

103^D CONGRESS
2^D SESSION

H. R. 4616

To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1994

Mr. PALLONE introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and Public Works and Transportation

A BILL

To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, 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.**

4 This Act may be cited as the “Natural Gas Pipeline
5 Safety Improvement Act of 1994”.

1 **SEC. 2. RECOVERY BY SECRETARY OF TRANSPORTATION**
2 **OF COSTS OF INVESTIGATION OF CERTAIN**
3 **PIPELINE ACCIDENTS.**

4 (a) NATURAL GAS PIPELINE ACCIDENTS.—Section
5 14 of the Natural Gas Pipeline Safety Act of 1968 (49
6 U.S.C. App. 1681) is amended by adding at the end the
7 following:

8 “(g)(1)(A) Subject to paragraphs (2) and (3), the
9 Secretary may recover from any person who engages in
10 the transportation of gas, or who owns or operates pipeline
11 facilities, the costs incurred by the Secretary—

12 “(i) in investigating an accident with respect to
13 such transportation or facilities; and

14 “(ii) in overseeing the response of the person to
15 the accident.

16 “(B) For the purposes of this paragraph, the costs
17 incurred by the Secretary in an investigation of an acci-
18 dent may include the cost of hiring additional personnel
19 (including personnel to support monitoring activities by
20 the Office of Pipeline Safety), the cost of tests or studies,
21 and travel and administrative costs associated with the in-
22 vestigation.

23 “(2) The Secretary may not recover costs under this
24 subsection with respect to an accident unless the acci-
25 dent—

26 “(A) results in death or personal injury; or

1 “(B) results in property damage (including the
2 cost of any lost natural gas) and environmental
3 damage (including the cost of any environmental re-
4 mediation) in an amount in excess of \$250,000.

5 “(3) The amount that the Secretary may recover
6 under this subsection with respect to an accident may not
7 exceed \$500,000.

8 “(4)(A) Amounts recovered by the Secretary under
9 this subsection shall be available to the Secretary for pur-
10 poses of the payment of the costs of investigating and
11 overseeing responses to accidents under this subsection.
12 Such funds shall be available to the Secretary for such
13 purposes without fiscal year limitation.

14 “(B) Such amounts shall be used to supplement and
15 not to supplant other funds made available to the Sec-
16 retary for such purposes.”.

17 (b) HAZARDOUS LIQUID PIPELINE ACCIDENTS.—
18 Section 211 of the Hazardous Liquid Pipeline Safety Act
19 of 1979 (title II of Public Law 96–129; 49 U.S.C. App.
20 2010) is amended by adding at the end the following:

21 “(g)(1)(A) Subject to paragraphs (2) and (3), the
22 Secretary may recover from any person who engages in
23 the transportation of hazardous liquids, or who owns or
24 operates pipeline facilities, the costs incurred by the Sec-
25 retary—

1 “(i) in investigating an accident with respect to
2 such transportation or facilities; and

3 “(ii) in overseeing the response of the person to
4 the accident.

5 “(B) For the purposes of this paragraph, the costs
6 incurred by the Secretary in an investigation of an acci-
7 dent may include the cost of hiring additional personnel
8 (including personnel to support monitoring activities by
9 the Office of Pipeline Safety), the cost of tests or studies,
10 and travel and administrative costs associated with the in-
11 vestigation.

12 “(2) The Secretary may not recover costs under this
13 subsection with respect to an accident unless the acci-
14 dent—

15 “(A) results in death or personal injury; or

16 “(B) results in property damage (including the
17 cost of any lost hazardous liquid) and environmental
18 damage (including the cost of any environmental re-
19 mediation) in an amount in excess of \$250,000.

20 “(3) The amount that the Secretary may recover
21 under this subsection with respect to an accident may not
22 exceed \$500,000.

23 “(4)(A) Amounts recovered by the Secretary under
24 this subsection shall be available to the Secretary for pur-
25 poses of the payment of the costs of investigating and

1 overseeing responses to accidents under this subsection.
2 Such funds shall be available to the Secretary for such
3 purposes without fiscal year limitation.

4 “(B) Such amounts shall be used to supplement and
5 not to supplant other funds made available to the Sec-
6 retary for such purposes.”.

