

106TH CONGRESS  
2D SESSION

# S. 2438

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 13, 2000

Mr. MCCAIN (for himself, Mrs. MURRAY, and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49,**  
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “King and Tsiorvas Pipeline Safety Improvement Act of  
7 2000”.

8 (b) AMENDMENT OF TITLE 49, UNITED STATES  
9 CODE.—Except as otherwise expressly provided, whenever

1 in this Act an amendment or repeal is expressed in terms  
2 of an amendment to, or a repeal of, a section or other  
3 provision, the reference shall be considered to be made to  
4 a section or other provision of title 49, United States  
5 Code.

6 **SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL REC-**  
7 **OMMENDATIONS.**

8 (a) IN GENERAL.—The Secretary shall implement  
9 the safety improvement recommendations provided for in  
10 the Department of Transportation Inspector General’s Re-  
11 port (RT–2000–069).

12 (b) REPORTS BY THE SECRETARY.—Not later than  
13 90 days after the date of enactment of this Act, and every  
14 90 days thereafter until each of the recommendations re-  
15 ferred to in subsection (a) has been implemented, the Sec-  
16 retary shall transmit to the Committee on Commerce,  
17 Science, and Transportation of the Senate and the Com-  
18 mittee on Transportation and Infrastructure of the House  
19 of Representatives a report on the specific actions taken  
20 to implement such recommendations.

21 (c) REPORTS BY THE INSPECTOR GENERAL.—The  
22 Inspector General shall periodically transmit to the Com-  
23 mittees referred to in subsection (b) a report assessing the  
24 Secretary’s progress in implementing the recommenda-  
25 tions referred to in subsection (a) and identifying options

1 for the Secretary to consider in accelerating recommenda-  
2 tion implementation.

3 **SEC. 3. NTSB SAFETY RECOMMENDATIONS.**

4 (a) IN GENERAL.—The Secretary of Transportation,  
5 the Administrator of Research and Special Program Ad-  
6 ministration, and the Director of the Office of Pipeline  
7 Safety shall fully comply with section 1135 of title 49,  
8 United States Code, to ensure timely responsiveness to  
9 National Transportation Safety Board recommendations  
10 about pipeline safety.

11 (b) PUBLIC AVAILABILITY.—The Secretary, Adminis-  
12 trator, or Director, respectively, shall make a copy of each  
13 recommendation on pipeline safety and response, as de-  
14 scribed in sections 1135 (a) and (b) of title 49, United  
15 States Code, available to the public at reasonable cost.

16 (d) REPORTS TO CONGRESS.—The Secretary, Admin-  
17 istrator, or Director, respectively, shall submit to the Con-  
18 gress by January 1 of each year a report containing each  
19 recommendation on pipeline safety made by the Board  
20 during the prior year and a copy of the response to each  
21 such recommendation.

22 **SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.**

23 (a) TRAINING PLAN.—Each pipeline operator shall  
24 submit to the Secretary of Transportation a training plan  
25 that is designed to enhance training for pipeline personnel

1 and to reduce the likelihood of accidents and injuries. The  
2 plan shall be submitted not more than 6 months after the  
3 date of enactment of this Act.

4 (b) REQUIREMENTS.—The enhanced training plan  
5 shall include, at a minimum, criteria to demonstrate the  
6 ability of an individual to safely and properly perform as-  
7 signed tasks. The plan shall also provide for periodic re-  
8 training and reexamination of pipeline employee qualifica-  
9 tions as appropriate. The Secretary is authorized to review  
10 the submitted plans to determine if they are sufficient to  
11 provide a safe operating environment and shall periodi-  
12 cally review the plans to ensure the continuation of a safe  
13 operation. The Secretary may establish minimum stand-  
14 ards for operators to include in the training plans.

15 **SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.**

16 Not later than 12 months after the date of enactment  
17 of this Act, the Secretary shall issue regulations requiring  
18 pipeline operators to periodically determine the adequacy  
19 of pipelines to operate safely in unusually sensitive areas  
20 and high-density population areas. Such regulations shall,  
21 at a minimum, require operators to perform periodic in-  
22 spections or tests capable of identifying corrosion, me-  
23 chanical damage or other structural or operational defects  
24 that could be detrimental to safety and the environment.

1 **SEC. 6. SHUTDOWN AUTHORITY.**

2 Section 60112 is amended by adding at the end  
3 thereof the following:

4 “(f) SHUTDOWN AUTHORITY.—

5 “(1) IN GENERAL.—If the Secretary determines  
6 that allowing the continued operation of a hazardous  
7 liquid or natural gas pipeline creates an imminent  
8 hazard (as defined in section 5102(5)), the Sec-  
9 retary shall take such action as may be necessary to  
10 prevent the operator of that system from operating  
11 that pipeline for 30 days.

12 “(2) SUBSEQUENT EXTENSION AFTER NOTICE  
13 AND HEARING.—After taking action under para-  
14 graph (1), the Secretary may extend the period that  
15 action is in effect for an additional period of up to  
16 30 days if the Secretary determines, after notice and  
17 an opportunity for a hearing, that allowing the oper-  
18 ator to resume operation of the pipeline would create  
19 an imminent hazard (as defined in section 5102).”.

