

109TH CONGRESS  
1ST SESSION

# H. R. 2958

To require notification of appropriate emergency response authorities when damage to underground pipeline facilities occurs or is discovered.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2005

Mr. MURPHY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require notification of appropriate emergency response authorities when damage to underground pipeline facilities occurs or is discovered.

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.**

4       This Act may be cited as the “Pipeline Safety Emer-  
5       gency Notification Act” or “Marc and Chelsea’s Law”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

1           (1) Over 2,000,000 miles of pipelines transport  
2           the bulk of natural gas and petroleum products in  
3           the United States.

4           (2) According to the Pipeline and Hazardous  
5           Materials Safety Administration, since 1986 there  
6           have been 421 fatalities and 1,906 injuries as a re-  
7           sult of 7,607 incidents that damaged the Nation's  
8           pipelines. These incidents have resulted in  
9           \$1,700,000,000 in property damage.

10          (3) The leading cause of incidents to distribu-  
11          tion pipelines is external force damage during exca-  
12          vation work near pipelines.

13          (4) Existing Federal law and regulations re-  
14          quire pipeline owners and operators to have emer-  
15          gency procedures to address pipeline emergencies. In  
16          addition, the Office of Pipeline Safety has worked  
17          closely with the Common Ground Alliance to develop  
18          best practices which recommend the immediate noti-  
19          fication of 9-1-1 and facility owner or operators in  
20          the event of serious damage to a pipeline. However,  
21          Federal law does not explicitly require such notifica-  
22          tion, and laws and enforcement mechanisms vary  
23          from State to State.

24          (b) PURPOSE.—The purpose of this Act is to mini-  
25          mize the danger to life, health, or property that may result

1 from damage incurred to underground pipeline facilities  
 2 by requiring the notification of appropriate emergency re-  
 3 sponse authorities in such instances.

4 **SEC. 3. EMERGENCY ALERT REQUIREMENTS.**

5 Section 60114 of title 49, United States Code, is  
 6 amended—

7 (1) in the section heading, by inserting “**and**  
 8 **emergency alert requirements**” after “**sys-**  
 9 **tems**”;

10 (2) in the heading of subsection (a), by insert-  
 11 ing “ONE-CALL NOTIFICATION SYSTEM” before  
 12 “MINIMUM REQUIREMENTS”;

13 (3) by redesignating subsection (c) as sub-  
 14 section (d); and

15 (4) by inserting after subsection (b) the fol-  
 16 lowing new subsection:

17 “(c) EMERGENCY ALERT REQUIREMENTS.—

18 “(1) REQUIREMENT.—Any person, including a  
 19 government employee or contractor, who while en-  
 20 gaged in demolition, excavation, tunneling, or con-  
 21 struction in the vicinity of a pipeline facility—

22 “(A) becomes aware of damage to the pipe-  
 23 line facility that may endanger life or cause se-  
 24 rious bodily harm or damage to property; or

1           “(B) damages the pipeline facility in a  
2           manner that may endanger life or cause serious  
3           bodily harm or damage to property,  
4           shall promptly report the damage to the operator of  
5           the facility and to other appropriate authorities.

6           “(2) OTHER APPROPRIATE AUTHORITIES.—For  
7           purposes of this subsection, notification of other ap-  
8           propriate authorities shall consist of—

9           “(A) notification of medical, law enforce-  
10          ment, and fire prevention public authorities; or

11          “(B) calling 9–1–1.”.

12 **SEC. 4. CIVIL PENALTIES.**

13          Section 60122(a) of title 49, United States Code, is  
14          amended by inserting “, 60114(c),” after “60114(b)”.

15 **SEC. 5. CRIMINAL PENALTIES.**

16          Section 60123(a) of title 49, United States Code, is  
17          amended by inserting “60114(c),” after “60114(b),”.

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