

By: Gonzalez Toureilles

H.B. No. 4441

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the Railroad Commission of Texas to
3 establish standards regarding certain pipelines and appurtenant
4 facilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 81, Natural Resources
7 Code, is amended by adding Section 81.062 to read as follows:

8 Sec. 81.062. STANDARDS REGARDING PIPELINES AND APPURTENANT
9 FACILITIES. (a) The commission has exclusive original jurisdiction
10 to establish standards regarding the following matters in
11 connection with natural gas, liquid hydrocarbon, hazardous
12 materials, and gathering pipelines and all facilities appurtenant
13 to those pipelines:

14 (1) design;

15 (2) installation;

16 (3) operation;

17 (4) environmental controls, other than environmental
18 controls under the jurisdiction of the Texas Commission on
19 Environmental Quality;

20 (5) screening;

21 (6) noise suppression; and

22 (7) maintenance.

23 (b) In establishing standards under this section, the
24 commission shall:

1 (1) encourage the use of public streets, roads,
2 highways, and other public rights-of-way in connection with
3 pipelines and appurtenant facilities if:

4 (A) adequate space exists for an additional
5 pipeline or appurtenant facility in the right-of-way; and

6 (B) that use is practical and economically
7 reasonable; and

8 (2) require pipeline operators to minimize, to the
9 extent practical and economically reasonable, the effect of their
10 pipelines and appurtenant facilities on existing land use.

11 (c) A state agency, county, or municipality with
12 jurisdiction over public streets, roads, highways, or other public
13 rights-of-way may not prohibit the use of those rights-of-way for
14 pipelines or appurtenant facilities but may impose reasonable
15 conditions on that use.

16 (d) In establishing standards under this section applicable
17 to pipelines and appurtenant facilities located in the boundaries
18 of municipalities, the commission shall request and consider the
19 input of municipalities.

20 (e) The commission shall establish a procedure by which a
21 municipality or pipeline operator may obtain a waiver of a standard
22 established under this section. A request for a waiver may propose
23 the imposition of additional standards or the preclusion of the
24 application of an existing standard with regard to a specific
25 pipeline or appurtenant facility. The commission may grant a
26 waiver only after finding that:

27 (1) the waiver is in the public interest, taking into

1 consideration the interest of the general public and the interest
2 of the members of the public in the area traversed by the pipeline
3 with regard to which the waiver is sought;

4 (2) granting the waiver will not impose an undue
5 burden on the pipeline and its operation; and

6 (3) granting the waiver will not result in an undue
7 burden on the development of the natural resources of this state.

8 (f) The commission shall grant or deny a waiver not later
9 than the 60th day after the date the request for the waiver is filed
10 with the commission.

11 (g) The commission may delegate authority to grant or deny a
12 waiver to the director of the gas services division of the
13 commission.

14 (h) The commission may adopt rules related to standards
15 described by Subsection (a) as it determines necessary.

16 (i) The commission may impose an administrative penalty for
17 a violation of a rule adopted under this section in the manner and
18 amount provided by Sections 81.0531-81.0534.

19 SECTION 2. This Act takes effect September 1, 2009.