

By: Duncan

S.B. No. 1462

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the power of the Railroad Commission of Texas to adopt
3 and enforce safety standards and practices applicable to the
4 transportation by pipeline of certain substances and to certain
5 pipeline facilities.

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. Subchapter B, Chapter 117, Natural Resources
12 Code, is amended by adding Section 117.0111 to read as follows:

13 Sec. 117.0111. ADDITIONAL JURISDICTION. (a) For the
14 purposes of this section, notwithstanding Section 117.001(3),
15 "transportation of hazardous liquids or carbon dioxide" means the
16 movement of hazardous liquids or carbon dioxide by pipeline, or
17 their storage incidental to movement, except that it does not
18 include production, refining, or manufacturing facilities or
19 storage or in-plant piping systems associated with any of those
20 facilities.

21 (b) Except as otherwise provided by federal law, the
22 commission has jurisdiction over all pipeline transportation of
23 hazardous liquids or carbon dioxide and over all hazardous liquid
24 or carbon dioxide pipeline facilities, including the movement of

1 hazardous liquids or carbon dioxide through gathering lines in
2 rural locations or production, refining, or manufacturing
3 facilities or storage or in-plant piping systems associated with
4 any of those facilities.

5 SECTION 3. Sections 117.012(b) and (c), Natural Resources
6 Code, are amended to read as follows:

7 (b) Rules the commission adopts under the jurisdiction
8 granted under Section 117.011 on ~~[that adopt]~~ safety standards do
9 not apply to movement of hazardous liquids or carbon dioxide
10 through gathering lines in rural locations or production, refining,
11 or manufacturing facilities or storage or in-plant piping systems
12 associated with any of those facilities.

13 (c) The safety standards adopted by the commission in its
14 rules under the jurisdiction granted under Section 117.011 must be
15 compatible with those standards established by the United States
16 secretary of transportation under the Hazardous Liquid Pipeline
17 Safety Act of 1979 (Pub.L.No. 96-129).

18 SECTION 4. Subchapter B, Chapter 117, Natural Resources
19 Code, is amended by adding Section 117.0125 to read as follows:

20 Sec. 117.0125. RULES UNDER ADDITIONAL JURISDICTION. The
21 commission by rule shall establish factors for determining whether
22 the commission will regulate a pipeline or facility under the
23 jurisdiction granted under Section 117.0111. The factors must
24 include:

25 (1) the date of installation of the pipeline or
26 facility;

27 (2) the environment surrounding the pipeline or

1 facility;

2 (3) the age of the pipe or facility;

3 (4) the pipe material, grade, and specified minimum
4 yield strength;

5 (5) operating characteristics of the pipeline or
6 facility;

7 (6) the composition of the fluid being transported;

8 and

9 (7) the distance between the pipeline or a facility

10 and:

11 (A) a building;

12 (B) the border of a municipality, unincorporated
13 community, or other commercial or residential area;

14 (C) an outdoor area of public assembly such as a
15 playground, recreation area, or outdoor theater; and

16 (D) a bay area, offshore area, navigable
17 waterway, source of drinking water, or other environmentally or
18 unusually sensitive area.

19 SECTION 5. The heading to Section 121.201, Utilities Code,
20 is amended to read as follows:

21 Sec. 121.201. SAFETY RULES: RAILROAD COMMISSION POWER UNDER
22 DELEGATED FEDERAL AUTHORITY.

23 SECTION 6. Section 121.201, Utilities Code, is amended by
24 adding Subsection (f) to read as follows:

25 (f) To the extent consistent with federal law, the railroad
26 commission by rule may determine which facilities and activities
27 are subject to safety standards and practices subject to the power

1 of the railroad commission under Subsection (a) based on risk
2 factors including:

3 (1) the date of installation of the pipeline or
4 facility;

5 (2) the environment surrounding the pipeline or
6 facility;

7 (3) the age of the pipe or facility;

8 (4) the pipe material, grade, and specified minimum
9 yield strength;

10 (5) operating characteristics of the pipeline or
11 facility;

12 (6) the composition of the fluid being transported;
13 and

14 (7) the distance between the pipeline or a facility
15 and:

16 (A) a building;

17 (B) the border of a municipality, unincorporated
18 community, or other commercial or residential area;

19 (C) an outdoor area of public assembly such as a
20 playground, recreation area, or outdoor theater; and

21 (D) a bay area, offshore area, navigable
22 waterway, source of drinking water, or other environmentally or
23 unusually sensitive area.

24 SECTION 7. Not later than December 1, 2013, the Railroad
25 Commission of Texas shall adopt rules to implement the changes in
26 law made by this Act to Chapter 117, Natural Resources Code, and
27 Chapter 121, Utilities Code.

1 SECTION 8. This Act takes effect September 1, 2013.