

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 21, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1694

Introduced by Assembly Member Fuentes

February 15, 2012

An act to amend Sections 4353 and 4453 of the Public Utilities Code, relating to gas pipeline safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1694, as amended, Fuentes. Gas pipeline safety inspections.

Existing law requires the Public Utilities Commission to undertake a gas safety inspection and enforcement program for mobilehome parks with distribution systems to ensure compliance with the federal pipeline standards, as defined, by propane operators within the state. Existing law requires that the commission conduct an initial inspection, and, if the operator demonstrates compliance, to inspect the system every 5 years.

This bill would require that if the operator demonstrates compliance with the initial inspection, additional inspections be made pursuant to a risk-based inspection schedule adopted by the commission.

Existing law requires the Public Utilities Commission to undertake a propane safety inspection and enforcement program for propane distribution systems to ensure compliance with the federal pipeline standards, as defined, by propane operators within the state. Existing law requires that the commission conduct an initial inspection, and, if the operator demonstrates compliance, inspect the system once every 5 years for distribution systems with less than 100 customers, once

every 3 years for distribution systems with 100 or more but less than 200 customers, and once every 2 years for distribution systems with 200 or more customers.

This bill would require that if the operator demonstrates compliance with the initial inspection, additional inspections be made at least once every ~~10~~ 7 years pursuant to a risk-based inspection schedule adopted by the commission.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4353 of the Public Utilities Code is
2 amended to read:

3 4353. (a) The commission shall conduct an initial inspection
4 of each distribution system which shall take place on the
5 mobilehome park premises. The inspection shall consist of all of
6 the following:

7 (1) An inspection of the adequacy of the operator's operation
8 and maintenance plan.

9 (2) The information contained in the required annual report.

10 (3) The records of leak surveys and repairs, corrosion control,
11 and cathodic protection of the system.

12 (4) If deemed appropriate from the review of the records, a
13 physical inspection of the mobilehome park's distribution system
14 to ensure compliance with the federal law; the applicable sections
15 of Commission General Order 112 relating to mobilehome park
16 distribution systems, excluding the sections relating to gas
17 transmission facilities, LNG facilities, and gathering lines; and
18 any rules and orders adopted by the commission pursuant to this
19 chapter.

20 (b) If the operator demonstrates compliance pursuant to
21 subdivision (a), the distribution system shall thereafter be inspected
22 pursuant to a risk-based inspection schedule adopted by the
23 commission. The subsequent inspections shall consist of the
24 elements specified in subdivision (a). However, the commission
25 may institute an inspection at any time if it determines, following
26 a review of a subsequent annual report or receipt of a complaint,
27 that an additional inspection is necessary.

1 (c) If the operator does not demonstrate compliance pursuant
2 to subdivision (a), the distribution system may be inspected on an
3 annual basis until such time as there is compliance and, thereafter,
4 shall be inspected as specified in subdivision (b).

5 (d) If upon the initial inspection or any subsequent inspection,
6 the commission determines the presence of a gas leak or other
7 safety hazard in the distribution system which poses a significant
8 or immediate danger to the health and safety of the park residents,
9 the distribution system may be inspected more frequently until the
10 condition is corrected. Once corrected, the park shall be inspected
11 as specified in subdivision (b).

12 (e) The commission may require an operator to provide
13 necessary assistance to commission inspectors in entering and
14 inspecting the mobilehome park, including, but not limited to:

15 (1) Allowing commission inspectors entry to mobilehome park
16 premises.

17 (2) Having, upon notice, the necessary records specified in
18 subdivision (a) available for the commission inspector's review
19 during the physical inspection.

20 (3) Assisting in surveying or uncovering portions of a
21 distribution system for purposes of inspection, verification, and
22 testing.

23 (f) It shall be a violation for a mobilehome park operator to
24 willfully obstruct a commission inspector's access, entry, or
25 inspection of a mobilehome park.