7 **SEC. 3. GRANTS TO STATES AND ONE-CALL NOTIFICATION**
8 **SYSTEMS TO PROMOTE USE OF SUCH SYS-**
9 **TEMS.**

10 (a) GRANTS TO STATES.—Subsection (c) of section
11 20 of the Natural Gas Pipeline Safety Act of 1968 (49
12 U.S.C. App. 1687) is amended by adding at the end the
13 following: “The Secretary may make a grant to a State
14 for development and establishment of a one-call notifica-
15 tion system only if the State ensures that the cost of estab-
16 lishing and operating the system are shared equitably by
17 persons owning or operating underground facilities.”.

18 (b) GRANTS TO SYSTEMS.—Such subsection is fur-
19 ther amended—

20 (1) by striking “GRANTS TO STATES.—” and
21 inserting “GRANTS TO STATES AND SYSTEMS.—
22 (1)”; and

23 (2) by adding at the end the following:

1 “(2)(A) The Secretary may also make grants to one-
2 call notification systems for activities relating to the pro-
3 motion of the utilization of such systems.

4 “(B) The Secretary shall ensure that the Federal
5 share of the cost of the activities referred to in subpara-
6 graph (A) under any grant made under this paragraph
7 does not exceed 50 percent of the cost of such activities.”.

8 (c) SANCTIONS.—Subsection (b)(9) of such section is
9 amended by inserting “, or that would provide for effective
10 civil or criminal penalty sanctions or equitable relief ap-
11 propriate to the nature of the offense” after “12 of this
12 Act”.

13 (d) CONFORMING AMENDMENT.—Subsection (f) of
14 such section is amended by striking out “subsection (c)”
15 and inserting in lieu thereof “subsection (c)(1)”.

16 **SEC. 4. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.**

17 (a) NATURAL GAS PIPELINE FACILITIES.—Section
18 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49
19 U.S.C. App. 1681(a)) is amended by inserting after “and
20 training activities” the following: “and promotional activi-
21 ties relating to prevention of damage to pipeline facilities”.

22 (b) HAZARDOUS LIQUID PIPELINE FACILITIES.—
23 Section 211(a) of the Hazardous Liquid Pipeline Safety
24 Act of 1979 (title II of Public Law 96–129; 49 U.S.C.
25 App. 2010(a)) is amended by inserting after “and training

1 activities” the following: “and promotional activities relat-
2 ing to prevention of damage to pipeline facilities”.

3 **SEC. 5. ELECTRONIC DATA ON PIPELINE FACILITIES FOR**
4 **RISK ASSESSMENT AND SAFETY PLANNING.**

5 (a) **AUTHORITY TO DEVELOP.**—The Secretary of
6 Transportation may develop an electronic data base con-
7 taining uniform information on the nature, extent, and ge-
8 ographic location of pipeline facilities. The purpose of the
9 data base shall be to provide information on such facilities
10 to the Secretary, owners of pipeline facilities, as persons
11 engaged in transporting gas or hazardous liquids through
12 pipeline facilities, and for secured use by State agencies
13 concerned with land use planning, environmental regula-
14 tion, and pipeline regulatory oversight, in order to facili-
15 tate risk assessment and safety planning with respect to
16 such facilities.

17 (b) **CONTRACT AND GRANT AUTHORITY.**—(1) Sub-
18 ject to paragraph (2), the Secretary may develop the data
19 base described under subsection (a) by entering into con-
20 tracts or cooperative agreements with any entity that the
21 Secretary determines appropriate for that purpose and by
22 making grants to States or institutions of higher edu-
23 cation for that purpose.

24 (2) The Secretary shall ensure that the Federal share
25 of the cost of any activities carried out under a grant or

1 cooperative agreement made under this subsection does
2 not exceed 50 percent of the cost of such activities.

3 (c) USE OF GEOGRAPHIC INFORMATION SYSTEM
4 TECHNOLOGY.—In developing the data base described in
5 subsection (a), the Secretary shall, to the maximum extent
6 practicable, develop a data base that—

7 (1) utilizes Geographic Information System
8 technology or any similar technology providing data
9 of an equivalent quality and usefulness; and

10 (2) permits ready incorporation of data and in-
11 formation from a variety of sources.

