

Chapter 263

(House Bill 345)

AN ACT concerning

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

FOR the purpose of requiring that any gas service newly installed at an occupied structure may have a gas service regulator installed only outside the structure; requiring an existing interior gas service regulator in a multifamily residential structure to be relocated outside whenever a gas service line or regulator is replaced; requiring a gas company, on or before a certain date, to file a plan with the Public Service Commission to relocate any gas service regulator that provides service to a multifamily residential structure; requiring the Commission, on or before a certain date, to ~~approve, disapprove, or approve with modifications~~ issue a final order approving or disapproving a gas company's plan to relocate any gas service regulator after considering certain factors; requiring an order approving a gas company's plan to relocate any gas service regulator to include certain conditions under certain circumstances; requiring a gas company to submit a new plan to the Commission within a certain number of days under certain circumstances; authorizing the Commission to exempt a gas service regulator from relocation if the Commission finds that an exemption is warranted after considering certain factors; authorizing the Commission to delegate the authority to grant a certain exemption to the Commission's technical staff division; requiring a gas company, on or before a certain date each year, beginning in a certain year, to report to the Commission on progress through the end of the immediately preceding calendar year related to implementing a certain plan; requiring the Commission to submit a certain report to the Governor and the General Assembly on or before a certain date each year, beginning in a certain year; providing for the application of this Act; stating the intent of the General Assembly; requiring certain gas service regulators to be enclosed in a certain manner under certain circumstances; defining certain terms; and generally relating to gas service and regulator safety.

BY adding to

Article – Public Utilities

Section 7–312

Annotated Code of Maryland

(2020 Replacement Volume and 2020 Supplement)

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

Article – Public Utilities**7–312.**

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

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

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

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

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

(I) AN APARTMENT HOUSE;

(II) A BOARDING HOUSE;

(III) A CONVENT;

(IV) A DORMITORY;

(V) A FRATERNITY OR SORORITY HOUSE;

(VI) A HOTEL OR MOTEL;

(VII) A MONASTERY;

(VIII) A VACATION TIME-SHARE PROPERTY;

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

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

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

(2) ANY EXISTING GAS SERVICE REGULATOR THAT IS INSTALLED IN THE INTERIOR OF A MULTIFAMILY RESIDENTIAL STRUCTURE SHALL BE RELOCATED

TO THE OUTSIDE OF THE STRUCTURE WHENEVER THE GAS SERVICE LINE OR REGULATOR IS REPLACED.

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

(4) (I) ON OR BEFORE JANUARY 1, 2023, THE COMMISSION SHALL ~~APPROVE, DISAPPROVE, OR APPROVE WITH MODIFICATIONS~~ ISSUE A FINAL ORDER APPROVING OR DISAPPROVING A GAS COMPANY'S PLAN SUBMITTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO RELOCATE ANY GAS SERVICE REGULATOR AFTER CONSIDERING:

(I) 1. THE NUMBER OF GAS SERVICE REGULATORS DESIGNATED FOR RELOCATION IN THE GAS COMPANY'S SERVICE TERRITORY;

(II) 2. THE AVAILABILITY OF QUALIFIED PERSONNEL TO SAFELY RELOCATE GAS SERVICE REGULATORS;

(III) 3. THE ENGINEERING AND PERMITTING CHALLENGES WITHIN THE GAS COMPANY'S SERVICE TERRITORY;

(IV) 4. A SCHEDULE FOR RELOCATING GAS SERVICE REGULATORS THAT IS CONSISTENT WITH THE PUBLIC INTEREST;

(V) 5. ANY OTHER GAS COMPANY PROGRAMS, INNOVATIONS, INITIATIVES, PRIORITIES, OR INVESTMENTS THAT IMPROVE THE SAFETY OR RELIABILITY OF THE GAS SYSTEM; ~~AND~~

(VI) 6. ANY OTHER FACTOR IDENTIFIED BY THE ~~COMMISSION~~ COMMISSION; AND

7. WHETHER THE GAS COMPANY HAS:

A. MADE EVERY REASONABLE EFFORT TO EXPEDITIOUSLY ADDRESS ANY FACTORS THAT MAY CONTRIBUTE TO A DELAY IN RELOCATING GAS SERVICE REGULATORS; AND

B. COMMITTED TO A REASONABLE IMPLEMENTATION TIMELINE THAT DOES NOT UNDULY DELAY REGULATOR RELOCATION.

(II) 1. IF THE COMMISSION ISSUES AN ORDER APPROVING A GAS COMPANY'S PLAN, THE ORDER SHALL INCLUDE ANY CONDITIONS OF APPROVAL THAT THE COMMISSION REQUIRES.

2. IF THE COMMISSION ISSUES AN ORDER DISAPPROVING A GAS COMPANY'S PLAN, THE GAS COMPANY SHALL SUBMIT A NEW PLAN TO THE COMMISSION WITHIN 60 DAYS AFTER THE COMMISSION ISSUES THE DISAPPROVAL.

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

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

(II) CONFLICTS WITH FEDERAL, STATE, OR LOCAL LAWS OR REGULATIONS;

(III) PHYSICAL OBSTRUCTIONS OR SPACE CONSTRAINTS; ~~AND~~

(IV) ANY OTHER FACTOR IDENTIFIED BY THE COMMISSION; AND

(V) WHETHER THE GAS COMPANY HAS:

1. MADE EVERY REASONABLE EFFORT TO EXPEDITIOUSLY ADDRESS ANY FACTOR THAT MAY CONTRIBUTE TO A DELAY IN RELOCATING GAS SERVICE REGULATORS; AND

2. COMMITTED TO A REASONABLE IMPLEMENTATION TIMELINE THAT DOES NOT UNDULY DELAY REGULATOR RELOCATION.

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

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

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

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

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

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

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

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

(1) the statutory changes enacted under Section 1 of this Act should be interpreted in light of the significant concerns for public safety raised by the Flower Branch explosion, as investigated by the National Transportation Safety Board, whose recommendations this Act embodies; and

(2) each gas company in the State shall:

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

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

(iii) educate the public on:

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

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

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

Approved by the Governor, May 18, 2021.