

Calendar No. 280

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-143

**COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF
1997**

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1115



NOVEMBER 7, 1997.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

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COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1997

NOVEMBER 7, 1997.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1115]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1115) “A Bill to amend title 49, United States Code, to improve the one-call notification process, and for other purposes”, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The bill, as reported, would set minimum performance standards for one-call notification programs to assist in improving participation in, and performance under, existing state programs. An incentive grant program would be established to encourage states to strengthen their laws that protect excavators, underground pipelines, telecommunication cables, and other infrastructure from damage.

S. 1115 would allow the Secretary of Transportation to initiate a study of the best practices employed by one-call notification systems currently in operation in the states. The Secretary would be required to report on the best practices identified in the study, and encourage states to adopt them.

S. 1115 authorizes \$1,000,000 in fiscal year 1999 and \$5,000,000 in fiscal year 2000 for grants to states that choose to improve one-call notification programs in accordance with the legislation’s provisions. Participation in the program established by S. 1115 is voluntary.

BACKGROUND AND NEEDS

A one-call notification system is a communication network established to prevent excavation damage to the underground infrastructure, including natural gas and hazardous liquid pipelines, fiber optic cables, electrical, water and sewer systems. The one-call centers provide a central point of contact where excavators call to provide advance notice of their plans to use equipment for excavating, tunneling, demolition, or otherwise disturbing subsurfaces. Excavators include utilities and their contractors, general contractors and subcontractors, and other entities who excavate the soil surface.

One-call systems accept calls from anyone needing to determine the location of underground facilities due to impending excavation. The centers allow participating members the opportunity to identify and mark their facilities in the vicinity of a proposed excavation. This identification and marking allows the excavation to proceed safely without contacting or damaging vital subsurface infrastructure. This notification also affords the owners of underground facilities the opportunity to provide any necessary information about their facilities to excavators and to post a construction watch, if desired. The Committee believes that the notification and accurate marking of facilities ultimately enhances the safety of excavators while protecting the underground facilities and protecting the environment.

One-call notification systems are effective. According to a one-call notification system association, more than 25 million calls were made to their centers in 1995 which in turn generated more than 350 million message notifications to facility owners and operators. The association reports that these messages dramatically reduced the risk and incidence of damage to individuals and property.

Over the years, forty-nine states have enacted laws requiring participation in some form of one-call notification systems. One-call state statutes differ from state to state, but all the laws include certain basic elements. For example, the laws generally establish timetables for excavation notification and facility owner line marking. State laws also traditionally contain penalties for excavating without notifying one-call centers. At the same time, some state laws exempt certain entities from coverage, such as highway departments, even though their construction activities can damage underground facilities.

The Committee recognizes that one-call systems work well, but damage continues to occur and safety risks remain. The Department of Transportation Office of Pipeline Safety statistics indicate that the single leading cause of pipeline failures remains external force, which includes third party damage. In March 1994, a natural gas transmission pipeline in Edison, New Jersey, exploded and the resulting fires injured more than 100 people and destroyed 8 apartment buildings. At the conclusion of the Edison accident investigation, the National Transportation Safety Board (NTSB) determined that the probable cause of the explosion was a gouge in the exterior surface of the pipe. The NTSB found that the gouge was consistent with the damage caused by mechanized excavation equipment.

Aside from natural gas and hazardous liquid pipelines, damage to underground facilities affects others facilities as well. Concern over the reliability of telecommunications services led the Federal Communications Commission in 1991 to establish the Network Reliability Council to study the causes of network failures. The Network reported in 1994 that excavation damage was the single largest cause of fiber optic cable damage, accounting for more than 58 percent of the reported damage. Of that damage, the Network reported, the leading cause was due to errors made during excavation even though notification had been made and the lines were marked. The second largest cause was the failure to notify prior to excavation.

