

S 2276

PIPES Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Nov 10, 2015

Current Status: Became Public Law No: 114-183.

Latest Action: Became Public Law No: 114-183. (Jun 22, 2016)

Law: 114-183 (Enacted Jun 22, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/2276>

Sponsor

Name: Sen. Fischer, Deb [R-NE]

Party: Republican • **State:** NE • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Booker, Cory A. [D-NJ]	D · NJ		Nov 10, 2015
Sen. Daines, Steve [R-MT]	R · MT		Nov 10, 2015
Sen. Peters, Gary C. [D-MI]	D · MI		Nov 10, 2015
Sen. Boxer, Barbara [D-CA]	D · CA		Feb 23, 2016
Sen. Feinstein, Dianne [D-CA]	D · CA		Feb 24, 2016

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Feb 24, 2016
Transportation and Infrastructure Committee	House	Bills of Interest - Exchange of Letters	Jun 24, 2016

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
114 HR 4937	Related bill	Nov 14, 2016: Placed on the Union Calendar, Calendar No. 631.
114 HR 4429	Related bill	Feb 5, 2016: Referred to the Subcommittee on Energy and Power.

(This measure has not been amended since it was passed by the House on June 8, 2016. The summary of that version is repeated here.)

Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 or the PIPES Act of 2016

(Sec. 2) This bill reauthorizes through FY2019 the gas and hazardous liquid pipeline and related programs of the Department of Transportation (DOT), including user fees for underground natural gas storage facility safety, Pipeline and Hazardous Materials Safety Administration (PHMSA) operational expenses, one-call notification programs, community pipeline safety information grants, and the pipeline integrity program.

(Sec. 3) DOT shall make periodic updates available to the public on DOT's website about the status of a final rule for each outstanding regulation.

The term "outstanding regulation" is defined as a required pipeline safety regulation or a gas or hazardous liquid pipeline regulation that has not been published in the Federal Register.

(Sec. 4) The Government Accountability Office (GAO) shall report on the gas integrity management and hazardous liquid integrity management programs.

(Sec. 6) Two of the individuals selected for each Technical Pipeline Safety Standards Committee and each Technical Hazardous Liquid Pipeline Safety Standards Committee must be state officials (currently, state commissioners). DOT must consult with national organizations representing commissioners (as under current law) or utility regulators prior to making such a selection.

(Sec. 7) After completion of any pipeline safety inspection, the PHMSA, or the state authority with a pipeline safety program certification, shall:

- conduct within 30 days a post-inspection briefing with the pipeline owner or operator outlining concerns, and
- provide within 90 days, to the extent practicable, written preliminary findings.

(Sec. 8) DOT shall study improving existing damage prevention programs through technological improvements in location, mapping, and communications practices to prevent excavation damage to a pipe or its coating, including considerations of technical, operational, and economic feasibility and existing damage prevention programs.

(Sec. 9) The DOT Inspector General shall review PHMSA's staff resource management, including geographic allocation plans, hiring and time-to-hire challenges, and expected retirement rates and strategies.

The PHMSA, after making an identification of any previous periods of macroeconomic and pipeline industry conditions under which it has encountered difficulty in filling vacancies, may apply to the Office of Personnel Management for the authority to appoint qualified candidates to positions relating to pipeline safety.

(Sec. 10) DOT shall convene a working group to consider the development of a voluntary information sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing regarding gas transmission and hazardous liquid pipeline integrity risk analysis.

(Sec. 11) DOT:

shall report on the feasibility of a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the PHMSA and state pipeline regulators;

- may establish, if appropriate, such database; and
- shall issue minimum safety standards for underground natural gas storage facilities (such as depleted hydrocarbon, aquifer, or solution mined salt cavern reservoirs).

The bill imposes a fee on the operator of an underground natural gas storage facility, and establishes the Underground Natural Gas Storage Facility Safety Account in the Pipeline Safety Fund to receive such fees.

(Sec. 13) DOT shall allow for a state authority with a pipeline safety program certification, at its request, to participate in the inspection of an interstate pipeline facility.

(Sec. 14) Each hazardous liquid pipeline facility owner or operator shall provide safety data sheets on any spilled oil to the designated federal On-Scene Coordinator and state and local emergency responders within six hours of notice of a spill to the National Response Center.

(Sec. 15) DOT shall issue an advanced notice of proposed rulemaking for public comment on the petition for rulemaking dated October 28, 2015, titled "Corrections to Title 49 CFR 172.336 Hazardous Materials Identification numbers; special provisions" (P-1667).

(Sec. 16) DOT may issue an emergency order, without prior notice or hearing, for violations of pipeline regulations, or an unsafe condition or practice, or combination thereof, constituting or causing an imminent hazard.

(Sec. 17) The bill revises DOT authority to withhold any part of a payment from a state authority under a state pipeline safety grant if the state authority is not maintaining a satisfactory effort to carry out a safety program or is not acting satisfactorily as an agent.

DOT may also, due to the rejection, suspension, or interruption of of a state pipeline safety program certification, use any undistributed grant funds for pipeline safety activities for that state.

(Sec. 18) Each hazardous liquid pipeline facility owner or operator required to prepare a response plan shall:

- consider the impact of a discharge into or on navigable waters or adjoining shorelines, including those covered by ice; and
- include procedures and resources for responding to such discharge in the plan.

(Sec. 19) DOT shall revise certain regulations to state explicitly that the Great Lakes, coastal beaches, and marine coastal waters are unusually sensitive areas (USA) ecological resources for purposes of determining whether a pipeline is in a high consequence area.

