

By: Paddie

H.B. No. 1792

A BILL TO BE ENTITLED

AN ACT

relating to safety standards and practices applicable to the transportation by pipeline of certain substances.

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

SECTION 1. Section 91.251(1), Natural Resources Code, is amended to read as follows:

(1) "Intrastate gas pipeline facility" has the meaning assigned by the United States Department of Transportation under ~~[Chapter 601, Title 49, United States Code (]~~ 49 U.S.C. Section 60101 et seq. ~~[)]~~ and its subsequent amendments or a succeeding law.

SECTION 2. Section 91.252(b), Natural Resources Code, is amended to read as follows:

(b) This subchapter does not apply to a storage facility that is:

(1) part of an interstate gas pipeline facility as defined by the United States Department of Transportation; and

(2) subject to federal minimum standards adopted under ~~[Chapter 601, Title 49, United States Code (]~~ 49 U.S.C. Section 60101 et seq. ~~[)]~~ and its subsequent amendments or a succeeding law.

SECTION 3. Section 117.001(2), Natural Resources Code, is amended to read as follows:

(2) "Hazardous liquid" means:

1 (A) petroleum or any petroleum product; ~~and~~

2 (B) nonpetroleum fuel, including biofuel, that
3 is flammable, toxic, or corrosive or would be harmful to the
4 environment if released in significant quantities; and

5 (C) a [any] substance or material, other than
6 liquefied natural gas, [which is in liquid state, excluding
7 liquefied natural gas, when transported by pipeline facilities and
8 which has been] determined by the United States secretary of
9 transportation to pose an unreasonable risk to life or property
10 when transported by a hazardous liquid pipeline facility in a
11 liquid state [pipeline facilities].

12 SECTION 4. Section 117.011(a), Natural Resources Code, is
13 amended to read as follows:

14 (a) The commission has jurisdiction over all pipeline
15 transportation of hazardous liquids or carbon dioxide and over all
16 hazardous liquid or carbon dioxide pipeline facilities as provided
17 by 49 U.S.C. Section 60101 et seq. and its subsequent amendments or
18 a succeeding law.

19 SECTION 5. Section 117.012(c), Natural Resources Code, is
20 amended to read as follows:

21 (c) The safety standards adopted by the commission in its
22 rules must be compatible with those standards established by the
23 United States secretary of transportation under 49 U.S.C. Section
24 60101 et seq. and its subsequent amendments or a succeeding law [the
25 Hazardous Liquid Pipeline Safety Act of 1979 (Pub.L.No. 96-129)].

26 SECTION 6. Section 117.013(a), Natural Resources Code, is
27 amended to read as follows:

1 (a) Each owner or operator of a pipeline engaged in the
2 transportation of hazardous liquids or carbon dioxide within this
3 state shall maintain records, make reports, and provide any
4 information the commission may require under the jurisdiction
5 granted by [~~the Hazardous Liquid Pipeline Safety Act of 1979~~
6 ~~(Pub.L.No. 96-129)~~ and] this chapter and 49 U.S.C. Section 60101 et
7 seq. and its subsequent amendments or a succeeding law.

8 SECTION 7. Section 117.015, Natural Resources Code, is
9 amended to read as follows:

10 Sec. 117.015. COMPLIANCE WITH FEDERAL LAW. The commission
11 shall make reports and certifications to the United States
12 Department of Transportation and shall take any other actions
13 necessary to comply with 49 U.S.C. Section 60101 et seq. and its
14 subsequent amendments or a succeeding law [~~the Hazardous Liquid~~
15 ~~Pipeline Safety Act of 1979 (Pub.L. No. 96-129)].~~

16 SECTION 8. Section 211.001(3), Natural Resources Code, is
17 amended to read as follows:

18 (3) "Salt dome storage of hazardous liquids" means the
19 storage of a hazardous liquid in any salt formation or bedded salt
20 formation storage facility, but does not include a facility that
21 has been defined by the federal Department of Transportation as
22 part of an interstate pipeline facility and that is subject to
23 federal minimum standards adopted under 49 U.S.C. Section 60101 et
24 seq. and its subsequent amendments or a succeeding law [~~the~~
25 ~~Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. Section~~
26 ~~2001 et seq.)~~].

27 SECTION 9. Section 211.002(c), Natural Resources Code, is

1 amended to read as follows:

2 (c) "Safety standards or practices" means any regulation of
3 an activity or facility covered by this chapter or that is
4 incompatible with the safety standards or practices enacted or
5 adopted by federal or state government pursuant to 49 U.S.C.
6 Section 60101 et seq. and its subsequent amendments or a succeeding
7 law [~~the Hazardous Liquid Pipeline Safety Act of 1979, as amended~~].