12 (d) DEFINITION.—For purposes of this section, the
13 term “pipeline facility” has the meaning given such term
14 in section 20(e) of the Natural Gas Pipeline Safety Act
15 of 1968 (49 U.S.C. App. 1687(e)).

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) NATURAL GAS PIPELINE SAFETY ACT OF
18 1968.—(1) Section 17(a) of the Natural Gas Pipeline
19 Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amend-
20 ed—

21 (A) in paragraph (12), by striking “and”;

22 (B) by striking paragraph (13); and

23 (C) by adding after paragraph (12) the follow-
24 ing new paragraphs:

1 “(13) \$20,000,000 for the fiscal year ending
2 September 30, 1995;

3 “(14) \$30,000,000 for the fiscal year ending
4 September 30, 1996; and

5 “(15) \$35,000,000 for the fiscal year ending
6 September 30, 1997.”.

7 (2) Section 17(c) of the Natural Gas Pipeline Safety
8 Act of 1968 (49 U.S.C. App. 1684(c)) is amended by
9 striking “and \$10,000,000 for the fiscal year ending Sep-
10 tember 30, 1995” and inserting in lieu thereof
11 “\$16,500,000 for the fiscal year ending September 30,
12 1995, \$19,000,000 for the fiscal year ending September
13 30, 1996, and \$21,500,000 for the fiscal year ending Sep-
14 tember 30, 1997”.

15 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF
16 1979.—Section 214(a) of the Hazardous Liquid Pipeline
17 Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amend-
18 ed—

19 (1) in paragraph (12), by striking “and”;

20 (2) by striking paragraph (13); and

21 (3) by adding after paragraph (12) the follow-
22 ing new paragraphs:

23 “(13) \$7,000,000 for the fiscal year ending
24 September 30, 1995;

1 “(14) \$10,000,000 for the fiscal year ending
2 September 30, 1996; and

3 “(15) \$11,000,000 for the fiscal year ending
4 September 30, 1997.”.

5 **SEC. 7. SITING OF INTERSTATE TRANSMISSION FACILITIES.**

6 (a) SITING GUIDELINES.—Within 2 years after the
7 date of enactment of this Act, the Federal Energy Regu-
8 latory Commission shall review its practices and guidelines
9 for siting natural gas interstate transmission facilities in
10 urban areas to determine whether changes are needed in
11 the areas of—

12 (1) selecting routes for pipelines; and

13 (2) determining the appropriate width of rights-
14 of-way.

15 (b) EDUCATIONAL INFORMATION FOR LOCAL JURIS-
16 DICTIONS.—(1)(A) Within 2 years after the date of enact-
17 ment of this Act, the Secretary, in consultation with the
18 Federal Energy Regulatory Commission, shall make edu-
19 cational information available, regarding natural gas
20 interstate transmission facilities permits and rights-of-way
21 and issues with respect to development in the vicinity of
22 such interstate transmission facilities, for distribution to
23 appropriate agencies of local governments with jurisdiction
24 over the lands through which natural gas interstate trans-
25 mission facilities pass.

1 (B) For purposes of this section, the term “interstate
2 transmission facilities” has the meaning given such term
3 in section 2(8) of the Natural Gas Pipeline Safety Act of
4 1968 (49 U.S.C. App. 1671(8)).

5 (2)(A) Within 2 years after the date of enactment
6 of this Act, the Secretary shall make educational informa-
7 tion available, regarding hazardous liquid interstate pipe-
8 line facilities rights-of-way and issues with respect to de-
9 velopment in the vicinity of such interstate pipeline facili-
10 ties, for distribution to appropriate agencies of local gov-
11 ernments with jurisdiction over the lands through which
12 hazardous liquid interstate pipeline facilities pass.

13 (B) For purposes of this paragraph, the term “inter-
14 state pipeline facilities” has the meaning given such term
15 in section 202(5) of the Hazardous Liquid Pipeline Safety
16 Act of 1979 (49 U.S.C. App. 2001(5)).

17 (3) There are authorized to be appropriated to the
18 Secretary of Energy for carrying out this subsection,
19 \$2,000,000, to remain available until expended.

