86R2566 BRG-D

By:  Anchia H.B. No. 863

A BILL TO BE ENTITLED

AN ACT

relating to gas pipeline operator reporting of pipeline incidents; clarifying changes to related administrative penalties.

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

SECTION 1.  Sections 121.206(a) and (d), Utilities Code, are amended to read as follows:

(a)  The railroad commission may assess an administrative penalty against a person who violates Section 121.201 or a safety standard or other rule prescribed or adopted under this subchapter [~~that section~~].

(d)  The railroad commission by rule shall adopt guidelines to be used in determining the amount of a penalty under this subchapter. The guidelines shall include a penalty calculation worksheet that specifies the typical penalty for certain violations, circumstances justifying enhancement of a penalty and the amount of the enhancement, and circumstances justifying a reduction in a penalty and the amount of the reduction. The guidelines shall take into account:

(1)  the person's history of previous violations of Section 121.201 or a safety standard or other rule prescribed or adopted under this subchapter [~~that section~~], including the number of previous violations;

(2)  the seriousness of the violation and of any pollution resulting from the violation;

(3)  any hazard to the health or safety of the public;

(4)  the degree of culpability;

(5)  the demonstrated good faith of the person charged; and

(6)  any other factor the commission considers relevant.

SECTION 2.  Subchapter E, Chapter 121, Utilities Code, is amended by adding Section 121.214 to read as follows:

Sec. 121.214.  PIPELINE INCIDENT NOTIFICATION. (a) The railroad commission by rule shall require a distribution gas pipeline facility operator to notify the commission of each event involving a release of gas from its pipelines that results in one or more of the following consequences:

(1)  a death or a personal injury necessitating inpatient hospitalization;

(2)  estimated property damage of $50,000 or more, including loss to the operator, loss to others, or both, but excluding cost of gas lost; or

(3)  unintentional estimated gas loss of three million cubic feet or more.

(b)  The rules must require that the distribution gas pipeline facility operator notify the commission of an event before the expiration of two hours following the operator's discovery of the event.

SECTION 3.  The Railroad Commission of Texas shall adopt the rules required by Section 121.214, Utilities Code, as added by this Act, not later than December 31, 2019.

SECTION 4.  This Act takes effect September 1, 2019.