

H. R. 3609

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One Hundred Seventh Congress  
of the  
United States of America

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DEC 28 2006

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,  
the twenty-third day of January, two thousand and two* Missouri Public  
Service Commission

An Act

To amend title 49, United States Code, to enhance the security and safety of  
pipelines.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES  
CODE.**

(a) **SHORT TITLE.**—This Act may be cited as the “Pipeline Safety  
Improvement Act of 2002”.

(b) **AMENDMENT OF TITLE 49, UNITED STATES CODE.**—Except  
as otherwise expressly provided, whenever in this Act an amend-  
ment or repeal is expressed in terms of an amendment to, or  
a repeal of, a section or other provision, the reference shall be  
considered to be made to a section or other provision of title 49,  
United States Code.

**SEC. 2. ONE-CALL NOTIFICATION PROGRAMS.**

(a) **MINIMUM STANDARDS.**—Section 6103 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting “, including all govern-  
ment operators” before the semicolon at the end; and

(B) in paragraph (2) by inserting “, including all govern-  
ment and contract excavators” before the semicolon at the  
end; and

(2) in subsection (c) by striking “provide for” and inserting  
“provide for and document”.

(b) **COMPLIANCE WITH MINIMUM STANDARDS.**—Section 6104(d)  
is amended by striking “Within 3 years after the date of the enact-  
ment of this chapter, the Secretary shall begin to” and inserting  
“The Secretary shall”.

(c) **IMPLEMENTATION OF BEST PRACTICES GUIDELINES.**—

(1) **IN GENERAL.**—Section 6105 is amended to read as fol-  
lows:

**“§ 6105. Implementation of best practices guidelines**

“(a) **ADOPTION OF BEST PRACTICES.**—The Secretary of Transpor-  
tation shall encourage States, operators of one-call notification pro-  
grams, excavators (including all government and contract exca-  
vators), and underground facility operators to adopt and implement  
practices identified in the best practices report entitled ‘Common  
Ground’, as periodically updated.

“(b) **TECHNICAL ASSISTANCE.**—The Secretary shall provide tech-  
nical assistance to and participate in programs sponsored by a

“(2) to preempt applicable Federal, State, or local environmental law.

“(d) INTERIM OPERATIONAL ALTERNATIVES.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, and subject to the limitations in paragraph (2), the Secretary of Transportation shall revise the regulations of the Department, to the extent necessary, to permit a pipeline operator subject to time periods for repair specified by rule by the Secretary to implement alternative mitigation measures until all applicable permits have been granted.

“(2) LIMITATIONS.—The regulations issued by the Secretary pursuant to this subsection shall not allow an operator to implement alternative mitigation measures pursuant to paragraph (1) unless—

“(A) allowing the operator to implement such measures would be consistent with the protection of human health, public safety, and the environment;

“(B) the operator, with respect to a particular repair project, has applied for and is pursuing diligently and in good faith all required Federal, State, and local permits to carry out the project; and

“(C) the proposed alternative mitigation measures are not incompatible with pipeline safety.

“(e) OMBUDSMAN.—The Secretary shall designate an ombudsman to assist in expediting pipeline repairs and resolving disagreements between Federal, State, and local permitting agencies and the pipeline operator during agency review of any pipeline repair activity, consistent with protection of human health, public safety, and the environment.

“(f) STATE AND LOCAL PERMITTING PROCESSES.—The Secretary shall encourage States and local governments to consolidate their respective permitting processes for pipeline repair projects subject to any time periods for repair specified by rule by the Secretary. The Secretary may request other relevant Federal agencies to provide technical assistance to States and local governments for the purpose of encouraging such consolidation.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

“60133. Coordination of environmental reviews.”

#### SEC. 17. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of the enactment of this Act, the Secretary of Transportation shall, in conjunction with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.

#### SEC. 18. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this Act, the Secretary of Transportation shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter