

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2100

By: O'Donnell

7 COMMITTEE SUBSTITUTE

8 An Act relating to pipeline safety; amending 52 O.S.  
9 2011, Section 5, which relates to construction and  
10 operation of pipelines; modifying scope of certain  
11 rules; modifying definition; amending Section 1,  
12 Chapter 243, O.S.L. 2014 (63 O.S. Supp. 2018, Section  
13 142.13), which relates to the Corporation  
14 Commission's enforcement authority; authorizing  
15 Commission to promulgate, adopt and enforce certain  
16 rules; and declaring an emergency.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 52 O.S. 2011, Section 5, is  
17 amended to read as follows:

18 Section 5. A. The Corporation Commission is hereby authorized,  
19 directed and empowered to promulgate, adopt and enforce reasonable  
20 rules establishing minimum state safety standards for the design,  
21 construction, maintenance and operation of all regulated pipelines  
22 ~~used for the transmission and distribution of natural gas and~~  
23 pipeline systems as defined by 49 C.F.R., Parts 192 and 195 in this  
24 state. However, except as otherwise provided in ~~subsection~~

1 subsections B and C of this section, or for the purposes of  
2 regulated gas pipeline incident reporting, investigation and  
3 enforcement for incidents with estimated property damage of Five  
4 Thousand Dollars (\$5,000.00) or more, the Commission shall not  
5 promulgate, enforce or interpret any rule or regulation unless such  
6 rule, regulation or interpretation shall be consistent with and no  
7 more restrictive than the rules, regulations and interpretations of  
8 the United States Secretary of Transportation for pipeline  
9 transportation and pipeline facilities. When any such transmission  
10 pipeline shall be constructed, operated or maintained under, through  
11 and across a highway, section-line road or improved public road or  
12 street, there shall be erected directly above where such pipeline  
13 enters or leaves said highway, section-line road or improved public  
14 road or street, a suitable sign or marker stating thereon the name  
15 of the owner of such pipeline and such other information as the  
16 Corporation Commission may by rule direct.

17 B. The Commission is authorized and directed to promulgate and  
18 enforce reasonable rules relating to an incident on a gathering  
19 pipeline unit not subject to the U.S. Department of Transportation  
20 Pipeline Safety Regulations, codified at 49 CFR Parts 191 and 192,  
21 provided that such rules of the Commission are limited to the  
22 following specified areas: telephonic notification of and a written  
23 report about the incident which shall be consistent with and require  
24 no more information than the rules, regulations and interpretations

1 issued by the U.S. Department of Transportation Pipeline Safety  
2 Regulations relating to the reporting of incidents, maps depicting  
3 the location of the incident, and reasonable corrective measures to  
4 the gathering pipeline unit involved in the incident.

5 C. For the purposes of this section:

6 1. "Incident" shall have the same meaning as it is defined in  
7 the U.S. Department of Transportation, Pipeline Safety Regulations  
8 for interstate pipelines, and shall have the same meaning for  
9 regulated intrastate pipelines except for the estimated property  
10 damage, which shall be Five Thousand Dollars (\$5,000.00) or more;

11 and

12 2. "Gathering pipeline unit" means the portion of the  
13 nonregulated gathering pipeline involved in the incident not to  
14 exceed one mile of pipeline.

15 D. If contacted by any other entity or person regarding an  
16 incident, as defined in paragraph 1 of subsection C of this section,  
17 the Commission may disclose to such entity or person the time, date  
18 and location of the incident, the identity of the operator involved  
19 in the incident, the size of the gathering pipeline involved and the  
20 number of fatalities or injuries, if any, resulting from the  
21 incident.

22 E. With the exception of the information outlined in subsection  
23 D of this section, all reports, data, maps or other information  
24 which the Commission may be authorized to obtain under the

1 provisions of this section may be filed as confidential and the  
2 Commission shall maintain them as confidential and such records  
3 shall not be subject to the provisions of the Oklahoma Open Records  
4 Act. Only authorized Commission employees may obtain or access such  
5 confidential records.

6 F. The Corporation Commission may appoint a registered  
7 professional engineer with actual experience in the design,  
8 construction, maintenance or operation of natural gas pipelines, and  
9 such other personnel as may be provided by law, to carry out the  
10 provisions of Section 1 et seq. of this title. Such engineer shall  
11 be furnished with personnel, supplies and equipment as may be  
12 necessary to carry out the provisions of Section 1 et seq. of this  
13 title. The expenses of any inspection shall be borne and paid for  
14 by the parties laying and constructing or operating such pipelines  
15 for the transportation or transmission of natural gas.

16 SECTION 2. AMENDATORY Section 1, Chapter 243, O.S.L.  
17 2014 (63 O.S. Supp. 2018, Section 142.13), is amended to read as  
18 follows:

19 Section 142.13 A. The Corporation Commission is hereby  
20 designated as the agency to enforce the provisions of the Oklahoma  
21 Underground Facilities Damage Prevention Act, Section 142.1 et seq.  
22 of Title 63 of the Oklahoma Statutes, over excavation or demolition  
23 on or near or directly over the location of, and notice of damage  
24 to, oil and natural gas physical facilities which are described by

1 the currently effective definition of "pipeline" in 49 CFR Part  
2 192.3 and "pipeline" and "pipeline system" in 49 CFR Part 195.2.

3 B. The Corporation Commission is hereby authorized, directed  
4 and empowered to promulgate, adopt and enforce reasonable rules  
5 necessary for effective enforcement.

6 C. Enforcement authority granted in this section shall be  
7 concurrent with and shall not be construed to modify or limit any  
8 private right of action, including those available pursuant to  
9 Section 142.9a of Title 63 of the Oklahoma Statutes. Terms used in  
10 this section shall be as defined in the Oklahoma Underground  
11 Facilities Damage Prevention Act.

12 SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16

17 57-1-8271 JBH 02/26/19

18

19

20

21

22

23

24