The Committee believes the importance of excavation notice and accurate marking should not be minimized. In testimony before the Committee this year, the Department of Transportation stated that four Federal Aviation Administration air traffic control centers were shut down for more than five hours in 1991 when a fiber optic cable was cut. In January of that same year crews removing cable in New Jersey accidentally severed a fiber optic cable carrying 100,000 calls, including air traffic control communication in New York, Washington and Boston. In July 1997, long-distance telephone calls and Internet traffic had to be rerouted throughout the country when a fiber optic cable was severed during excavation in Maryland.

LEGISLATIVE HISTORY

After the Edison, New Jersey accident in 1994, several bills were introduced to improve one-call systems and reduce excavation damage. The Commerce Committee held hearings on these measures and reported an amended version of one bill, S. 2101, which was introduced by Senators Bradley and Lautenberg. As reported, the legislation established a toll-free national notification telephone number and directed all states to consider adopting comprehensive statewide one-call notification program. S. 2101 listed the specific elements that states had to include in their programs such as how a one-call system should operate, who must join a one-call network, and how enforcement and penalties should be structured. Although a similar bill passed the House, the full Senate took no action on S. 2101.

During the 104th Congress, a bill (S. 164) was introduced by Senators Bradley, Specter, Lautenberg and Exon to require states to consider adopting mandatory, comprehensive, statewide one-call notification systems. No action was taken on S. 164 in the Senate during the 104th Congress.

In the 105th Congress, the Administration included one-call legislation in its legislative proposal to reauthorize the Intermodal Surface Transportation and Efficiency Act (ISTEA). The Administration's one-call legislation was not introduced in the Senate.

On July 31, 1997 Senator Lott introduced S. 1115 for himself and Senators Daschle, Shelby, Rockefeller, Warner, Robb, Inhofe, Inouye, Cochran and Conrad. Senators Breaux, Bryan, Dorgan, Hutchinson, Specter and Sessions cosponsored S. 1115.

The Subcommittee on Surface Transportation and Merchant Marine held a hearing on S. 1115 and one-call notification systems on

September 17, 1997. The text of S. 1115 was included as Title III of the Committee on Commerce, Science, and Transportation's recommended amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997 (ISTEA II). The Committee amendment was approved at a Committee executive session on October 23, 1997. On November 4, 1997, in open executive session the Committee ordered reported S. 1115, as introduced without objection.

SUMMARY OF MAJOR PROVISIONS

As reported, S. 1115 would establish a two-year program to motivate states to improve their one-call notification systems and excavation damage prevention activities. The legislation sets forth certain criteria that each state should include in its one-call notification program if it seeks assistance established by S. 1115.

PROGRAM PARTICIPATION

Participation in the program established by S. 1115 is optional, and the bill does not mandate changes in state one-call notification systems. Should a state elect to participate in S. 1115, the bill sets forth several criteria that the state must consider when examining one-call notification enhancements. A state participating in the program established under S. 1115 would be required to examine the appropriate participation level in one-call notification programs by all organizations that excavate or that operate buried facilities. Improvements in a state's excavation damage prevention enforcement activities would have to be an element in the one-call notification programs of states applying for grants under S. 1115.

The Committee is aware that in recent years some states have significantly amended their one-call notification programs. Other states have legislation pending to improve their programs. The Committee does not intend for S. 1115 to override or impede these state initiatives. Therefore, the Committee reported bill does not prescribe conditions for states to include in their programs, and does not tell states who should participate in one-call notification programs. Those decisions remain at the state level under S. 1115.

S. 1115 retains existing legal precedents whereby states provide the legislative foundation for one-call notification programs. Under the legislation, a state could have one notification system, or a system comprised of several coordinated one-call notification centers.

S. 1115 does not preempt state law or statutorily exempt any private or public concern from participation in excavation damage prevention programs. Decisions on exempting private or public entities from participation in one-call notification systems rest with the states. The Committee bill does require, however, that states participating in the incentive grant program assess the risks to public safety, the environment, excavators, and vital public services associated with exempting public or private entities from one-call notification system participation.

