

# [SUBCOMMITTEE PRINT]

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Showing amendments adopted by the subcommittee  
Matter proposed to be deleted is shown in ~~linetype~~. New  
matter is shown in *italic*

90TH CONGRESS  
2D SESSION

## S. 1166

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 1967

Referred to the Committee on Interstate and Foreign Commerce

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## AN ACT

To authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, 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 That this Act may be cited as "the Natural Gas Pipe-  
4 line Safety Act of ~~1967~~ 1968".

5 DEFINITIONS

6 SEC. 2. As used in this Act—

7 (1) "Person" means any individual, firm, joint venture,  
8 partnership, corporation, association, State municipality,

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1 cooperative association, or joint stock association, and in-  
2 cludes any trustee, receiver, assignee, or personal represent-  
3 ative thereof;

4 (2) "Gas" means natural gas, flammable gas, ~~or non-~~  
5 ~~flammable hazardous gas or gas which is toxic or corrosive;~~

6 (3) "Transportation of gas" means the gathering, trans-  
7 mission or distribution of gas by pipeline or its storage in or  
8 affecting interstate or foreign commerce; *except where said*  
9 *gathering occurs in those rural locations which lie outside the*  
10 *limits of any incorporated or unincorporated city, town, vil-*  
11 *lage, or any other designated residential or commercial area*  
12 *such as a subdivision, a business or shopping center, a com-*  
13 *munity development, or any similar populated area which the*  
14 *Secretary may define as a nonrural area;*

15 (4) "Pipeline facilities" includes, without limitation,  
16 new and existing pipe, rights-of-way, and any equipment,  
17 facility, or building used in the transportation of gas or the  
18 treatment of gas, but "rights-of-way" as used in this Act does  
19 not authorize the Secretary to prescribe the location or rout-  
20 ing of any pipeline facility;

21 (5) "State" includes each of the several States, the Dis-  
22 trict of Columbia, and the Commonwealth of Puerto Rico;

23 (6) "Municipality" means a city, county, or any other  
24 political subdivision of a State;

25 (7) "National organization of the State commissions"



1 section. Any State agency may adopt such additional or more  
2 stringent standards for pipeline facilities and the transporta-  
3 tion of gas not subject to the jurisdiction of the Federal  
4 Power Commission under the Natural Gas Act as are not  
5 incompatible with the Federal minimum standards, but may  
6 not adopt or continue in force after the interim standards  
7 provided for above become effective any such standards ap-  
8 plicable to interstate transmission facilities.

9 (b) Not later than twenty-four months after the enact-  
10 ment of this Act, and from time to time thereafter, the Secre-  
11 tary shall, by order, establish minimum Federal safety stand-  
12 ards for the transportation of gas and pipeline facilities.  
13 Such standards may apply to the design, installation, inspec-  
14 tion, testing, construction, extension, operation, replacement,  
15 and maintenance of pipeline facilities. Standards affecting the  
16 design, installation, construction, initial inspection, and initial  
17 testing shall not be applicable to pipeline facilities in existence  
18 on the date such standards are adopted, unless the Secretary  
19 finds that a potentially hazardous situation exists, in which  
20 case he may by order require compliance with any such  
21 standards adopted. Whenever the Secretary shall find a par-  
22 ticular facility to be hazardous to life or property, he shall  
23 be empowered to require the person operating such facility  
24 to take such steps necessary to remove such hazards. Such  
25 Federal safety standards shall be practicable and designed

1 to meet the need for pipeline safety. In prescribing such  
2 standards, the Secretary shall consider—

3 (1) relevant available pipeline safety data;

4 (2) whether such standards are appropriate for  
5 the particular type of pipeline transportation;

6 (3) the reasonableness of any proposed standards;

7 and

8 (4) the extent to which such standards will con-  
9 tribute to public safety.

