



Dates of Interest

September 2015

- 8 Comments Due on Operator Qualification [NPRM](#)
- 9-10 PHMSA Risk Modeling [Public Workshop](#)
- 10 PHMSA [Public Meeting](#) on NPMS
- 15-18 [AOPL Annual Business Conference](#), Atlanta, GA
- 14 Comments Due on Excess Flow Valves [NPRM](#)
- 28 Southern Gas Association [Operations and Engineering Fall 2015 Webinar](#)
- 28-10/1 [2015 AGA Fall Committee Meetings](#), Amelia Island, FL. 28-29 Southern Gas Association Pipeline [Safety Management Systems](#), Houston, TX

October 2015

- 12-15 [API Tank, Valve and Piping Conference](#), Las Vegas, NV
- 18-21 [NACE Northern Area Eastern Conference](#), Ottawa, ON, Canada
- 26 Comments Due on [NPMS Information Collection](#)

November 2015

- 19-20 Pipeline Safety Trust [Annual Conference](#), New Orleans



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Pipeline Safety Update

ISSUE NO. 101 – SEPTEMBER 2, 2015

[Susan Olenchuk](#), [James Curry](#), [Keith Coyle](#), [Tyson Kade](#), [Frances Bishop](#), [Barbara Deathe](#)

PHMSA revises proposed Information Collection on National Pipeline Mapping System. PHMSA Rulemakings Update. PHMSA announces public workshop on risk modeling methodologies and public meeting on NPMS. PHMSA posts policy statement on Facility Response Plans. PHMSA announces base grants for state pipeline safety programs. Marie Therese Dominguez confirmed as PHMSA Administrator. PHMSA corrects Final Rule updating regulatory references to technical standards. PHMSA convenes Advisory Committee meetings and a workshop on hazardous liquid integrity verification. Class action lawsuits allege federal securities laws violations following Santa Barbara oil spill. Fifth Circuit Court of Appeals rules that anchoring is not excavation under Louisiana's One-Call Statute. Court approves consent decree relating to 2013 Pegasus Pipeline spill. Center for Biological Diversity petitions PHMSA to inspect pipelines offshore California. Common Ground Alliance releases 2014 DIRT Report. Select updates from the states.

PHMSA Revises Proposed Information Collection on National Pipeline Mapping System

On August 27, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a [Notice of Public Meeting and Request for Comments](#) announcing proposed revisions to a proposed information collection related to the National Pipeline Mapping System (NPMS) that PHMSA intends to submit to the Office of Management & Budget (OMB) for approval. The notice addresses comments received in response to PHMSA's [July 30, 2014](#) proposal to substantially increase the amount of pipeline attribute and operational information that operators of hazardous liquid and gas pipelines and liquefied natural gas (LNG) facilities must submit to PHMSA. In response to comments, PHMSA is proposing to phase in the collection of the new data elements over three years, and will provide certain elements data security. PHMSA will convene a [public meeting](#) on the revised proposal on September 10. Comments are due October 26.

PHMSA is withdrawing proposals to collect information on the following attributes:

- Installation method if pipe crosses a body of water greater than 100-foot wide
- Year of last direct assessment
- Type of leak detection
- Whether a pipe segment is subject to a special permit
- Offshore gas gathering lines
- Average daily throughput
- Locations of refineries and gas processing and treatment plants

PHMSA has modified the information proposed to be collected regarding the following pipeline attributes:

- *Positional accuracy.* PHMSA proposes to require that: (1) hazardous liquid operators submit data with a positional accuracy of plus or minus 50 feet; (2) gas transmission operators submit data with a positional accuracy of plus or minus 50 feet for segments located in a Class 2, 3, or 4 area or within an HCA; or that have one or more buildings intended for human occupancy, an identified site, or a

**Regulations and Code Compliance:
Upcoming PHMSA State Seminars**

PHMSA offers training on gas and hazardous liquid pipeline safety regulations.

More information is available [here](#).

