

AN ACT

relating to the power of the Railroad Commission of Texas to adopt and enforce safety standards applicable to the transportation by pipeline of hazardous liquids, carbon dioxide, and natural gas in rural locations.

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

SECTION 1. The heading to Section 117.011, Natural 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. 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

1 on the risks the transportation and the facilities present to the
2 public safety, except that the commission shall revise the rules as
3 necessary to comply with Subsection (c) and to maintain the maximum
4 degree of federal delegation permissible under 49 U.S.C. Section
5 60101 et seq., or a succeeding law, if the federal government adopts
6 rules that include safety standards applicable to the
7 transportation and facilities.

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

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

24 (1) mailing a written request for a meeting in person
25 to the appropriate officials by certified mail, return receipt
26 requested;

27 (2) sending a request for a meeting in person to the

1 appropriate officials by facsimile transmission; or

2 (3) making one or more telephone calls or e-mail
3 message transmissions to the appropriate officials to request a
4 meeting in person.

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

7 Sec. 121.201. SAFETY RULES; ~~+~~ RAILROAD COMMISSION POWER
8 UNDER DELEGATED FEDERAL AUTHORITY.

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

11 (a) The railroad commission may:

12 (1) by rule prescribe or adopt safety standards for
13 the transportation of gas and for gas pipeline facilities,
14 including safety standards related to the prevention of damage to
15 such a facility resulting from the movement of earth by a person in
16 the vicinity of the facility, other than movement by tillage that
17 does not exceed a depth of 16 inches;

18 (2) by rule require an operator that does not file
19 operator organization information under Section 91.142, Natural
20 Resources Code, to provide the information to the commission in the
21 form of an application;

22 (3) by rule require record maintenance and reports;

23 (4) inspect records and facilities to determine
24 compliance with safety standards prescribed or adopted under
25 Subdivision (1);

26 (5) make certifications and reports from time to time;

27 (6) seek designation by the United States secretary of

1 transportation as an agent to conduct safety inspections of
2 interstate gas pipeline facilities located in this state; ~~and~~

3 (7) by rule take any other requisite action in
4 accordance with 49 U.S.C. Section 60101 et seq., or a succeeding
5 law; and

6 (8) by rule establish safety standards and practices
7 for gathering facilities and transportation activities in Class 1
8 locations, as defined by 49 C.F.R. Section 192.5:

9 (A) based only on the risks the facilities and
10 activities present to the public safety, to the extent consistent
11 with federal law; or

12 (B) as necessary to maintain the maximum degree
13 of federal delegation permissible under 49 U.S.C. Section 60101 et
14 seq., or a succeeding law, if the federal government adopts safety
15 standards and practices for gathering facilities and
16 transportation activities in Class 1 locations, as defined by 49
17 C.F.R. Section 192.5.

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

23 (1) to provide a process for the commission to
24 investigate an accident, an incident, a threat to public safety, or
25 a complaint related to operational safety and to require an
26 operator to submit a plan to remediate an accident, incident,
27 threat, or complaint;

1 (2) to require reports necessary to allow the
2 commission to investigate an accident, an incident, a threat to
3 public safety, or a complaint related to operational safety; or

4 (3) to require operators to provide information to the
5 commission that the commission determines is necessary to determine
6 the risks presented to the public safety by:

7 (A) the intrastate transportation of hazardous
8 liquids and carbon dioxide by gathering pipeline facilities in
9 rural locations and intrastate hazardous liquid and carbon dioxide
10 gathering pipeline facilities in rural locations; and

11 (B) gas gathering facilities and transportation
12 activities in Class 1 locations, as defined by 49 C.F.R. Section
13 192.5.

14 SECTION 6. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 2982 was passed by the House on May 8, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2982 on May 22, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2982 on May 26, 2013, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2982

I certify that H.B. No. 2982 was passed by the Senate, with amendments, on May 20, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2982 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor