

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the PIPES Act of 2016, referred to in subssecs. (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.

§ 60142. Pipeline safety enhancement programs

(a) **IN GENERAL.**—The Secretary may establish and carry out limited safety-enhancing testing programs to evaluate innovative technologies and operational practices testing the safe operation of—

- (1) a natural gas pipeline facility; or
- (2) a hazardous liquid pipeline facility.

(b) **LIMITATIONS.**—

(1) **IN GENERAL.**—Testing programs established under subsection (a) may not exceed—

(A) 5 percent of the total miles of hazardous liquid pipelines in the United States that are regulated by—

- (i) the Pipeline and Hazardous Materials Safety Administration; or
- (ii) a State authority under section 60105 or 60106; and

(B) 5 percent of the total miles of natural gas pipelines in the United States that are regulated by—

- (i) the Pipeline and Hazardous Materials Safety Administration; or
- (ii) a State authority under section 60105 or 60106.

(2) **OPERATOR MILEAGE LIMITATION.**—The Secretary shall limit the miles of pipelines that each operator can test under each program established under subsection (a) to the lesser of—

(A) 38 percent of the total miles of pipelines in the system of the operator that are regulated by—

- (i) the Pipeline and Hazardous Materials Safety Administration; or
- (ii) a State authority under section 60105 or 60106; or

(B) 1,000 miles.

(3) **PROHIBITED AREAS.**—Any program established under subsection (a) shall not be located in—

(A) a high population area (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation));

(B) a high consequence area (as defined in section 192.903 of title 49, Code of Federal Regulations (or a successor regulation)); or

(C) an unusually sensitive area (as described under subsection (a)(1)(B)(ii) of section 60109 in accordance with subsection (b) of that section).

(4) **HIGH CONSEQUENCE AREAS FOR HAZARDOUS LIQUID PIPELINES.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress a report examining the benefits and costs of prohibiting the testing of hazardous liquid pipe-

lines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)).

(B) **CONTENTS OF REPORT.**—The report described in subparagraph (A) shall examine—

(i) the safety benefits of allowing the testing of hazardous liquid pipelines in high consequence areas (as defined in section 195.450 of title 49, Code of Federal Regulations (or a successor regulation)); and

(ii) whether additional testing conditions are required to protect those areas while conducting a testing program established under subsection (a) in those areas.

(c) **DURATION.**—

(1) **IN GENERAL.**—The term of a testing program established under subsection (a) shall be not more than a period of 3 years beginning on the date of approval of the program.

(2) **REQUIREMENT.**—The Secretary shall not establish any additional safety-enhancing testing programs under subsection (a) after the date that is 3 years after the date of enactment of this section.

(d) **SAFETY STANDARDS.**—

(1) **IN GENERAL.**—The Secretary shall require, as a condition of approval of a testing program under subsection (a), that the safety measures in the testing program are designed to achieve a level of safety that is greater than the level of safety required by this chapter.

(2) **DETERMINATION.**—

(A) **IN GENERAL.**—The Secretary may issue an order under subparagraph (A) of section 60118(c)(1) to accomplish the purpose of a testing program for a term not to exceed the time period described in subsection (c) if the condition described in paragraph (1) is met, as determined by the Secretary.

(B) **LIMITATION.**—An order under subparagraph (A) shall pertain only to those regulations that would otherwise prevent the use of the safety technology to be tested under the testing program.

(3) **INCREASED SAFETY CAPABILITIES.**—For purposes of paragraph (1), improvement in the reliability, accuracy, durability, or certainty of pipeline safety technologies, techniques, or methods shall constitute an appropriate means of meeting the safety measure requirement described in that paragraph.

(e) **CONSIDERATIONS.**—In establishing a testing program under subsection (a), the Secretary shall consider—

(1) the accident and incident record of the owners or operators participating in the program;

(2)(A) whether the owners or operators participating in the program have a safety management system in place; and

(B) how the application of that system proposes to eliminate or mitigate potential safety and environmental risks throughout the duration of the program; and

(3) whether the proposed safety technology has been tested through a research and development program carried out by—

(A) the Secretary;

(B) collaborative research development organizations; or

(C) other institutions.

