

104TH CONGRESS
1ST SESSION

H. R. 1126

To strengthen and improve the pipeline safety provisions of chapter 601 of title 49, United States Code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1995

Mr. FRANKS of New Jersey (for himself, Mr. PALLONE, Mr. LIPINSKI, Mr. SAXTON, Mr. FLAKE, Mr. ZIMMER, Mr. PAYNE of New Jersey, Mr. LOBIONDO, Mr. TORRICELLI, Mrs. ROUKEMA, and Mr. MARTINI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure and, in addition, to the Committee on 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

A BILL

To strengthen and improve the pipeline safety provisions of chapter 601 of title 49, United States Code, 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 “Durham Woods Natu-
5 ral Gas Pipeline Safety Act of 1995”.

1 **SEC. 2. INCREASED INSPECTION REQUIREMENTS IN HIGH-**
2 **DENSITY POPULATION AREAS.**

3 (a) INSTRUMENTED INTERNAL INSPECTION DE-
4 VICES.—Section 60102(f)(2) of title 49, United States
5 Code, is amended by inserting “In the case of gas pipe-
6 lines, such inspection shall be required not less than once
7 every 7 years.” after “60109 of this title.”.

8 (b) ADDITIONAL INSPECTIONS.—Section 60108 of
9 title 49, United States Code, is amended by adding at the
10 end the following new subsection:

11 “(e) ADDITIONAL INSPECTION REQUIREMENTS FOR
12 GAS TRANSMISSION PIPELINE FACILITIES.—Within 2
13 years after the date of the enactment of this subsection,
14 the Secretary shall prescribe regulations requiring that
15 each owner or operator of a gas transmission pipeline fa-
16 cility—

17 “(1) establish a program for observing from the
18 air, or inspecting from the ground, or both, at least
19 once every month, the surface conditions on and ad-
20 jacent to the right-of-way of all of such owner or op-
21 erator’s gas transmission pipeline facilities identified
22 under section 60109 of this title for indications of
23 leaks, construction, and other circumstances affect-
24 ing safety or operation; and

25 “(2) place line markers at suitable intervals
26 along the rights-of-way of all of such owner or oper-

1 ator’s gas transmission pipeline facilities identified
2 under section 60109 of this title, unless such place-
3 ment is impractical.”.

4 **SEC. 3. DAMAGE REPORTING.**

5 Section 60123(d)(2) of title 49, United States Code,
6 is amended—

7 (1) by striking “or” at the end of subparagraph
8 (A);

9 (2) by redesignating subparagraph (B) as sub-
10 paragraph (C); and

11 (3) by inserting after subparagraph (A) the fol-
12 lowing new subparagraph:

13 “(B) a pipeline facility and does not report
14 the damage promptly to the operator of the
15 pipeline facility and other appropriate authori-
16 ties; or”.

17 **SEC. 4. INCREASED PENALTIES.**

18 (a) **CRIMINAL PENALTIES.**—Section 60123 of title
19 49, United States Code, is amended—

20 (1) in subsection (a), by striking “5 years” and
21 inserting in lieu thereof “10 years”;

22 (2) in subsection (b), by striking “15 years”
23 and inserting in lieu thereof “30 years”;

24 (3) in subsection (c), by striking “one year”
25 and inserting in lieu thereof “5 years”; and

1 (4) in subsection (d), by striking “5 years” and
2 inserting in lieu thereof “10 years”.

3 (b) CIVIL PENALTIES.—Section 60122(a) of title 49,
4 United States Code, is amended—

5 (1) in paragraph (1)—

6 (A) by striking “or 60118(a)” and insert-
7 ing in lieu thereof “, 60102(l), or 60118(a)”;

8 (B) by striking “\$25,000” and inserting in
9 lieu thereof “\$50,000”; and

10 (C) by striking “\$500,000” and inserting
11 in lieu thereof “\$1,000,000”; and

12 (2) in paragraph (2), by striking “\$50,000”
13 and inserting in lieu thereof “\$100,000”.