September 2015

- 8-9 Nevada (gas)
- 14-18 New Mexico (gas & liquids)
- 14-18 Texas (gas & liquids)
- 21-25 Mississippi (gas)

October 2015

- 19-23 New England (gas) – hosted by CT, MA, ME, RI, NH, VT
- 20-21 Kansas (gas)
- 26-30 Delaware (gas)

State-Specific Association Meetings

September 2015

- 9-10 [Pennsylvania Public Utility Commission Gas Safety Seminar](#), State College PA
- 14-17 [Alabama Natural Gas Assn 2015 Natural Gas Fall Workshop](#), Athens, AL
- 15-17 [Texas RRC Pipeline Safety Seminar](#), San Antonio, TX
- 22-24 [Illinois Commerce Commission Pipeline Safety Conference for Small Operators](#), Whittington, IL

October 2015

- 19-21 [Louisiana Gas Association 2015 Annual Operations Conference](#), Lafayette, LA
- 20-22 [Virginia Pipeline Safety Conference](#), Virginia Beach, VA
- 22-24 [Illinois Commerce Commission Pipeline Safety Conference for Small Operators](#), Whittington, IL

roadway right-of-way within its potential impact radius; and (3) operators of all other gas pipeline segments submit data with a positional accuracy of plus or minus 100 feet.

- *Seam type*. PHMSA may narrow the scope to gas transmission lines located in Class 3 and 4 areas and in high consequence areas (HCA).
- *Year of installation*. PHMSA has revised its proposal to collect information on the predominant decade of installation.
- *Year and Pressure of Last and Original Pressure Test*. PHMSA proposes to collect information on a pipeline's original and most recent "pressure test," as opposed to "hydrostatic test," to account for alternative testing methodologies available to hazardous liquid operators.

PHMSA will phase in the collection of the following attributes data:

Phase I:

- Nominal pipe diameter
- Wall thickness
- Commodity detail
- Pipe material
- Pipe grade
- Pipe joining method
- Percent of Specified Minimum Yield Strength (SMYS) at annual high operating pressures
- Seam type
- Maximum allowable operating pressure/Maximum operating pressure

- Onshore/offshore designation
- Inline inspection (ILI) capability
- Class location
- Gas HCA segments
- Facility response plan (Part 194) control number
- Abandoned pipelines
- Pump and compressor stations
- Breakout tanks
- LNG attributes

Phase II:

- Decade of Installation

- Hazardous liquid "could affect" HCA segments
- Year of last ILI
- Coated/uncoated and cathodic protection
- Type of coating
- Year and pressure of last pressure test
- Mainline block valves
- Gas storage field location and type of storage

Phase III:

- Positional accuracy
- Year and pressure of original pressure test

PHMSA Rulemakings Update. The tables below summarize the status of PHMSA's rulemakings as reported in the Department of Transportation's (DOT) August [Significant Rulemaking Report](#) and by OMB's Office of Information and Regulatory Affairs (OIRA) in the Spring 2015 [Unified Regulatory Agenda](#). Revised dates appear in **bold**. At the recent Pipeline Advisory Committee meetings, PHMSA officials indicated that it expects to issue significant proposed rules affecting gas transmission and hazardous liquid pipelines at the end of 2015 or early 2016.

Recently Published Rulemakings

Rulemaking	Date Published	Comment Date
NPRM: Plastic Pipe Rule	May 21, 2015	July 31, 2015
NPRM: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Proposed Changes	July 10, 2015	September 8, 2015
NPRM: Expanding the Use of Excess Flow Valves in Gas Distribution Systems to Applications Other than Single-Family Residences	July 15, 2015	September 14, 2015
Final Rule: Pipeline Damage Prevention Programs	July 23, 2015	N/A

Federal Funding Resource Center

Van Ness Feldman continually identifies and provides updates on federal funding opportunities related to energy, environment, natural resources, and public lands, including PHMSA grants.

www.vnf.com/Funding

To sign up for the weekly updates, e-mail vnf@vnf.com with "FFO Subscribe" in the subject line.

