

In subsection (c)(2), the words “or amendment”, “by the Committee”, “of the majority”, and “for rejection thereof” are omitted as surplus.

In subsection (c)(3), the words “final . . . or a final amendment to a standard at any time” are omitted as surplus. The words “the end of the 90-day period” are substituted for “the 90th day after its submission to the Committee, whether or not the Committee has reported on such standard or amendment” to eliminate unnecessary words.

In subsection (d), the words “for his consideration” are omitted as surplus.

In subsection (e), the words “(or his designee)” are omitted as surplus because of 49:322(b). The words “at least” are substituted for “not less frequently than” to eliminate unnecessary words. The word “calendar” is omitted as surplus.

In subsection (f), the words “The Secretary may establish the pay” are substituted for “may be compensated at a rate to be fixed by the Secretary” for consistency and to eliminate unnecessary words. The words “of the Committee” after “Members”, “actual”, and “then currently” are omitted as surplus. The reference to section 5376 of title 5 is substituted for the reference to section 5332 of title 5 because of section 529 of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509, 104 Stat. 1442). The words “A member is entitled to expenses under section 5703 of title 5” are substituted for 49 App.1673(c) (2d sentence) and 2003(c) (2d sentence) to eliminate unnecessary words. The words “for any purpose” are omitted as surplus. The words “This subsection does not apply to members regularly employed by the Government” are substituted for “other than Federal employees” for clarity.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996, referred to in subsec. (a), is the date of enactment of Pub. L. 104-304, which was approved Oct. 12, 1996.

The date of enactment of the PIPES Act of 2016, referred to in subsec. (b)(5), is the date of enactment of Pub. L. 114-183, which was approved June 22, 2016.

AMENDMENTS

2016—Subsec. (b)(4)(A). Pub. L. 114-183, §6(a), substituted “State officials. The Secretary shall consult with national organizations representing State commissioners or utility regulators before making a selection under this subparagraph.” for “State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals.”

Subsec. (b)(5). Pub. L. 114-183, §6(b), added par. (5).

2002—Subsec. (b)(4)(D). Pub. L. 107-355 added subpar. (D).

1996—Subsec. (a). Pub. L. 104-304, §10(a), inserted at end “The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.”

Subsec. (b)(1), (2). Pub. L. 104-304, §10(b)(1), (2), inserted before period at end “or risk management principles”.

Subsec. (b)(3)(B). Pub. L. 104-304, §10(b)(3), substituted “5” for “4”.

Subsec. (b)(3)(C). Pub. L. 104-304, §10(b)(4), substituted “5” for “6”.

Subsec. (b)(4)(B). Pub. L. 104-304, §10(b)(5), inserted at end “At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education,

background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).”

Subsec. (b)(4)(C). Pub. L. 104-304, §10(b)(6), inserted after first sentence “At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.”

Subsec. (c)(1)(A). Pub. L. 104-304, §10(c)(1), inserted before semicolon “including the risk assessment information and other analyses supporting each proposed standard”.

Subsec. (c)(1)(B). Pub. L. 104-304, §10(c)(2), inserted before period at end “including the risk assessment information and other analyses supporting each proposed standard”.

Subsec. (c)(2). Pub. L. 104-304, §10(c)(3)–(6), inserted “and supporting analyses” after “receiving the proposed standard”, “and submit to the Secretary” after “prepare”, “cost-effectiveness,” after “reasonableness,” “and include in the report recommended actions” after “practicability of the proposed standard”, and “any recommended actions and” after “including”.

Subsec. (e). Pub. L. 104-304, §10(d), substituted “up to 4 times” for “twice”.

Subsec. (f). Pub. L. 104-304, §10(e), substituted “EXPENSES” for “PAY AND EXPENSES” in heading, struck out “The Secretary may establish the pay for each member of a committee for each day (including travel time) when performing duties of the committee. However, a member may not be paid more than the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5.” after heading, and inserted “of a committee under this section” after “A member”.