10 *Any State agency may adopt such additional or more strin-*  
11 *gent standards for pipeline facilities and the transportation of*  
12 *gas not subject to the jurisdiction of the Federal Power Com-*  
13 *mission under the Natural Gas Act as are not incompatible*  
14 *with the Federal minimum standards, but may not adopt or*  
15 *continue in force after the minimum Federal safety stand-*  
16 *ards referred to in this subsection become effective any such*  
17 *standards applicable to interstate transmission facilities.*

18 (c) Any standards prescribed under this section, and  
19 amendments thereto, shall become effective thirty days after  
20 the date of issuance of such standards unless the Secretary,  
21 for good cause recited, determines an earlier or later effective  
22 date is required as a result of the period reasonably necessary  
23 for compliance.

24 (d) The provisions of subchapter II of chapter 5 of  
25 title 5 of the United States Code shall apply to all orders

1 establishing, amending, revoking, or waiving compliance  
2 with, any standard established under this Act. The Secretary  
3 shall afford interested persons an opportunity to participate  
4 fully in the establishment of such safety standards through  
5 submission of written data, views, or arguments with  
6 opportunity to present oral testimony and argument.

7 (e) Upon application by any person engaged in the  
8 transportation of gas or the operation of pipeline facilities,  
9 the Secretary may, after notice and opportunity for hearing  
10 and under such terms and conditions and to such extent as he  
11 deems appropriate, waive in whole or in part compliance  
12 with any standard established under this Act, if he deter-  
13 mines that a waiver of compliance with such standard is not  
14 inconsistent with gas pipeline safety. The Secretary shall  
15 state his reasons for any such waiver. A State agency, with  
16 ~~which an agreement is in effect pursuant to section 5(a)~~  
17 *respect to which there is in effect a certification pursuant*  
18 *to section 5(a) or an agreement pursuant to section 5(b),*  
19 may waive compliance with a safety standard in the same  
20 manner as the Secretary, provided such State agency gives  
21 the Secretary written notice at least sixty days prior to the  
22 effective date of the waiver. If, before the effective date of  
23 a waiver to be granted by a State agency, the Secretary  
24 objects in writing to the granting of the waiver, any State  
25 *agency* action granting the waiver will be stayed. After

1 notifying such State agency of his objection, the Secretary  
2 shall afford such agency a prompt opportunity to present its  
3 request for waiver, with opportunity for hearing, and the  
4 Secretary shall determine finally whether the requested  
5 waiver may be granted.

6 TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

7 SEC. 4. (a) The Secretary shall establish a Technical  
8 Pipeline Safety Standards Committee. The Committee shall  
9 be appointed by the Secretary, after consultation with pub-  
10 lic and private agencies concerned with the technical aspect  
11 of the transportation of gas or the operation of pipeline facili-  
12 ties, and shall be composed of fifteen members each of whom  
13 shall be *experienced in the safety regulation of the trans-*  
14 *portation of gas and of pipeline facilities or technically*  
15 *qualified by training and experience in one or more fields*  
16 *of engineering applied in the transportation of gas or the*  
17 *operation of pipeline facilities to evaluate gas pipeline safety*  
18 *standards, as follows:*

19 (1) Five members shall be selected from govern-  
20 mental agencies, including State and Federal Govern-  
21 ments, one of whom, after consultation with representa-  
22 tives of the national organization of State commissions,  
23 shall be a State commissioner;

24 (2) Five members shall be selected from the natural

1 gas industry after consultation with industry representa-  
2 tives, not less than three of whom shall be currently en-  
3 gaged in the active operation of natural gas pipelines; and

4 (3) Five members shall be selected from the general  
5 public.

6 (b) The Secretary shall submit to the Committee all  
7 proposed standards and amendments to such standards and  
8 afford such Committee a reasonable opportunity, not to exceed  
9 ninety days, unless extended by the Secretary, to prepare a  
10 report on the technical feasibility, reasonableness, and prac-  
11 ticability of each such proposal. Each report by the Commit-  
12 tee, including any minority views, shall be published by the  
13 Secretary and form a part of the proceedings for the promul-  
14 gation of standards. In the event that the Secretary rejects  
15 the conclusions of the majority of the Committee, he shall  
16 not be bound by such conclusions but shall publish his reasons  
17 for rejection thereof. The Committee may propose safety  
18 standards for pipeline facilities and the transportation of  
19 gas to the Secretary for his consideration. All proceedings  
20 of the Committee shall be recorded and the record of each  
21 such proceeding shall be available for public inspection.

