114TH CONGRESS
1ST SESSION

S.

To amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. Fischer (for herself, Mr. Booker, Mr. Daines, and Mr. Peters) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title 49, United States Code, to provide enhanced safety 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; REFERENCES.
4 (a) SHORT TITLE.—This Act may be cited as the
5 “Securing America’s Future Energy: Protecting our In-
6 frastructure of Pipelines and Enhancing Safety Act” or
7 the “SAFE PIPES Act”.
8 (b) REFERENCES TO TITLE 49, UNITED STATES
9 CODE.—Except as otherwise expressly provided, wherever
10 in this Act an amendment or repeal is expressed in terms
of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended—

(1) in paragraph (1), by striking "there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, $90,679,000, of which $4,746,000 is for carrying out such section 12 and $36,194,000 is for making grants." and inserting the following: "there are authorized to be appropriated to the Department of Transportation from fees collected under section 60301—

"(A) $127,060,000 for fiscal year 2016, of which $9,325,000 shall be expended for carrying out such section 12 and $42,515,000 shall be expended for making grants;

"(B) $129,671,000 for fiscal year 2017, of which $9,418,000 shall be expended for carrying out such section 12 and $42,941,000 shall be expended for making grants;"
“(C) $132,334,000 for fiscal year 2018, of which $9,512,000 shall be expended for carrying out such section 12 and $43,371,000 shall be expended for making grants; and

“(D) $135,051,000 for fiscal year 2019, of which $9,607,000 shall be expended for carrying out such section 12 and $43,805,000 shall be expended for making grants.”; and

(2) in paragraph (2), by striking “there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), $18,573,000, of which $2,174,000 is for carrying out such section 12 and $4,558,000 is for making grants” and inserting the following: “there are authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355)—

“(A) $19,890,000 for fiscal year 2016, of which $3,108,000 shall be expended for car-
rying out such section 12 and $8,708,000 shall
be expended for making grants;

"(B) $20,288,000 for fiscal year 2017, of
which $3,139,000 shall be expended for car-
rying out such section 12 and $8,795,000 shall
be expended for making grants;

"(C) $20,694,000 for fiscal year 2018, of
which $3,171,000 shall be expended for car-
rying out such section 12 and $8,883,000 shall
be expended for making grants; and

"(D) $21,108,000 for fiscal year 2019, of
which $3,203,000 shall be expended for car-
rying out such section 12 and $8,972,000 shall
be expended for making grants."

(b) EMERGENCY RESPONSE GRANTS.—Section
60125(b)(2) is amended by striking “2012 through 2015”
and inserting “2016 through 2019”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section
6107 is amended—

(1) in subsection (a), by striking “$1,000,000
for each of fiscal years 2012 through 2015” and in-
serting “$1,060,000 for each of the fiscal years
2016 through 2019”; and

(2) in subsection (b), by striking “2012 through
2015” and inserting “2016 through 2019”.
(d) **State Damage Prevention Programs.**—Section 60134(i) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(e) **Community Pipeline Safety Information Grants.**—Section 60130(c) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(f) **Pipeline Integrity Program.**—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

**SEC. 3. REGULATORY UPDATES.**

(a) **In General.**—Not later than 120 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1), (2), and (3), the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the status of a final rule for—

1. regulations required under the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) for which no interim final rule or direct final rule has been issued;
(2) any regulation relating to pipeline safety re-
quired by law, other than a regulation described 
under paragraph (1), for which for more than 2 
years after the date of the enacting statute or statu-
tory deadline no interim final rule or direct final rule 
has been issued; and 

(3) any other rulemaking categorized as signifi-
cant.

(b) CONTENTS.—Each report under subsection (a) 
shall include—

(1) a description of the work plan for the out-
standing regulation;

(2) an updated rulemaking timeline for the out-
standing regulation;

(3) current staff allocations;

(4) current data collection or research relating 
to the development of the rulemaking;

(5) current collaborative efforts with safety ex-
perts and other stakeholders;

(6) any resource constraints impacting the rule-
making process for the outstanding regulation; and

(7) any other details associated with the devel-
opment of the rulemaking that impact the progress 
of the rulemaking.
SEC. 4. STATUTORY PREFERENCE.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall prioritize the use of Pipeline and Hazardous Materials Safety Administration resources for the completion of each outstanding statutory requirement for a rulemaking described in a report under section 3 before beginning any new rulemaking required after the date of the enactment of this Act unless the Secretary of Transportation certifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 5. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.

