

# SENATE BILL 863

E4, C5

3lr1365  
CF 3lr2552

---

By: **Senator Zirkin**

Introduced and read first time: February 7, 2013

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Gas Pipelines – Implementation of Federal Pipeline Safety**  
3 **Laws**

4 FOR the purpose of requiring the Public Service Commission to act under a certain  
5 certification or agreement with the U.S. Secretary of Transportation as an  
6 interstate authority agent for the purpose of implementing certain federal  
7 pipeline safety laws; requiring the Commission to take certain actions necessary  
8 to carry out its responsibilities under a certain certification or agreement with  
9 the U.S. Secretary of Transportation; authorizing the Commission to accept  
10 grants-in-aid, cash, and reimbursements to implement certain federal pipeline  
11 safety laws; requiring the Commission to regulate certain gas pipelines;  
12 requiring the Commission to adopt certain federal regulations as minimum  
13 standards for gas pipelines in the State; requiring a gas transmission company  
14 to comply with certain planning, notification, and reporting provisions;  
15 requiring a gas transmission company and the Commission to notify the  
16 National Response Center of certain errors or new information relating to a gas  
17 pipeline; authorizing the Commission to enter, inspect, and examine certain  
18 records and property of a gas transmission company for a certain purpose and  
19 under certain circumstances; requiring the Commission to inspect a gas pipeline  
20 with a certain frequency; authorizing the Commission to assess and collect a  
21 certain inspection fee from a gas transmission company; authorizing the  
22 Commission to seek a certain relief for a violation of this Act; authorizing the  
23 Commission to impose a certain civil penalty for a violation of this Act; defining  
24 certain terms; providing for the jurisdiction and enforcement authority of the  
25 Commission; and generally relating to gas pipeline safety.

26 BY adding to

27 Article – Public Safety

28 Section 15–101 through 15–108 to be under the new title “Title 15. Gas Pipeline  
29 Safety”

30 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2011 Replacement Volume and 2012 Supplement)

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

**Article – Public Safety**

**TITLE 15. GAS PIPELINE SAFETY.**

**15–101.**

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

(B) “COMMISSION” MEANS THE PUBLIC SERVICE COMMISSION.

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

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

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

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

(3) TRANSPORTS GAS WITHIN A STORAGE FIELD.

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

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

(F) “NATIONAL RESPONSE CENTER” MEANS THE NATIONAL RESPONSE CENTER OF THE U.S. COAST GUARD, AUTHORIZED TO RECEIVE REPORTS OF INCIDENTS INVOLVING THE TRANSPORTATION OF OIL, HAZARDOUS LIQUIDS, AND GAS BY PIPELINE.

**15–102.**

1           (A) THE COMMISSION, THROUGH CERTIFICATION OR AGREEMENT WITH  
2 THE U.S. SECRETARY OF TRANSPORTATION UNDER 49 U.S.C. CHAPTER 601,  
3 SHALL ACT FOR THE U.S. SECRETARY OF TRANSPORTATION TO IMPLEMENT 49  
4 U.S.C. CHAPTER 601 WITH RESPECT TO GAS PIPELINES LOCATED WITHIN THE  
5 STATE.

6           (B) THE COMMISSION SHALL:

7               (1) MAKE PERIODIC CERTIFICATIONS AND REPORTS TO THE  
8 FEDERAL DEPARTMENT OF TRANSPORTATION AS MAY BE REQUIRED UNDER 49  
9 U.S.C. CHAPTER 601; AND

10               (2) TAKE ANY OTHER ACTIONS NECESSARY TO CARRY OUT  
11 RESPONSIBILITIES UNDER A CERTIFICATION OR AN AGREEMENT WITH THE U.S.  
12 SECRETARY OF TRANSPORTATION UNDER THIS TITLE.

13           (C) THE COMMISSION MAY ACCEPT GRANTS-IN-AID, CASH, AND  
14 REIMBURSEMENTS MADE AVAILABLE TO THE STATE TO IMPLEMENT FEDERAL  
15 PIPELINE SAFETY LAWS OR OTHER FEDERAL LAW.

16 15-103.

17           (A) (1) THE COMMISSION SHALL ADOPT REGULATIONS THAT  
18 ESTABLISH SAFETY STANDARDS AND PRACTICES APPLICABLE TO THE DESIGN,  
19 CONSTRUCTION, OPERATION, AND MAINTENANCE OF GAS PIPELINES.

20               (2) FOR ANY PIPELINE REGULATORY PROGRAM THAT THE  
21 COMMISSION ESTABLISHES UNDER THIS TITLE, THE COMMISSION SHALL ADOPT  
22 AS MINIMUM STANDARDS THE FEDERAL SAFETY STANDARDS IN TITLE 49,  
23 C.F.R. PART 192.