The Committee bill does not alter or change state treatment of entities that operate underground facilities within their own property. Currently, most state programs do not require participation by underground facility operators whose underground facilities lie within their own property, such as railroads or gas stations. The

Committee believes that such exemptions should be, wherever possible, a function of the States.

The provisions in S. 1115 are flexible and they retain existing state decision-making authority over one-call notification systems. The incentives provided in S. 1115 should be used to strengthen one-call notification programs. The Committee cautions that the language in S. 1115 should not be viewed as an excuse to weaken one-call programs in any state and the bill should not be considered as a sanction for states to reduce one-call system participation levels.

INACCURATE MARKING

Excavation performed with inaccurate marking can cause damage that results in fatalities, serious injuries, harm to the environment, and disruption of vital services to the public. The Committee is aware of efforts underway in the private and public sector to improve underground facility locational accuracy. The Committee also believes that the effectiveness and accuracy of the mapping techniques currently used by one-call notification systems should be examined. The Committee expects the issue of inaccurate marking and mapping to be included as part of the best practices study authorized in S. 1115.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 7, 1997.

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,
Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1115, the Comprehensive One-Call Notification Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Clare Doherty (for federal costs), and Kristen Layman (for the state and local impact).

Sincerely,

PAUL VAN DE WATER,
(For June E. O'Neill, Director).

Enclosure.

S. 1115—Comprehensive One-Call Notification Act of 1997

Summary: S. 1115 would authorize the appropriation of \$6 million over fiscal years 1999 and 2000 for a one-call notification program that would provide states with grants to improve existing "one-call" systems already in place in certain states and localities. A one-call notification system is a central tracking system that excavators can use to avoid damaging underground facilities such as

natural gas pipelines and other utilities. S. 1115 would require the Secretary of Transportation to report to the Congress on the implementation of the new one-call program and on the best practices for preventing damages to underground facilities and for providing effective and efficient notification service to excavators and operators of such facilities.

Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 1115 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments except as a condition of receiving federal grants.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1115 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

(By fiscal year, in millions of dollars)

	1998	1999	2000	2001	2002
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	5	0	0
Estimated Outlays	1	1	3	2	1

¹ Less than \$500,000.

Basis of estimate: For purposes of this estimate, CBO assumes that the amounts authorized in the bill will be appropriated before the start of each fiscal year for grants to states: \$1 million for 1999 and \$5 million for 2000. In addition, the bill would authorize the appropriations of such sums as may be necessary for administration for fiscal years 1998, 1999, and 2000. But based on information from the Research and Special Programs Administration (RSPA), CBO estimates that the cost of completing the reports and studies on the new program would be negligible.

Estimated impact on State, local, and tribal governments: S. 1115 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments except as a condition of receiving federal grants. Currently, all states except Alaska and Hawaii have one-call notification programs in place. This legislation would encourage uniformity among the various programs, but any additional costs would be minimal.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Pay-as-you-go considerations: None.

Estimate prepared by: Federal Costs: Clare Doherty. Impact on State, Local, and Tribal Governments: Kristen Layman.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

S. 1115, as reported, authorizes appropriations for a two-year incentive grant program to states that improve their one-call notifica-

tion systems. A total of \$6,000,000 is authorized to be appropriated for the grants. The bill will not subject any individuals or businesses to mandates and will not increase the paperwork requirements for such individuals or businesses because participation in S. 1115 is voluntary. This legislation also has no impact on the personal privacy of individuals.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section designates the title of the legislation as the Comprehensive One-Call Notification Act of 1997.

Section 2. Findings

Section 2 includes three findings: that unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power and other vital public services; that excavation performed without prior notification or with inaccurate marking causes damage that can result in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and, that protection of the public and the environment from the consequences of underground facility damage will be enhanced by a coordinated national effort to improve one-call notification programs.

Section 3. Establishment of One-call notification program

Section 3 creates a new chapter in Subtitle III of title 49, United States Code. The purposes of the new chapter are to enhance public safety; protect the environment; minimize risks to excavators; and prevent disruption of vital public services by improving one-call notification programs.