To subscribe to the Pipeline Safety Update visit:
www.vnf.com/knowledgecenter.aspx

Pending Notices of Proposed Rulemaking

Rulemaking	Submitted to OMB	DOT Estimated Publication Date	OIRA Estimated Publication Date*
Safety of On-Shore Hazardous Liquid Pipelines	May 1, 2014	September 9, 2015	August 2015
Safety of Gas Transmission Pipelines	April 27, 2015	September 18, 2015	August 2015
Valve Installation and Minimum Rupture Detection Standards	September 5, 2015 (estimated)	January 16, 2015	September 2015

*Under Executive Order (EO) 12866, OMB reviews proposed significant rules to ensure they are consistent with applicable law, the President’s priorities, and the principles set forth in the EO, and to ensure the proposals do not conflict with another agency’s policies or actions. OMB also analyzes the cost-benefit analyses in support of the proposals. While the EO sets out deadlines for OMB evaluation, review periods are often extended.

Other PHMSA Updates

PHMSA announces public workshop on risk modeling methodologies. On September 9-10, PHMSA and the National Association of Pipeline Safety Representatives will convene a [public workshop](#) to address risk modeling methodologies of gas transmission and hazardous liquid pipelines and non-pipeline systems. The workshop will assemble stakeholders to share knowledge and experience on risk modelling within the pipeline industry and other fields, and to discuss how to advance pipeline risk models and practical ways operators can apply them. The workshop will be held in Crystal City, Virginia, and will be webcast. PHMSA’s [Risk Modeling Methodologies docket](#) contains additional information.

PHMSA announces public meeting on NPMS. On September 10, PHMSA will hold a [public meeting](#) to address the revised information collection request relating to the NPMS. The meeting will be held in Crystal City, Virginia and will not be webcast.

PHMSA posts policy statement on Facility Response Plans. PHMSA recently posted to its [eFOIA website](#) a [policy statement](#) on Part 194 Facility Response Plans (FRP). PHMSA’s FRP Policy explains how PHMSA will apply the additional statutory protections for FRPs provided by the 2011 amendments to the Pipeline Safety Laws. The 2011 amendments allow PHMSA to protect from release to the public certain proprietary, security-sensitive, response resource, tactical resource and worst case discharge information contained in FRPs. Some of these provisions provide protections that go beyond the Freedom of Information Act. The FRP Policy includes tables that provide examples of the types of FRP information that PHMSA would and would not typically redact. While the policy is dated June 27, 2014, it was posted online only recently.

PHMSA announces \$54 million in base grants for state pipeline safety programs. On September 1, PHMSA [announced](#) that it is awarding over \$54 million in Pipeline Safety Base grants to 46 states, the District of Columbia and Puerto Rico. Base grants cover up to 80% of state pipeline regulators’ operating costs associated with inspecting intrastate pipelines.

Marie Therese Dominguez confirmed as PHMSA Administrator. On August 5, the Senate [confirmed](#) the appointment of Marie Therese Dominguez to serve as PHMSA Administrator. The Senate also [confirmed](#) former PHMSA Chief Counsel Vanessa Sutherland as Chair of the Chemical Safety Board.

PHMSA issues corrections to Final Rule updating regulatory references to technical standards. On August 6, PHMSA issued [corrections](#) to its January 5 Final Rule entitled "Periodic Updates of Regulatory

**Additional Van Ness Feldman
Publications**

[Electric Reliability Update –
August 28, 2015](#)

[Hydro Newsletter – Vol. 2, Issue
8 – August 31, 2015](#)

[Northwest Land Matters
Update – August 2015](#)

References to Technical Standards and Miscellaneous Amendments.” The corrections include minor editorial changes, and correction of PHMSA’s inadvertent removal of paragraphs (b)(1)-(b)(4) in 49 C.F.R. § 192.153, which governs the design of components fabricated by welding.