24           (B) THE COMMISSION SHALL REQUIRE A GAS TRANSMISSION COMPANY  
25 TO PREPARE, MAINTAIN, AND CARRY OUT A WRITTEN PLAN FOR THE OPERATION  
26 AND MAINTENANCE OF EACH GAS PIPELINE OWNED OR OPERATED BY THE GAS  
27 TRANSMISSION COMPANY.

28 15-104.

29           (A) A GAS TRANSMISSION COMPANY SHALL IMMEDIATELY NOTIFY THE  
30 COMMISSION AND THE NATIONAL RESPONSE CENTER OF ANY:

1           (1) SIGNIFICANT ERROR IN INFORMATION THAT THE GAS  
2 TRANSMISSION COMPANY HAS PREVIOUSLY SUBMITTED TO EITHER UNIT; OR

3           (2) SIGNIFICANT NEW INFORMATION THAT RELATES TO  
4 REPORTING CRITERIA OR OTHER INFORMATION THAT THE GAS TRANSMISSION  
5 COMPANY IS REQUIRED TO SUBMIT UNDER THIS TITLE.

6           (B) THE COMMISSION SHALL NOTIFY THE NATIONAL RESPONSE  
7 CENTER OF ANY ERROR OR NEW INFORMATION THAT THE COMMISSION OR AN  
8 AGENT OF THE COMMISSION DISCOVERS WHILE:

9           (1) PROVIDING TRAINING FOR GAS PIPELINES;

10          (2) DEVELOPING REGULATIONS UNDER THIS TITLE; OR

11          (3) INSPECTING A GAS PIPELINE.

12 **15-105.**

13          (A) THE COMMISSION MAY ENTER, INSPECT, AND EXAMINE, AT  
14 REASONABLE TIMES AND IN A REASONABLE MANNER, THE RECORDS AND  
15 PROPERTY OF A GAS TRANSMISSION COMPANY TO DETERMINE WHETHER THE  
16 GAS TRANSMISSION COMPANY IS ACTING IN COMPLIANCE WITH THIS TITLE,  
17 FEDERAL PIPELINE SAFETY REGULATIONS, AND REGULATIONS ADOPTED BY  
18 THE COMMISSION UNDER THIS TITLE.

19          (B) THE COMMISSION SHALL INSPECT EACH GAS PIPELINE AT LEAST  
20 ONCE EACH YEAR.

21          (C) THE COMMISSION MAY ASSESS AND COLLECT FROM A GAS  
22 TRANSMISSION COMPANY AN INSPECTION FEE THAT MAY BE USED BY THE  
23 COMMISSION FOR ADMINISTERING THE REGULATORY PROGRAM ESTABLISHED  
24 UNDER THIS TITLE.

25 **15-106.**

26          THE COMMISSION MAY BRING AN ACTION FOR INJUNCTIVE RELIEF IN A  
27 CIRCUIT COURT TO:

28          (1) ENJOIN A VIOLATION OF THIS TITLE;

29          (2) ENJOIN THE OPERATION OF A GAS PIPELINE; OR

1           **(3) ENFORCE A STANDARD ESTABLISHED BY THE COMMISSION**  
2 **UNDER THIS TITLE.**

3 **15-107.**

4           **(A) THE COMMISSION MAY IMPOSE ON A PERSON THAT VIOLATES THIS**  
5 **TITLE OR A REGULATION ADOPTED IN ACCORDANCE WITH THIS TITLE A CIVIL**  
6 **PENALTY THAT DOES NOT EXCEED THE MAXIMUM PENALTIES PROVIDED IN 49**  
7 **U.S.C. CHAPTER 601.**

8           **(B) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION**  
9 **UNDER THIS SECTION.**

10           **(C) TO DETERMINE THE AMOUNT OF A PENALTY IMPOSED UNDER THIS**  
11 **SECTION, THE COMMISSION SHALL CONSIDER:**

12                   **(1) THE NATURE, CIRCUMSTANCES, AND GRAVITY OF THE**  
13 **VIOLATION;**

14                   **(2) WITH RESPECT TO THE VIOLATOR:**

15                           **(I) THE DEGREE OF CULPABILITY;**

16                           **(II) ANY HISTORY OF PRIOR VIOLATIONS;**

17                           **(III) THE ABILITY TO PAY;**

18                           **(IV) ANY EFFECT ON THE ABILITY TO CONTINUE DOING**  
19 **BUSINESS; AND**

20                           **(V) GOOD FAITH IN ATTEMPTING TO COMPLY; AND**

21                   **(3) OTHER MATTERS THAT JUSTICE REQUIRES.**

22 **15-108.**

23           **THE COMMISSION HAS JURISDICTION OVER AND MAY ENFORCE THIS**  
24 **TITLE AND ANY REGULATION ADOPTED UNDER THIS TITLE TO THE SAME**  
25 **EXTENT AND IN THE SAME MANNER AS ANY PROVISION OF DIVISION I OF THE**  
26 **PUBLIC UTILITIES ARTICLE, AS PROVIDED IN TITLE 13 OF THE PUBLIC**  
27 **UTILITIES ARTICLE.**

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