescribed under this section.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the Secretary's authority under this title to regulate the underground storage of gas that is not natural gas.

(Added Pub. L. 114-183, §12(b), June 22, 2016, 130 Stat. 522.)

REFERENCES IN TEXT

The date of enactment of the PIPES Act of 2016, referred to in subsecs. (a) and (d)(1), is the date of enactment of Pub. L. 114-183, which was approved June 22, 2016.

Section 31 of the PIPES Act of 2016, referred to in subsec. (b)(4), is section 31 of Pub. L. 114-183, June 22, 2016, 130 Stat. 533, which is not classified to the Code.

CHAPTER 603—USER FEES

Sec. 60301. 60302.	User fees. User fees for underground natural gas storage facilities.
--------------------------	---

AMENDMENTS

2016—Pub. L. 114-183, §12(d)(2), June 22, 2016, 130 Stat. 524, added item 60302.

§ 60301. User fees

(a) SCHEDULE OF FEES.—The Secretary of Transportation shall prescribe a schedule of fees for all natural gas and hazardous liquids transported by pipelines subject to chapter 601 of this title. The fees shall be based on usage (in reasonable relationship to volume-miles, miles, revenues, or a combination of volume-miles, miles, and revenues) of the pipelines. The Secretary shall consider the allocation of resources of the Department of Transportation when establishing the schedule.

(b) IMPOSITION AND TIME OF COLLECTION.—A fee shall be imposed on each person operating a gas pipeline transmission facility, a liquefied natural gas pipeline facility, or a hazardous liquid pipeline facility to which chapter 601 of this title applies. The fee shall be collected before the end of the fiscal year to which it applies.

(c) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(d) USE OF FEES.—A fee collected under this section—

(1)(A) related to a gas pipeline facility may be used only for an activity related to gas under chapter 601 of this title; and

(B) related to a hazardous liquid pipeline facility may be used only for an activity related to hazardous liquid under chapter 601 of this title; and

(2) may be used only to the extent provided in advance in an appropriation law.

(e) LIMITATIONS.—Fees prescribed under subsection (a) of this section shall be sufficient to pay for the costs of activities described in subsection (d) of this section. However, the total amount collected for a fiscal year may not be more than 105 percent of the total amount of the appropriations made for the fiscal year for activities to be financed by the fees.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1328.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60301(a)	49 App.:1682a(a)(1), (d) (words after "subsection (a) of this section" and before "shall be sufficient").	Apr. 7, 1986, Pub. L. 99-272, §7005, 100 Stat. 140.
60301(b)	49 App.:1682a(a)(3), (b).	
60301(c)	49 App.:1682a(a)(2).	
60301(d)	49 App.:1682a(c).	
60301(e)	49 App.:1682a(d) (less words after "subsection (a) of this section" and before "shall be sufficient").	

In this section, the word "prescribe" is substituted for "establish" for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words "(hereafter in this section referred to as the 'Secretary')" and "appropriate" are omitted as surplus.

In subsection (b), the words "after September 30, 1985" are omitted as obsolete. The words "imposed on each person" are substituted for "assessed to the persons" for consistency in the revised title and with other titles of the Code. The words "the jurisdiction of" and "assess and" are omitted as surplus.

In subsection (c), the words "the services of" are omitted as surplus. The words "department, agency, or instrumentality of the United States Government" are substituted for "Federal . . . agency or instrumentality" for consistency in the revised title and with other titles of the Code.

In subsection (e), the words "by the Secretary" are omitted as surplus. The words "beginning on October 1, 1985" are omitted as executed.

TRANSFER OF FUNCTIONS

For transfer of duties, powers, and authority of Research and Special Programs Administration under this chapter to the Administrator of the Pipeline and Hazardous Materials Safety Administration, see section 2(b) of Pub. L. 108-426, set out as a note under section 108 of this title.

STUDY AND REPORT ON USER FEE ASSESSMENT FACTORS

Pub. L. 104-304, §17, Oct. 12, 1996, 110 Stat. 3803, provided that:

"(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Oct. 12, 1996], the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

"(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

"(2) another basis of assessment would be a more appropriate measure of those resources.

"(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public."

§ 60302. User fees for underground natural gas storage facilities

(a) IN GENERAL.—A fee shall be imposed on an entity operating an underground natural gas storage facility subject to section 60141. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

(b) MEANS OF COLLECTION.—The Secretary of Transportation shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(c) USE OF FEES.—

(1) ACCOUNT.—There is established an Underground Natural Gas Storage Facility Safety Account in the Pipeline Safety Fund established in the Treasury of the United States under section 60301.

(2) USE OF FEES.—A fee collected under this section—

(A) shall be deposited in the Underground Natural Gas Storage Facility Safety Account; and

(B) if the fee is related to an underground natural gas storage facility subject to section 60141, the amount of the fee may be used