PHMSA holds Advisory Committee meetings. On August 25-26, PHMSA convened [joint meetings](#) of the Gas Pipeline Advisory Committee and the Liquid Pipeline Advisory Committee. The two-day meeting addressed numerous topics. Among other things, PHMSA representatives indicated that significant proposed rules on gas transmission, hazardous liquid, and leak detection are expected in late 2015 to early 2016. Presentations are available [here](#).

PHMSA holds public meeting on hazardous liquid integrity verification (HL IVP). On August 27, PHMSA hosted a public [workshop](#) on its HL IVP regulatory initiative, a process for verifying maximum operating pressure and material records of hazardous liquid pipelines when adequate records may not exist. Presenters included PHMSA, pipeline operators, state regulatory partners, and the public. At the meeting, PHMSA stated that it expects to provide additional information on HL IVP in 2016. Presentations are available [here](#).

Litigation Updates

Class action lawsuits alleging violations of federal securities laws filed following Santa Barbara oil pipeline spill. On August 14 and August 20, shareholders of Plains All American Pipeline, L.P. (Plains) filed separate class action lawsuits in United States district courts in [California](#) and [Texas](#) against Plains and its officers and directors alleging violations of federal securities laws. The complaints allege that Plains’ reports to the Securities and Exchange Commission contained materially false and misleading statements regarding the company’s compliance with federal pipeline safety laws and regulations and that these statements deceived the investing public and caused the plaintiffs and other members of the class to purchase Plains’ securities at artificially inflated prices. The complainants allege that they suffered economic loss when the price of the company’s securities dropped following the May 19 oil pipeline rupture in Santa Barbara.

Fifth Circuit Court of Appeals rules that anchoring is not excavation under Louisiana’s One-Call Statute. On August 12, the Fifth Circuit Court of Appeals [ruled](#) that anchoring does not constitute excavation under Louisiana’s One-Call Statute. The litigation arose when a dredging company struck an underwater pipeline when anchoring the dredge to the seabed. The owner and operator of the pipeline argued that the dredging company negligently failed to provide notification under the Louisiana One-Call Statute before anchoring the dredge.

Court approves consent decree relating to 2013 Pegasus Pipeline spill. On August 12, the United States District Court for the Eastern District of Arkansas approved a [Consent Decree](#) relating to the March 2013 rupture of the Pegasus Pipeline in Mayflower, Arkansas, which discharged approximately 3,190 barrels of crude oil. Under the Consent Decree, the pipeline operator will pay nearly \$3.2 million in federal civil penalties to the Oil Spill Liability Trust Fund for violations of the Clean Water Act; \$1 million to the State of Arkansas; \$600,000 for a water quality improvement project at Lake Conway; and \$280,000 for Arkansas’ litigation costs. The Consent Decree also requires that the operator treat a portion of the pipeline as “susceptible to longitudinal seam failure” for pipeline safety purposes; provide spill response training to first responders; comply with PHMSA’s April 2, 2013 Corrective Action Order; perform a hydrostatic pressure test with a spike test; and analyze previous ILI summaries for anomalies indicating long-seam failure prior to restarting the ruptured segment.

Industry Updates

Center for Biological Diversity petitions PHMSA to inspect pipelines offshore California. On August 6, the Center for Biological Diversity (Center) [petitioned](#) PHMSA and the Bureau of Safety and Environmental Enforcement (BSEE) to inspect all offshore pipelines located in California state waters and on the Pacific Outer Continental Shelf. The Center asserts that over 200 miles of pipelines are located offshore

California and that inspections are needed to ensure that corrosion or other damage is discovered and repaired before another pipeline rupture similar to the May 19 pipeline rupture in Santa Barbara occurs.

Common Ground Alliance releases 2014 DIRT Report. On August 11, the Common Ground Alliance (CGA) released its 2014 Damage Information Reporting Tool (DIRT) [Report](#). The DIRT Report analyzes data from industry stakeholders regarding facility events that led to downtime, damages, or near misses. The report highlights an increase in damages and the number of events submitted from 2013 to 2014, but notes that the number of incoming locate requests increased, while the damages per ticket rate decreased. The report also observes that: (1) the most common root cause of excavation damage in 2013 was insufficient excavation practices; (2) submitting locate requests is the most effective means of preventing excavation damage; (3) use of backhoes and trackhoes during sewer and water line excavation caused the highest number of damage incidents; and (4) natural gas and telecommunications industries continued to experience the most damage-related service interruptions. The report also concludes that active enforcement tends to reduce the rate of damage.

Select State Regulatory and Legislative Updates

(New items are marked with an “*”; updated information appears in italics)

CALIFORNIA

**CPUC initiates investigation of PG&E’s safety culture.* On August 27, the California Public Utilities Commission (CPUC) [initiated](#) a formal investigation into Pacific Gas and Electric’s (PG&E) safety culture.

The CPUC’s Safety and Enforcement Division will retain an independent expert consultant to assist in the evaluation of PG&E’s organizational culture, governance, policies, practices, and accountability metrics in comparison to its operational record. PG&E would reimburse the CPUC for the expert consultant expenses, up to \$2 million.

[SB 295](#) (Jackson): This bill would authorize the State Fire Marshal to enter into an agreement with PHMSA to exercise safety regulatory jurisdiction over those portions of interstate pipelines located within the state. *On August 18, the bill was amended to remove hydrostatic testing requirements for pipelines over ten years of age or deemed high risk. On August 19, the bill was further amended to prohibit the State Fire Marshal from becoming an interstate inspection agent unless PHMSA transfers all regulatory and enforcement authority over the specified interstate pipelines to the State Fire Marshal. The bill was passed by the Senate Committee on Appropriations on August 28 and ordered to a third reading.*

[AB 1420](#) (Salas): This bill, as amended, would require the Division of Oil, Gas and Geothermal Resources (Division) to: (1) require a mechanical integrity test every 2 years for all active gas pipelines within sensitive areas; (2) require a local health officer that has been notified of a leak in an active gas pipeline within a sensitive area to take certain actions related to the leak, including directing the operator to notify residents affected by the leak; and (3) require pipelines subject to the Division’s jurisdiction to notify the Division and appropriate local health officer after discovering a leak, and to reimburse the local health officer for costs incurred as a result of a leak. *On August 18, the bill was amended to require the party responsible for a leak to provide relocation assistance to residents, and to provide that relocation assistance and reimbursement for local health officer expenses does not relieve the responsible party from liability for damages. The Senate Committee on Appropriations passed the bill on August 31.*

[SB 681](#) (Hill): As initially proposed, this bill would have amended the Revenue and Taxation Code to prevent PG&E from claiming a tax deduction for safety expenditures and investigation reimbursement costs ordered by the CPUC as part of the \$1.6 billion penalty relating to the 2010 San Bruno pipeline explosion. On July 16, this bill was passed by the Committee on Governance and Finance and re-referred to the Committee on Appropriations. *On August 31, the Senate amended the bill to state that a government-imposed fine or similar penalty imposed for the violation of any law is not an ordinary and necessary business expense and cannot be claimed as a tax deduction. The bill was further amended to*

prohibit any gas corporation from claiming a tax deduction for expenses or expenditures identified by the CPUC in a decision penalizing the gas corporation for a natural gas safety violation.

[AB 864](#) (Williams and Burke): This bill would require that operators of pipelines located in environmentally and ecologically sensitive areas in state waters or on the coasts to use the best achievable technologies, including leak detection technology, automatic shutoff valves, or remote-controlled sectionalizing block valves, to reduce the amount of oil spilled during an event. Operators of such pipelines also would be required to submit for approval oil spill contingency plans. *On August 17, the Senate amended the bill to apply to interstate pipelines near environmentally and ecologically sensitive areas, and to require, by July 1, 2018, any new or replacement pipeline near such areas in the coastal zone to use best achievable technologies to reduce the amount of oil released in an oil spill to protect state waters and wildlife. Failure to do so would constitute a crime. On August 31 the Senate Appropriations Committee passed the bill.*