8 SECTION 10. Section 211.012(a), Natural Resources Code, is
9 amended to read as follows:

10 (a) The commission by rule shall adopt safety standards and
11 practices for the salt dome storage of hazardous liquids and the
12 facilities used for that purpose. Safety standards and practices
13 adopted by the commission for a storage facility that is part of an
14 intrastate pipeline facility, as defined by the federal Department
15 of Transportation under 49 U.S.C. Section 60101 et seq. and its
16 subsequent amendments or a succeeding law [~~the Hazardous Liquid~~
17 ~~Pipeline Safety Act of 1979 (49 U.S.C. Section 2001 et seq.)~~], must
18 be compatible with federal minimum standards. The rules shall
19 require:

20 (1) the installation and periodic testing of safety
21 devices at a salt dome storage facility;

22 (2) the establishment of emergency notification
23 procedures for the operator of a facility in the event of a release
24 of a hazardous substance that poses a substantial risk to the
25 public;

26 (3) fire prevention and response procedures;

27 (4) employee and third-party contractor safety

1 training with respect to the operation of the facility; and

2 (5) other requirements that the commission finds
3 necessary and reasonable for the safe construction, operation, and
4 maintenance of salt dome storage facilities.

5 SECTION 11. Sections 121.201(a), (b), and (c), Utilities
6 Code, are amended to read as follows:

7 (a) The railroad commission may:

8 (1) by rule prescribe or adopt safety standards for
9 the transportation of gas and for gas pipeline facilities,
10 including safety standards related to the prevention of damage to
11 such a facility resulting from the movement of earth by a person in
12 the vicinity of the facility, other than movement by tillage that
13 does not exceed a depth of 16 inches;

14 (2) by rule require an operator that does not file
15 operator organization information under Section 91.142, Natural
16 Resources Code, to provide the information to the commission in the
17 form of an application;

18 (3) by rule require record maintenance and reports;

19 (4) inspect records and facilities to determine
20 compliance with safety standards prescribed or adopted under
21 Subdivision (1);

22 (5) make certifications and reports from time to time;

23 (6) seek designation by the United States secretary of
24 transportation as an agent to conduct safety inspections of
25 interstate gas pipeline facilities located in this state; and

26 (7) by rule take any other requisite action in
27 accordance with 49 U.S.C. Section 60101 et seq. and its

1 subsequent amendments[7] or a succeeding law.

2 (b) The power granted by Subsection (a):

3 (1) does not apply to the transportation of gas or to
4 gas facilities subject to the exclusive control of the United
5 States but applies to the transportation of gas and gas pipeline
6 facilities in this state to the maximum degree permissible under 49
7 U.S.C. Section 60101 et seq. and its subsequent amendments[7] or a
8 succeeding law; and

9 (2) is granted to provide exclusive state control over
10 safety standards and practices applicable to the transportation of
11 gas and gas pipeline facilities within the borders of this state to
12 the maximum degree permissible under that law.

13 (c) A term that is used in this section and defined by
14 [~~Chapter 601, Title 49, United States Code~~] 49 U.S.C. Section
15 60101 et seq. and its subsequent amendments[7] or a succeeding law
16 has the meaning assigned by that [~~chapter or the succeeding~~] law.

17 SECTION 12. Section 121.452, Utilities Code, is amended to
18 read as follows:

19 Sec. 121.452. APPLICABILITY. This subchapter does not
20 apply to:

21 (1) an extension of an existing sour gas pipeline
22 facility that is in compliance with the railroad commission's rules
23 for oil, gas, or geothermal resource operation in a hydrogen
24 sulfide area if:

25 (A) the extension is not longer than five miles;

26 (B) the nominal pipe size is not larger than six
27 inches in diameter; and

1 (C) the railroad commission is given notice of
2 the construction of the extension not later than 24 hours before the
3 start of construction;

4 (2) a new or an extension of a low-pressure gathering
5 system; or

6 (3) an interstate gas pipeline facility, as defined by
7 49 U.S.C. Section 60101 and its subsequent amendments or a
8 succeeding law, that is used for the transportation of sour gas.

9 SECTION 13. Section 26.344(c), Water Code, is amended to
10 read as follows:

11 (c) An interstate pipeline facility, including gathering
12 lines, or an aboveground storage tank connected to such a facility
13 is exempt from regulation under this subchapter if the pipeline
14 facility is regulated under 49 U.S.C. Section 60101 et seq. and its
15 subsequent amendments or a succeeding law [+

16 [~~(1) the Natural Gas Pipeline Safety Act of 1968 (49~~
17 ~~U.S.C. Section 1671 et seq.); or~~

18 [~~(2) the Hazardous Liquid Pipeline Safety Act of 1979~~
19 ~~(49 U.S.C. Section 2001 et seq.)].~~

20 SECTION 14. This Act takes effect September 1, 2013.