

HR 2937

Pipeline Infrastructure and Community Protection Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Transportation and Public Works

Introduced: Sep 15, 2011

Current Status: Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 112-287, Part I.

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Sponsor

Name: Rep. Upton, Fred [R-MI-6]

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Dingell, John D. [D-MI-15]	D · MI		Sep 15, 2011

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Sep 20, 2011
Transportation and Infrastructure Committee	House	Referred to	Sep 16, 2011

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
112 HR 2845	Related bill	Jan 3, 2012: Became Public Law No: 112-90.
112 S 275	Related bill	Oct 21, 2011: Held at the desk.

Pipeline Infrastructure and Community Protection Act of 2011 - Prescribes or revises requirements for safety and environmental protection in pipeline transportation.

(Sec. 2) Defines the term "major consequence violation" to mean a violation that contributed to a pipeline incident resulting in: (1) one or more deaths or injuries or illnesses requiring in-patient hospitalization; or (2) environmental harm exceeding \$250,000 in estimated damages, including property loss (other than the value of natural gas or hazardous liquid lost or damage to pipeline facility equipment).

Subjects to a civil penalty of \$250,000 per day any person that the Secretary of Transportation (DOT) has found to have committed a major consequence violation of a pipeline marking or excavation notification requirement, pipeline safety standard or regulation, or order. Authorizes the Secretary to impose a civil penalty on a person who obstructs or prevents an inspection or investigation of a gas pipeline or hazardous liquid pipeline. Prescribes a maximum civil penalty of \$2.5 million for a related series of major consequence violations.

(Sec. 3) Prohibits a state one-call notification program from exempting mechanized excavation, municipalities, state agencies, or their contractors from its one-call notification system requirements.

Directs the Secretary to study the impact of third party damage on pipeline safety.

(Sec. 4) Requires the Secretary to issue regulations subjecting offshore hazardous liquid gathering lines (except production pipelines or flow lines) as well as those located within Gulf of Mexico inlets to the same standards and regulations as other hazardous liquid pipelines.

(Sec. 5) Directs the Secretary to prescribe a regulation to require the use of automatic or remote-controlled shut-off valves (or equivalent technology) on pipelines.

Directs the Secretary to review the ability of a transmission pipeline operator to respond to a hazardous liquid or gas release from a pipeline segment located in a high consequence area, including an analysis of the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

(Sec. 6) Requires the Secretary to prescribe regulations to require the use of excess flow valves, or equivalent technology, on new or entirely replaced distribution branch services, multi-family facilities, and small commercial facilities located in high-density population areas and environmentally sensitive areas.

(Sec. 7) Directs the Secretary to evaluate specified questions with respect to integrity management safety system requirements, taking certain factors into consideration.

Directs the Secretary to prescribe regulations that: (1) expand integrity management system requirements, or elements of them, beyond high consequence areas; and (2) remove redundant class location requirements for gas transmission pipeline facilities regulated under an integrity management program.

(Sec. 8) Requires the Secretary to maintain: (1) a monthly updated summary of all completed and final natural gas and hazardous liquid pipeline inspections conducted by or reported to the Pipeline and Hazardous Materials Safety Administration (PHMSA), (2) a detailed summary of each gas and hazardous liquid pipeline operator's approved emergency response plan, and (3) an updated map of all pipelines located in high consequence areas that are required to meet integrity management safety regulations.

(Sec. 9) Directs the Secretary to conduct biennially a follow-up survey to measure progress of gas pipeline operators in implementing plans for the safe management and replacement of cast iron pipe in their systems.

(Sec. 10) Directs the Secretary to update a report to Congress on leak detection systems used by operators of hazardous liquid pipelines and transportation-related flow lines.

(Sec. 11) Requires the Secretary to review procedures for the National Response Center to provide coordinated notification to all relevant state and local emergency response officials and revise such procedures as appropriate.

Requires pipeline owners and operators to provide immediate telephonic notice to the National Response Center within one hour following the discovery of a release of a hazardous liquid, carbon dioxide, or gas.

(Sec. 13) Revises national pipeline mapping system requirements to require each pipeline operator to provide the Secretary certain geospatial or technical data, including design and material specifications.

(Sec. 14) Authorizes the Secretary to engage in activities supporting the exchange of information with domestic and international organizations about the public and environmental risks from pipeline facilities.