[SB 119](#) (Hill): This bill proposes numerous modifications to California's One-Call laws. Of note, the proposed legislation would: (1) create the California Underground Facilities Safe Excavation Advisory Committee to coordinate education and outreach, develop standards, and conduct compliance audits, to be funded by the Safe Energy Infrastructure and Excavation Fund; (2) modify the one-call exemption for owners of real property to exempt only owners of residential real property using hand tools not requiring a permit; and (3) authorize the CPUC and the Office of the State Fire Marshal to enforce certain requirements against operators of natural gas and hazardous liquid pipelines. The bill would impose a duty of reasonable care to prevent excavation damage when hand tools and certain other activities are permitted. *On July 14, the Assembly Committee on the Judiciary passed the bill and referred it to the Committee on Appropriations. On August 31, the Assembly Committee on Appropriations amended the bill to require the advisory committee, by December 31, 2017, to make recommendations for long term treatment of agricultural activities in relation to subsurface excavation.*

MAINE

On March 31, the Maine Public Utilities Commission (MPUC) [proposed](#) to amend its gas pipeline safety regulations, in pertinent part, to: (1) require gas utilities installing natural gas facilities with trenchless technology to implement, as part of their public awareness programs, a stakeholder outreach campaign specific to the use of this technology; (2) require operators to include new construction tasks as covered tasks in their operator qualification programs; (3) include a utility accommodation policy that requires gas utilities to make appropriate accommodations, including temporary removal or relocation of facilities, to ensure safety when another utility performs excavation in proximity to a gas line in order to access an adjacent utility facility; (4) require tracking of components and materials used in the installation and maintenance of mains and service lines; and (5) require documents filed with the MPUC pertaining to pipeline integrity to be signed by a Maine-licensed professional engineer. Comments were filed May 20.

MICHIGAN

[HB 4540](#) (Heise): This bill would amend Michigan's Freedom of Information Act to exempt from disclosure critical energy infrastructure information, such as specific engineering, vulnerability, or detailed design information, that: (1) relates details about the production, generation, transportation, transmission, or distribution of fuel or energy; (2) could be useful to a person in planning an attack; and (3) provides more than the general location of critical infrastructure. The bill would exempt information regarding both existing and proposed infrastructure. The bill was introduced and referred to the Committee on Oversight and Ethics on May 5.

MISSOURI

On June 3, the Missouri Public Service Commission issued an [Order](#) opening a proceeding to revise the state's gas pipeline safety rules to make them consistent with federal rules. The Commission staff will solicit input from interested stakeholders and the public is invited to submit comments.

NEW JERSEY

[AR 258](#) (Dancer): This Assembly Resolution affirms the importance of modernizing and replacing aging cast iron and unprotected steel natural gas pipelines in New Jersey to ensure public safety, improve reliability, and foster economic growth and job creation. The resolution was introduced and referred to the Assembly Committee on Telecommunications and Utilities on June 29.

[A 4658](#) (Muio): This bill would require that public utility employees immediately call 911 to report emergencies resulting from work they perform. This bill also would require public utilities to implement a training program to ensure that employees are knowledgeable with regard to roles and responsibilities, locating natural gas pipelines and identifying leaks, and the importance of local emergency response assistance. Violations could result in fines of up to \$20,000. This bill was introduced and referred to the Assembly Committee on Telecommunications and Utilities on June 29.

[A 2711](#) (Handlin): This bill proposes to create the New Jersey Taskforce on Underground Utility Lines for the purpose of studying issues related to placing overhead utilities underground. The bill was referred to the Assembly Committee on Telecommunications and Utilities on February 24, 2014.

