

49 US Code - Sec. 60117 Administrative

(a) General Authority. - To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of records, take depositions, and conduct research, testing, development, demonstration, and training activities and promotional activities relating to prevention of damage to pipeline facilities.

The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter. (b) Records, Reports, and Information. - To enable the Secretary to decide whether a person owning or operating a pipeline facility is complying with this chapter and standards prescribed or orders issued under this chapter, the person shall - (1) maintain records, make reports, and provide information the Secretary requires; and (2) make the records, reports, and information available when the Secretary requests.

The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines. (c) Entry and Inspection. - An officer, employee, or agent of the Department of Transportation designated by the Secretary, on display of proper credentials to the individual in charge, may enter premises to inspect the records and property of a person at a reasonable time and in a reasonable way to decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter. (d) Confidentiality of Information. - Information related to a confidential matter referred to in section 1905 of title 18 that is obtained by the Secretary or an officer, employee, or agent in carrying out this section may be disclosed only to another officer or employee concerned with carrying out this chapter or in a proceeding under this chapter. (e) Use of Accident Reports. - (1) Each accident report made by an officer, employee, or agent of the Department may be used in a judicial proceeding resulting from the accident.

The officer, employee, or agent may be required to testify in the proceeding about the facts developed in investigating the accident.

The report shall be made available to the public in a way that does not identify an individual. (2) Each report related to research and demonstration projects and related activities is public information. (f) Testing Facilities Involved in Accidents. - The Secretary may require testing of a part of a pipeline facility subject to this chapter that has been involved in or affected by an accident only after - (1) notifying the appropriate State official in the State in which the facility is located; and (2) attempting to negotiate a mutually acceptable plan for testing with the owner of the facility and, when the Secretary considers appropriate, the National Transportation Safety Board. (g) Providing Safety Information. - On request, the Secretary shall provide the Federal Energy Regulatory Commission or appropriate State authority with information the Secretary has on the safety of material, operations, devices, or processes related to pipeline transportation or operating a pipeline facility. (h) Cooperation. - The Secretary may - (1)

advise, assist, and cooperate with other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons in planning and developing safety standards and ways to inspect and test to decide whether those standards have been complied with; (2) consult with and make recommendations to other departments, agencies, and instrumentalities of the Government, State and local governments, and public and private agencies and persons to develop and encourage activities, including the enactment of legislation, that will assist in carrying out this chapter and improve State and local pipeline safety programs; and (3) participate in a proceeding involving safety requirements related to a liquefied natural gas facility before the Commission or a State authority. (i) Promoting Coordination. - (1) After consulting with appropriate State officials, the Secretary shall establish procedures to promote more effective coordination between departments, agencies, and instrumentalities of the Government and State authorities with regulatory authority over pipeline facilities about responses to a pipeline accident. (2) In consultation with the Occupational Safety and Health Administration, the Secretary shall establish procedures to notify the Administration of any pipeline accident in which an excavator that has caused damage to a pipeline may have violated a regulation of the Administration. (j) Withholding Information From Congress. - This section does not authorize information to be withheld from a committee of Congress authorized to have the information. (k) Authority for Cooperative Agreements. - To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter.

The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention programs, research, risk assessment, and mapping. (l) Safety Orders. - If the Secretary decides that a pipeline facility has a potential safety-related condition, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, replacement, or other appropriate action to remedy the safety-related condition.

Historical And Revision Notes

PUB. L. 103-272

Revised Source (U.S. Code) Source (Statutes at Large) Section

60117(a) 49 App.:1681(a) Aug. 12, 1968, Pub. L. (1st sentence words 90-481, Sec. 14(a) (1st before semicolon). sentence), 82 Stat. 727; restated Nov. 30, 1979, Pub. L. 96-129, Secs. 104(b), 106, 93 Stat. 992, 994. 49 App.:1681(a) Aug. 12, 1968, Pub. L. (last sentence). 90-481, 82 Stat. 720, Sec. 14(a) (last sentence); added Oct. 11, 1984, Pub. L. 98-464, Sec. 7(a), 98 Stat. 1823. 49 App.:2010(a) Nov. 30, 1979, Pub. L. (1st sentence words 96-129, Sec. 211(a) (1st before semicolon). sentence), 93 Stat. 1012. 49 App.:2010(a) Nov. 30, 1979, Pub. L. (last sentence). 96-129, 93 Stat. 989, Sec. 211(a) (last sentence); added Oct. 11, 1984, Pub. L. 98-464, Sec. 7(b), 98 Stat. 1823. 60117(b) 49 App.:1681(b). Aug. 12, 1968, Pub. L. 90-481, Sec. 14(b)-(e), 82 Stat. 727; restated Nov. 30, 1979, Pub. L. 96-129, Secs. 104(b), 106, 93 Stat. 992, 995. 49 App.:2010(b). Nov. 30, 1979, Pub. L. 96-129, Sec. 211(b)-(e), 93 Stat. 1012. 60117(c) 49 App.:1681(c). 49 App.:2010(c). 60117(d) 49 App.:1681(e) (1st sentence). 49 App.:2010(e) (1st sentence). 60117(e) 49 App.:1681(d). 49 App.:2010(d). 60117(f) 49 App.:1681(a) (1st sentence words after semicolon). 49 App.:1681(a) (2d Aug. 12, 1968, Pub. L. sentence). 90-481, 82 Stat. 720, Sec. 14(a) (2d