20 **SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS,**  
21 **AND COMMUNITY RIGHT TO KNOW.**

22 (a) Section 60116 is amended to read as follows:

23 **“§ 60116. Public education, emergency preparedness,**  
24 **and community right to know**

25 “(a) PUBLIC EDUCATION PROGRAMS.—

1           “(1) Each owner or operator of a gas or haz-  
2           ardous liquid pipeline facility shall carry out a con-  
3           tinuing program to educate the public on the use of  
4           a one-call notification system prior to excavation and  
5           other damage prevention activities, the possible haz-  
6           ards associated with unintended releases from the  
7           pipeline facility, the physical indications that such a  
8           release may have occurred, what steps should be  
9           taken for public safety in the event of a pipeline re-  
10          lease, and how to report such an event.

11          “(2) Within 12 months after the date of enact-  
12          ment of the King and Tsiorvas Pipeline Safety Im-  
13          provement Act of 2000, each owner or operator of  
14          a gas or hazardous liquid pipeline facility shall re-  
15          view its existing public education program for effec-  
16          tiveness and modify the program as necessary. The  
17          completed plan shall include activities to advise mu-  
18          nicipalities, school districts, businesses, and resi-  
19          dents of pipeline facility locations. The completed  
20          plans shall be submitted to the Secretary and shall  
21          be periodically reviewed by the Secretary.

22          “(3) The Secretary may issue standards pre-  
23          scribing the elements of an effective public education  
24          program. The Secretary may also develop material  
25          for use in the program.

1       “(b) EMERGENCY PREPAREDNESS.—Within 12  
2 months after the date of enactment of the King and  
3 Tsiorvas Pipeline Safety Improvement Act of 2000, an op-  
4 erator of a gas transmission or hazardous liquid pipeline  
5 facility shall initiate and maintain liaison with the State  
6 emergency response commissions, and local emergency  
7 planning committees in the areas of pipeline right-of-way,  
8 established under section 301 of the Emergency Planning  
9 and Community Right-To-Know Act of 1986 (42 U.S.C.  
10 11001) in each State in which it operates. An operator  
11 shall, when requested, make available to the State emer-  
12 gency response commissions and local emergency planning  
13 committees the information described in section 60102(d),  
14 any program for integrity management, and information  
15 about implementation of that program. The information  
16 about the facility within the public official’s area shall also  
17 include, at a minimum—

18               “(1) the business name, address, telephone  
19 number of the operator, including a 24-hour emer-  
20 gency contact number;

21               “(2) a description of the facility including pipe  
22 diameter, the product or products carried, and the  
23 operating pressure;

1           “(3) maps showing the location of the facility  
2           and any high consequence areas which the pipeline  
3           facility traverses or adjoins and abuts;

4           “(4) a summary description of the integrity  
5           measures the operator uses to assure safety and pro-  
6           tection for the environment; and

7           “(5) a point of contact to respond to questions  
8           from emergency response representative.

9   In a community without a local emergency planning com-  
10   mittee, the operator shall maintain liaison with the local  
11   fire, police, and other emergency response agencies.

12       “(c) COMMUNITY RIGHT TO KNOW.—Not later than  
13   12 months after the date of enactment of the King and  
14   Tsiorvas Pipeline Safety Improvement Act of 2000, and  
15   annually thereafter, the owner or operator of each gas or  
16   hazardous liquid pipeline facility shall provide to the gov-  
17   erning body of each municipality in which the pipeline fa-  
18   cility is located, a map identifying the location of such fa-  
19   cility. The Secretary may provide technical assistance to  
20   the pipeline industry on developing public safety and pub-  
21   lic education program content and best practices for pro-  
22   gram delivery, and on evaluating the effectiveness of the  
23   programs. The Secretary may also provide technical as-  
24   sistance to State and local officials in applying practices  
25   developed in these programs to their activities.



1       “(d) PUBLIC AVAILABILITY OF REPORTS.—The Sec-  
 2       retary shall make available to the public a safety-related  
 3       condition report filed by an operator under section 60102  
 4       (h) and a report of a pipeline incident filed by an operator  
 5       under this chapter.”.

6       (b) CONFORMING AMENDMENT.—The chapter anal-  
 7       ysis for chapter 601 is amended by striking the item relat-  
 8       ing to section 60116 and inserting the following:

“60116. Public education, emergency preparedness, community right to know.”.

9       **SEC. 8. PENALTIES.**

10       Subsection 60122(a)(1) is amended—

11               (1) by striking “\$25,000” and inserting  
 12               “\$100,000”; and

13               (2) by striking “\$100,000” and inserting  
 14               “\$1,000,000”.

