

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2559

Introduced by Assembly Member Buchanan

February 24, 2012

An act to add Chapter 5.5 (commencing with Section 8070) to Division 4 of the Public Utilities Code, relating to natural gas pipelines.

LEGISLATIVE COUNSEL'S DIGEST

AB 2559, as amended, Buchanan. Natural gas pipelines: pipeline integrity management.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including gas corporations, as defined. The Natural Gas Pipeline Safety Act of 2011 designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines.

This bill would require the commission to ensure that a ~~city, county, or city and county~~ *local entity* is provided notice by a gas corporation whenever a pipeline integrity management plan, as defined, may result in the gas corporation undertaking pipeline inspection, remediation, or replacement work within the ~~city, county, or city and county~~, *jurisdiction of the local entity*, and the inspection, remediation, or replacement work within ~~that city, county, or city and county~~ and ~~that work that jurisdiction~~ is likely to require action by the ~~city, county, or city and county~~ *local entity* to approve or facilitate the work. The bill would

require that the ~~city, county, or city and county~~ *local entity* that has been provided with notice expedite any permitting, *as defined*, or other actions necessary to complete any pipeline inspection, remediation, or replacement work within the ~~city, county, or city and county~~ *jurisdiction of the local entity* that is necessary pursuant to the pipeline integrity management plan. *The bill would also prohibit a local entity from imposing permit requirements that exceed the scope of the proposed pipeline project, unless the additional requirements specifically relate to the project and are necessary for public safety.* By requiring a higher level of service by local ~~governments~~ *government entities* that may be affected by work undertaken pursuant to a pipeline integrity management plan, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Chapter 5.5 (commencing with Section 8070) is
2 added to Division 4 of the Public Utilities Code, to read:

3
4 CHAPTER 5.5. NATURAL GAS PIPELINE CONSTRUCTION

5
6 8070. (a) For purposes of this section, ~~“pipeline integrity~~
7 ~~management plan”~~ means the written integrity management
8 program prepared by a gas corporation to comply with the
9 requirements adopted by the federal Pipeline and Hazardous
10 Materials Safety Administration of the Department of
11 Transportation pursuant to Subpart O (commencing with Section
12 192.901) of Part 192 of Title 49 of the Code of Federal Regulations.
13 *the following terms have the following meanings:*

14 (1) *“Expedite any permitting” means to issue a decision on a*
15 *permit within 10 business days of the submission of the permit*
16 *application. Where a local agency cannot issue a decision on a*

1 *permit within 10 business days of the submission of the permit*
2 *application, the agency shall provide a written explanation to the*
3 *utility applying for the permit, and shall provide the utility with a*
4 *timeline by which the agency will, as soon as possible, issue a*
5 *decision on the permit.*

6 (2) *“Local entity” means a city, county, city and county, local*
7 *agency, joint powers agency, special district, or any entity of local*
8 *government that has authority to grant approvals necessary to*
9 *implement a pipeline integrity management plan within the*
10 *jurisdiction of the local entity.*

11 (3) *“Pipeline integrity management plan” means the written*
12 *integrity management program prepared by a gas corporation to*
13 *comply with the requirements adopted by the federal Pipeline and*
14 *Hazardous Materials Safety Administration of the Department of*
15 *Transportation pursuant to Subpart O (commencing with Section*
16 *192.901) of Part 192 of Title 49 of the Code of Federal*
17 *Regulations.*

18 (b) ~~The commission shall ensure that a city, county, or city and~~
19 ~~county~~ *local entity* is provided notice by a gas corporation
20 whenever a pipeline integrity management plan may result in the
21 gas corporation undertaking pipeline inspection, remediation, or
22 replacement work within the ~~city, county, or city and county~~
23 *jurisdiction of the local entity*, and the inspection, remediation, or
24 replacement work is likely to require action by the ~~city, county,~~
25 ~~or city and county~~ *local entity* to approve or facilitate the work.

26 (c) ~~A city, county, or city and county~~ *local entity* that has been
27 provided notice pursuant to subdivision (b) shall expedite any
28 permitting or other actions necessary to complete any pipeline
29 inspection, remediation, or replacement work within the ~~city,~~
30 ~~county, or city and county~~ *jurisdiction of the local entity*, and that
31 is necessary pursuant to an approved pipeline integrity management
32 plan.

33 (d) *A local entity shall not impose permit requirements that*
34 *exceed the scope of the proposed pipeline project, unless the*
35 *additional requirements specifically relate to the project and are*
36 *necessary for public safety.*

37 SEC. 2. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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