(a) REPORT.—Not later than 18 months after the publication of a final rule regarding the safety of gas transmission pipelines (76 Fed. Reg. 53086), the Comptroller General shall submit a report to Congress regarding the natural gas integrity management program.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an analysis of the extent to which the natural gas integrity management program under section 60109(c) of title 49, United States Code, has improved the safety of natural gas transmission pipelines;

(2) an analysis or recommendations regarding changes to the program that would prevent inad-
vertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area, or would expand integrity management beyond high consequence areas;

(3) a review of the cost effectiveness of the legacy class location regulations;

(4) an analysis of and recommendations regarding what impact the age of a pipeline should have on risk analysis of a particular pipeline;

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed; and

(6) a description of any challenges affecting the natural gas industry in complying with the program, and how the challenges are being addressed.

(c) Definition of High Consequence Area.—In this section and in section 6, the term “high consequence area” means an area described in section 60109(a) of title 49, United States Code.

SEC. 6. HAZARDOUS LIQUID INTEGRITY MANAGEMENT REVIEW.

(a) Safety Study.—Not later than 18 months after the publication of a final rule regarding the safety of haz-
arduous liquid pipelines (80 Fed. Reg. 61610), the Comptroller General shall submit a report to Congress regarding the hazardous liquid integrity management program.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an analysis of the extent to which liquid pipeline integrity management in high consequence areas for operators of certain hazardous liquid pipeline facilities, as regulated under sections 195.450 and 195.452 of title 49, Code of Federal Regulations, has improved the safety of hazardous liquid pipelines;

(2) recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that could prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area;

(3) an analysis of how surveying, assessment, mitigation, and monitoring activities, including real-time hazardous liquid pipeline monitoring during significant flood events and information sharing with other Federal agencies, are being used to address
risks associated with the dynamic and unique nature
of rivers, flood plains, and lakes;

(4) an analysis of and recommendations regarding
what impact pipeline features and conditions, in-
cluding the age, condition, materials, and construc-
tion of a pipeline should have on risk analysis of a
particular pipeline and what changes to the defini-
tion of high consequence area could be made to im-
prove pipeline safety; and

(5) a description of any challenges affecting
Federal or State regulators in their oversight of the
program and how the challenges are being ad-
dressed.

SEC. 7. TECHNICAL SAFETY STANDARDS COMMITTEES.
Section 60115(b)(4)(A) is amended by striking
“State commissioners. The Secretary shall consult with
the national organization of State commissions before se-
lecting those 2 individuals.” and inserting “State officials.
The Secretary shall consult with national organizations
representing State commissioners or governors when mak-
ing a selection under this subparagraph.”

SEC. 8. INSPECTION REPORT INFORMATION.
(a) IN GENERAL.—Not later than 30 days after the
completion of a pipeline safety inspection, the Adminis-
trator of the Pipeline and Hazardous Materials Safety Ad-
ministration, or the head of the agency leading the inspection, shall—

(1) conduct a post-inspection briefing with the operator outlining concerns, and to the extent practicable, provide written preliminary findings of the inspection; or

(2) issue to the operator a final report, notice of amendment of plans or procedures, safety order, or corrective action order.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit an annual report to Congress regarding—

(A) the actions that the Pipeline and Hazardous Materials Safety Administration has taken to ensure that inspections by State authorities provide effective and timely oversight; and

(B) statistics relating to the timeliness of the actions described in paragraphs (1) and (2) of subsection (a).

(2) CESSION OF EFFECTIVENESS.—Paragraph (1) shall cease to be effective on September 30, 2019.
SEC. 9. IMPROVING LOCATION MAPPING TECHNOLOGY.

(a) Study.—The Secretary of Transportation, in consultation with stakeholders, shall conduct a study on improving damage prevention through technological improvements in location and communications practices to prevent accidental excavation damage to a pipe or its coating, including considerations of technical, operational, and economic feasibility.

(b) Contents.—The study under subsection (a) shall include—

(1) an identification of any methods that could improve damage prevention through location and mapping data in an effort to reduce unintended releases caused by excavation;

(2) an analysis of how increased use of GPS digital mapping technologies, predictive analytic tools, public awareness initiatives, including one-call initiatives, the use of mobile devices, and other advanced technologies could supplement existing one-call notification and damage prevention programs to reduce the frequency and severity of incidents caused by excavation damage;

(3) an analysis of the feasibility of a national data repository for pipeline excavation accident data that creates standardized data models for storing and sharing pipeline accident information; and
(4) an identification of opportunities for stakeholder engagement in preventing excavation damage.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the study under this section, including recommendations, that include the consideration of technical, operational, and economic feasibility, on how to incorporate technological improvements and practices that may help prevent accidental excavation damage.

