

**§ 60127. Population encroachment and rights-of-way**

(a) **STUDY.**—The Secretary of Transportation, in conjunction with the Federal Energy Regulatory Commission and in consultation with appropriate Federal agencies and State and local governments, shall undertake a study of land use practices, zoning ordinances, and preservation of environmental resources with regard to pipeline rights-of-way and their maintenance.

(b) **PURPOSE OF STUDY.**—The purpose of the study shall be to gather information on land use practices, zoning ordinances, and preservation of environmental resources—

(1) to determine effective practices to limit encroachment on existing pipeline rights-of-way;

(2) to address and prevent the hazards and risks to the public, pipeline workers, and the environment associated with encroachment on pipeline rights-of-way;

(3) to raise the awareness of the risks and hazards of encroachment on pipeline rights-of-way; and

(4) to address how to best preserve environmental resources in conjunction with maintaining pipeline rights-of-way, recognizing pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

(c) **CONSIDERATIONS.**—In conducting the study, the Secretary shall consider, at a minimum, the following:

(1) The legal authority of Federal agencies and State and local governments in controlling land use and the limitations on such authority.

(2) The current practices of Federal agencies and State and local governments in addressing land use issues involving a pipeline easement.

(3) The most effective way to encourage Federal agencies and State and local governments to monitor and reduce encroachment upon pipeline rights-of-way.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish a report identifying practices, laws, and ordinances that are most successful in addressing issues of encroachment and maintenance on pipeline rights-of-way so as to more effectively protect public safety, pipeline workers, and the environment.

(2) **DISTRIBUTION OF REPORT.**—The Secretary shall provide a copy of the report to—

(A) Congress and appropriate Federal agencies; and

(B) States for further distribution to appropriate local authorities.

(3) **ADOPTION OF PRACTICES, LAWS, AND ORDINANCES.**—The Secretary shall encourage Federal agencies and State and local governments to adopt and implement appropriate practices, laws, and ordinances, as identified in the report, to address the risks and hazards associated with encroachment upon pipeline rights-of-way and to address the potential methods of preserving environmental resources while maintaining pipeline rights-of-way, consistent with pipeline safety.

(Added Pub. L. 104-304, §16(a), Oct. 12, 1996, 110 Stat. 3803; amended Pub. L. 107-355, §11(a), Dec. 17, 2002, 116 Stat. 2996.)

**REFERENCES IN TEXT**

The date of enactment of this subsection, referred to in subsec. (d)(1), is the date of enactment of Pub. L. 107-355, which was approved Dec. 17, 2002.

**AMENDMENTS**

2002—Pub. L. 107-355 substituted “Population encroachment and rights-of-way” for “Population encroachment” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) **LAND USE RECOMMENDATIONS.**—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled ‘Pipelines and Public Safety’.

“(b) **EVALUATION.**—The Secretary shall—

“(1) evaluate the recommendations in the report referred to in subsection (a);

“(2) determine to what extent the recommendations are being implemented;

“(3) consider ways to improve the implementation of the recommendations; and

“(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.”

**§ 60128. Dumping within pipeline rights-of-way**

(a) **PROHIBITION.**—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

(b) **DEFINITION.**—For purposes of this section, the term “solid waste” has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(Added Pub. L. 104-304, §18(a), Oct. 12, 1996, 110 Stat. 3804.)

**§ 60129. Protection of employees providing pipeline safety information**

(a) **DISCRIMINATION AGAINST EMPLOYEE.**—

(1) **IN GENERAL.**—No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(A) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard under this chapter or any other Federal law relating to pipeline safety;

(B) refused to engage in any practice made unlawful by this chapter or any other Federal law relating to pipeline safety, if the employee has identified the alleged illegality to the employer;

(C) provided, caused to be provided, or is about to provide or cause to be provided, tes-