

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1937

Introduced by Assembly Member Gordon

February 19, 2014

An act to ~~amend Section 956 of~~ *add Section 955.5 to* the Public Utilities Code, relating to natural gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, as amended, Gordon. Natural Gas Pipeline Safety Act of 2011: ~~emergency response standards~~. *school and hospital notification of maintenance and testing of gas pipelines.*

Existing federal law requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the United States Department of Transportation, to adopt minimum safety standards for pipeline transportation and for pipeline facilities, including an interstate gas pipeline facility and intrastate gas pipeline facility, as defined. Existing law authorizes the United States Secretary of Transportation to prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a state authority that submits to the secretary annually a certification for the facilities and transportation. Existing law authorizes a state authority that has submitted a current certification to adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed by the PHMSA.

The Natural Gas Pipeline Safety Act of 2011, within the Public Utilities Act, designates the ~~commission~~ *Public Utilities 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. The act requires the commission, by July 1, 2012, to open an appropriate proceeding or expand the scope of an existing proceeding to establish compatible emergency response standards that owners or operators of certain commission-regulated gas pipeline facilities would be required to follow. The standards require owners or operators of intrastate transmission and distribution lines to implement emergency response plans that are compatible with PHMSA's regulations concerning emergency plans. ~~The act requires the commission to report to the Legislature on the status of establishing the compatible emergency response standards on or before January 1, 2013.~~

~~This bill would delete the requirement that the commission report to the Legislature on the status of establishing the compatible emergency response standards on or before January 1, 2013.~~

This bill would require a gas corporation to provide not less than 3 working day's notice, as specified, to the administration of a school or hospital prior to undertaking nonemergency gas pipeline maintenance or testing when the work is located within 500 feet of the school or hospital. The bill would require the gas corporation to maintain a record of the date and time of any notification provided to the administration of a school or hospital and any subsequent contacts with the administration and actions taken, if any, in response to those subsequent contacts.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the requirements of this bill are within the act, a violation of these requirements would impose a state-mandated local program by creating a new crime.

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 no reimbursement is required by this act for a specified reason.

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

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

1 *SECTION 1. Section 955.5 is added to the Public Utilities*
2 *Code, to read:*

3 955.5. (a) *For purposes of this section, the following terms*
4 *have the following meanings:*

5 (1) *“Gas pipeline” means an intrastate distribution line as*
6 *described in paragraph (1) of, or an intrastate transmission line*
7 *as described in paragraph (2) of, Section 950.*

8 (2) *“Hospital” means a licensed general acute care hospital*
9 *as defined in subdivision (a) of Section 1250 of the Health and*
10 *Safety Code.*

11 (3) *“School” means a public or private preschool, elementary,*
12 *or secondary school.*

13 (b) *A gas corporation shall provide not less than three working*
14 *day’s notice to the administration of a school or hospital prior to*
15 *undertaking nonemergency gas pipeline maintenance or testing if*
16 *the work is located within 500 feet of the school or hospital. The*
17 *notification shall include all of the following:*

18 (1) *The name, address, telephone number, and emergency*
19 *contact information for the gas corporation.*

20 (2) *The specific location of the gas pipeline where the*
21 *maintenance or testing work will be performed.*

22 (3) *The date and time the maintenance or testing is to be*
23 *conducted and when the work is expected to be completed.*

24 (4) *An invitation and a telephone number to call for further*
25 *information on what the school or hospital should do in the event*
26 *of a leak.*

27 (c) *The gas corporation shall maintain a record of the date and*
28 *time of any notification provided to the administration of a school*
29 *or hospital and any subsequent contacts with the administration*
30 *and actions taken, if any, in response to those subsequent contacts.*

31 SEC. 2. *No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

3 ~~SECTION 1. Section 956 of the Public Utilities Code is~~
4 ~~amended to read:~~

5 956. (a) ~~On or before July 1, 2012, the commission shall open~~
6 ~~an appropriate proceeding or expand the scope of an existing~~
7 ~~proceeding to establish compatible emergency response standards~~
8 ~~that owners or operators of commission-regulated gas pipeline~~
9 ~~facilities shall be required to follow for intrastate transmission and~~
10 ~~distribution lines. The commission shall establish the standards to~~
11 ~~ensure that intrastate transmission and distribution lines have~~
12 ~~emergency response plans that adequately prepare them for a~~
13 ~~natural disaster or malfunction that could cause injury to human~~
14 ~~life or property, with the purpose of minimizing the occurrence of~~
15 ~~both.~~

16 (b) ~~The commission shall establish the compatible emergency~~
17 ~~response standards in consultation with the California Emergency~~
18 ~~Management Agency, the State Fire Marshal, and members of~~
19 ~~California's first responder community including, but not limited~~
20 ~~to, members of the California Fire Chiefs Association.~~

21 (c) ~~The compatible emergency response standards shall require~~
22 ~~owners or operators of intrastate transmission and distribution lines~~
23 ~~to implement emergency response plans that are compatible with~~
24 ~~the United States Department of Transportation Pipeline and~~
25 ~~Hazardous Materials Safety Administration's regulations~~
26 ~~concerning emergency plans contained in Section 192.615 of Title~~
27 ~~49 of the Code of Federal Regulations, and those plans shall~~
28 ~~include, but not be limited to, all of the following requirements:~~

29 (1) ~~Emergency shutdown and pressure reduction shall be utilized~~
30 ~~whenever deemed necessary and appropriate by the owners or~~
31 ~~operators to minimize hazards to life or property. An owner or~~
32 ~~operator shall notify appropriate first responders of emergency~~
33 ~~shutdown and pressure reduction.~~

34 (2) ~~During an emergency response effort, the incident~~
35 ~~commander may direct coordination between first responders and~~
36 ~~owners or operators to ensure timely and ongoing communication~~
37 ~~on decisions for emergency shutdown and pressure reduction.~~

38 (3) ~~Owners or operators of intrastate transmission and~~
39 ~~distribution lines shall establish and maintain liaison with~~

1 appropriate fire, police, and other public officials to do all of the
2 following:

3 (A) Learn the responsibility and resources of each government
4 organization that may respond to a gas pipeline emergency,
5 including, but not limited to, the role of the incident commander
6 in an emergency.

7 (B) Acquaint the officials with the owner's or operator's ability
8 in responding to a gas pipeline emergency.

9 (C) Identify the types of gas pipeline emergencies of which the
10 owner or operator notifies the officials.

11 (D) Plan how the owner or operator and officials can engage in
12 mutual assistance to minimize hazards to life or property.

13 (E) Identify and update information on individual personnel
14 responsible for the liaison with the appropriate first responder
15 organizations.

16 (4) Owners and operators of intrastate transmission lines shall
17 provide the State Fire Marshal and the chief fire official of the
18 applicable city, county, city and county, or fire protection district
19 with instructions on how to access and utilize the National Pipeline
20 Mapping System developed by the United States Department of
21 Transportation, Pipeline and Hazardous Materials Safety
22 Administration, utilizing data submitted pursuant to Section 60132
23 of Title 49 of the United States Code, to improve local response
24 capabilities for pipeline emergencies.