The section defines a one-call notification system as a system operated by an organization that has as one of its purposes the receipt of notification from excavators of their intent to excavate in a specified area and the notification of underground facility operators so that they can locate and mark their lines in the area scheduled for excavation. The definition includes statutes, regulations, orders, and other elements of law and policy in effect that establish one-call notification system operation requirements within a state.

Section 3 outlines minimum components that one-call notification programs should cover, including the appropriate participation by all underground facility operators and all excavators, and flexible and effective enforcement mechanisms governing participation in, and use of, one-call notification systems. In making a determination on the appropriate extent of participation required by underground facilities or excavators, the section requires a state to assess, and take into consideration, the risks to public safety, excavators, the environment, and vital services posed by underground facility damage and the actions of excavators.

The section establishes a two-year program whereby states could apply for grants upon a showing that the state's one-call notification program meets the minimum standards outlined in the bill. \$1,000,000 in fiscal year 1999 and \$5,000,000 in fiscal year 2000

is authorized for the incentive grant program. The section requires that funds to finance the grants come from general revenues.

The section allows a state to provide for greater protection than the minimum criteria established in the legislation. A State would further be allowed to provide for voluntary participation in one-call notification systems when it determines that certain types of underground facilities or excavation activities pose a *de minimis* risk to public safety or the environment.

The section requires one-call notification programs to include administrative or civil penalties commensurate with the seriousness of a violation, increased penalties for parties that repeatedly damage underground facilities because they neglect to use one-call notification systems or fail to provide timely and accurate marking of underground facilities. The section allows states to reduce or waive penalties when underground facility damage is promptly reported.

Section 3 also allows the Secretary of Transportation to initiate a study of the best practices employed by one-call notification systems in operation in the states. If a study is undertaken, the Secretary is required to report on the best practices identified and encourage their adoption in the States.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 49. TRANSPORTATION

SUBTITLE VIII. PIPELINES

CHAPTER 601. SAFETY

§ 60105. State pipeline safety program certifications

(a) GENERAL REQUIREMENTS AND SUBMISSION.—Except as provided in this section and [sections 60114 and] *section* 60121 of this title, the Secretary of Transportation may not prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a State authority (including a municipality if the standards and practices apply to intrastate gas pipeline transportation) that submits to the Secretary annually a certification for the facilities and transportation that complies with subsections (b) and (c) of this section.

(b) CONTENTS.—Each certification submitted under subsection (a) of this section shall state that the State authority—

- (1) has regulatory jurisdiction over the standards and practices to which the certification applies;
- (2) has adopted, by the date of certification, each applicable standard prescribed under this chapter or, if a standard under this chapter was prescribed not later than 120 days before certification, is taking steps to adopt that standard;
- (3) is enforcing each adopted standard through ways that include inspections conducted by State employees meeting the

qualifications the Secretary prescribes under section 60107(d)(1)(C) of this title;

(4) is encouraging and promoting programs designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies;

(5) may require record maintenance, reporting, and inspection substantially the same as provided under section 60117 of this title;

(6) may require that plans for inspection and maintenance under section 60108 (a) and (b) of this title be filed for approval; and

(7) may enforce safety standards of the authority under a law of the State by injunctive relief and civil penalties substantially the same as provided under sections 60120 and 60122(a)(1) and (b)-(f) of this title.

(c) REPORTS.—

(1) Each certification submitted under subsection (a) of this section shall include a report that contains—

(A) the name and address of each person to whom the certification applies that is subject to the safety jurisdiction of the State authority;

(B) each accident or incident reported during the prior 12 months by that person involving a fatality, personal injury requiring hospitalization, or property damage or loss of more than an amount the Secretary establishes (even if the person sustaining the fatality, personal injury, or property damage or loss is not subject to the safety jurisdiction of the authority), any other accident the authority considers significant, and a summary of the investigation by the authority of the cause and circumstances surrounding the accident or incident;

(C) the record maintenance, reporting, and inspection practices conducted by the authority to enforce compliance with safety standards prescribed under this chapter to which the certification applies, including the number of inspections of pipeline facilities the authority made during the prior 12 months; and

(D) any other information the Secretary requires.