[S 2422](#) (Greenstein & Bateman): This bill would require natural gas pipeline utilities to repair or replace leaking natural gas pipelines within time frames to be established by the Department of Environmental Protection (DEP). In consultation with the Board of Public Utilities, the DEP would adopt regulations to prioritize time frames for repair and replacement of pipelines based on the severity of leaks, best practices and repair standards, and de minimis exceptions to repair and replacement requirements. The penalties for noncompliance would be those set forth in the Air Pollution Control Act. The bill was referred to the Senate Economic Growth Committee on September 18, 2014.

[A 4260](#) (Eustace): This bill is the Assembly version of S 2422, currently pending in the Senate. The Assembly bill was introduced and referred to the Telecommunications and Utilities Committee on March 2.

NEW YORK

[AB 7965](#) (Rodriguez): This bill would amend the Public Service Law to require gas corporations to file with the New York Public Service Commission (NYPSC) a plan addressing aging and leak-prone pipelines. Plans must: (1) prioritize the replacement of cast and wrought iron pipeline; (2) include completion timelines; and (3) establish workforce development plans to train and increase the number of laborers qualified to repair and replace leak-prone pipe. Gas corporations also would be required to file an annual summary documenting projects completed within the previous year. If approved by the NYPSC, gas corporations would be able to recover infrastructure replacement costs up to 1.5 percent of annual revenue. The bill was introduced and referred to the Committee on Appropriations, Authorities, and Commissions on June 2.

[AB 5083](#) (Paulin): This bill would amend the Public Service Law to require that the Department of Public Service establish a uniform system for classifying gas leaks and develop implementing regulations. Gas Companies would be required to annually report the location, classification, date, and date of repair of leaks. The NYPSC would be required to determine whether New York should require winter surveillance of cast or ductile iron pipelines. The bill was referred to the Corporations, Authorities, and Commissions Committee on February 12. The Assembly amended the bill on June 12, and passed and sent the bill to the Senate on June 19. The Senate referred the bill to the Rules Committee.

[SB 5206](#) (Griffo): This bill is the Senate version of AB 5083. The bill would establish reporting requirements for various classifications of gas leaks by utility corporations. The bill was amended on June 14 and re-referred to the same committee.

[AB 730](#) (Lentol): This bill would require that the Department of Environmental Conservation would require applicants for issuance or renewal of a major facility license to demonstrate they have implemented state and federal regulations for prompt detection of petroleum discharges from tanks and

connecting pipelines, including installation of proper detection equipment. The bill was introduced and referred to the Standing Committee on Environmental Conservation on January 7.

[AB 2547](#) (Rodriguez): This bill would require operators of gas distribution and gas utility facilities to accelerate the repair, rehabilitation, and replacement of pipeline or equipment that is leaking, may pose a high risk of leaks, or may no longer be fit for service. The bill also would require the NYPSC to adopt a cost recovery program, develop timelines prioritizing the repair of all leaks based on severity, require the use of best available technologies to detect gas leaks, adopt standard methodology for calculating and reporting lost and unaccounted for (LAUF) gas, and adopt limits on cost recovery for LAUF gas. The bill was referred to the Energy Committee on January 16.

[AB 2648](#) (Pretlow): This bill would amend the Public Service Law to define “excavation” as including the use of hand tools, and would require excavators to request mark outs for excavation using hand tools through the One-Call notification system. Agricultural tilling, routine residential or right-of-way maintenance, and landscaping activities are exempt, provided the activity is performed with non-powered equipment. The bill also would amend the definition of “underground facilities” to include all facilities that an operator uses to provide “services or materials,” regardless of whether the operator installed the facility. The bill was referred to the Corporations, Authorities, and Commissions Committee on January 20.

[AB 2777](#) (Brennan): This bill would require gas corporations to file an annual gas safety report with the Department of Public Service. The report would include a description of the strategic planning and decision-making methodology employed in prioritizing pipeline replacement projects, the corporation’s operations and maintenance activities relating to gas safety, the corporation’s intrastate inspections policies, and a list of pipeline replacement projects. The Department must report deficiencies in the gas corporation’s project prioritization or administration of pipeline infrastructure to the Public Service Commission, which could order reasonable improvements. This bill was referred to the Corporations, Authorities, and Commissions Committee on January 20. On March 24, the bill was passed by the Assembly and referred to the Senate Committee on Corporations, Authorities, and Commissions.