sentence); added Oct. 31, 1988, Pub. L. 100-561, Sec. 109, 102 Stat. 2809. 49 App.:2010(a) (1st sentence words after semicolon). 49 App.:2010(a) (2d Nov. 30, 1979, Pub. L. sentence). 96-129, 93 Stat. 989, Sec. 211(a) (2d sentence); added Oct. 31, 1988, Pub. L. 100-561, Sec. 208, 102 Stat. 2812. 60117(g) 49 App.:1682(a). Aug. 12, 1968, Pub. L. 90-481, Sec. 15(a), 82 Stat. 727; Nov. 30, 1979, Pub. L. 96-129, Secs. 104(b), 109(j)(2), (k), 155(b), 93 Stat. 992, 997, 1003. 49 App.:2011(a). Nov. 30, 1979, Pub. L. 96-129, Sec. 212(a)-(c), 93 Stat. 1013. 60117(h)(1) 49 App.:1682(b). Aug. 12, 1968, Pub. L. 90-481, Sec. 15(b), 82 Stat. 727; Nov. 30, 1979, Pub. L. 96-129, Secs. 104(b), 109(j)(2), 93 Stat. 992, 997. 49 App.:2011(b). 60117(h)(2) 49 App.:1682(c). Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, Sec. 15(c); added Aug. 22, 1972, Pub. L. 92-401, Sec. 3, 86 Stat. 616; Nov. 30, 1979, Pub. L. 96-129, Secs. 104(b), 109(j)(2), 93 Stat. 992, 997. 49 App.:2011(c). 60117(h)(3) 49 App.:1682(d). Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, Sec. 15(d); added Nov. 30, 1979, Pub. L. 96-129, Sec. 155(a), 93 Stat. 1003. 60117(i) 49 App.:1676(b). Aug. 12, 1968, Pub. L. 90-481, 82 Stat. 720, Sec. 9(b); added Oct. 31, 1988, Pub. L. 100-561, Sec. 105(2), 102 Stat. 2807. 49 App.:2011(d). Nov. 30, 1979, Pub. L. 96-129, 93 Stat. 989, Sec. 212(d); added Oct. 31, 1988, Pub. L. 100-561, Sec. 209, 102 Stat. 2812. 60117(j) 49 App.:1681(e) (last sentence). 49 App.:2010(e) (last sentence).

In subsection (a), the words "to the extent necessary . . . his responsibilities under" and "relevant" are omitted as surplus.

The words "documents and" are omitted as being included in "records". The words "directly or, by contract, or otherwise" are omitted as surplus.

In subsections (b), before clause (1), and (c), the words "has acted or . . . acting" are omitted as surplus.

The word "prescribed" is added for consistency in the revised title and with other titles of the United States Code. In subsection (b)(1), the words "establish and" and "reasonably" are omitted as surplus.

In subsection (c), the words "enter premises to" are substituted for "enter upon" for clarity and consistency.

The words "and examine" and "to the extent such records and properties are relevant" are omitted as surplus.

In subsection (d), the words "related to a confidential matter" are substituted for "which information contains or relates to a trade secret . . . shall be considered confidential for the purpose of that section" to eliminate unnecessary words.

The words "All information reported to or otherwise" are omitted as surplus.

The words "an officer, employee, or agent" are substituted for "his representative" for consistency.

The word "only" is substituted for "except that such information" to eliminate unnecessary words.

The words "when relevant" are omitted as surplus.

In subsection (e)(1), the words "civil, criminal, or other" are omitted as surplus.

In subsection (f), before clause (1), the words "however . . . exercise authority under this section to" are omitted as surplus.

In clause (1), the word "affected" is omitted as surplus.

In clause (2), the word "attempting" is substituted for "make every effort" to eliminate unnecessary words.

The words "for testing" and "the Secretary considers" are added for clarity.

In subsection (g), the words "with respect to matters under their jurisdiction" in 49 App.:2011(a) are

omitted as surplus.

In subsection (h)(1) and (2), the word "instrumentalities" is added for consistency in the revised title and with other titles of the Code. In subsection (h)(1), the word "Federal" before "safety" is omitted as surplus.

In subsection (h)(3), the words "as a matter of right intervene or otherwise" and the text of 49 App.:1682(d) (last sentence) are omitted as surplus.

In subsection (i), the words "Not later than 1 year after October 31, 1988" are omitted as obsolete.

The words "departments, agencies, and instrumentalities of the Government and State authorities" are substituted for "agencies of the United States and of the States" for consistency in the revised title and with other titles of the Code. In subsection (j), the words "by the Secretary or any officer, employee, or agent under his control" are omitted as surplus.

The words "to have the information" are substituted for "duly" for clarity.

PUB. L. 103-429 This amends 49:60117(i) by restating section 304(c) of the Pipeline Safety Act of 1992 (Public Law 102-508, 106 Stat. 3308) as 49:60117(i)(2). Revised Source (U.S. Code) Source (Statutes at Large) Section

60117(i)(2) 49 App.:1682 (note). Oct. 24, 1992, Pub. L. 102-508, Sec. 304(c), 106 Stat. 3308.

AMENDMENTS 2002 - Subsec. (l). Pub. L. 107-355 added subsec. (l). 1996 - Subsec. (a). Pub. L. 104-304, Sec. 19, inserted "and promotional activities relating to prevention of damage to pipeline facilities" after "and training activities". Subsec. (b). Pub. L. 104-304, Sec. 12(1), (3), substituted "owning" for "transporting gas or hazardous liquid" and inserted at end "The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines." Subsec. (k). Pub. L. 104-304, Sec. 12(2), added subsec. (k). 1994 - Subsec. (i). Pub. L. 103-429 designated existing provisions as par. (1) and added par. (2).

Section Referred To In Other Sections

This section is referred to in sections 60105, 60108, 60118 of this title.