

House Bill 2982
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

SECTION __. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.021 to read as follows:

Sec. 91.021. NOTICE OF PERMIT TO DRILL WELL IN TRANSPORTATION EASEMENT. (a) In this section, "department" means the Texas Department of Transportation.

(b) The commission shall adopt rules to require that an application for a permit to drill an oil or gas well include an affirmation as to whether or not the well is located within an easement held by the department or within 50 yards of an easement held by the department.

(c) Not later than the 14th day after the date the commission receives an application for a permit to drill an oil or gas well that contains an affirmation that the well is located within an easement held by the department or within 50 yards of an easement held by the department, the commission shall transmit the application to the department.

(d) This section does not grant to the department any authority regarding the approval of an application for a permit to drill an oil or gas well. [FA1]

CONFERENCE

No equivalent provision.

SECTION __. Section 91.021, Natural Resources Code, as added by this Act, applies only to a permit application filed with the Railroad Commission of Texas on or after the effective date of this Act. A permit application filed with the commission before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose. [FA1]

SECTION 1. The heading to Section 117.011, Natural

SECTION 1. Same as House version.

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Resources Code, is amended to read as follows:

Sec. 117.011. JURISDICTION UNDER DELEGATED FEDERAL AUTHORITY.

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

(a) The commission shall adopt rules that include safety standards ~~[for and practices]~~ applicable to the intrastate transportation of hazardous liquids or carbon dioxide by pipeline and intrastate hazardous liquid or carbon dioxide 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, other than movement by tillage that does not exceed a depth of 16 inches. The commission may adopt rules under this subsection that apply to the intrastate transportation of hazardous liquids and carbon dioxide by gathering pipelines in rural locations and intrastate hazardous liquid and carbon dioxide gathering pipeline facilities in rural locations based only on the risks the transportation and the facilities present to the public safety.

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

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

(a) The commission shall adopt rules that include safety standards ~~[for and practices]~~ applicable to the intrastate transportation of hazardous liquids or carbon dioxide by pipeline and intrastate hazardous liquid or carbon dioxide 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, other than movement by tillage that does not exceed a depth of 16 inches. Rules adopted under this subsection that apply to the intrastate transportation of hazardous liquids and carbon dioxide by gathering pipelines in rural locations and intrastate hazardous liquid and carbon dioxide gathering pipeline facilities in rural locations must be based only on the risks the transportation and the facilities present to the public safety, except that the commission shall revise the rules as necessary to comply with Subsection (c) and to maintain the maximum degree of federal delegation permissible under 49 U.S.C. Section 60101 et seq., or a succeeding law, if the federal government adopts rules that include safety standards applicable to the transportation and facilities.

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

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

- (1) mailing a written request for a meeting in person to the appropriate officials by certified mail, return receipt requested;
- (2) sending a request for a meeting in person to the appropriate officials by facsimile transmission; or
- (3) making one or more telephone calls or e-mail message transmissions to the appropriate officials to request a meeting in person.

SECTION 3. The heading to Section 121.201, Utilities Code, is amended to read as follows:

Sec. 121.201. SAFETY RULES;[:] RAILROAD COMMISSION POWER UNDER DELEGATED FEDERAL AUTHORITY.

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

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

- (1) mailing a written request for a meeting in person to the appropriate officials by certified mail, return receipt requested;
- (2) sending a request for a meeting in person to the appropriate officials by facsimile transmission; or
- (3) making one or more telephone calls or e-mail message transmissions to the appropriate officials to request a meeting in person.

SECTION 3. Same as House version.

SECTION 4. Section 121.201(a), Utilities Code, is amended to read as follows:

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- (a) The railroad commission may:
- (1) by rule prescribe 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, other than movement by tillage that does not exceed a depth of 16 inches;
 - (2) by rule require an operator that does not file operator organization information under Section 91.142, Natural Resources Code, to provide the information to the commission in the form of an application;
 - (3) by rule require record maintenance and reports;
 - (4) inspect records and facilities to determine compliance with safety standards prescribed or adopted under Subdivision (1);
 - (5) make certifications and reports from time to time;
 - (6) seek designation by the United States secretary of transportation as an agent to conduct safety inspections of interstate gas pipeline facilities located in this state; ~~and~~
 - (7) by rule take any other requisite action in accordance with 49 U.S.C. Section 60101 et seq., or a succeeding law; and
 - (8) by rule establish safety standards and practices for gathering facilities and transportation activities in Class 1 locations, as defined by 49 C.F.R. Section 192.5:
 - (A) based only on the risks the facilities and activities present to the public safety, to the extent consistent with federal law;
 - or
 - (B) as necessary to maintain the maximum degree of federal delegation permissible under 49 U.S.C. Section 60101 et seq., or a succeeding law, if the federal government adopts safety standards and practices for gathering facilities and transportation activities in Class 1 locations, as defined by 49

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

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C.F.R. Section 192.5.

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

No equivalent provision.

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

SECTION 5. Before September 1, 2015, the Railroad Commission of Texas may implement the changes in law made by this Act to Chapter 117, Natural Resources Code, or Chapter 121, Utilities Code, or rules adopted under those chapters, as amended by this Act, only:

- (1) to provide a process for the commission to investigate an accident, an incident, a threat to public safety, or a complaint related to operational safety and to require an operator to submit a plan to remediate an accident, incident, threat, or complaint;
- (2) to require reports necessary to allow the commission to investigate an accident, an incident, a threat to public safety, or a complaint related to operational safety; or [FA2]
- (3) to require operators to provide information to the commission that the commission determines is necessary to determine the risks presented to the public safety by:
 - (A) the intrastate transportation of hazardous liquids and carbon dioxide by gathering pipeline facilities in rural locations and intrastate hazardous liquid and carbon dioxide gathering pipeline facilities in rural locations; and
 - (B) gas gathering facilities and transportation activities in Class 1 locations, as defined by 49 C.F.R. Section 192.5.

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

SENATE VERSION (IE)

SECTION 6. Same as House version.

CONFERENCE