

HOUSE BILL 345

C5
HB 408/20 – ECM

(PRE-FILED)

11r0526
CF 11r1741

By: **Delegate Charkoudian**

Requested: August 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Gas Service Regulator Safety**
3 **(Flower Branch Act)**

4 FOR the purpose of requiring that any gas service newly installed at an occupied structure
5 may have a gas service regulator installed only outside the structure; requiring an
6 existing interior gas service regulator in a multifamily residential structure to be
7 relocated outside whenever a gas service line or regulator is replaced; requiring a
8 gas company, on or before a certain date, to file a plan with the Public Service
9 Commission to relocate any gas service regulator that provides service to a
10 multifamily residential structure; requiring the Commission, on or before a certain
11 date, to approve, disapprove, or approve with modifications a gas company's plan to
12 relocate any gas service regulator after considering certain factors; authorizing the
13 Commission to exempt a gas service regulator from relocation if the Commission
14 finds that an exemption is warranted after considering certain factors; authorizing
15 the Commission to delegate the authority to grant a certain exemption to the
16 Commission's technical staff division; requiring a gas company, on or before a certain
17 date each year, beginning in a certain year, to report to the Commission on progress
18 through the end of the immediately preceding calendar year related to implementing
19 a certain plan; requiring the Commission to submit a certain report to the Governor
20 and the General Assembly on or before a certain date each year, beginning in a
21 certain year; providing for the application of this Act; stating the intent of the
22 General Assembly; requiring certain gas service regulators to be enclosed in a certain
23 manner under certain circumstances; defining certain terms; and generally relating
24 to gas service and regulator safety.

25 BY adding to
26 Article – Public Utilities
27 Section 7–312
28 Annotated Code of Maryland
29 (2020 Replacement Volume and 2020 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 MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Public Utilities**

4 **7-312.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “GAS SERVICE REGULATOR” MEANS AN INSTRUMENT THAT:

8 (I) IS INSTALLED TO A METER INLET TO CONTROL THE GAS
9 PRESSURE BEING INTRODUCED INTO A STRUCTURE; AND

10 (II) INCLUDES A RELIEF VALVE TO VENT EXCESS GAS TO THE
11 OUTSIDE ATMOSPHERE IF THE PRESSURE OF THE REGULATED GAS EXCEEDS A
12 SPECIFIED PRESSURE.

13 (3) “MULTIFAMILY RESIDENTIAL STRUCTURE” MEANS A BUILDING
14 CONTAINING SIX OR MORE DWELLING UNITS, INCLUDING:

15 (I) AN APARTMENT HOUSE;

16 (II) A BOARDING HOUSE;

17 (III) A CONVENT;

18 (IV) A DORMITORY;

19 (V) A FRATERNITY OR SORORITY HOUSE;

20 (VI) A HOTEL OR MOTEL;

21 (VII) A MONASTERY;

22 (VIII) A VACATION TIME-SHARE PROPERTY;

23 (IX) A CONDOMINIUM, AS DEFINED IN § 11-101 OF THE REAL
24 PROPERTY ARTICLE; AND

25 (X) A COOPERATIVE PROJECT, AS DEFINED IN § 5-6B-01 OF
26 THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

1 **(B) (1) WHENEVER GAS SERVICE IS NEWLY INSTALLED AT AN OCCUPIED**
2 **STRUCTURE, A GAS SERVICE REGULATOR MAY BE INSTALLED ONLY OUTSIDE THE**
3 **STRUCTURE.**

4 **(2) ANY EXISTING GAS SERVICE REGULATOR THAT IS INSTALLED IN**
5 **THE INTERIOR OF A MULTIFAMILY RESIDENTIAL STRUCTURE SHALL BE RELOCATED**
6 **TO THE OUTSIDE OF THE STRUCTURE WHENEVER THE GAS SERVICE LINE OR**
7 **REGULATOR IS REPLACED.**

8 **(3) ON OR BEFORE JANUARY 1, 2022, A GAS COMPANY SHALL FILE A**
9 **PLAN WITH THE COMMISSION TO RELOCATE ANY GAS SERVICE REGULATOR THAT**
10 **PROVIDES SERVICE TO A MULTIFAMILY RESIDENTIAL STRUCTURE.**

11 **(4) ON OR BEFORE JANUARY 1, 2023, THE COMMISSION SHALL**
12 **APPROVE, DISAPPROVE, OR APPROVE WITH MODIFICATIONS A GAS COMPANY'S PLAN**
13 **SUBMITTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO RELOCATE ANY GAS**
14 **SERVICE REGULATOR AFTER CONSIDERING:**

