

HR 3609

Pipeline Safety Improvement Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Transportation and Public Works

Introduced: Dec 20, 2001

Current Status: Became Public Law No: 107-355.

Latest Action: Became Public Law No: 107-355. (Dec 17, 2002)

Law: 107-355 (Enacted Dec 17, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/3609>

Sponsor

Name: Rep. Young, Don [R-AK-At Large]

Party: Republican • **State:** AK • **Chamber:** House

Cosponsors (43 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Dec 20, 2001
Rep. Carson, Brad [D-OK-2]	D · OK		Dec 20, 2001
Rep. Green, Gene [D-TX-29]	D · TX		Dec 20, 2001
Rep. Hall, Ralph M. [D-TX-4]	D · TX		Dec 20, 2001
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Dec 20, 2001
Rep. Sandlin, Max [D-TX-1]	D · TX		Dec 20, 2001
Rep. Tauzin, W. J. (Billy) [R-LA-3]	R · LA		Dec 20, 2001
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Feb 26, 2002
Rep. Cramer, Robert E. (Bud), Jr. [D-AL-5]	D · AL		Feb 26, 2002
Rep. LaTourette, Steven C. [R-OH-19]	R · OH		Feb 26, 2002
Rep. Lucas, Ken [D-KY-4]	D · KY		Feb 26, 2002
Rep. Matheson, Jim [D-UT-2]	D · UT		Feb 26, 2002
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Feb 26, 2002
Rep. Shows, Ronnie [D-MS-4]	D · MS		Feb 26, 2002
Rep. Barcia, James A. [D-MI-5]	D · MI		Mar 14, 2002
Rep. Blunt, Roy [R-MO-7]	R · MO		Mar 14, 2002
Rep. Combest, Larry [R-TX-19]	R · TX		Mar 14, 2002
Rep. Culberson, John Abney [R-TX-7]	R · TX		Mar 14, 2002
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Mar 14, 2002
Rep. English, Phil [R-PA-21]	R · PA		Mar 14, 2002
Rep. Moran, Jerry [R-KS-1]	R · KS		Mar 14, 2002
Rep. Nethercutt, George R., Jr. [R-WA-5]	R · WA		Mar 14, 2002
Rep. Norwood, Charles W. [R-GA-10]	R · GA		Mar 14, 2002
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Mar 14, 2002
Rep. Quinn, Jack [R-NY-30]	R · NY		Mar 14, 2002
Rep. Radanovich, George [R-CA-19]	R · CA		Mar 14, 2002
Rep. Stenholm, Charles W. [D-TX-17]	D · TX		Mar 14, 2002
Rep. Baker, Richard H. [R-LA-6]	R · LA		Mar 20, 2002
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Mar 20, 2002
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Mar 20, 2002
Rep. Reyes, Silvestre [D-TX-16]	D · TX		Mar 20, 2002
Rep. Brown, Henry E., Jr. [R-SC-1]	R · SC		May 2, 2002
Rep. Cooksey, John [R-LA-5]	R · LA		May 2, 2002
Rep. Kingston, Jack [R-GA-1]	R · GA		May 2, 2002
Rep. Lampson, Nick [D-TX-9]	D · TX		May 2, 2002
Rep. Mollohan, Alan B. [D-WV-1]	D · WV		May 2, 2002
Rep. Ney, Robert W. [R-OH-18]	R · OH		May 2, 2002
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		May 2, 2002
Rep. Shuster, Bill [R-PA-9]	R · PA		May 2, 2002
Rep. Bryant, Ed [R-TN-7]	R · TN		May 9, 2002
Rep. Sullivan, John [R-OK-1]	R · OK		May 16, 2002

Cosponsor	Party / State	Role	Date Joined
Rep. Fossella, Vito [R-NY-13]	R · NY		Jun 18, 2002
Rep. Walden, Greg [R-OR-2]	R · OR		Jun 18, 2002

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Discharged From	Nov 14, 2002
Energy and Commerce Committee	House	Reported by	Jun 11, 2002
Transportation and Infrastructure Committee	House	Reported by	May 16, 2002

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
107 HR 459	Related bill	Mar 14, 2001: Referred to the Subcommittee on Energy and Air Quality, for a period to be subsequently determined by the Chairman.
107 S 235	Related bill	Mar 14, 2001: Referred to the Subcommittee on Energy and Air Quality, for a period to be subsequently determined by the Chairman.
107 S 299	Related bill	Feb 8, 2001: Read twice and referred to the Committee on Commerce, Science, and Transportation.
107 S 141	Related bill	Jan 22, 2001: Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S500-505)

Pipeline Safety Improvement Act of 2002 - (Sec. 2) Amends Federal transportation law to require participation by government operators as well as government and contract excavators for a State one-call notification program (a "one-call program") to qualify for a Federal grant. Requires State one-call programs to document benefits of one-call notification programs, costs of implementing them, and certain specified risks of implementing such programs.