22 (c) Members of the Committee other than Federal em-  
23 ployees may be compensated at a rate to be fixed by the  
24 Secretary not to exceed \$100 per diem (including travel  
25 time) when engaged in the actual duties of the Committee.



1 All members, while away from their homes or regular places  
2 of business, may be allowed travel expenses, including per  
3 diem in lieu of subsistence as authorized by section 5703 of  
4 title 5, United States Code, for persons in the Government  
5 service employed intermittently. Payments under this sec-  
6 tion shall not render members of the Committee employees  
7 or officials of the United States for any purpose.

8           AGREEMENTS WITH STATE AGENCIES

9           SEC. 5. (a) Subject to the provisions of this section, the  
10 Secretary is authorized by written agreement with an appro-  
11 priate State agency to exempt from the Federal safety stand-  
12 ards pipeline facilities and the transportation of gas not  
13 subject to the jurisdiction of the Federal Power Commission  
14 under the Natural Gas Act, under which agreement such  
15 State agency—

16           (1) adopts each Federal safety standard applicable  
17 to such transportation of gas and pipeline facilities and  
18 any amendment to each such standard, established under  
19 this Act;—

20           (2) undertakes a program satisfactory to the Secre-  
21 tary, designed to achieve adequate compliance with such  
22 standards and with the plans of inspection and mainte-  
23 nance required by section 11; and

24           (3) agrees to cooperate fully in a system of Federal

1 monitoring of such compliance program and reporting  
 2 under regulations prescribed by the Secretary.

3 No such agreement may be concluded with any State agency  
 4 which does not have the authority ~~(i)~~ to impose the sanctions  
 5 provided under sections 9 and 10; ~~(ii)~~ to require record  
 6 maintenance, reporting, and inspection responsibilities sub-  
 7 stantially the same as are provided under section 12; and  
 8 ~~(iii)~~ to require the filing for approval of plans of inspection  
 9 and maintenance described in section 11.

10 ~~(b)~~ With respect to any State agency with which the  
 11 Secretary determines that he cannot enter into an agreement  
 12 under subsection ~~(a)~~ of this section, the Secretary is author-  
 13 ized by agreement to authorize such agency to assume re-  
 14 sponsibility for, and carry out on behalf of the Secretary as it  
 15 relates to pipeline facilities and the transportation of gas not  
 16 subject to the jurisdiction of the Federal Power Commission  
 17 under the Natural Gas Act the necessary actions to—

18 *STATE CERTIFICATIONS AND AGREEMENTS*

19 *SEC. 5. (a) Except as provided in subsection (d) of*  
 20 *this section, the provisions of this Act shall not apply to pipe-*  
 21 *line facilities and the transportation of gas (not subject to the*  
 22 *jurisdiction of the Federal Power Commission under the Nat-*  
 23 *ural Gas Act) within a State when the safety standards and*  
 24 *practices applicable to same are regulated by a State agency*  
 25 *(including a municipality) which submits to the Secretary*

1 *an annual certification that such State agency (1) has regu-*  
2 *latory jurisdiction over the safety standards and practices of*  
3 *such pipeline facilities and transportation of gas; (2) has*  
4 *adopted each Federal safety standard applicable to such pipe-*  
5 *line facilities and transportation of gas established under this*  
6 *Act as of the date of the certification; (3) is enforcing each*  
7 *such standard; (4) has the authority to require record main-*  
8 *tenance, reporting, and inspection substantially the same as*  
9 *are provided under section 12 and the filing for approval of*  
10 *plans of inspection and maintenance described in section 11;*  
11 *and (5) the law of the State makes provision for the enforce-*  
12 *ment of the safety standards of such State agency by way of*  
13 *injunctive and monetary sanctions. Each annual certification*  
14 *shall include a report, in such form as the Secretary may by*  
15 *regulation provide, showing (i) name and address of each*  
16 *person subject to the safety jurisdiction of the State agency;*  
17 *(ii) all accidents or incidents reported during the preceding*  
18 *twelve months by each such person involving personal injury*  
19 *requiring hospitalization, fatality, or property damage ex-*  
20 *ceeding \$1,000, together with a summary of the State agency's*  
21 *investigation as to the cause and circumstances surrounding*  
22 *such accident or incident; (iii) the record maintenance, re-*  
23 *porting, and inspection practiced by the State agency to*  
24 *enforce compliance with such Federal safety standards, in-*  
25 *cluding a detail of the number of inspections made of pipeline*

