

AMENDMENT TO H.R. 5120
OFFERED BY MR. BALDERSON OF OHIO

At the end of the bill, add the following:

1 **SEC. ____.** **ADVANCEMENT OF NEW PIPELINE SAFETY**
2 **TECHNOLOGIES AND APPROACHES.**

3 (a) IN GENERAL.—Chapter 601 of title 49, United
4 States Code, is further amended by adding at the end the
5 following:

6 **“§ 60145. Pipeline safety technology testing programs**

7 “(a) IN GENERAL.—The Secretary may establish and
8 carry out limited safety-enhancing testing programs to
9 evaluate innovative technologies and operational practices
10 testing the safe operation of—

11 “(1) a natural gas pipeline facility; or

12 “(2) a hazardous liquid pipeline facility.

13 “(b) LIMITATIONS.—

14 “(2) HIGH POPULATION AREAS.—Any program
15 established under subsection (a) shall not be located
16 in a high population area (as defined in section
17 195.450 of title 49, Code of Federal Regulations).

18 “(c) DURATION.—The term of a testing program es-
19 tablished under subsection (a) shall be not more than a

1 period of 4 years beginning on the date of approval of the
2 program.

3 “(d) SAFETY STANDARDS.—

4 “(1) IN GENERAL.—The Secretary shall re-
5 quire, as a condition of approval of a testing pro-
6 gram under subsection (a), that the safety measures
7 in the testing program are designed to achieve a
8 level of safety that is greater than, or equivalent to,
9 the level of safety required by this chapter.

10 “(2) DETERMINATION.—

11 “(A) IN GENERAL.—The Secretary may
12 issue an order under subparagraph (A) of sec-
13 tion 60118(c)(1) to accomplish the purpose of
14 a testing program for a term not to exceed the
15 time period described in subsection (c) if the
16 condition described in paragraph (1) is met, as
17 determined by the Secretary.

18 “(B) LIMITATION.—An order under sub-
19 paragraph (A) of such section shall pertain only
20 to those regulations that would otherwise pre-
21 vent the use of the safety technology to be test-
22 ed under the testing program.

23 “(e) CONSIDERATIONS.—In establishing a testing
24 program under subsection (a), the Secretary shall con-
25 sider—

1 “(1) whether the owners or operators partici-
2 pating in the program have a safety management
3 system in place;

4 “(2) whether the proposed safety technology
5 has been tested through a research and development
6 program carried out by—

7 “(A) the Secretary;

8 “(B) collaborative research development
9 organizations; or

10 “(C) other institutions; and

11 “(3) whether the pipeline segments tested by
12 the program are outside of a high population area
13 (as defined in section 195.450 of title 49, Code of
14 Federal Regulations).

15 “(f) DATA AND FINDINGS.—As a participant in a
16 testing program established under subsection (a), an oper-
17 ator shall submit to the Secretary detailed findings and
18 a summary of data collected as a result of participation
19 in the testing program.

20 “(g) AUTHORITY TO REVOKE PARTICIPATION.—The
21 Secretary shall immediately revoke participation in a test-
22 ing program under subsection (a) if—

23 “(1) the participant fails to comply with the
24 terms and conditions of the testing program; or

1 “(2) in the determination of the Secretary, con-
2 tinued participation in the testing program by the
3 participant would be unsafe or would not be con-
4 sistent with the goals and objectives of this chapter.

5 “(h) AUTHORITY TO TERMINATE PROGRAM.—The
6 Secretary shall immediately terminate a testing program
7 under subsection (a) if continuation of the testing pro-
8 gram would not be consistent with the goals and objectives
9 of this chapter.

10 “(i) STATE RIGHTS.—

11 “(1) EXEMPTION.—Except as provided in para-
12 graph (2), if a State submits to the Secretary notice
13 that the State requests an exemption from any test-
14 ing program considered for establishment under this
15 section, the State shall be exempt.

16 “(2) LIMITATIONS.—

17 “(A) IN GENERAL.—The Secretary shall
18 not grant a requested exemption under para-
19 graph (1) after a testing program is estab-
20 lished.

21 “(B) LATE NOTICE.—The Secretary shall
22 not grant a requested exemption under para-
23 graph (1) if the notice submitted under that
24 paragraph is submitted to the Secretary more
25 than 10 days after the date on which the Sec-

1 retary issues an order providing an effective
2 date for the testing program.

3 “(3) EFFECT.—If a State has not submitted a
4 notice requesting an exemption under paragraph (1),
5 the State shall not enforce any law (including regu-
6 lations) that is inconsistent with a testing program
7 in effect in the State under this section.

8 “(j) PROGRAM REVIEW PROCESS AND PUBLIC NO-
9 TICE.—

10 “(1) IN GENERAL.—The Secretary shall publish
11 in the Federal Register a notice of each testing pro-
12 gram under subsection (a), including the order to be
13 considered, and provide an opportunity for public
14 comment for not less than 60 days.

15 “(2) RESPONSE FROM SECRETARY.—Not later
16 than the date on which the Secretary issues an order
17 providing an effective date of a testing program no-
18 ticed under paragraph (1), the Secretary shall re-
19 spond to each comment submitted under that para-
20 graph.

21 “(k) REPORT.—At the conclusion of each testing pro-
22 gram, the Secretary shall make publicly available on the
23 website of the Department of Transportation a report con-
24 taining—

1 “(1) the findings and conclusions of the Sec-
2 retary with respect to the testing program; and

3 “(2) any recommendations of the Secretary
4 with respect to the testing program, including any
5 recommendations for amendments to laws (including
6 regulations) and the establishment of standards,
7 that—

8 “(A) would enhance the safe operation of
9 interstate gas or hazardous liquid pipeline fa-
10 cilities; and

11 “(B) are technically, operationally, and
12 economically feasible.

13 “(l) STANDARDS.—If a report under subsection (k)
14 indicates that it is practicable to establish technically,
15 operationally, and economically feasible standards for the
16 use of a safety-enhancing technology and any cor-
17 responding operational practices tested by the testing pro-
18 gram described in the report, the Secretary, as soon as
19 practicable after submission of the report, may promulgate
20 regulations consistent with chapter 5 of title 5 (commonly
21 known as the ‘Administrative Procedures Act’) that—

22 “(1) allow operators of interstate gas or haz-
23 ardous liquid pipeline facilities to use the relevant
24 technology or practice to the extent practicable; and

1 “(2) establish technically, operationally, and
2 economically feasible standards for the capability
3 and deployment of the technology or practice.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 601 of title 49, United States Code, is further
6 amended by adding at the end the following:

“60145. Pipeline safety technology testing programs.”.