20 **SEC. 8. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

21 (a) NATURAL GAS PIPELINE SAFETY ACT OF
22 1968.—

23 (1) AMENDMENT.—The Natural Gas Pipeline
24 Safety Act of 1968 (49 U.S.C. App. 1671 et seq.)

1 is amended by adding at the end the following new
2 section:

3 **“SEC. 22. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

4 “(a) PROHIBITION.—No person shall excavate within
5 the right-of-way of a natural gas interstate transmission
6 facility, or any other limited area in the vicinity of such
7 interstate transmission facility established by the Sec-
8 retary, and dispose solid waste therein.

9 “(b) DEFINITION.—For purposes of this section, the
10 term ‘solid waste’ has the meaning given such term in sec-
11 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.
12 6903(27)).”.

13 (2) CONFORMING AMENDMENTS.—Section
14 11(a)(1) and (c)(1) of the Natural Gas Pipeline
15 Safety Act of 1968 (49 U.S.C. App. 1679a(a)(1)
16 and (c)(1)) is amended by striking “or section
17 20(h)” and inserting in lieu thereof “, section 20(h),
18 or section 22(a)”.

19 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF
20 1979.—

21 (1) AMENDMENT.—The Hazardous Liquid
22 Pipeline Safety Act of 1979 (49 U.S.C. App. 2001
23 et seq.) is amended by adding at the end the follow-
24 ing new section:

1 **“SEC. 221. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

2 “(a) PROHIBITION.—No person shall excavate within
3 the right-of-way of a hazardous liquid interstate pipeline
4 facility, or any other limited area in the vicinity of such
5 interstate pipeline facility established by the Secretary,
6 and dispose solid waste therein.

7 “(b) DEFINITION.—For purposes of this section, the
8 term ‘solid waste’ has the meaning given such term in sec-
9 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.
10 6903(27)).”.

11 (2) CONFORMING AMENDMENTS.—Section
12 208(a)(1) and (c)(1) of the Hazardous Liquid Pipe-
13 line Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)
14 and (c)(1)) is amended by inserting “or section
15 221(a)” after “section 207(a)”.

16 **SEC. 9. PERIODIC INSPECTION BY INSTRUMENTED INTER-**
17 **NAL INSPECTION DEVICES.**

18 (a) NATURAL GAS PIPELINE SAFETY ACT OF
19 1968.—Section 3(g)(2) of the Natural Gas Pipeline Safety
20 Act of 1968 (49 U.S.C. App. 1672(g)(2)) is amended—

21 (1) by striking “Not later than 3 years after
22 the date of the enactment of this paragraph” and in-
23 sserting in lieu thereof “Not later than 1 year after
24 the date of the enactment of the Natural Gas Pipe-
25 line Safety Improvement Act of 1994”; and

1 (2) in the first sentence, by inserting “and shall
2 prescribe a schedule or schedules for such inspec-
3 tions” after “operator of the pipeline”.

4 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF
5 1979.—Section 203(k)(2) of the Hazardous Liquid Pipe-
6 line Safety Act of 1979 (49 U.S.C. App. 2002(k)(2)) is
7 amended—

8 (1) by striking “Not later than 3 years after
9 the date of the enactment of this paragraph” and in-
10 sserting in lieu thereof “Not later than 1 year after
11 the date of the enactment of the Natural Gas Pipe-
12 line Safety Improvement Act of 1994”; and

13 (2) in the first sentence, by inserting “and shall
14 prescribe a schedule or schedules for such inspec-
15 tions” after “operator of the pipeline”.

16 **SEC. 10. PROMOTING PUBLIC AWARENESS FOR NEIGHBORS**
17 **OF PIPELINES.**

18 (a) NATURAL GAS PIPELINE SAFETY ACT OF
19 1968.—Section 18 of the Natural Gas Pipeline Safety Act
20 of 1968 (49 U.S.C. App. 1685) is amended by adding at
21 the end the following new subsections:

22 “(c) PROMOTING PUBLIC AWARENESS FOR NEIGH-
23 BORS OF PIPELINES.—Not later than 1 year after the date
24 of enactment of this subsection, and annually thereafter,
25 the owner or operator of each interstate transmission facil-

1 ity shall notify all residents within 1000 yards, or such
2 other distance as the Secretary determines appropriate, of
3 such interstate transmission facility of—

4 “(1) the general location of the interstate trans-
5 mission facility;

6 “(2) a request for reporting of any instances of
7 excavation or dumping on or near the interstate
8 transmission facility;

9 “(3) a phone number to use to make such re-
10 ports; and

11 “(4) appropriate procedures for such residents
12 to follow in response to accidents concerning inter-
13 state transmission facilities.