1 facilities by the State agency during the preceding twelve  
2 months; and (iv) such other information as the Secretary  
3 may require. The report included with the first annual certifi-  
4 cation need not show information unavailable at that time.  
5 If after receipt of annual certification, the Secretary deter-  
6 mines that the State agency is not satisfactorily enforcing  
7 compliance with Federal safety standards, he may, on reason-  
8 able notice and after opportunity for hearing, reject the  
9 certification or take such other action as he deems appropriate  
10 to achieve adequate enforcement including the assertion of  
11 Federal jurisdiction.

12 (b) With respect to any pipeline facilities and transpor-  
13 tation of gas (not subject to the jurisdiction of the Federal  
14 Power Commission under the Natural Gas Act) for which  
15 the Secretary does not receive an annual certification under  
16 subsection (a) of this section, the Secretary is authorized by  
17 agreement with a State agency (including a municipality)  
18 to authorize such agency to assume responsibility for, and  
19 carry out on behalf of the Secretary as it relates to pipeline  
20 facilities and the transportation of gas not subject to the  
21 jurisdiction of the Federal Power Commission under the  
22 Natural Gas Act the necessary actions to—

23 (1) establish an adequate program for record  
24 maintenance, reporting, and inspection designed to assist  
25 compliance with such standards;

1           (2) establish procedures for approval of plans of  
2 inspection and maintenance substantially the same as are  
3 required under section 11;

4           (3) to implement a compliance program acceptable  
5 to the Secretary including provision for inspection of  
6 pipeline facilities used in such transportation of gas; and

7           (4) to cooperate fully in a system of Federal moni-  
8 toring of such compliance program and reporting under  
9 regulations prescribed by the Secretary.

10 Any agreement executed pursuant to this subsection shall  
11 require the State to promptly notify the Secretary of any  
12 violation or probable violation of a Federal safety standard  
13 which it discovers as a result of its program.

14           (c) (1) Upon an application submitted not later than  
15 September 30 in any calendar year, the Secretary is author-  
16 ized to pay out of funds appropriated pursuant to section  
17 15 (a) up to 50 per centum of the cost of the personnel,  
18 equipment, and activities of a State agency reasonably re-  
19 quired to carry out ~~such agreement~~ *a safety program under*  
20 *a certification under subsection (a) or an agreement under*  
21 *subsection (b) of this section* during the following calendar  
22 year. No such payment may be made unless the State agency  
23 making application under this subsection gives assurances  
24 satisfactory to the Secretary that the State agency will pro-

1 vide the remaining cost of such an ~~agreement~~ *a safety pro-*  
2 *gram and that the aggregate expenditures of funds of the*  
3 *State, exclusive of Federal grants, for gas safety programs*  
4 *will be maintained at a level which does not fall below the*  
5 *average level of such expenditures for the last two fiscal*  
6 *years preceding the date of enactment of this section.*

7 (2) Upon application by the national organization of  
8 State commissions, the Secretary is authorized to pay out of  
9 the funds appropriated pursuant to section 15 (a) the sum of  
10 \$20,000, plus such additional sums as he deems justified,  
11 to such national organization to pay the reasonable cost of  
12 coordinating the activities of the State commissions, to assist  
13 them in the maintenance and improvement of gas pipeline  
14 safety programs and to render technical assistance to such  
15 commissions in other regulatory matters.

16 (3) Payments under this section may be made in install-  
17 ments, in advance or by way of reimbursement, with neces-  
18 sary adjustments on account of overpayments and under-  
19 payments.

20 (4) The Secretary may, by regulation, provide for the  
21 form and manner of filing of applications under this section,  
22 and for such reporting and fiscal procedures as he deems nec-  
23 essary to assure the proper accounting for Federal funds.

