

By: Anchia

H.B. No. 863

A BILL TO BE ENTITLED

AN ACT

1
2 relating to gas pipeline operator reporting of pipeline incidents;
3 clarifying changes to related administrative penalties.

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

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

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

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

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

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

- 1 (3) any hazard to the health or safety of the public;
- 2 (4) the degree of culpability;
- 3 (5) the demonstrated good faith of the person charged;
- 4 and
- 5 (6) any other factor the commission considers
- 6 relevant.

7 SECTION 2. Subchapter E, Chapter 121, Utilities Code, is

8 amended by adding Section 121.214 to read as follows:

9 Sec. 121.214. PIPELINE INCIDENT NOTIFICATION. (a) The

10 railroad commission by rule shall require a distribution gas

11 pipeline facility operator to notify the commission of each event

12 involving a release of gas from its pipelines that results in one or

13 more of the following consequences:

14 (1) a death or a personal injury necessitating

15 inpatient 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 rules must require that the distribution gas

22 pipeline facility operator notify the commission of an event before

23 the expiration of two hours following the operator's discovery of

24 the event.

25 SECTION 3. The Railroad Commission of Texas shall adopt the

26 rules required by Section 121.214, Utilities Code, as added by this

27 Act, not later than December 31, 2019.

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