(Sec. 20) DOT's Inspector General shall report to Congress on the community pipeline safety technical assistance grants program.

(Sec. 21) GAO shall study materials, training, and corrosion prevention technologies for gas and hazardous liquid pipeline facilities.

(Sec. 22) DOT's Inspector General shall report to Congress on PHMSA's pipeline facility integrity research and development program.

The bill amends the Pipeline Safety Improvement Act of 2002 to revise and prescribe funding level percentages from non-federal sources for the program.

DOT shall implement processes and procedures to ensure program activities are peer-reviewed by independent experts.

(Sec. 23) DOT shall issue an advisory bulletin to owners and operators of gas or hazardous liquid pipeline facilities and state pipeline safety personnel regarding PHMSA procedures for changing the status of a pipeline facility from active to abandoned.

(Sec. 24) GAO shall conduct a study on state pipeline safety agreements.

DOT shall provide written notice to a state authority with a pipeline safety program certification of the denial of its request for an agreement authorizing it to participate in the oversight of interstate pipeline transportation.

(Sec. 25) Each gas or hazardous liquid pipeline facility operator shall ensure that pipeline integrity assessments:

- using internal inspection technology for the integrity threat are completed at least once every 12 months; and
- using pipeline route surveys, depth of cover surveys, pressure tests, external corrosion direct assessment, or other technology that can determine the condition of the pipeline facility are completed on a schedule based on the risk the pipeline poses to a high consequence area.

The requirements shall apply to underwater hazardous liquid pipeline facilities located in such areas.

(Sec. 26) DOT shall enter into an agreement with the Transportation Research Board of the National Academies to study the safety, regulatory requirements, and best practices for pipeline facilities that transport or store only petroleum gas or mixtures of petroleum gas and air to 100 or fewer customers.

(Sec. 27) The bill revises certain factors DOT must consider in prescribing minimum safety standards for liquefied natural gas pipeline facilities.

DOT shall consider national security in prescribing such standards.

DOT shall review and update such standards for permanent, small scale liquefied natural gas pipeline facilities.

(Sec. 28) GAO shall assess the feasibility of odorizing all combustible gas in pipeline transportation, including its effects on manufacturers, agriculture, other end users, and public health and safety.

(Sec. 29) The PHMSA shall report to Congress on the metrics provided to it and to other federal and state agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.

(Sec. 30) The PHMSA shall conduct a state-by-state review of state-level policies that:

- encourage the repair and replacement of leaking natural gas distribution pipelines or systems that pose a safety threat, such as timelines to repair leaks and limits on cost recovery from ratepayers; and
- may create barriers for entities to conduct work to repair and replace leaking natural gas pipelines or distribution systems.

(Sec. 31) The Department of Energy shall lead and establish an Aliso Canyon Natural Gas Leak Task Force to:

- analyze the cause and contributing factors of the Aliso Canyon natural gas leak;

analyze measures taken to stop the leak;

- assess the impact of the leak on health, safety, and the environment, wholesale and retail electricity prices, and the reliability of the bulk-power system;
- analyze how federal, state, and local agencies responded to the leak;
- recommend how to improve the response to a future leak and coordination between all appropriate federal, state, and local agencies in response to the Aliso Canyon natural gas leak and future natural gas leaks;
- analyze the potential for a similar leak to occur at other underground natural gas storage facilities in the United States;
- recommend how to prevent any future natural gas leaks;
- recommend regarding Aliso Canyon and other underground storage facilities close proximity to residential populations; and
- recommend information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas storage infrastructure in the United States.

Actions Timeline

- **Jun 22, 2016:** Signed by President.
- **Jun 22, 2016:** Became Public Law No: 114-183.
- **Jun 16, 2016:** Presented to President.
- **Jun 14, 2016:** Message on Senate action sent to the House.
- **Jun 13, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S3830-3031)
- **Jun 13, 2016:** Resolving differences -- Senate actions: Senate agreed to the House amendment to the Senate bill by Unanimous Consent.(consideration: CR S3831)
- **Jun 13, 2016:** Senate agreed to the House amendment to the Senate bill by Unanimous Consent. (consideration: CR S3831)
- **Jun 9, 2016:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Jun 8, 2016:** Mr. Denham moved to suspend the rules and pass the bill, as amended.
- **Jun 8, 2016:** Considered under suspension of the rules. (consideration: CR H3538-3549)
- **Jun 8, 2016:** DEBATE - The House proceeded with forty minutes of debate on S. 2276.
- **Jun 8, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H3538-3544)
- **Jun 8, 2016:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H3538-3544)
- **Jun 8, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 7, 2016:** Message on Senate action sent to the House.
- **Mar 7, 2016:** Received in the House.
- **Mar 7, 2016:** Held at the desk.
- **Mar 3, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S1292-1296)
- **Mar 3, 2016:** The committee substitute withdrawn by Unanimous Consent. (consideration: CR S1296)
- **Mar 3, 2016:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S1292-1296)
- **Mar 3, 2016:** Passed Senate with an amendment by Unanimous Consent. (text: CR S1292-1296)
- **Feb 24, 2016:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. With written report No. 114-209.
- **Feb 24, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 370.
- **Dec 9, 2015:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 10, 2015:** Introduced in Senate
- **Nov 10, 2015:** Read twice and referred to the Committee on Commerce, Science, and Transportation.