14 “(d) PUBLIC EDUCATION.—The Secretary shall de-
15 velop, in conjunction with appropriate representatives of
16 the natural gas pipeline industry, public service announce-
17 ments to be broadcast or published to educate the public
18 about pipeline safety.”.

19 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF
20 1979.—Section 212 of the Hazardous Liquid Pipeline
21 Safety Act of 1979 (49 U.S.C. App. 2011) is amended
22 by adding at the end the following new subsections:

23 “(e) PROMOTING PUBLIC AWARENESS FOR NEIGH-
24 BORS OF PIPELINES.—Not later than 1 year after the date
25 of enactment of this subsection, and annually thereafter,

1 the owner or operator of each interstate pipeline facility
2 shall notify all residents within 1000 yards, or such other
3 distance as the Secretary determines appropriate, of such
4 interstate pipeline facility of—

5 “(1) the general location of the interstate pipe-
6 line facility;

7 “(2) a request for reporting of any instances of
8 excavation or dumping on or near the interstate
9 pipeline facility;

10 “(3) a phone number to use to make such re-
11 ports; and

12 “(4) appropriate procedures for such residents
13 to follow in response to accidents concerning inter-
14 state pipeline facilities.

15 “(f) PUBLIC EDUCATION.—The Secretary shall de-
16 velop, in conjunction with appropriate representatives of
17 the hazardous liquid pipeline industry, public service an-
18 nouncements to be broadcast or published to educate the
19 public about pipeline safety.”.

20 **SEC. 11. REMOTELY OR AUTOMATICALLY CONTROLLED**
21 **VALVES.**

22 Section 3 of the Natural Gas Pipeline Safety Act of
23 1968 (49 U.S.C. App. 1672) is amended by adding at the
24 end the following new subsection:

1 “(l) REMOTELY OR AUTOMATICALLY CONTROLLED
2 VALVES.—Not later than 18 months after the date of en-
3 actment of this subsection, the Secretary shall issue regu-
4 lations requiring the installation and use, wherever tech-
5 nically and economically feasible, of remotely or automati-
6 cally controlled valves that are reliable and capable of
7 shutting off the flow of gas in the event of an accident,
8 including accidents in which there is a loss of the primary
9 power source. In developing proposed regulations, the Sec-
10 retary shall consult with, and give special consideration
11 to recommendations of, appropriate groups from the gas
12 pipeline industry, such as the Gas Research Institute.”.

13 **SEC. 12. BASELINE INFORMATION.**

14 (a) NATURAL GAS PIPELINE SAFETY ACT OF
15 1968.—Section 3(g) of the Natural Gas Pipeline Safety
16 Act of 1968 (49 U.S.C. App. 1672(g)) is amended by add-
17 ing at the end the following new paragraph:

18 “(3) BASELINE INFORMATION.—Before trans-
19 porting natural gas through a pipeline which, be-
20 cause of its design, construction, or replacement, is
21 required by regulations issued under paragraph (1)
22 to accommodate the passage of instrumented inter-
23 nal inspection devices, the owner or operator of such
24 pipeline shall, using such a device, obtain baseline

1 information with respect to the safety of the pipe-
2 line.”.

3 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF
4 1979.—Section 203(k) of the Hazardous Liquid Pipeline
5 Safety Act of 1979 (49 U.S.C. App. 2002(k)) is amended
6 by adding at the end the following new paragraph:

7 “(3) BASELINE INFORMATION.—Before trans-
8 porting hazardous liquids through a pipeline which,
9 because of its design, construction, or replacement,
10 is required by regulations issued under paragraph
11 (1) to accommodate the passage of instrumented in-
12 ternal inspection devices, the owner or operator of
13 such pipeline shall, using such a device, obtain base-
14 line information with respect to the safety of the
15 pipeline.”.

○

HR 4616 IH—2

HR 4616 IH—3