Directs the Secretary of Transportation to encourage States, operators of one-call programs, excavators (including government and contract excavators), and underground facility operators to abide by the practices outlined in the "Common Ground" best practices report. Directs the Secretary to provide technical assistance to and participate in programs sponsored by a non-profit organization to reduce construction-related damage to underground facilities. Permits the Secretary to make grants to such a non-profit organization. Authorizes appropriations through FY 2006 to implement the best practice guidelines and requires that any sums appropriated must come from general revenues, and not from fees collected for transportation of natural gas and hazardous liquids by pipelines. Authorizes appropriations through FY 2006 for grants to States for one-call notification programs.

(Sec. 3) Permits States to enforce a requirement of a one-call program if the program meets specified requirements under Federal law. Includes government employees and contractors among persons required to contact an operator of a pipeline facility prior to engaging in any activity that the Secretary has determined may cause damage to the pipeline. Amends provisions imposing criminal penalties, including to specify that a penalty will be imposed upon a person who causes pipeline damage and does not report it only if the individual knew of the damage or had reason to know of it. Modifies language to hold such an individual responsible for certain damages even if the damage was not caused "knowingly and willfully." Permits a reduction in the specified criminal penalties in cases in which violators promptly report violations.

(Sec. 4) Permits the Secretary to make agreements with States authorizing them to participate in the oversight of interstate pipeline transportation if they have certification for jurisdiction over intrastate pipeline facilities and transportation. Provides that such an agreement shall not change Federal preemption of the right to set safety standards for interstate pipeline facilities or pipeline transportation.

Sets forth conditions for such an agreement, including that it not adversely affect the State's oversight responsibility of intrastate pipeline transportation and that the State meets the minimum Federal one-call notification standards. Permits the Secretary to maintain an existing oversight agreement with a State until December 31, 2003, barring a new agreement. Authorizes the Secretary to terminate an existing agreement under certain specified circumstances.

Allows the Secretary to end an agreement with a State made under this Act if the Secretary finds the State has not complied with any provision of the agreement. Requires the Secretary to end an agreement if a State is not complying with certain specified conditions, a gap in the oversight of intrastate pipelines was created, or continuing the agreement would not promote pipeline safety.

(Sec. 5) Requires an owner or operator of a gas or hazardous liquid pipeline facility to carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, as well as possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event. Requires such owners and operators to review their existing public education programs for effectiveness and modify them as necessary. Requires the submission of completed programs to the Secretary or appropriate State agency for review.

(Sec. 6) Prohibits a pipeline operator, contractor, or subcontractor of a pipeline operator from firing or taking adverse action against an employee for certain specified actions relating to pipeline safety, including: (1) providing information to the employer or Federal Government; (2) refusing to violate Federal law; and (3) assisting or participating in a proceeding.

Establishes procedures for filing of complaints with the Department of Labor by persons who believe they have been discriminated against by any person concerning pipeline safety. Prescribes rules for the resolution of such complaints. Permits the Secretary to award an attorney's fee of not more than \$1,000 to the prevailing employer for a complaint deemed frivolous. Allows an appeal of the Secretary's final order in the U.S. Court of Appeals. Permits the Secretary to bring suit in U.S. District Court to enforce the decision, and allows the side the Secretary favored to bring a civil action in U.S. District Court against the other party to enforce compliance.

Specifies that no finding of discrimination will be made in favor of an employee of a pipeline operator, contractor, or subcontractor, if without being instructed from above, the employee deliberately causes a violation of pipeline safety under this Act or any other law of the United States.

Allows the Secretary to end an agreement with a State made under this Act if the Secretary finds the State has not complied with any provision of the agreement. Requires the Secretary to end an agreement if a State is not complying with certain specified conditions, a gap in the oversight of intrastate pipelines was created, or continuing the agreement would not promote pipeline safety.

(Sec. 7) Authorizes the Secretary to order necessary corrective action for a pipeline facility that has a potential safety-related condition.

(Sec. 8) Grants the Secretary additional authority to decide that a pipeline facility is hazardous and to issue corrective action orders. Increases the civil penalties for violating provisions regarding one-call notification systems and compliance and waivers.

Adds to factors the Secretary shall consider when making penalty decisions, and to areas in which the Attorney General may seek relief in a civil action regarding pipeline safety.

