

SENATE BILL 985

D3, E4, C5

3lr3092

By: **Senator Zirkin**

Introduced and read first time: February 18, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Gas Pipelines – Public Nuisance Suits**

3 FOR the purpose of granting the District Court exclusive original civil jurisdiction in a
4 certain proceeding to abate a public nuisance; providing that a gas pipeline
5 shall be considered a public nuisance under certain circumstances; authorizing
6 certain persons to bring a certain action against the owner or operator of a gas
7 pipeline to abate a public nuisance under this Act; authorizing a court to order a
8 certain relief if, after a hearing, the court determines that a public nuisance
9 exists; authorizing a court to award certain costs and fees to a certain prevailing
10 plaintiff; defining certain terms; and generally relating to gas pipeline safety.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 4–401(17) and (18)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2012 Supplement)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 4–401(19)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2012 Supplement)

21 BY adding to
22 Article – Public Safety
23 Section 15–101 and 15–102 to be under the new title “Title 15. Gas Pipeline
24 Safety”
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 4–401.

5 Except as provided in § 4–402 of this subtitle, and subject to the venue
6 provisions of Title 6 of this article, the District Court has exclusive original civil
7 jurisdiction in:

8 (17) An action for damages for a dishonored check or other instrument
9 under Title 15, Subtitle 8 of the Commercial Law Article, regardless of the amount in
10 controversy; [and]

11 (18) A civil action for an injunction or for a civil penalty for a violation
12 of § 8–605(f) of the Transportation Article; AND

13 (19) A PROCEEDING TO ABATE A PUBLIC NUISANCE UNDER §
14 15–102 OF THE PUBLIC SAFETY ARTICLE.

15 **Article – Public Safety**

16 **TITLE 15. GAS PIPELINE SAFETY.**

17 **15–101.**

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

20 (B) “GAS” MEANS NATURAL GAS, FLAMMABLE GAS, OR TOXIC OR
21 CORROSIVE GAS.

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

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

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

30 (3) TRANSPORTS GAS WITHIN A STORAGE FIELD.

1 15-102.

2 (A) A GAS PIPELINE SHALL BE CONSIDERED A PUBLIC NUISANCE IF:

3 (1) THE PIPELINE IS NOT EQUIPPED WITH AUTOMATIC SHUTOFF
4 VALVES OR REMOTE CONTROLLED SECTIONALIZED BLOCK VALVES;

5 (2) THE OWNER OR OPERATOR OF THE PIPELINE DOES NOT
6 EMPLOY BEST PRACTICES AND TECHNOLOGY, INCLUDING IN-LINE INSPECTION
7 DEVICES, FOR MONITORING THE CONDITION AND SAFETY OF THE PIPELINE; OR

8 (3) THE OWNER OR OPERATOR OF THE PIPELINE DOES NOT
9 COMPLY WITH ALL APPLICABLE STATE AND FEDERAL SAFETY STANDARDS AND
10 REPORTING REQUIREMENTS.

11 (B) AN ACTION UNDER § 4-401 OF THE COURTS ARTICLE TO ABATE A
12 PUBLIC NUISANCE UNDER THIS SECTION MAY BE BROUGHT BY:

13 (1) THE STATE'S ATTORNEY OF THE COUNTY IN WHICH ANY
14 PORTION OF THE GAS PIPELINE IS LOCATED;

15 (2) THE COUNTY ATTORNEY OR SOLICITOR OF THE COUNTY IN
16 WHICH ANY PORTION OF THE GAS PIPELINE IS LOCATED;

17 (3) A COMMUNITY ASSOCIATION WITHIN WHOSE BOUNDARIES ANY
18 PORTION OF THE GAS PIPELINE IS LOCATED; OR

19 (4) THE OWNER OF ANY REAL PROPERTY ON WHICH OR ADJACENT
20 TO WHICH ANY PORTION OF THE PIPELINE IS LOCATED.

21 (C) AN ACTION UNDER § 4-401 OF THE COURTS ARTICLE TO ABATE A
22 PUBLIC NUISANCE UNDER THIS SECTION MAY BE BROUGHT AGAINST THE
23 OWNER OR OPERATOR OF THE GAS PIPELINE.

24 (D) IF, AFTER A HEARING, THE COURT DETERMINES THAT A PUBLIC
25 NUISANCE EXISTS, THE COURT MAY ORDER APPROPRIATE INJUNCTIVE OR ANY
26 OTHER EQUITABLE RELIEF.

27 (E) THE COURT MAY AWARD COURT COSTS AND REASONABLE
28 ATTORNEY'S FEES TO A COMMUNITY ASSOCIATION OR AN OWNER OF REAL
29 PROPERTY THAT IS A PREVAILING PLAINTIFF IN AN ACTION BROUGHT UNDER
30 THIS SECTION.

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