SEC. 10. WORKFORCE OF PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a review of Pipeline and Hazardous Materials Safety Administration staff resource management, including geographic allocation plans, hiring challenges, and expected retirement rates and strategies. The review shall include recommendations to address hiring challenges, training needs, and any other identified staff resource challenges.
(b) Critical Hiring Needs.—

(1) In General.—Beginning on the date on which the review is submitted under subsection (a), the Administrator may certify to Congress, not less frequently than annually, that a severe shortage of qualified candidates or a critical hiring need exists for a position or group of positions in the Pipeline and Hazardous Material Safety Administration.

(2) Direct Hire Authority.—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Administrator, after making a certification under paragraph (1), may hire a candidate for the position or candidates for the group of positions, as applicable.

(3) Terminations of Effectiveness.—The direct hire authority provided under paragraph (2) shall terminate on September 30, 2019.

Sec. 11. Research and Development.

(a) In General.—In developing a research and development program plan under paragraph (3) of section 12(d) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note), the Administrator of the Pipeline and Hazardous Material Safety Administration, in consultation with the Assistant Secretary for Research and Technology, shall—
(1) detail compliance with the consultation requirement under paragraph (2) of such section;

(2) provide opportunities for joint research ventures with non-Federal entities, whenever practicable and appropriate, to leverage limited Federal research resources; and

(3) permit collaborative research and development projects with appropriate non-Federal organizations.

(b) **COLLABORATIVE SAFETY RESEARCH REPORT.**—

Section 60124(a)(6) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(C) research activities in collaboration with non-Federal entities, including the intended improvements to safety technology, inspection technology, operator response time, and emergency responder incident response time.”.

**SEC. 12. INFORMATION SHARING SYSTEM.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Trans-
portation shall convene a working group to consider the
development of a voluntary no-fault information sharing
system to encourage collaborative efforts to improve in-
speation information feedback and information sharing
with the purpose of improving natural gas transmission
and hazardous liquid pipeline integrity risk analysis.

(b) MEMBERSHIP.—The working group described in
subsection (a) shall include representatives from—

(1) the Pipeline and Hazardous Materials Safety
Administration;

(2) industry stakeholders, including operators
of pipeline facilities, inspection technology vendors,
and pipeline inspection organizations;

(3) safety advocacy groups;

(4) research institutions;

(5) State public utility commissions or State of-
officials responsible for pipeline safety oversight;

(6) State pipeline safety inspectors; and

(7) labor representatives.

(c) CONSIDERATIONS.—The working group described
in subsection (a) shall consider and provide recommenda-
tions, if applicable, to the Secretary on—

(1) the need for and the identification of a sys-
tem to ensure that dig verification data is shared
with inline inspection operators to the extent con-
sistent with the need to maintain proprietary data in
a confidential manner to improve pipeline safety and
inspection technology;

(2) ways to encourage the exchange of pipeline
inspection information and the development of ad-
vanced pipeline inspection technologies and enhanced
risk analysis;

(3) opportunities to share data, including dig
verification data between operators of pipeline facili-
ties and in-line inspector vendors to expand knowl-
edge of the advantages and disadvantages of the dif-
ferent types of in-line inspection technology and
methodologies;

(4) options to create a secure system that pro-
tects proprietary data while encouraging the ex-
change of pipeline inspection information and the
development of advanced pipeline inspection tech-
nologies and enhanced risk analysis; and

(5) regulatory, funding, and legal barriers to
sharing the information described in paragraphs (1)
through (4).

(d) FACA.—The working group shall not be subject
to the Federal Advisory Committee Act (5 U.S.C. App.).
(e) PUBLICATION.—The Secretary shall publish the recommendations provided under subsection (c) on a publicly available website.

SEC. 13. NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE.

(a) REPORT.—Not later than 18 months after the date of the enactment of this Act and subject to subsection (c), the Secretary of Transportation shall submit a report to Congress on the feasibility of a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a description of any efforts currently underway to test a secure information-sharing system for the purpose described in subsection (a);

(2) a description of any progress in establishing common standards for maintaining, collecting, and presenting pipeline safety regulatory inspection data, and a methodology for the sharing of the data;