1995—Subsec. (b)(4)(A). Pub. L. 104-88 struck out “(referred to in section 10344(f) of this title)” after “commissions”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

§ 60116. Public education programs

(a) IN GENERAL.—Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

(b) MODIFICATION OF EXISTING PROGRAMS.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency, and shall be periodically reviewed by the Secretary or, in the case of an

intrastate pipeline facility operator, the appropriate State agency.

(c) **STANDARDS.**—The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1321; Pub. L. 104-304, §11, Oct. 12, 1996, 110 Stat. 3802; Pub. L. 107-355, §5, Dec. 17, 2002, 116 Stat. 2988.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60116	49 App.:1685(a).	Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, §18(a); added Oct. 11, 1976, Pub. L. 94-477, §8, 90 Stat. 2075; Nov. 30, 1979, Pub. L. 96-129, §104(b), 93 Stat. 992; Oct. 24, 1992, Pub. L. 102-508, §115(a)(1), 106 Stat. 3296.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Pipeline Safety Improvement Act of 2002, referred to in subsec. (b), is the date of enactment of Pub. L. 107-355, which was approved Dec. 17, 2002.

AMENDMENTS

2002—Pub. L. 107-355 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Under regulations the Secretary of Transportation prescribes, each owner or operator of a gas pipeline facility shall carry out a program to educate the public on the use of a one-call notification system prior to excavation, the possible hazards associated with gas leaks, and the importance of reporting gas odors and leaks to the appropriate authority. The Secretary may develop material suitable for use in the program.”

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) **ENFORCEMENT PROCEDURES.**—

(1) **PROCESS.**—In implementing enforcement procedures under this chapter and part 190 of title 49, Code of Federal Regulations (or successor regulations), the Secretary shall—

(A) allow the respondent to request the use of a consent agreement and consent order to resolve any matter of fact or law asserted;

(B) allow the respondent and the agency to convene 1 or more meetings—

(i) for settlement or simplification of the issues; or

(ii) to aid in the disposition of issues;

(C) require that the case file in an enforcement proceeding include all agency records pertinent to the matters of fact and law asserted;

(D) allow the respondent to reply to each post-hearing submission of the agency;

(E) allow the respondent to request that a hearing be held, and an order be issued, on an expedited basis;

(F) require that the agency have the burden of proof, presentation, and persuasion in any enforcement matter;

(G) require that any order contain findings of relevant fact and conclusions of law;

(H) require the Office of Pipeline Safety to file a post-hearing recommendation not later than 30 days after the deadline for any post-hearing submission of a respondent;

(I) require an order on a petition for reconsideration to be issued not later than 120 days after the date on which the petition is filed; and

(J) allow an operator to request that an issue of controversy or uncertainty be addressed through a declaratory order in accordance with section 554(e) of title 5.

(2) **OPEN TO THE PUBLIC.**—A hearing under this section shall be—

(A) noticed to the public on the website of the Pipeline and Hazardous Materials Safety Administration; and

(B) in the case of a formal hearing (as defined in section 190.3 of title 49, Code of Federal Regulations (or a successor regulation)), open to the public.

(3) **TRANSPARENCY.**—

(A) **AGREEMENTS, ORDERS, AND JUDGMENTS OPEN TO THE PUBLIC.**—With respect to each enforcement proceeding under this chapter, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall make publicly available on the website of the Administration—

(i) the charging documents;

(ii) the written response of the respondent, if filed; and

(iii) any consent agreement, consent order, order, or judgment resulting from a hearing under this chapter.

(B) **GAO REPORT ON PIPELINE SAFETY PROGRAM COLLECTION AND TRANSPARENCY OF ENFORCEMENT PROCEEDINGS.**—

(i) **IN GENERAL.**—Not later than 2 years after the date of enactment of the PIPES Act of 2020, the Comptroller General of the United States shall—

(I) review information on pipeline enforcement actions that the Pipeline and Hazardous Materials Safety Administration makes publicly available on the internet; and

(II) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on that review, including any recommendations under clause (iii).