

Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023

On November 29, 2023, Chairman Sam Graves (R-Mo.) and Ranking Member Rick Larsen (D-Wash.) of the House Transportation and Infrastructure Committee introduced the [Promoting Innovation in Pipeline Efficiency and Safety \(PIPES\) Act of 2023](#). The bipartisan bill reauthorizes the Pipeline and Hazardous Materials Safety Administration's (PHMSA) pipeline safety programs over the next four years, providing the country with an efficient and effective framework to advance energy infrastructure safety. The bill includes over \$4 million for one-call notification programs (about \$1M per year). This comes at a critical time as demand for the system is expected to increase from the Infrastructure Investment and Jobs Act (IIJA) and other infrastructure laws. The House is the first chamber to move in reauthorizing the federal pipeline safety programs.

Key Provisions that could Impact Contractors and One-Call Centers:

- The bill would also add **leading practices states should consider implementing their one-call center systems** including:
 - Identify the size and scope of a one-call ticket for standard locate requests, including process exceptions for special large project tickets;
 - Restrict the longevity of a one-call ticket for standard locate requests, which may include process exceptions for special large project tickets;
 - Examine and limit exemptions to one-call programs to prevent common excavation damage incidents, including:
 - excavation or demolition performed by the owner of a single-family residential property,
 - any excavation of 18 inches or less when maintenance activities are performed,
 - repairing, connecting, adjusting, or conducting routine maintenance of a private or public underground utility facility, and
 - municipalities, public works organizations, and state departments of transportation for road maintenance.
 - Specify tolerance zone horizontal dimensions and requirements for hand-dig, hydro, vacuum excavation, and other nonintrusive methods;
 - Specify emergency excavation notification requirements, including defining emergency excavation and identifying the notification requirements for an emergency excavation;
 - Specify the responsibilities of the excavator, including the reporting damages due to excavation activities;
 - Define who is an excavator and what is considered excavation;
 - Require the use of white lining or electronic white lining;
 - Require a positive response, such as the utility, municipality, or other entity placing the marks positively responds to the notification center and the excavator checks for a positive response before beginning excavation;
 - Encourage newly installed underground facilities to be locatable;
 - Require the marking of lines and laterals, including sewer lines and laterals,
 - Encourage training programs and requirements for third-party excavators performing excavation activities that are not subject to pipeline construction requirements;
 - Encourage robust training for locate professionals; and
 - Encourage the use of commercially available technologies to locate underground facilities, such as geographic information systems and enhanced positive response.
- The bill would also **add considerations for the U.S. Transportation Secretary to consider in making a damage prevention grant to a state** such as:
 - Effective, active, and consistent enforcement of state one-call laws (including consistency in the application of enforcement, fines, and penalties to all relevant stakeholders, such as operators, locators, and excavators);

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- Reporting requirements, to the local one-call center for excavation damage events on pipelines and other underground facilities, that are not privately owned, including:
 - Information about the nature of the incident, including the facility damaged and the apparent cause of damage,
 - The organizations or entities involved,
 - The impact to public safety, utility operations, and customer service, and
 - The impact to the environment.
- Data reporting requirements, to a nonprofit organization specifically established for the purpose of reducing construction-related damage to underground facilities, of damage and near-miss events to underground facilities from excavation damage, including root cause, facility damaged, type of excavator, work performed, equipment type, and state; and
- Performance measures to determine the effectiveness of excavation damage prevention efforts.
- **Congress encourages the Secretary of Transportation engage with pipeline stakeholders** during PHMSA rulemaking processes.

Additional information on the PIPES Act of 2023 can be found in this [summary](#) put together by the House Transportation Committee.