Sets forth criminal penalties for damaging or destroying an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce.

Directs the Comptroller General to study and report to specified congressional committees on the actions, policies, and procedures of the Secretary for assessing and collecting fines and penalties on operators of hazardous liquid and gas transmission pipelines.

(Sec. 9) Permits the Secretary to make grants to local communities and groups (not including for-profit entities) for technical assistance in pipeline safety which may not exceed \$50,000. Defines "technical assistance" as engineering and other scientific analysis of pipeline safety issues, including the promotion of public participation in official proceedings conducted under Federal pipeline safety law. Prohibits such funds from being used for lobbying or in direct support of litigation.

Directs the Secretary to report to specified congressional committees with respect to such grants.

Authorizes appropriations through FY 2006.

(Sec. 10) Requires the operator involved in an accident the Secretary or the National Transportation Safety Board (NTSB) investigates to: (1) make available all records and information pertaining to the accident (including integrity management plans and test results); and (2) afford all reasonable assistance in such investigation.

Requires the Secretary to require an operator to relieve from performing certain activities, reassign, or place on leave until a specified time any employee carrying out a regulated activity who, according to a corrective action order, may have contributed substantially to an accident's cause.

(Sec. 8) Modifies provisions dealing with land use recommendations to direct the Secretary, in consultation with appropriate Federal agencies and State and local governments, to undertake a study of land use practices, zoning ordinances, and preservation of environmental resources with regard to pipeline rights-of-way and their maintenance, with the purpose of addressing issues associated with encroachment. Directs the Secretary to encourage Federal agencies and State and local governments to adopt practices, laws, and ordinances identified in the report to deal with encroachment and the potential methods of preserving environmental resources while maintaining pipeline rights-of-way that are consistent with pipeline safety.

(Sec. 12) Requires the heads of the Department of Energy, the Department of Transportation, and the National Institute of Standards and Technology (the "participating agencies") to carry out a research, development, demonstration, and standardization program to ensure the integrity of pipeline facilities. Authorizes appropriations through FY 2006. Earmarks a specified amount out of the Oil Spill Liability Trust Fund to carry out programs for detection, prevention, and mitigation of oil spills through FY 2006.

(Sec. 13) Requires operators of pipeline facilities to adopt and implement a written verification program that ensures that all individuals performing "covered tasks" (as defined under the Code of Federal Regulations) are qualified. Sets forth minimum required elements for such programs, including that they contain a periodic requalification component. Directs the Secretary to verify the compliance of an approved qualification program of an operator. Permits the Secretary to require revision of a program deemed inadequate. Allows the Secretary to waive or modify provisions regarding the written verification program as long as it is not inconsistent with pipeline safety.

Directs the Secretary to: (1) develop tests and other requirements for certifying qualifications of individuals who operate computer-based systems for controlling the operations of pipelines; and (2) establish a pilot certification program for three pipeline facilities in which the individuals operating such systems are certified.

(Sec. 14) Requires each operator of a gas transmission pipeline facility in various specified types of areas to conduct an analysis of the risks associated to each facility and implement a written integrity program to reduce such risks. Requires the Secretary to issue standards to direct such programs, and lists topics the standards shall take into consideration, as well as ones the standards may address. Sets forth minimum elements for such programs, including that each one must contain a provision for assessment followed by reassessment at least once every seven years, but grants the Secretary the authority to issue a waiver for a reassessment if such action is not inconsistent with pipeline safety.

Directs the Secretary to review integrity management programs. Allows the Secretary to require revision of inadequate programs (with notice and a hearing).

(Sec. 15) Requires operators of pipeline facilities to provide to the Secretary certain specified information, including geospatial data appropriate for use in the National Pipeline Mapping System or data that can readily be converted to such data. Requires operators to provide to the Secretary periodic updates of the specified information to reflect changes and other information as required by the Secretary. Permits the Secretary to provide technical assistance to State and local

officials to improve local response capabilities for pipeline emergencies by using information in the National Pipeline Mapping System.

(Sec. 16) Directs the President to establish an Interagency Committee, which shall implement a coordinated environmental review and permitting process to aid pipeline repairs. Directs the Committee to evaluate Federal permitting requirements to which access, excavation, and restoration activities in connection with pipeline repairs may be subject. Permits the Committee to develop a compendium of best practices used by the industry in such areas. Requires the Committee to enter into a memorandum of understanding to provide for a coordinated and expedited pipeline permit review process to enable pipeline repairs that would result in no more than minimal adverse effects on the environment. Directs the Committee, for repairs having more than minimal adverse effects on the environment, to allow sufficient time to carry out repairs.

