
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1364 Session of
2021

INTRODUCED BY OTTEN, SANCHEZ, D. WILLIAMS, SCHLOSSBERG,
HOHENSTEIN, FIEDLER, KRAJEWSKI, SIMS, FREEMAN, WEBSTER AND
GUENST, MAY 17, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 17, 2021

AN ACT

1 Establishing the Pipeline Early Detection and Warning Board in
2 the Department of Community and Economic Development;
3 establishing the Pipeline Early Detection and Warning System
4 Fund; providing for grants to municipalities; and imposing a
5 fee.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pipeline
10 Early Detection and Warning System Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Board." The Pipeline Early Detection and Warning Board
16 established under section 3.

17 "Department." The Department of Community and Economic
18 Development of the Commonwealth.

19 "Early detection and warning system." A pipeline facility

1 monitoring system, including a fiber-optic system, supervisory
2 control and data acquisition (SCADA) system, FLIR camera or
3 other appropriate detection device, providing real-time
4 information on the condition of transmission pipelines and
5 directly linked to local first responders enabling dissemination
6 of a public warning providing information via radio, siren,
7 television and the emergency broadcasting system.

8 "Fund." The Pipeline Early Detection and Warning System Fund
9 established under section 5.

10 "Grant." A grant awarded under section 5(e).

11 "Municipality." A city, borough, incorporated town or
12 township.

13 "Pipeline facility." A new or existing pipeline, right-of-
14 way or any equipment, facility or building used in the
15 transportation of gas, oil or other materials or in the
16 treatment of those products during the course of transportation.

17 "Pipeline operator." A person that:

18 (1) regulates the flow of gas, oil or other materials
19 from pipes into and out of storage tanks;

20 (2) monitors instruments; and

21 (3) communicates with other operators and technicians.

22 "Secretary." The Secretary of Community and Economic
23 Development of the Commonwealth.

24 "Setback." The distance from a wellhead to a certain
25 structure or body of water as provided under 58 Pa.C.S. § 3215
26 (relating to well location restrictions).

27 Section 3. Board.

28 (a) Establishment.--The Pipeline Early Detection and Warning
29 Board is established within the department.

30 (b) Members.--The board shall consist of the following

1 members:

2 (1) The secretary or a designee.

3 (2) The Secretary of Environmental Protection or a
4 designee.

5 (3) The Director of the Pennsylvania Emergency
6 Management Agency or a designee.

7 (4) The Chairman of the Pennsylvania Public Utility
8 Commission or a designee.

9 (5) Two members appointed by the Governor, by and with
10 the advice and consent of the Senate, including:

11 (i) a public official currently holding a municipal
12 office; and

13 (ii) a school superintendent or elected school board
14 member.

15 (6) Five members appointed by the Governor, by and with
16 the advice and consent of the Senate, for a term of six
17 years.

18 (c) Initial appointments.--Within 180 days of the effective
19 date of this section, the Governor shall nominate the members
20 under subsection (b)(6) as follows:

21 (1) Two members to serve a two-year term.

22 (2) Two members to serve a four-year term.

23 (3) One member to serve a six-year term.

24 (d) Qualifications for appointed members.--Each member
25 appointed by the Governor under subsection (b)(6) must meet all
26 of the following requirements:

27 (1) Be a resident of this Commonwealth.

28 (2) Have been a qualified elector in this Commonwealth
29 for a period of at least one year prior to appointment.

30 (3) Be at least 25 years of age.

1 (e) Restrictions on appointed members.--The following apply:

2 (1) No person may be appointed as a member of the board
3 who has within eight years occupied an official relation to
4 an oil, gas or natural gas company or organization, including
5 a trade or lobbying organization.

6 (2) No member of the board may hold an office or
7 position, the duties of which are incompatible with the
8 duties of the board.

9 (f) Expiration of terms.--

10 (1) The Governor shall submit the nomination of a member
11 under subsection (b) (5) or (6) to the Senate no later than 90
12 days prior to the expiration of the term or the effective
13 date of the resignation of the member whom the nominee would
14 replace.

15 (2) A member appointed by the Governor may continue to
16 hold office for a period not to exceed six months beyond the
17 expiration of the member's term if the successor has not been
18 duly appointed and qualified according to law.

19 (3) The Governor may remove an appointed member of the
20 board for cause upon written notice to the board.

21 (g) Chairperson.--The secretary or the secretary's designee
22 shall serve as the chairperson for the board.

23 (h) Quorum.--A majority of the members shall constitute a
24 quorum. No vacancy in the board may impair the right of a quorum
25 of the members to exercise the rights and perform the duties of
26 the board.

27 (i) Meetings.--The board shall meet at least four times a
28 year in Harrisburg and at other times and places as the board
29 shall determine is necessary to conduct board business.