(2) The report included in the first certification submitted under subsection (a) of this section is only required to state information available at the time of certification.

(d) APPLICATION.—A certification in effect under this section does not apply to safety standards prescribed under this chapter after the date of certification. This chapter applies to each applicable safety standard prescribed after the date of certification until the State authority adopts the standard and submits the appropriate certification to the Secretary under subsection (a) of this section.

(e) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the certification. A State authority shall cooperate with the Secretary under this subsection.

(f) REJECTIONS OF CERTIFICATION.—If after receiving a certification the Secretary decides the State authority is not enforcing

satisfactorily compliance with applicable safety standards prescribed under this chapter, the Secretary may reject the certification, assert United States Government jurisdiction, or take other appropriate action to achieve adequate enforcement. The Secretary shall give the authority notice and an opportunity for a hearing before taking final action under this subsection. When notice is given, the burden of proof is on the authority to demonstrate that it is enforcing satisfactorily compliance with the prescribed standards.

§ 60114. One-call notification systems

[(a) MINIMUM REQUIREMENTS.—The Secretary of Transportation shall prescribe regulations providing minimum requirements for establishing and operating a one-call notification system for a State to adopt that will notify an operator of a pipeline facility of activity in the vicinity of the facility that could threaten the safety of the facility. The regulations shall include the following:

[(1) a requirement that the system apply to all areas of the State containing underground pipeline facilities.

[(2) a requirement that a person intending to engage in an activity the Secretary decides could cause physical damage to an underground facility must contact the appropriate system to establish if there are underground facilities present in the area of the intended activity.

[(3) a requirement that all operators of underground pipeline facilities participate in an appropriate one-call notification system.

[(4) qualifications for an operator of a facility, a private contractor, or a State or local authority to operate a system.

[(5) procedures for advertisement and notice of the availability of a system.

[(6) a requirement about the information to be provided by a person contacting the system under clause (2) of this subsection.

[(7) a requirement for the response of the operator of the system and of the facility after they are contacted by an individual under this subsection.

[(8) a requirement that each State decide whether the system will be toll free.

[(9) a requirement for sanctions substantially the same as provided under sections 60120 and 60122 of this title.

[(b) MARKING FACILITIES.—On notification by an operator of a damage prevention program or by a person planning to carry out demolition, excavation, tunneling, or construction in the vicinity of a pipeline facility, the operator of the facility shall mark accurately, in a reasonable and timely way, the location of the pipeline facilities in the vicinity of the demolition, excavation, tunneling, or construction.

[(c) [Redesignated]

[(d) RELATIONSHIP TO OTHER LAWS.—This section and regulations prescribed under this section do not affect the liability established under a law of the United States or a State for damage caused by an activity described in subsection (a)(2) of this section.】

§ 60122. Civil penalties

(a) GENERAL PENALTIES.—

(1) A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has violated section **[60114(c) or 60118(a)]** *60118(a)* of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of violations is \$500,000.

(2) A person violating a standard or order under section 60103 or 60111 of this title is liable to the Government for a civil penalty of not more than \$50,000 for each violation. A penalty under this paragraph may be imposed in addition to penalties imposed under paragraph (1) of this subsection.

(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

(1) the nature, circumstances, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on ability to continue doing business;

(3) good faith in attempting to comply; and

(4) other matters that justice requires.

(c) COLLECTION AND COMPROMISE.—

(1) The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(d) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(e) DEPOSIT IN TREASURY.—Amounts collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(f) PROHIBITION ON MULTIPLE PENALTIES FOR SAME ACT.—Separate penalties for violating a regulation prescribed under this chapter and for violating an order under section 60112 or 60118(b) of this title may not be imposed under this chapter if both violations are based on the same act.