24 (d) Where an ~~exemption from Federal standards~~ *a*  
25 *certification* for pipeline facilities or the transportation of gas

1 is in effect under subsection (a) of this section the pro-  
2 visions of sections 8 (a) (1), 8 (a) (2), 9, and 10 of this  
3 Act, shall not apply. Any such ~~exemption~~ *certification* shall  
4 remain in effect until a new or amended Federal safety  
5 standard for pipeline facilities or the transportation of gas  
6 not subject to the jurisdiction of the Federal Power Com-  
7 mission under the Natural Gas Act is established pursuant  
8 to this Act, and such ~~exemption~~ *certification* shall not apply  
9 to any such new standard or amendment until the State  
10 *agency* has adopted such new standard or amendment pur-  
11 suant to the provisions of subsection (a) of this section. The  
12 provisions of this Act shall apply to such standard until such  
13 adoption has become effective.

14 (e) Any agreement under this section may be termi-  
15 nated by the Secretary if, after notice and opportunity for a  
16 hearing, he finds that the State agency has failed to comply  
17 with any provision of such agreement. Such finding and  
18 termination shall be published in the Federal Register, and  
19 shall become effective no sooner than fifteen days after the  
20 date of publication.

#### 21 JUDICIAL REVIEW ORDERS

22 SEC. 6. (a) Any person who is or will be adversely  
23 affected or aggrieved by any order issued under this Act  
24 may at any time prior to the sixtieth day after such order

1 is issued file a petition for a judicial review with the United  
2 States Court of Appeals for the District of Columbia or for  
3 the circuit wherein such petitioner is located or has his prin-  
4 cipal place of business. A copy of the petition shall be forth-  
5 with transmitted by the clerk of the court to the Secretary or  
6 other officer designated by him for that purpose.

7 (b) Upon the filing of the petition referred to in sub-  
8 section (a), the court shall have jurisdiction to review the  
9 order in accordance with chapter 7 of title 5 of the United  
10 States Code and to grant appropriate relief as provided in  
11 such chapter.

12 (c) The judgment of the court affirming or setting aside,  
13 in whole or in part, any such order of the Secretary shall  
14 be final, subject to review by the Supreme Court of the  
15 United States upon certiorari or certification as provided in  
16 section 1254 of title 28 of the United States Code.

17 (d) Any action instituted under this section shall sur-  
18 vive, notwithstanding any change in the person occupying  
19 the office of Secretary or any vacancy in such office.

20 (e) The remedies provided for in this section shall be in  
21 addition to and not in substitution for any other remedies  
22 provided by law.



1 COOPERATION WITH FEDERAL POWER COMMISSION AND  
2 STATE COMMISSIONS

3 SEC. 7. Whenever the establishment of a standard or  
4 action upon application for waiver under the provisions of  
5 this Act, would affect continuity of any gas services, the Sec-  
6 retary shall consult with and advise the Federal Power  
7 Commission or State commission having jurisdiction over the  
8 affected pipeline facility before establishing the standard or  
9 acting on the waiver application and shall defer the effective  
10 date until the Federal Power Commission or any such com-  
11 mission has had reasonable opportunity to grant the author-  
12 izations it deems necessary. In any proceedings under section  
13 7 of the Natural Gas Act (15 U.S.C. 717f) for authority to  
14 establish, construct, operate, or extend a gas pipeline which is  
15 or will be subject to Federal or other applicable safety stand-  
16 ards, any applicant shall certify that it will design, install,  
17 inspect, test, construct, operate, replace, and maintain the  
18 pipeline facilities in accordance with Federal and other appli-  
19 cable safety standards and plans for maintenance and inspec-  
20 tion. Such certification shall be binding and conclusive upon  
21 the Commission unless the relevant enforcement agency has

1 timely advised the Commission in writing that the applicant  
2 has violated safety standards established pursuant to this Act.

3 COMPLIANCE

4 SEC. 8. (a) Any person engaged in the transportation  
5 of gas Each person who engages in the transportation of gas  
6 or who owns or operates pipeline facilities shall—

7 (1) at all times after the date any applicable  
8 safety standard established under this Act takes effect  
9 comply with the requirements of such standard; and

10 (2) file and comply with a plan of inspection and  
11 maintenance required by section ~~12~~ 11; and

12 (3) permit access to or copying of records, and  
13 make reports or provide information, and permit entry  
14 or inspection, as required under section ~~13~~ 12.

