

By: Zwiener

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a permit by the Public Utility Commission of Texas for the routing of certain oil or gas pipelines; authorizing administrative penalties.

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

SECTION 1. The Utilities Code is amended by adding Title 7 to read as follows:

TITLE 7. PIPELINE REGULATION

CHAPTER 351. OIL OR GAS PIPELINE ROUTE PERMITS

Sec. 351.0101. DEFINITION. In this chapter, "commission" means the Public Utility Commission of Texas.

Sec. 351.0102. APPLICABILITY. (a) This chapter applies only to a pipeline that transports gas or petroleum and is owned, operated, or managed by:

(1) a gas corporation, as defined by Chapter 181; or

(2) a common carrier subject to Chapter 111, Natural Resources Code.

(b) This chapter does not apply to a pipeline:

(1) the routing of which is subject solely to the jurisdiction of a federal agency;

(2) that is a gas distribution pipeline facility; or

(3) that is a sour gas pipeline facility, as defined by Section 121.451.

Sec. 351.0103. ROUTE PERMIT; MANDAMUS. (a) A person may

1 not begin construction of a pipeline before the person obtains from
2 the commission a permit that authorizes the route of the pipeline.

3 (b) The commission may approve an application and grant a
4 permit only if the commission determines that the route of the
5 pipeline, if reasonable, moderates negative effects on the affected
6 community and landowners after consideration of:

- 7 (1) community values;
- 8 (2) recreational and park areas;
- 9 (3) historical and aesthetic values;
- 10 (4) environmental integrity;
- 11 (5) public safety; and
- 12 (6) economic development.

13 (c) The commission may:

- 14 (1) grant the permit as requested;
- 15 (2) grant the permit for the construction of a portion
16 of the requested pipeline; or
- 17 (3) deny the permit.

18 (d) The commission must grant or deny a permit not later
19 than the first anniversary of the date the application for the
20 permit is filed. If the commission does not grant or deny the permit
21 on or before that date, a party may seek a writ of mandamus in a
22 district court of Travis County to compel the commission to take
23 action under Subsection (c).

24 Sec. 351.0104. ENFORCEMENT AND PENALTIES. (a) The
25 commission and the attorney general may enforce the provisions of
26 this chapter in the manner authorized for the judicial or
27 administrative enforcement of a provision of Title 2 by Subchapter

1 B, Chapter 15, including by imposing administrative penalties.

2 (b) A person may complain to the commission about a claimed
3 violation of a provision of this chapter in the manner provided by
4 Section 15.051.

5 SECTION 2. This Act takes effect September 1, 2021.