30 (j) Open proceedings.--The proceedings of the board shall be

1 conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7
2 (relating to open meetings).

3 Section 4. Powers and duties of board.

4 The board shall have all of the following powers and duties:

5 (1) To accept and review an application submitted to the
6 board by a municipality for a grant for the cost of
7 installation of an early detection and warning system on the
8 pipeline facility within the municipality.

9 (2) To make a determination on awarding a grant to a
10 municipality that meets the requirements specified by the
11 board for the installation of an early detection and warning
12 system on a pipeline facility within the municipality.

13 (3) To determine the qualifications for and requirements
14 of an application for a grant from the board.

15 (4) To conduct risk assessments of pipeline facilities
16 as provided in section 6.

17 (5) To promulgate regulations to administer and enforce
18 the provisions of this act.

19 Section 5. Pipeline Early Detection and Warning System Fund and
20 fee.

21 (a) Establishment of fund.--The Pipeline Early Detection and
22 Warning System Fund is established within the State Treasury.

23 (b) Fee.--The board shall impose a fee on a pipeline
24 operator within this Commonwealth in accordance with a formula
25 established by the board. The formula shall take into
26 consideration:

27 (1) Size of the pipeline within the municipality.

28 (2) Miles of pipeline.

29 (3) Pressure in the pipeline.

30 (4) Volume of product flowing through the pipeline.

1 (5) Population density within potential impact radii.

2 (6) Setbacks.

3 (7) Report of the pipeline operator on pressure,
4 contents and location of pipes to other pipes in the
5 easement.

6 (c) Collection of fees.--Pipeline construction is prohibited
7 until the fees due under this section are collected. The fees
8 are due at the time the pipeline operator applies for the
9 tariff. The tariff may not be approved until the fees have been
10 collected.

11 (d) Deposit.--The fees collected under subsection (b) shall
12 be deposited into the fund upon first online/in-service date.

13 (e) Grants.--The board shall distribute money from the fund
14 to municipalities meeting the qualifications and application
15 requirements established by the board for a grant.

16 (f) Use of grants.--A municipality having been awarded a
17 grant under subsection (e) shall use the grant to create an
18 early detection and warning system within the municipality.

19 (g) Reporting.--

20 (1) The board shall prepare an annual report on all
21 money in the fund, including a detailed listing of all
22 deposits and expenditures of the fund. The following apply:

23 (i) The board shall submit the report to:

24 (A) The chairperson and minority chairperson of
25 the Appropriations Committee of the Senate.

26 (B) The chairperson and minority chairperson of
27 the Appropriations Committee of the House of
28 Representatives.

29 (ii) The report shall be submitted no later than 90
30 days after the conclusion of each fiscal year in which

1 the board imposes a fee on pipeline operators or approves
2 and disburses grants from the fund.

3 (2) A municipality that receives a grant from the board
4 under subsection (e) shall submit information to the board on
5 a form prepared by the board that specifies the amount of the
6 grant and use of the funds received in the prior calendar
7 year.

8 Section 6. Risk assessments.

9 (a) Risk assessment.--Upon application by a municipality for
10 an early detection and public warning system grant, the board
11 shall conduct a risk assessment on the pipeline facility within
12 the municipality to determine the risk associated with the
13 pipeline to guide the appropriate early detection and warning
14 system for the pipeline facility.

15 (b) Regulations.--Regulations regarding this section shall
16 require the board to do the following:

17 (1) Cooperate with the Federal Government and any public
18 or private agency or entity in implementing plans for
19 pipeline facility disaster prevention, preparation and
20 recovery.

21 (2) Administer a grant program to municipalities for
22 pipeline facility disaster prevention and management.

23 (3) Accept and coordinate assistance provided by Federal
24 agencies in major pipeline facility disasters or emergencies
25 in accordance with the provisions of The Robert T. Stafford
26 Disaster Relief and Emergency Assistance Act (Public Law 93-
27 288, 42 U.S.C. § 5121 et seq.).

28 (c) Reporting.--The board shall submit risk assessment
29 results under subsection (a) to the department, the Pennsylvania
30 Emergency Management Agency, the Pennsylvania Public Utilities

1 Commission and the Department of Environmental Protection.

2 Section 7. Prohibition.

3 A pipeline facility may not operate until a functioning early
4 detection and warning system for the pipeline is in use.

5 Section 8. Appropriation.

6 The sum of \$350,000, or as much thereof as may be necessary,
7 is appropriated to the fund for the fiscal year July 1, 2021, to
8 June 30, 2022, to carry out the provisions of this act.

9 Section 9. Inconsistent repeal.

10 All acts and parts of acts are repealed insofar as they are
11 inconsistent with this act.

12 Section 10. Effective date.

13 This act shall take effect in 60 days.