15 (b) Nothing in this Act shall affect the common law or  
16 statutory tort liability of any person.

17 CIVIL PENALTY

18 SEC. 9. (a) Any person who violates any provision of  
19 section 8(a), or any regulation issued under this Act, shall  
20 be subject to a civil penalty of not to exceed \$1,000 for each  
21 such violation for each day that such violation persists, ex-  
22 cept that the maximum civil penalty shall not exceed \$400,  
23 000 for any related series of violations.

24 SEC. 9. (a) Whenever the Secretary has reason to be-  
25 lieve any person is violating any portion of section 8(a), or

1 *any regulation issued under this Act, he shall give notice to*  
2 *such person and permit such person reasonable opportunity*  
3 *to achieve compliance prior to imposing the penalties herein-*  
4 *after provided. If compliance has not been achieved in a*  
5 *reasonable time, the Secretary may impose a civil penalty*  
6 *not to exceed \$500 for each day that such violation persists,*  
7 *except that the maximum civil penalty shall not exceed \$100,-*  
8 *000 for any related series of violations. In addition, the*  
9 *Secretary may seek injunctive relief under the provisions set*  
10 *forth in section 10.*

11 (b) Any such civil penalty may be compromised by the  
12 Secretary. In determining the amount of such penalty, or  
13 the amount agreed upon in compromise, the appropriateness  
14 of such penalty to the size of the business of the person  
15 charged, the gravity of the violation, and the good faith of  
16 the person charged in attempting to achieve compliance,  
17 after notification of a violation, shall be considered. The  
18 amount of such penalty, when finally determined, or the  
19 amount agreed upon in compromise, may be deducted from  
20 any sums owing by the United States to the person charged  
21 or may be recovered in a civil action in the United States  
22 district courts.

#### 23 INJUNCTION AND JURISDICTION

24 SEC. 10. (a) The United States district courts shall have  
25 jurisdiction, subject to the provisions of rule 65 (a) and (b)

1 of the Federal Rules of Civil Procedure, to restrain viola-  
2 tions of this Act (including the restraint of transportation of  
3 gas or the operation of a pipeline facility) or to enforce  
4 standards established hereunder upon petition by the appro-  
5 priate United States attorney or the Attorney General on  
6 behalf of the United States. Whenever practicable, the Sec-  
7 retary shall give notice to any person against whom an action  
8 for injunctive relief is contemplated and afford him an oppor-  
9 tunity to present his views, and, except in the case of a know-  
10 ing and willful violation, shall afford him reasonable oppor-  
11 tunity to achieve compliance. However, the failure to give  
12 such notice and afford such opportunity shall not preclude  
13 the granting of appropriate relief.

14 (b) In any proceeding for criminal contempt for viola-  
15 tion of an injunction or restraining order issued under this  
16 section, which violation also constitutes a violation of this Act,  
17 trial shall be by the court or, upon demand of the accused, by  
18 a jury. Such trial shall be conducted in accordance with  
19 the practice and procedure applicable in the case of proceed-  
20 ings subject to the provisions of rule 42 (b) of the Federal  
21 Rules of Criminal Procedure.

22 (c) Actions under subsection (a) of this section and  
23 section 9 may be brought in the district wherein any act or  
24 transaction constituting the violation occurred, or in the dis-  
25 trict wherein the defendant is found or is an inhabitant or

1 transacts business, and process in such cases may be served  
2 in any other district of which the defendant is an inhabitant  
3 or transacts business or wherever the defendant may be  
4 found.

5 (d) In any action brought under subsection (a) of this  
6 section and section 9, subpoenas for witnesses who are required  
7 to attend a United States district court may run into any  
8 other district.