§ 60123. Criminal penalties

(a) GENERAL PENALTY.—A person knowingly and willfully violating section **[60114(c),]** 60118(a), or 60128 of this title or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PENALTY FOR DAMAGING OR DESTROYING FACILITY.—A person knowingly and willfully damaging or destroying, or attempting to damage or destroy, an interstate gas pipeline facility or interstate hazardous liquid pipeline facility shall be fined under title 18, imprisoned for not more than 15 years, or both.

(c) PENALTY FOR DAMAGING OR DESTROYING SIGN.—A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.

(d) PENALTY FOR NOT USING ONE-CALL NOTIFICATION SYSTEM OR NOT HEEDING LOCATION INFORMATION OR MARKINGS.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person knowingly and willfully—

(1) engages in an excavation activity—

(A) without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or

(B) without paying attention to appropriate location information or markings the operator of a pipeline facility establishes; and

(2) subsequently damages—

(A) a pipeline facility that results in death, serious bodily harm, or actual damage to property of more than \$50,000;

(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or

(C) a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product.

§ 60125. Authorization of appropriations

(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for [sections 60107 and 60114(b)] *section 60107*) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

(1) \$19,448,000 for fiscal year 1996;

(2) \$20,028,000 for fiscal year 1997, of which \$14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

(3) \$20,729,000 for fiscal year 1998, of which \$15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

(4) \$21,442,000 for fiscal year 1999, of which \$15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title; and

(5) \$22,194,000 for fiscal year 2000, of which \$16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.

(b) HAZARDOUS LIQUID.—Not more than the following amounts may be appropriated to the Secretary to carry out this chapter (except [sections 60107 and 60114(b)] *section 60107*) related to hazardous liquid:

(1) \$1,728,500 for the fiscal year ending September 30, 1993.

(2) \$1,866,800 for the fiscal year ending September 30, 1994.

(3) \$2,000,000 for the fiscal year ending September 30, 1995.

(c) STATE GRANTS.—

(1) Not more than the following amounts may be appropriated to the Secretary to carry out section 60107 of this title:

(A) \$7,750,000 for the fiscal year ending September 30, 1993.

(B) \$9,000,000 for the fiscal year ending September 30, 1994.

(C) \$10,000,000 for the fiscal year ending September 30, 1995.

(D) \$12,000,000 for fiscal year 1996.

(E) \$14,000,000 for fiscal year 1997, of which \$12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

(F) \$14,490,000 for fiscal year 1998, of which \$12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

(G) \$15,000,000 for fiscal year 1999, of which \$13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

(H) \$15,524,000 for fiscal year 2000, of which \$13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.

(2) At least 5 percent of amounts appropriated to carry out United States Government grants-in-aid programs for a fiscal year are available only to carry out section 60107 of this title related to hazardous liquid.

(3) Not more than 20 percent of a pipeline safety program grant under section 60107 of this title may be allocated to indirect expenses.

[(d) GRANTS FOR ONE-CALL NOTIFICATION SYSTEMS.—Not more than \$———— may be appropriated to the Secretary for the fiscal year ending September 30, 19—, to carry out section 60114(b) of this title. Amounts under this subsection remain available until expended.]

[(e) (d) CREDITING APPROPRIATIONS FOR EXPENDITURES FOR TRAINING.—The Secretary may credit to an appropriation authorized under subsection (a) or (b) of this section amounts received from sources other than the Government for reimbursement for expenses incurred by the Secretary in providing training.]

[(f) (e) AVAILABILITY OF UNUSED AMOUNTS FOR GRANTS.—

(1) The Secretary shall make available for grants to States amounts appropriated for each of the fiscal years that ended September 30, 1986, and 1987, that have not been expended in making grants under section 60107 of this title.

(2) A grant under this subsection is available to a State that after December 31, 1987—

(A) undertakes a new responsibility under section 60105 of this title; or

(B) implements a one-call damage prevention program established under State law.

(3) This subsection does not authorize a State to receive more than 50 percent of its allowable pipeline safety costs from a grant under this chapter.

(4) A State may receive not more than \$75,000 under this subsection.

(5) Amounts under this subsection remain available until expended.