

By: Keffer

H.B. No. 2982

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the power of the Railroad Commission of Texas to adopt  
3 and enforce safety standards applicable to the transportation by  
4 pipeline of hazardous liquids, carbon dioxide, and natural gas in  
5 rural locations.

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

7 SECTION 1. The heading to Section 117.011, Natural  
8 Resources Code, is amended to read as follows:

9 Sec. 117.011. JURISDICTION UNDER DELEGATED FEDERAL  
10 AUTHORITY.

11 SECTION 2. Sections 117.012(a), (b), and (h), Natural  
12 Resources Code, are amended to read as follows:

13 (a) The commission shall adopt rules that include safety  
14 standards [~~for and practices~~] applicable to the intrastate  
15 transportation of hazardous liquids or carbon dioxide by pipeline  
16 and intrastate hazardous liquid or carbon dioxide pipeline  
17 facilities, including safety standards related to the prevention of  
18 damage to such a facility resulting from the movement of earth by a  
19 person in the vicinity of the facility, other than movement by  
20 tillage that does not exceed a depth of 16 inches. The commission  
21 may adopt rules under this subsection that apply to the intrastate  
22 transportation of hazardous liquids and carbon dioxide by gathering  
23 pipelines in rural locations and intrastate hazardous liquid and  
24 carbon dioxide gathering pipeline facilities in rural locations

1 based only on the risks the transportation and the facilities  
2 present to the public safety.

3 (b) Rules that adopt safety standards do not apply to  
4 ~~[movement of hazardous liquids or carbon dioxide through gathering~~  
5 ~~lines in rural locations or]~~ production, refining, or manufacturing  
6 facilities or storage or in-plant piping systems associated with  
7 any of those facilities.

8 (h) The commission shall require operators of hazardous  
9 liquid and carbon dioxide pipeline facilities or the ~~[their]~~  
10 designated representatives of such operators to communicate and  
11 conduct liaison activities with fire, police, and other appropriate  
12 public emergency response officials. The liaison activities must  
13 be conducted by meetings in person except as provided by this  
14 section. An operator or the operator's representative may conduct  
15 required community liaison activities as provided by Subsection (i)  
16 only if the operator or the operator's representative has made an  
17 effort, by one of the following methods, to conduct a community  
18 liaison meeting in person with the officials:

19 (1) mailing a written request for a meeting in person  
20 to the appropriate officials by certified mail, return receipt  
21 requested;

22 (2) sending a request for a meeting in person to the  
23 appropriate officials by facsimile transmission; or

24 (3) making one or more telephone calls or e-mail  
25 message transmissions to the appropriate officials to request a  
26 meeting in person.

27 SECTION 3. The heading to Section 121.201, Utilities Code,

1 is amended to read as follows:

2           Sec. 121.201. SAFETY RULES;[+] RAILROAD COMMISSION POWER  
3 UNDER DELEGATED FEDERAL AUTHORITY.

4           SECTION 4. Section 121.201, Utilities Code, is amended by  
5 adding Subsection (f) to read as follows:

6           (f) To the extent consistent with federal law, the railroad  
7 commission by rule may establish safety standards and practices for  
8 gathering facilities and transportation activities in Class 1  
9 locations, as defined by 49 C.F.R. Section 192.5, based on the risks  
10 the facilities and activities present to the public safety.

11           SECTION 5. Not later than December 1, 2013, the Railroad  
12 Commission of Texas shall adopt rules to implement the changes in  
13 law made by this Act to Chapter 117, Natural Resources Code, and  
14 Chapter 121, Utilities Code.

15           SECTION 6. Before September 1, 2015, the Railroad  
16 Commission of Texas may implement the changes in law made by this  
17 Act to Chapter 117, Natural Resources Code, or Chapter 121,  
18 Utilities Code, or rules adopted under those chapters, as amended  
19 by this Act, only to require operators to make reports to the  
20 commission, including telephonic reports, the commission  
21 determines are necessary to investigate accidents, leaks,  
22 incidents, or complaints.

23           SECTION 7. This Act takes effect September 1, 2013.