(f) DATA AND FINDINGS.—

(1) IN GENERAL.—As a participant in a testing program established under subsection (a), an owner or operator shall submit to the Secretary detailed findings and a summary of data collected as a result of participation in the testing program.

(2) PUBLIC REPORT.—The Secretary shall make publicly available on the website of the Department of Transportation an annual report for any ongoing testing program established under subsection (a) summarizing the progress of the program.

(g) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a testing program under subsection (a) if—

(1)(A) the participant has an accident or incident involving death or personal injury necessitating in-patient hospitalization; and

(B) the testing program is determined to be the cause of, or a contributing factor to, that accident or incident;

(2) the participant fails to comply with the terms and conditions of the testing program; or

(3) in the determination of the Secretary, continued participation in the testing program by the participant would be unsafe or would not be consistent with the goals and objectives of this chapter.

(h) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a testing program under subsection (a) if continuation of the testing program would not be consistent with the goals and objectives of this chapter.

(i) STATE RIGHTS.—

(1) EXEMPTION.—Except as provided in paragraph (2), if a State submits to the Secretary notice that the State requests an exemption from any testing program considered for establishment under this section, the State shall be exempt.

(2) LIMITATIONS.—

(A) IN GENERAL.—The Secretary shall not grant a requested exemption under paragraph (1) after a testing program is established.

(B) LATE NOTICE.—The Secretary shall not grant a requested exemption under paragraph (1) if the notice submitted under that paragraph is submitted to the Secretary more than 30 days after the date on which the Secretary issues an order providing an effective date for the testing program in accordance with subsection (j).

(3) EFFECT.—If a State has not submitted a notice requesting an exemption under paragraph (1), the State shall not enforce any law (including regulations) that is inconsistent with a testing program in effect in the State under this section.

(j) PROGRAM REVIEW PROCESS AND PUBLIC NOTICE.—

(1) IN GENERAL.—The Secretary shall publish in the Federal Register and send directly to each relevant State and each appropriate State authority with a certification in effect

under section 60105 a notice of each proposed testing program under subsection (a), including the order to be considered, and provide an opportunity for public comment for not less than 90 days.

(2) RESPONSE FROM SECRETARY.—Not later than the date on which the Secretary issues an order providing an effective date of a testing program noticed under paragraph (1), the Secretary shall—

(A) publish the order in the Federal Register; and

(B) respond to each comment submitted under paragraph (1).

(k) REPORT TO CONGRESS.—At the conclusion of each testing program, the Secretary shall make publicly available on the website of the Department of Transportation a report containing—

(1) the findings and conclusions of the Secretary with respect to the testing program; and

(2) any recommendations of the Secretary with respect to the testing program, including any recommendations for amendments to laws (including regulations) and the establishment of standards, that—

(A) would enhance the safe operation of interstate gas or hazardous liquid pipeline facilities; and

(B) are technically, operationally, and economically feasible.

(l) STANDARDS.—If a report under subsection (k) indicates that it is practicable to establish technically, operationally, and economically feasible standards for the use of a safety-enhancing technology and any corresponding operational practices tested by the testing program described in the report, the Secretary, as soon as practicable after submission of the report, may promulgate regulations consistent with chapter 5 of title 5 (commonly known as the “Administrative Procedure Act”) that—

(1) allow operators of interstate gas or hazardous liquid pipeline facilities to use the relevant technology or practice to the extent practicable; and

(2) establish technically, operationally, and economically feasible standards for the capability and deployment of the technology or practice.

(Added Pub. L. 116-260, div. R, title I, §104(a), Dec. 27, 2020, 134 Stat. 2216.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (b)(4)(A) and (c)(2), is the date of enactment of Pub. L. 116-260, which was approved Dec. 27, 2020.

§ 60143. Idled pipelines

(a) DEFINITION OF IDLED.—In this section, the term “idled”, with respect to a pipeline, means that the pipeline—

(1)(A) has ceased normal operations; and

(B) will not resume service for a period of not less than 180 days;

(2) has been isolated from all sources of hazardous liquid, natural gas, or other gas; and

(3)(A) has been purged of combustibles and hazardous materials and maintains a blanket of inert, nonflammable gas at low pressure; or