

By: Anchia

H.B. No. 864

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to pipeline incident reporting requirements for gas  
3 pipeline operators; clarifying changes to related administrative  
4 penalties.

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

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

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

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

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

24 (2) the seriousness of the violation and of any

1 pollution resulting from the violation;

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

3 (4) the degree of culpability;

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

5 and

6 (6) any other factor the commission considers  
7 relevant.

8 SECTION 2. Subchapter E, Chapter 121, Utilities Code, is  
9 amended by adding Section 121.215 to read as follows:

10 Sec. 121.215. PIPELINE INCIDENT REPORTING. (a) In this  
11 section, "pipeline incident" means an event involving a release of  
12 gas from a pipeline that results in one or more of the following  
13 consequences:

14 (1) a death or a personal injury necessitating  
15 in-patient hospitalization;

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

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

21 (b) The railroad commission by rule shall require a  
22 distribution gas pipeline facility operator to provide the  
23 following information to the commission after a pipeline incident:

24 (1) the pipeline operator's name and telephone number;

25 (2) the location of the incident;

26 (3) the time of the incident;

27 (4) the fatalities and personal injuries caused by the

1 incident;

2 (5) the telephone number of the operator's on-site

3 person;

4 (6) the cost of gas lost;

5 (7) estimated property damage to the operator and

6 others; and

7 (8) any other significant facts relevant to the

8 incident, including facts related to ignition, explosion,

9 rerouting of traffic, evacuation of a building, and media interest.

10 SECTION 3. The Railroad Commission of Texas shall adopt the  
11 rules required by Section 121.215, Utilities Code, as added by this  
12 Act, not later than December 31, 2019.

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