15 **(I) THE NUMBER OF GAS SERVICE REGULATORS DESIGNATED**
16 **FOR RELOCATION IN THE GAS COMPANY'S SERVICE TERRITORY;**

17 **(II) THE AVAILABILITY OF QUALIFIED PERSONNEL TO SAFELY**
18 **RELOCATE GAS SERVICE REGULATORS;**

19 **(III) THE ENGINEERING AND PERMITTING CHALLENGES WITHIN**
20 **THE GAS COMPANY'S SERVICE TERRITORY;**

21 **(IV) A SCHEDULE FOR RELOCATING GAS SERVICE REGULATORS**
22 **THAT IS CONSISTENT WITH THE PUBLIC INTEREST;**

23 **(V) ANY OTHER GAS COMPANY PROGRAMS, INNOVATIONS,**
24 **INITIATIVES, PRIORITIES, OR INVESTMENTS THAT IMPROVE THE SAFETY OR**
25 **RELIABILITY OF THE GAS SYSTEM; AND**

26 **(VI) ANY OTHER FACTOR IDENTIFIED BY THE COMMISSION.**

27 **(5) THE COMMISSION MAY EXEMPT A GAS SERVICE REGULATOR**
28 **FROM THE REQUIREMENTS OF THIS SUBSECTION IF THE COMMISSION FINDS THAT**
29 **AN EXEMPTION IS WARRANTED AFTER CONSIDERING:**

30 **(I) WHETHER GRANTING THE EXEMPTION IS CONSISTENT WITH**
31 **THE PUBLIC INTEREST;**

32 **(II) CONFLICTS WITH FEDERAL, STATE, OR LOCAL LAWS OR**

1 REGULATIONS;

2 (III) PHYSICAL OBSTRUCTIONS OR SPACE CONSTRAINTS; AND

3 (IV) ANY OTHER FACTOR IDENTIFIED BY THE COMMISSION.

4 (6) THE COMMISSION MAY DELEGATE THE AUTHORITY TO GRANT
5 EXEMPTIONS UNDER THIS SUBSECTION TO THE COMMISSION'S TECHNICAL STAFF
6 DIVISION.

7 (C) (1) A GAS SERVICE REGULATOR SHALL BE INSTALLED AWAY FROM
8 ROADS, DRIVEWAYS, PARKING AREAS, OR OTHER LOCATIONS EXPOSED TO
9 VEHICULAR TRAFFIC OR OTHER EXTERNAL FORCES THAT MAY DAMAGE THE GAS
10 SERVICE REGULATOR.

11 (2) IF IT IS IMPRACTICAL TO INSTALL A GAS SERVICE REGULATOR IN
12 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, GUARDS SHALL BE
13 INSTALLED TO PROTECT THE GAS SERVICE REGULATOR FROM EXTERNAL FORCES
14 THAT MAY DAMAGE THE GAS SERVICE REGULATOR.

15 (3) GUARDS MAY CONSIST OF POSTS, BOLLARDS, RAILINGS, OR ANY
16 OTHER SAFETY STRUCTURE THAT WILL PREVENT DAMAGE TO THE GAS SERVICE
17 REGULATOR.

18 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR
19 BEFORE FEBRUARY 1, 2023, AND EACH YEAR THEREAFTER, A GAS COMPANY SHALL
20 REPORT TO THE COMMISSION ON PROGRESS THROUGH THE END OF THE
21 IMMEDIATELY PRECEDING CALENDAR YEAR ON THE IMPLEMENTATION OF THE
22 PLAN APPROVED UNDER SUBSECTION (B) OF THIS SECTION.

23 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO APPLY TO A GAS
24 COMPANY THAT HAS FULLY IMPLEMENTED AN APPROVED PLAN UNDER SUBSECTION
25 (B) OF THIS SECTION.

26 (E) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2023, THE
27 COMMISSION SHALL PROVIDE A REPORT TO THE GOVERNOR AND, IN ACCORDANCE
28 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY
29 ON EACH GAS COMPANY'S PROGRESS IN RELOCATING GAS SERVICE REGULATORS IN
30 ACCORDANCE WITH THIS SECTION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
32 Assembly that:

33 (1) the statutory changes enacted under Section 1 of this Act should be

1 interpreted in light of the significant concerns for public safety raised by the Flower Branch
2 explosion, as investigated by the National Transportation Safety Board, whose
3 recommendations this Act embodies; and

4 (2) each gas company in the State shall:

5 (i) use best efforts to identify gas service regulators in the
6 company's service territory that may fail or are most vulnerable to damage;

7 (ii) prioritize replacing the regulators identified under item (i) of this
8 item; and

9 (iii) educate the public on:

10 1. identifying older, vulnerable, or potentially failing gas
11 service regulators; and

12 2. procedures for reporting regulators identified under item
13 1 of this item to gas companies and local authorities.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.