

**§ 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, except when the Secretary waives this requirement.

(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.

(e) REPURPOSING OF FUNDS.—If a State program’s certification is rejected under section 60105(f) or such program is otherwise suspended or interrupted, the Secretary may use any undistributed, deobligated, or recovered funds authorized under this section to carry out pipeline safety activities for that State within the period of availability for such funds.

(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; Pub. L. 114–183, §17, June 22, 2016, 130 Stat. 526.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

## AMENDMENTS

2016—Subsec. (b). Pub. L. 114-183, §17(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “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.”

Subsec. (e). Pub. L. 114-183, §17(2), added subsec. (e).  
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 under section 60105 of this title or an agreement under section 60106 of this title. The Secretary shall decide on the frequency and type of inspection and testing under this subsection on a case-by-case basis after considering the following:

(A) the location of the pipeline facility.

(B) the type, size, age, manufacturer, method of construction, and condition of the pipeline facility.

(C) the nature and volume of material transported through the pipeline facility.

(D) the pressure at which that material is transported.

(E) climatic, geologic, and seismic characteristics (including soil characteristics) and conditions of the area in which the pipeline facility is located.

(F) existing and projected population and demographic characteristics of the area in which the pipeline facility is located.

(G) for a hazardous liquid pipeline facility, the proximity of the area in which the facility is located to an area that is unusually sensitive to environmental damage.

(H) the frequency of leaks.

(I) other factors the Secretary decides are relevant to the safety of pipeline facilities.

(2) To the extent and in amounts provided in advance in an appropriation law, the Secretary shall decide on the frequency of inspection under paragraph (1) of this subsection. The Secretary may reduce the frequency of an inspection of a master meter system.

(3) Testing under this subsection shall use the most appropriate technology practicable.

(c) PIPELINE FACILITIES OFFSHORE AND IN OTHER WATERS.—(1) In this subsection—

(A) “abandoned” means permanently removed from service.

(B) “pipeline facility” includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)(A) Not later than May 16, 1993, on the basis of experience with the inspections under section