15       **SEC. 9. ENHANCED STATE OVERSIGHT.**

16       (a) Section 60106(a) is amended by inserting “(1)”  
 17       before the current text of the subsection, redesignating  
 18       paragraphs (1) and (2) as subparagraphs (A) and (B),  
 19       and adding at the end the following:

20               “(2) If the Secretary accepts a certification under  
 21       section 60105 of this title, the Secretary may make an  
 22       agreement with a State authority authorizing it to partici-  
 23       pate in the oversight of interstate pipeline transportation.  
 24       An agreement shall include a plan for the State authority

1 to participate in special investigations involving new con-  
 2 struction or incidents.

3 “(3) An agreement under paragraph (2) may also in-  
 4 clude a program allowing for participation by the State  
 5 authority in other activities overseeing interstate pipeline  
 6 transportation that supplement the Secretary’s program  
 7 and address issues of local concern, provided that the Sec-  
 8 retary determines that—

9 “(A) there are no significant gaps in the regu-  
 10 latory jurisdiction of the State authority over intra-  
 11 state pipeline transportation;

12 “(B) implementation of the agreement will not  
 13 adversely affect the oversight of intrastate pipeline  
 14 transportation by the State authority;

15 “(C) the program allowing participation of the  
 16 State authority is consistent with the Secretary’s  
 17 program for inspection;

18 “(D) the State promotes preparedness and pre-  
 19 vention activities that enable communities to live  
 20 safely with pipelines; and

21 “(E) the state meets the minimum standards  
 22 for State one-call notification set forth in chapter  
 23 61.”.

24 (b) Section 60106(d) is amended by inserting after  
 25 the first sentence the following: “In addition, the Sec-

1   retary may end an agreement for the oversight of inter-  
2   state pipeline transportation when the Secretary finds that  
3   there are significant gaps in the regulatory authority of  
4   the State authority over intrastate pipeline transportation,  
5   or that continued participation by the State authority in  
6   the oversight of interstate pipeline transportation is not  
7   consistent with the Secretary's program or would ad-  
8   versely affect oversight of intrastate pipeline transpor-  
9   tation, or that the State is not promoting activities that  
10  enable communities to live safely with pipelines.”.

11   **SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.**

12       Within 12 months after the date of enactment of this  
13   Act, the Secretary shall develop and implement a com-  
14   prehensive plan for the collection and use of gas and haz-  
15   ardous liquid pipeline data to revise the causal categories  
16   on the accident report forms to eliminate overlapping and  
17   confusing categories and include subcategories. The plan  
18   shall include components to provide the capability to per-  
19   form sound accident trend analysis and evaluations of  
20   pipeline operator performance using normalized accident  
21   data.

22   **SEC. 11. SUPPORT FOR INNOVATIVE TECHNOLOGY DEVELOP-**  
23       **OPMENT.**

24       As part of the Department's research and develop-  
25   ment program, the Secretary of Transportation shall di-

1 rect research attention to the development of alternative  
2 technologies—

3 “(1) to expand the defect detection capabilities  
4 of internal inspection devices;

5 “(2) to inspect pipelines that cannot accommo-  
6 date internal inspection devices available on the date  
7 of enactment; and

8 “(3) to develop innovative techniques measuring  
9 the structural integrity of pipelines.”.

10 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) Section 60125(a) is amended to read as follows:

12 “(a) GAS AND HAZARDOUS LIQUID.—To carry out  
13 this chapter and other pipeline-related damage prevention  
14 activities of this title (except for section 60107), there are  
15 authorized to be appropriated to the Department of  
16 Transportation

17 “(1) \$26,000,000 for fiscal year 2001, of which  
18 \$20,000,000 is to be derived from user fees for fis-  
19 cal year 2001 collected under section 60301 of this  
20 title; and

21 “(2) \$30,000,000 for each of the fiscal years  
22 2002 and 2003 of which \$23,000,000 is to be de-  
23 rived from user fees for fiscal year 2002 and fiscal  
24 year 2003 collected under section 60301 of this  
25 title.”.

1 (b) Section 60125(c) is amended to read as follows:

2 “(c) STATE GRANTS.—Not more than the following  
3 amounts may be appropriated to the Secretary to carry  
4 out section 60107—

5 “(1) \$17,000,000 for fiscal year 2001, of which  
6 \$15,000,000 is to be derived from user fees for fis-  
7 cal year 2002 collected under section 60301 of this  
8 title; and

9 “(2) \$20,000,000 for the fiscal years 2002 and  
10 2003 of which \$18,000,000 is to be derived from  
11 user fees for fiscal year 2002 and fiscal year 2003  
12 collected under section 60301 of this title.”.

13 (c) Sections 60525 is amended by redesignating sub-  
14 sections (d), (e), and (f) as subsections (e), (f), (g) and  
15 inserting after subsection (c) the following:

16 “(d) OIL SPILL LIABILITY TRUST FUND.—Of the  
17 amounts available in the Oil Spill Liability Trust Fund,  
18 \$8,000,000 shall be transferred to carry out programs au-  
19 thorized in this Act for fiscal year 2001, fiscal year 2002,  
20 and fiscal year 2003.”.

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