[SB 5811](#) (Perkins): This bill is the Senate version of AB 2777, and would require gas corporations to file an annual gas safety report with the Department of Public Service. On June 4, the bill was referred to the Senate Committee on Energy and Telecommunications.

NORTH DAKOTA

On November 10, 2014, the North Dakota Public Service Commission (NDPSC) issued a notice that it is proposing to amend its pipeline safety regulations to include PHMSA’s gas and hazardous liquid safety regulatory requirements adopted through November 6, 2014, and on January 7, issued an [Order](#) submitting the [proposed rules](#) to the Attorney General. The Order notes that, although the NDPSC has the authority to regulate the safety of the state’s hazardous liquid pipelines, it currently does not have a certified hazardous liquid safety program with PHMSA. The proposed rules were published in the April 2015 North Dakota Administrative Code Supplement 356.

OREGON

[HB 3410](#) (Helm): This bill would establish a nine-member Task Force on Secure Pipelines to study and report on state and federal safety standards, new technologies for safer pipeline transportation of petroleum, natural gas, and other flammable substances, costs related to such technologies, and incentives to encourage the use of such technologies to construct or retrofit pipelines and related facilities. The Task Force would be required to report its findings by September 15, 2016. The bill was referred to the Committee on Energy and Environment on March 6, with a subsequent referral to the Joint Committee on Ways and Means.

PENNSYLVANIA

[SB 561](#) (Rafferty): This bill would amend the Gas and Hazardous Liquids Act to replace the Pennsylvania Public Utility Commission with the Department of Transportation of the Commonwealth as the entity with safety jurisdiction over pipelines. The bill also would require the newly created Department to seek certification from PHMSA to enforce pipeline safety requirements for intrastate gas and hazardous liquid pipelines, and to act as an interstate inspection agent on behalf of PHMSA. The bill was referred to the Consumer Protection and Professional Licensure Committee on March 6.

[HB 445](#) (Baker): This bill would amend the Underground Utility Line Protection Law to (1) impose additional duties on facility owners, including submitting reports of alleged excavation damage violations, (2) establish an annual fee for excavators requesting information from the One Call System, and (3) create a Damage Prevention Committee to review reports of alleged violations and issue informal determinations imposing administrative penalties. The bill was referred to the Consumer Affairs Committee on February 11.

[SB 418](#): This bill would amend the Underground Utility Protection Law to require the exclusive use of steel products produced in the United States for the construction, alteration, repair, improvement, and maintenance of gathering lines. The bill was referred to the Consumer Protection and Professional Licensure Committee on February 12.

[SB 367](#) (White): This bill would amend the definition of "line" and "facility" in the Underground Utility Protection Law to include gathering lines used to gather natural gas from unconventional gas wells. The effect of this legislation is to make these lines in Pennsylvania subject to the state's One-Call system. This bill was referred to the Consumer Protection and Professional Licensure Committee on January 30.

TEXAS

**Texas Railroad Commission to co-host pipeline safety seminar with PHMSA.* On September 15-17, The Texas Railroad Commission and PHMSA will co-host a Pipeline Safety Training and Qualification Seminar in San Antonio, Texas. Registration and additional information is available [here](#).

FOR MORE INFORMATION

Van Ness Feldman counsels clients on pipeline safety compliance, enforcement, and litigation under the Pipeline Safety Laws and Regulations and related statutes. If you are interested in additional information regarding pipeline safety matters or any PHMSA or pipeline related matter, please contact [Susan Olenchuk](#) at (202) 298-1896 or sam@vnf.com, [Jim Curry](#) at (202) 298-1831 or jbc@vnf.com, [Keith Coyle](#), at (202) 298-1811 or kjc@vnf.com, or any member of the firm's Pipeline & LNG practice group.

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