14 **SEC. 5. PUBLIC AWARENESS.**

15 Section 60116 of title 49, United States Code, is
16 amended—

17 (1) by inserting “(a) REQUIREMENT.—” before
18 “Under regulations the Secretary”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(b) STATE PROGRAMS.—The Secretary shall, to the
22 extent provided in advance in appropriations Acts, make
23 grants to States for the promotion of public awareness of
24 the dangers of excavating near pipeline facilities by adver-
25 tising in the media and other means.”.

1 **SEC. 6. PIPELINE SAFETY STUDY.**

2 (a) STUDY.—The Secretary of Transportation shall
3 conduct a comprehensive study on the safety of all gas
4 transmission pipeline facilities in the State of New Jersey.
5 Such study shall address, at a minimum—

6 (1) increasing population encroachment on
7 pipeline rights-of-way;

8 (2) environmental concerns;

9 (3) financial pressures on the pipeline industry
10 to control their costs; and

11 (4) the feasibility of utilizing remotely operated
12 or automatic shut-off valves, and their appropriate
13 spacing.

14 (b) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of the enactment of this Act, the Secretary
16 of Transportation shall transmit to the Congress a report
17 containing the results of the study conducted under sub-
18 section (a).

19 **SEC. 7. RISK ASSESSMENT.**

20 (a) ASSESSMENT.—The Secretary of Transportation
21 shall conduct an assessment of the risks to public safety
22 and the environment posed by the transportation of gas
23 by pipeline. Such assessment shall—

24 (1) rank the risks identified by the Secretary in
25 terms of their probability of occurrence and the se-

1 verity of their likely consequences, and in terms of
2 any other factors the Secretary considers relevant;

3 (2) identify and prioritize technically feasible
4 and economically justified actions that should be
5 taken to lessen the risks identified; and

6 (3) address, at a minimum—

7 (A) inspection by instrumented internal in-
8 spection devices;

9 (B) installation of state-of-the-art leak de-
10 tection systems, including automatic and re-
11 motely controlled valves;

12 (C) inspection and burial of underwater
13 pipelines; and

14 (D) inspection and replacement of cast
15 iron pipelines.

16 (b) REPORT TO CONGRESS.—Not later than 18
17 months after the date of the enactment of this Act, the
18 Secretary of Transportation shall transmit to the Con-
19 gress a report including the assessment required under
20 subsection (a) and a plan for actions proposed by the Sec-
21 retary to address each risk identified in the assessment.

22 **SEC. 8. MAPPING.**

23 Section 60102 of title 49, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(1) MAPPING OF PIPELINE FACILITIES.—(1) The
2 owner or operator of a gas transmission or hazardous liq-
3 uid pipeline facility, or a regulated gathering line, shall
4 inform the Secretary of the specific location of such pipe-
5 line facility or gathering line.

6 “(2) The Secretary, using the information received
7 under paragraph (1) and any other information available
8 to the Secretary, shall develop a comprehensive mapping
9 program to identify the specific location of all gas trans-
10 mission and hazardous liquid pipeline facilities, and regu-
11 lated gathering lines. The program shall include informa-
12 tion on the proximity of such pipeline facilities and gather-
13 ing lines to high-density population areas, environmentally
14 sensitive areas, water intakes, and other appropriate areas
15 or facilities. The Secretary shall establish an electronic
16 data base for the comprehensive mapping program, and
17 shall ensure that such data base is available to State and
18 local governments and the public in an appropriate man-
19 ner.

20 “(3) The Secretary shall ensure the security of the
21 program developed under paragraph (2) against terrorism,
22 sabotage, and other threats.”.

23 **SEC. 9. TECHNICAL SAFETY STANDARDS COMMITTEE.**

24 Section 60115(f) is amended—

1 (1) by striking the first 2 sentences thereof;

2 and

3 (2) by inserting “of a committee under this sec-

4 tion” after “A member”.

5 **SEC. 10. DEFINITIONS.**

6 Terms used in this Act shall have the same defini-

7 tions given such terms in section 60101 of title 49, United

8 States Code.