(3) a description of any existing inadequacies or gaps in State and Federal inspection, enforcement,
1 geospatial, or other pipeline safety regulatory inspection data;
2 (4) a description of the potential safety benefits
3 of a national integrated pipeline database; and
4 (5) recommendations for how to implement a
5 secure information-sharing system for the purpose
6 described in subsection (a).
7 (c) CONSULTATION.—In preparing the report under
8 subsection (a), the Secretary shall consult with stake-
9 holders, including each State authority operating under a
10 certification to regulate intrastate pipelines under section
11 60105 of title 49, United States Code.
12 SEC. 14. UNDERGROUND NATURAL GAS STORAGE FACIL-
13 TIES.
14 (a) DEFINITION OF UNDERGROUND NATURAL GAS
15 STORAGE FACILITY.—In this section, the term “under-
16 ground natural gas storage facility” means a gas pipeline
17 facility (as defined in section 60101 of title 49, United
18 States Code) that stores gas in an underground facility,
19 including—
20 (1) a depleted hydrocarbon reservoir;
21 (2) an aquifer reservoir; or
22 (3) a solution mined salt cavern reservoir.
23 (b) MINIMUM UNIFORM SAFETY STANDARDS.—Not
24 later than 2 years after the date of the enactment of this
Act, the Secretary of Transportation, in consultation with the heads of other relevant Federal agencies, shall issue minimum uniform safety standards, incorporating, to the extent practicable, consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities.

(c) CONSIDERATIONS.—In developing the uniform safety standards under subsection (b), the Secretary shall—

(1) consider the economic impacts of the regulations on individual gas customers to the extent practicable;

(2) ensure that the regulations do not have a significant economic impact on end users to the extent practicable; and

(3) consider existing consensus standards.

(d) CERTIFICATIONS.—The Secretary may authorize an intrastate underground natural gas storage safety program by a State authority that annual submits a certification to the Secretary in the same manner as provided under subsections (b) and (e) of section 60105 of title 49, United States Code.

(e) AGREEMENTS.—

(1) IN GENERAL.—The Secretary may make an agreement, in the same manner as provided in sec-
tion 60106 of title 49, United States Code, with a
State authority authorizing the State authority to
take necessary action to provide or participate in the
oversight of interstate underground natural gas stor-
age facilities.

(2) RULE OF CONSTRUCTION.—Notwith-
standing the limitation under section 60104(b) of
title 49, United States Code, to the extent a State
has oversight of the wellbore piping and hole drilled
to connect the surface wellhead with the under-
ground reservoir, the standards adopted under sub-
section (b) may be enforced by the State.

(f) GRANTS.—If a State authority with responsibility
for regulating gas pipelines in that State under a certifi-
cation under section 60105 of title 49, United States
Code, an agreement under section 60106 of that title, or
both, files an application in such form and manner as pre-
scribed by the Secretary not later than September 30 of
a calendar year, the Secretary shall pay not more than
80 percent of the cost of the personnel, equipment, and
activities the authority reasonably requires during the next
calendar year—

(1) to carry out an intrastate underground nat-
ural gas storage safety program under a certification
under subsection (d); or
(2) to act as an agent of the Secretary on inter-state underground natural gas storage facilities under an agreement under subsection (e).

(g) USER FEES.—

(1) IN GENERAL.—A fee shall be imposed on an entity operating an underground natural gas storage facility to which this section applies. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this subsection. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(3) USE OF FEES.—

(A) ACCOUNT.—There is established an underground natural gas storage facility safety account in the Pipeline Safety Fund established under section 60301 of title 49, United States Code, in the Treasury of the United States.

(B) USE OF FEES.—A fee collected under this subsection—
(i) shall be deposited in the underground natural gas storage facility safety account; and

(ii) if the fee is related to an underground natural gas storage facility, may be used only for an activity related to underground natural gas storage safety under this section.

(C) LIMITATION.—Amounts collected under this subsection shall be made available only to the extent provided in advance in an appropriation law for an activity related to underground natural gas storage safety.

(h) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section may be construed to affect any regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of this Act.

(2) LIMITATIONS.—Nothing in this section may be construed to authorize the Secretary to prescribe the location of an underground natural gas storage facility or to require the Secretary’s permission to construct such a facility.
SEC. 15. RESPONSE PLANS.

(a) IN GENERAL.—In preparing or reviewing a response plan under part 194 of title 49, Code of Federal Regulations, the Administrator of the Pipeline and Hazardous Materials Safety Administration and an operator shall each consider, to the maximum extent practicable, the impact of a worse case discharge of hazard liquid, or the substantial threat of such a discharge, into or on any navigable waters or adjoining shorelines that may be covered in whole or in part by ice.

(b) DEFINITIONS.—In this section, any applicable definitions set forth in section 194.5 of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act) shall apply.

SEC. 16. HIGH CONSEQUENCE AREAS.

The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations to explicitly state that the Great Lakes are a USA ecological resource (as defined in section 195.6(b) of that title) for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of that title).

SEC. 17. SURFACE TRANSPORTATION SECURITY REVIEW.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress on the staffing, resource allocation, oversight
strategy, and management of the Transportation Security Administration’s pipeline security program and other surface transportation programs. The report shall include information on the coordination between the Transportation Security Administration, other Federal stakeholders, and industry.