

BILL ANALYSIS

H.B. 2161
By: West, George "Buddy"
Energy Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Railroad Commission has exclusive authority over pipeline safety issues in Texas pursuant to two federal statutes, the Natural Gas Pipeline Safety Act and the Hazardous Liquids Pipeline Safety Act. Most pipeline accidents are caused by third parties working on the other projects in the vicinity of the pipeline.

House Bill 2161 allows the Commission to adopt rules setting safety standards to protect against such damage. The bill also makes it clear that the state law and the federal law will be consistent. The State and the Commission will have exclusive control over safety standards in Texas. The Commission is given the authority to assess administrative penalties for violating a safety standard or a safety rule adopted by the Commission

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Railroad Commission in SECTION 1, Section 121.201, Utilities Code, SECTION 2, 121.206, Utilities Code, SECTION 3, 117.012 Natural Resources Code of this bill.

ANALYSIS

SECTION 1. Sections 121.201(a) and (b), Utilities Code:

Amends Section 121.201(a) authorizing the Railroad Commission to prescribe, by rule, or adopt safety standards for the transportation of gas and for gas pipeline facilities, including safety standards related to the prevention of damage to such a facility resulting from the movement of earth by a person in the vicinity of the facility.

Amends Section 121.206(b)2 is added granting power to provide exclusive state control over safety standards and practices applicable to the transportation of gas and gas pipeline facilities within the borders of this state to the maximum degree permissible under that law.

SECTION 2. Sections 121.206(a) and (d)

Amends Section 121.206(a) authorizing the commission to assess an administrative penalty against a person who violates Section 121.201 or a safety standard or other rule prescribed or adopted by this section.

SECTION 3. Section 117.012(a), Natural Resources Code

Section 117.012(a) requires the commission to adopt safety rules, including safety standards related to the prevention of damage to such a facility resulting from the movement of earth by a person in the vicinity of the facility.

EFFECTIVE DATE

September 1, 2005