(Sec. 15) Authorizes the Secretary to collect geospatial or technical data on transportation-related oil flow lines (pipelines transporting oil off the grounds of the well across areas not owned by the producer).

(Sec. 16) Authorizes the Secretary to provide technical assistance to Alaska to achieve coordinated oversight of the construction and operation of new and prospective Alaskan pipeline systems.

(Sec. 17) Authorizes the Secretary to require persons proposing the construction, expansion, or operation of certain new gas or hazardous liquid pipelines (including construction inspections and oversight) to pay the costs of pipeline design safety reviews the Secretary conducts.

Establishes in the Treasury the Pipeline Safety Design Review Fund.

(Sec. 18) Sets forth certain factors the Secretary shall consider in granting a pipeline operator's application for a waiver (for up to five years, reviewable) of any pipeline standard.

(Sec. 19) Treats as a hazardous liquid any non-petroleum fuels, including biofuels, that are flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities.

(Sec. 20) Directs the Secretary to prescribe minimum safety standards for the pipeline transportation of carbon dioxide in gaseous state.

Requires the Secretary, in establishing such standards, to consider whether applying to the transportation of carbon dioxide in a gaseous state the minimum safety standards currently in effect for its transportation in a liquid state would ensure safety.

(Sec. 21) Directs the Secretary to study whether hazardous liquid pipeline regulations are sufficient to regulate the transportation of diluted bitumen by pipeline, including whether any increase in risk of release exists for pipelines transporting it.

(Sec. 22) Directs the Secretary to study the transportation of non-petroleum hazardous liquids by pipeline, including the extent to which the safety of such lines is unregulated by states.

(Sec. 24) Directs the Secretary to increase the number of PHMSA personnel gradually between FY2011 and FY2014 by a total of 39 full-time employees to carry out the pipeline safety program.

(Sec. 25) Revises the authority of the Secretary to waive specified maintenance of effort requirements under a pipeline safety grant if a state can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required due to economic hardship in that state. Eliminates the restriction of such a waiver to certain fiscal years, thereby making such authority permanent.

(Sec. 26) Directs the Secretary to prescribe administrative enforcement regulations to: (1) require a presiding official at all administrative hearings related to PHMSA civil penalties, compliance orders, safety orders, or corrective orders; (2) give any person requesting a hearing the opportunity to arrange for a transcript of the hearing, at the person's own expense; (3) ensure expedited review of any emergency order to a pipeline facility operator to take necessary corrective action with regard to a pipeline facility determined hazardous to life and property; and (4) implement a separation of functions between personnel involved with investigative and prosecutorial activities and advising the Secretary on findings and determinations.

(Sec. 27) Directs the Secretary to require gas pipeline operators to verify records for all interstate and intrastate gas transmission lines in high consequence areas constructed before July 1, 1970, that reflect accurately the pipelines' physical and operational characteristics and confirm their established maximum allowable operating pressures.

(Sec. 28) Directs the Secretary to evaluate whether current pipeline safety regulations regarding cover over buried pipeline at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark are sufficient to prevent a release of hazardous liquid.

Requires the Secretary, if the evaluation shows that current regulations are insufficient to accomplish this goal, to ensure by regulation the adequacy of cover over buried pipelines at such crossings.

(Sec. 29) Directs the Secretary to review all unregulated onshore gas and hazardous liquid gathering lines.

(Sec. 30) Requires the Secretary to report to specified congressional committees on: (1) the technologies available for detecting leaks from natural gas pipelines; (2) the number of minority-business enterprises, woman-business enterprises, and disadvantaged-business enterprises that have been granted permits to build or operate pipeline facilities; and (3) the extent to which pipeline facility operators utilize the services of companies that are minority-business enterprises, woman-business enterprises, or disadvantaged-business enterprises.

(Sec. 32) Reauthorizes through FY2014 programs for gas and hazardous liquid pipeline safety, emergency response grants, one-call notification, state damage prevention, community pipeline safety information grants, and on-going pipeline transportation research and development.

Actions Timeline

- **Nov 16, 2011:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 112-287, Part I.
- **Sep 21, 2011:** Committee Consideration and Mark-up Session Held.
- **Sep 21, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 51 - 0.
- **Sep 20, 2011:** Referred to the Subcommittee on Energy and Power.
- **Sep 20, 2011:** Committee Consideration and Mark-up Session Held.
- **Sep 16, 2011:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
- **Sep 15, 2011:** Introduced in House
- **Sep 15, 2011:** 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.