Exempts a pipeline operator from the requirement to obtain a Federal permit for specified repairs if no Federal permit would otherwise have been necessary. States that environmental review provisions of this Act shall not preempt otherwise applicable Federal, State, and local environmental law.

Directs the Secretary to issue regulations to allow alternative mitigation measures for pipeline operators before necessary repairs permits are obtained, subject to specified conditions.

Directs the Secretary to appoint an ombudsman to assist in both expediting pipeline repairs and in resolving disagreements between the permitting agency and the pipeline operator in certain specified situations. Specifies that the Secretary shall encourage consolidation of State and local government permitting processes for pipeline repair projects.

(Sec. 17) Provides for establishment of a three-digit nationwide toll-free telephone number to be used by State one-call notification systems.

(Sec. 18) Directs the Secretary to implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069). Requires the Secretary to report quarterly to specified congressional committees on specific actions taken to implement such recommendations.

(Sec. 19) Directs the Secretary, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety to comply with title 49 U.S.C. 1135 to ensure timely responsiveness to NTSB recommendations about pipeline safety. Requires such recommendations be made public.

(Sec. 22) Authorizes appropriations through FY 2006.

(Sec. 23) Directs the Secretary to issue regulations prescribing standards for inspection of a pipeline facility by direct assessment.

(Sec. 24) Requires the Secretary to respond in writing to the State pipeline safety advisory committee setting forth what action, if any, the Secretary will take on the committee's recommendations with respect to improvements to pipeline safety.

(Sec. 25) Directs the Secretary to study and report to Congress on whether cable-suspension pipeline bridges pose structural or other risks warranting particularized inspection standards.

(Sec. 26) Directs the Federal Energy Regulatory Commission to study and report to specified congressional committees on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with such network.

Actions Timeline

- **Dec 17, 2002:** Signed by President.
- **Dec 17, 2002:** Became Public Law No: 107-355.
- **Dec 9, 2002:** Presented to President.
- **Nov 15, 2002:** Mr. Armev asked unanimous consent that the House agree to the Senate amendment.
- **Nov 15, 2002:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment Agreed to without objection.(consideration: CR 11/14/2002 H8925-9007; text as House agreed to Senate amendment: CR 11/14/2002 H8983-8991)
- **Nov 15, 2002:** On motion that the House agree to the Senate amendment Agreed to without objection. (consideration: CR 11/14/2002 H8925-9007; text as House agreed to Senate amendment: CR 11/14/2002 H8983-8991)
- **Nov 15, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 14, 2002:** Message on Senate action sent to the House.
- **Nov 13, 2002:** Senate Committee on Commerce, Science, and Transportation discharged by Unanimous Consent.
- **Nov 13, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S10966-10967)
- **Nov 13, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Nov 13, 2002:** Passed Senate with an amendment by Unanimous Consent.
- **Jul 24, 2002:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Jul 23, 2002:** Reported (Amended) by the Committee on Transportation. H. Rept. 107-605, Part I.
- **Jul 23, 2002:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 107-605, Part II.
- **Jul 23, 2002:** Placed on the Union Calendar, Calendar No. 367.
- **Jul 23, 2002:** Mr. Young (AK) moved to suspend the rules and pass the bill, as amended.
- **Jul 23, 2002:** Considered under suspension of the rules. (consideration: CR H5273-5288, H5306-5307)
- **Jul 23, 2002:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3609.
- **Jul 23, 2002:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Jul 23, 2002:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 423 - 4 (Roll no. 334).(text: CR H5273-5280)
- **Jul 23, 2002:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 423 - 4 (Roll no. 334). (text: CR H5273-5280)
- **Jul 23, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 13, 2002:** Committee Consideration and Mark-up Session Held.
- **Jun 13, 2002:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 11, 2002:** Subcommittee Consideration and Mark-up Session Held.
- **Jun 11, 2002:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **May 23, 2002:** Committee Consideration and Mark-up Session Held.
- **May 23, 2002:** Ordered to be Reported (Amended).
- **May 16, 2002:** Subcommittee Consideration and Mark-up Session Held.
- **May 16, 2002:** Forwarded by Subcommittee to Full Committee (Amended).
- **Dec 28, 2001:** Referred to the Subcommittee on Energy and Air Quality, for a period to be subsequently determined by the Chairman.
- **Dec 21, 2001:** Referred to the Subcommittee on Highways and Transit.
- **Dec 20, 2001:** Introduced in House
- **Dec 20, 2001:** 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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