26 (g) The commission may enforce subdivision (f) by issuing a
27 citation in the manner specified in subdivision (b) of Section 4357
28 and shall notify the United States Department of Transportation,
29 the department or local enforcement agency, the utility serving the
30 distribution system, and the operator of any citation issued pursuant
31 to subdivision (f) of Section 4353.

32 SEC. 2. Section 4453 of the Public Utilities Code is amended
33 to read:

34 4453. (a) The commission shall conduct an initial inspection
35 of each distribution system which shall take place on the premises.
36 The inspection shall determine if the distribution system falls under
37 the commission's safety program pursuant to paragraph (2) of
38 subdivision (c) of Section 4452. If it is determined that it does not,
39 then the inspection shall be terminated immediately. Otherwise,

1 the inspection, and all followup inspections, shall consist of all of
2 the following:

3 (1) A review of the adequacy of the operator's operation and
4 maintenance plan, emergency plan, and system map or maps.

5 (2) Evaluation of the information contained in the required
6 annual report.

7 (3) A review of the records of leak surveys and repairs, corrosion
8 control, and cathodic protection of the system.

9 (4) If deemed appropriate from the review of the records, a
10 physical inspection of the propane distribution system to ensure
11 compliance with the federal law, the applicable sections of General
12 Order 112 relating to the distribution system, NFPA 58, and any
13 rules and orders adopted by the commission pursuant to this
14 chapter.

15 (b) If the operator demonstrates compliance pursuant to
16 subdivision (a), the distribution system shall thereafter be inspected
17 at least once every ~~10~~ seven years pursuant to a risk-based
18 inspection schedule adopted by the commission. The subsequent
19 inspections shall consist of the elements specified in subdivision
20 (a). However, the commission may institute an inspection for a
21 distribution system of any size, at any time, if it determines,
22 following a review of a subsequent annual report or receipt of a
23 complaint, that an additional inspection is necessary.

24 (c) If the operator does not demonstrate compliance pursuant
25 to subdivision (a), the distribution system may be inspected on an
26 annual basis until such time as there is compliance, and thereafter,
27 shall be inspected as specified in subdivision (b).

28 (d) If upon the initial inspection or any subsequent inspection,
29 the commission determines the presence of a propane leak or other
30 safety hazard in the distribution system that poses a significant or
31 immediate danger to the health and safety of the customers, the
32 distribution system may be inspected more frequently until the
33 condition is corrected. Once corrected, the distribution system
34 shall be inspected as specified in subdivision (b).

35 (e) The commission may require an operator to provide
36 necessary assistance to commission inspectors in entering and
37 inspecting the distribution systems, including, but not limited to:

38 (1) Allowing commission inspectors entry to the premises.

1 (2) Having, upon notice, the necessary records specified in
2 subdivision (a) available for the commission inspector's review
3 during the physical inspection.

4 (3) Assisting in surveying or uncovering portions of the
5 distribution systems for purposes of inspection, verification, and
6 testing.

7 (f) It shall be a violation for an operator to willfully obstruct a
8 commission inspector's access, entry, or inspection of a distribution
9 system or to remove a warning tag placed on the operator's tank
10 by a commission inspector pursuant to subdivision (b) of Section
11 4456.

12 (g) The commission may enforce subdivision (f) by issuing a
13 citation in the manner specified in subdivision (b) of Section 4457,
14 and shall notify the department or local enforcement agency, the
15 supplier serving the distribution system, the State Fire Marshal,
16 local fire districts, and the operator of any citation issued pursuant
17 to this subdivision.

18 (h) If the commission determined, upon inspection or a receipt
19 of a complaint or disclosure, that a distribution system pursuant
20 to paragraph (2) of subdivision (c) of Section 4452 is serving more
21 than nine customers, or if any portion of the system is located in
22 a public place, then the distribution system shall be subject to the
23 commission's safety program as set forth in this chapter.