9 INSPECTION AND MAINTENANCE PLANS

10 SEC. 11. Each person who ~~owns or operates any pipe-~~  
11 ~~line facility used in the transportation of gas~~ *engages in the*  
12 *transportation of gas or who owns or operates pipeline facili-*  
13 *ties* not subject to the jurisdiction of the Federal Power Com-  
14 mission under the Natural Gas Act shall file with the Secre-  
15 tary or, where *a certification or an agreement* pursuant to sec-  
16 tion 5 is in effect, with the State agency, a plan for inspection  
17 and maintenance of each such pipeline facility owned or  
18 operated by such person, and any changes in such plan, in  
19 accordance with regulations prescribed by the Secretary or  
20 appropriate State agency. The Secretary may, by regulation,  
21 also require persons *who engage in the transportation of gas*  
22 *or who own or operate pipeline facilities* subject to the provi-  
23 sions of this Act to file such plans for approval. If at any time  
24 the agency with responsibility for enforcement of compliance  
25 with the standards established under this Act finds that such

1 plan is inadequate to achieve safe operation, such agency  
2 may, after notice and opportunity for a hearing, require  
3 such plan to be revised. The plan required by the agency  
4 shall be practicable and designed to meet the need for pipe-  
5 line safety. In determining the adequacy of any such plan,  
6 such agency shall consider—

- 7 (1) relevant available pipeline safety data;
- 8 (2) whether the plan is appropriate for the particu-  
9 lar type of pipeline transportation;
- 10 (3) the reasonableness of the plan; and
- 11 (4) the extent to which such plan will contribute to  
12 public safety.

13 RECORDS, REPORTS, AND INSPECTION FOR COMPLIANCE

14 SEC. 12. (a) ~~Every person engaged in the transporta-~~  
15 ~~tion of gas or the operation of~~ *Each person who engages in*  
16 *the transportation of gas or who owns or operates pipeline*  
17 *facilities shall establish and maintain such records, make such*  
18 *reports, and provide such information as the Secretary may*  
19 *reasonably require to enable him to determine whether such*  
20 *person has acted or is acting in compliance with this Act*  
21 *and the standards established under this Act. Each such*  
22 *person shall, upon request of an officer, employee, or agent*  
23 *authorized by the Secretary, permit such officer, employee,*  
24 *or agent to inspect books, papers, records, and documents*  
25 *relevant to determining whether such person has acted or*

1 is acting in compliance with this Act and the standards  
2 established pursuant to this Act.

3 (b) The Secretary is authorized to conduct such moni-  
4 toring of State enforcement practices and such other inspec-  
5 tion and investigation as may be necessary to aid in the  
6 enforcement of the provisions of this Act and the standards  
7 established pursuant to this Act. He shall furnish the Attor-  
8 ney General any information obtained indicating noncom-  
9 pliance with such standards for appropriate action. For pur-  
10 poses of enforcement of this Act, officers, employees, or  
11 agents authorized by the Secretary, upon presenting appro-  
12 priate credentials to the individual in charge, are author-  
13 ized (1) to enter upon, at reasonable times, pipeline facili-  
14 ties, and (2) to inspect, at reasonable times and within  
15 reasonable limits and in a reasonable manner, such facilities.  
16 Each such inspection shall be commenced and completed  
17 with reasonable promptness.

18 ~~(c) Accident reports made by any officer, employee, or~~  
19 ~~agent of the Department of Transportation shall be available~~  
20 ~~for use in any civil, criminal, or other judicial proceeding~~  
21 ~~arising out of such accident. Any such officer, employee, or~~  
22 ~~agent may be required to testify in such proceedings as to the~~  
23 ~~facts developed in such investigations. Any such report shall~~  
24 ~~be made available to the public in a manner which need not~~  
25 ~~identify individuals. All reports on research projects, demon-~~

1 stration projects, and other related activities shall be public  
2 information.

3 ~~(d)~~ (c) All information reported to or otherwise ob-  
4 tained by the Secretary or his representative pursuant to sub-  
5 section ~~(a)~~, ~~(b)~~, or ~~(e)~~ (a) or (b) which information con-  
6 tains or relates to a trade secret referred to in section 1905 of  
7 title 18 of the United States Code shall be considered confi-  
8 dential for the purpose of that section, except that such infor-  
9 mation may be disclosed to other officers or employees con-  
10 cerned with carrying out this Act or when relevant in any  
11 proceeding under this Act. Nothing in this section shall  
12 authorize the withholding of information by the Secretary  
13 or any officer, employee, or agent under his control, from the  
14 duly authorized committees of the Congress.

