

# SENATE BILL 604

E4, C5

3lr1369  
CF 3lr2556

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By: **Senator Zirkin**

Introduced and read first time: February 1, 2013

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Gas Pipelines – Construction Requirements**

3 FOR the purpose of prohibiting a gas transmission company from beginning  
4 construction on a gas pipeline before the finalization of certain legal  
5 proceedings, including approval by the Board of Public Works, permit and  
6 license applications, condemnation proceedings, easement negotiations, and  
7 appeals to certain judgments and determinations; defining certain terms; and  
8 generally relating to the construction of gas pipelines.

9 BY adding to

10 Article – Public Safety

11 Section 15–101 and 15–102 to be under the new title “Title 15. Gas Pipeline  
12 Safety”

13 Annotated Code of Maryland

14 (2011 Replacement Volume and 2012 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Public Safety**

18 **TITLE 15. GAS PIPELINE SAFETY.**

19 **15–101.**

20 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (B) (1) “CONSTRUCTION” MEANS:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(I) ANY PHYSICAL CHANGE AT A SITE, INCLUDING**  
2 **FABRICATION, ERECTION, INSTALLATION, OR DEMOLITION; OR**

3                   **(II) THE ENTRY INTO A BINDING AGREEMENT OR**  
4 **CONTRACTUAL OBLIGATION TO PURCHASE EQUIPMENT EXCLUSIVELY FOR USE**  
5 **IN CONSTRUCTION IN THE STATE OR TO UNDERTAKE A PROGRAM OF ACTUAL**  
6 **CONSTRUCTION IN THE STATE THAT CANNOT BE CANCELED OR MODIFIED**  
7 **WITHOUT SUBSTANTIAL LOSS TO THE OWNER OR OPERATOR OF THE PROPOSED**  
8 **GAS PIPELINE.**

9                   **(2) “CONSTRUCTION” DOES NOT INCLUDE A CHANGE THAT IS**  
10 **NEEDED FOR THE TEMPORARY USE OF A SITE OR ROUTE FOR NONUTILITY**  
11 **PURPOSES OR FOR USE IN SECURING GEOLOGICAL DATA, INCLUDING ANY**  
12 **BORING THAT IS NECESSARY TO ASCERTAIN FOUNDATION CONDITIONS.**

13                   **(C) “GAS” MEANS NATURAL GAS, FLAMMABLE GAS, OR TOXIC OR**  
14 **CORROSIVE GAS.**

15                   **(D) “GAS PIPELINE” MEANS AN INTRASTATE TRANSMISSION LINE OR**  
16 **ANY PORTION OF AN INTERSTATE TRANSMISSION LINE LOCATED WITHIN THE**  
17 **STATE THAT:**

18                   **(1) TRANSPORTS GAS FROM A GATHERING LINE OR STORAGE**  
19 **FACILITY TO A DISTRIBUTION CENTER, STORAGE FACILITY, OR LARGE VOLUME**  
20 **CUSTOMER THAT IS NOT DOWNSTREAM FROM A DISTRIBUTION CENTER;**

21                   **(2) OPERATES AT A HOOP STRESS OF 20% OR MORE OF THE**  
22 **SPECIFIED MINIMUM YIELD STRENGTH OF THE PIPELINE; OR**

23                   **(3) TRANSPORTS GAS WITHIN A STORAGE FIELD.**

24                   **(E) (1) “GAS TRANSMISSION COMPANY” MEANS A PERSON WHO OWNS**  
25 **OR OPERATES A GAS PIPELINE REGULATED UNDER THIS TITLE.**

26                   **(2) “GAS TRANSMISSION COMPANY” DOES NOT INCLUDE A**  
27 **PERSON WHO IS PRIMARILY IN THE BUSINESS OF LOCAL GAS DISTRIBUTION.**

28 **15-102.**

29                   **A GAS TRANSMISSION COMPANY MAY NOT BEGIN CONSTRUCTION ON A**  
30 **GAS PIPELINE UNTIL THE FINALIZATION OF ALL LEGAL PROCEEDINGS**  
31 **RELATING TO THE CONSTRUCTION, INCLUDING:**

- 1           **(1) APPROVAL BY THE BOARD OF PUBLIC WORKS;**
- 2           **(2) PERMIT AND LICENSE APPLICATIONS;**
- 3           **(3) CONDEMNATION PROCEEDINGS;**
- 4           **(4) EASEMENT NEGOTIATIONS; AND**
- 5           **(5) APPEALS TO ANY JUDGMENTS OR DETERMINATIONS**  
6 **RELATING TO THE CONSTRUCTION OF THE PROPOSED GAS PIPELINE.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8           October 1, 2013.