15 ADMINISTRATION

16 SEC. 13. (a) The Secretary shall conduct research,  
17 testing, development, and training necessary to carry out  
18 the provisions of this Act. The Secretary is authorized to  
19 carry out the provisions of this section by contract, or by  
20 grants to individuals, States, and nonprofit institutions.

21 (b) Upon request, the Secretary shall furnish to the  
22 Federal Power Commission any information he has con-  
23 cerning the safety of any materials, operations, devices, or  
24 processes relating to the transportation of gas or the operation  
25 of pipeline facilities.



1 (c) The Secretary is authorized to advise, assist, and  
2 cooperate with other Federal departments and agencies and  
3 State and other interested public and private agencies and  
4 persons, in the planning and development of (1) Federal  
5 safety standards, and (2) methods for inspecting and test-  
6 ing to determine compliance with Federal safety standards.

7  
8 **REPORTS**

8 SEC. 14. (a) The Secretary shall prepare and submit  
9 to the President for transmittal to the Congress on March  
10 17 of each year a comprehensive report on the administra-  
11 tion of this Act for the preceding calendar year. Such report  
12 shall include—

13 (1) a thorough compilation of the accidents and  
14 casualties occurring in such year with a statement of  
15 cause whenever investigated and determined by the  
16 National Transportation Safety Board;

17 (2) a list of Federal gas pipeline safety standards  
18 established or in effect in such year with identification of  
19 standards newly established during such year;

20 (3) a summary of the reasons for each waiver  
21 granted under section 3 (e) during such year;

22 (4) an evaluation of the degree of observance of  
23 applicable safety standards for the transportation of gas  
24 and pipeline facilities including a list of enforcement

1 actions, and compromises of alleged violations by loca-  
2 tion and company name;

3 (5) a summary of outstanding problems confront-  
4 ing the administration of this Act in order of priority;

5 (6) an analysis and evaluation of research activi-  
6 ties, including the policy implications thereof, completed  
7 as a result of Government and private sponsorship and  
8 technological progress for safety achieved during such  
9 year;

10 (7) a list, with a brief statement of the issues, of  
11 completed or pending judicial actions under the Act; and

12 (8) the extent to which technical information was  
13 disseminated to the scientific community and consumer-  
14 oriented information was made available to the public.

15 (b) The report required by subsection (a) shall contain  
16 such recommendations for additional legislation as the Secre-  
17 tary deems necessary to promote cooperation among the sev-  
18 eral States in the improvement of gas pipeline safety and to  
19 strengthen the national gas pipeline safety program.

20 APPROPRIATIONS AUTHORIZED

21 SEC. 15. (a) There are hereby authorized to be appro-  
22 priated such sums as may be necessary to carry out the pro-  
23 visions of this Act but not in excess of \$10,000,000 for the  
24 fiscal year ending June 30, 1969; \$13,000,000 for the

1 fiscal year ending June 30, 1970; and \$15,000,000 for the  
2 fiscal year ending June 30, 1971.

3 (b) To help defray the expenses of Federal inspection  
4 and enforcement under this Act, the Secretary may require  
5 the payment of a reasonable annual fee to him by all persons  
6 engaged in the transportation of gas.

7 *SEC. 15. For the purpose of carrying out the provisions*  
8 *of this Act over a period of three fiscal years, beginning*  
9 *with the fiscal year ending June 30, 1969, there is authorized*  
10 *to be appropriated not to exceed \$500,000 for the fiscal year*  
11 *ending June 30, 1969; not to exceed \$2,000,000 for the fiscal*  
12 *year ending June 30, 1970; and not to exceed \$3,000,000*  
13 *for the fiscal year ending June 30, 1971.*

Passed the Senate November 9, 1967.

Attest:

FRANCIS R. VALEO,

*Secretary.*

[SUBCOMMITTEE PRINT]

MARCH 28, 1968

90TH CONGRESS  
2D SESSION

**S. 1166**

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## **AN ACT**

To authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes.

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NOVEMBER 13, 1967

Referred to the Committee on Interstate and Foreign  
Commerce