
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 425 Session of
2023

INTRODUCED BY HOWARD, SANCHEZ, KINSEY, GUENST, MADDEN, RABB,
HILL-EVANS, FLEMING, FREEMAN, OTTEN, D. WILLIAMS AND O'MARA,
MARCH 15, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, MARCH 15, 2023

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in service and facilities, providing
3 for pipeline safety.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 15 of Title 66 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER C

9 PIPELINE SAFETY

10 Sec.

11 1541. Definitions.

12 1542. Pipeline leak detection technology.

13 1543. Pipeline incident notification and reporting.

14 1544. Pipeline hydrostatic testing notification.

15 § 1541. Definitions.

16 The following words and phrases when used in this subchapter

17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Commercially navigable waterway." A waterway where a
3 substantial likelihood of commercial navigation exists.

4 "Gas." As defined in 49 CFR 192.3 (relating to definitions).

5 "Hazardous liquid." As defined in 49 CFR 195.2 (relating to
6 definitions).

7 "Hazardous liquid high consequence area." An area that is:

8 (1) A commercially navigable waterway.

9 (2) A high population area.

10 (3) An other populated area.

11 (4) An unusually sensitive area.

12 "High consequence area." As defined in 49 CFR 192.903
13 (relating to what definitions apply to this subpart?).

14 "High population area." An urbanized area, as defined and
15 delineated by the United States Census Bureau, that contains
16 50,000 or more people and has a population density of at least
17 1,000 people per square mile.

18 "Other populated area." A place, as defined and delineated
19 by the United States Census Bureau, that contains a concentrated
20 population, such as an incorporated or unincorporated city,
21 town, village or other designated residential or commercial
22 area.

23 "Reportable incident." The following:

24 (1) A release of gas from the facilities of a public
25 utility that results in a reportable incident under 49 CFR
26 191.5 (relating to immediate notice of certain incidents).

27 (2) A release of hazardous liquids from the facilities
28 of a public utility that results in a reportable accident
29 under 49 CFR 195.52 (relating to immediate notice of certain
30 accidents).

1 (3) An occurrence of an unusual nature that is a
2 physical or cyber attack, including attempts against cyber
3 security measures as defined in 52 Pa. Code Ch. 101 (relating
4 to public utility preparedness through self certification)
5 which causes an interruption of service or over \$50,000 in
6 damages, or both.

7 "Transmission." The transportation, other than gathering, of
8 gas through a transmission line as the term is defined in 49 CFR
9 192.3 or of hazardous liquids through a pipeline as the term is
10 defined in 49 CFR 195.2.

11 "Unusually sensitive area." As defined in 49 CFR 195.6
12 (relating to unusually sensitive areas (USAs)). The term
13 includes Class 1b aquifers, a lithology of which includes
14 limestone, dolomite and locally, evaporitic units that contain
15 documented karst features or solution channels, regardless of
16 size.

17 § 1542. Pipeline leak detection technology.

18 (a) New or replacement pipelines.--By January 1, 2025, all
19 new or replacement facilities of a public utility engaged in the
20 transmission of gas located near a high consequence area or
21 engaged in the transmission of hazardous liquids located near a
22 hazardous liquid high consequence area shall have the best
23 available leak detection technology installed, based on a risk
24 analysis conducted by the public utility and approved by the
25 commission to reduce the threat of gas or hazardous liquid leaks
26 to the public.

27 (b) Existing pipelines.--By July 1, 2025, all existing
28 facilities of a public utility engaged in the transmission of
29 gas located in a gas high consequence area or engaged in the
30 transmission of hazardous liquids located in a hazardous liquid

1 high consequence area shall submit a plan to retrofit and
2 install, by January 1, 2027, the best available leak detection
3 technology based on a risk analysis conducted by the public
4 utility and approved by the commission to reduce the risk of gas
5 or hazardous liquid leaks to the public.

6 (c) Duties of commission.--The commission shall adopt
7 regulations to implement this section. The commission may
8 consult with the Department of Environmental Protection or any
9 other agency necessary in developing the regulations. The
10 regulations shall address, at a minimum, the following:

11 (1) The process by which public utilities shall submit
12 risk analyses and plans prepared under subsections (a) and
13 (b) for the commission's approval and how the commission will
14 assess the adequacy of any risk analysis or plan.

15 (2) A determination of how near to a gas high
16 consequence area or hazardous liquids high consequence area
17 the facilities of the public utility must be in order to be
18 subject to the requirements of this section based on the
19 likelihood of the facilities impacting those areas.

20 (3) A determination of what constitutes the best
21 available leak detection technology required under this
22 section, which shall include consideration of technologies,
23 including technologies currently in use, that provide the
24 most immediate detection and notification of an impact or
25 leak along a pipeline, swift detection of any abnormal
26 stress, movement or temperature conditions that are present
27 and the greatest degree of accuracy in pinpointing the
28 precise location of an impact or leak.

29 § 1543. Pipeline incident notification and reporting.

30 (a) Commission notification.--A public utility operating

1 facilities for the transmission of gas or hazardous liquids
2 shall notify the commission:

3 (1) Immediately following the discovery of a reportable
4 incident.

5 (2) Within 24 hours of an emergency situation, including
6 emergency shutdowns, material defects or physical damage that
7 impairs the serviceability of the facilities and is not a
8 reportable incident.

9 (b) Local organization notification.--In the event a
10 reportable incident poses an immediate health or safety risk to
11 the public, a public utility operating facilities for the
12 transmission of gas or hazardous liquids shall notify by
13 electronic data transmission, or by telephone if electronic data
14 transmission is not available or practicable, a local emergency
15 management organization for any area likely to be affected by
16 the incident:

17 (1) Immediately following the discovery of a reportable
18 incident.

19 (2) Within 24 hours of an emergency situation, including
20 emergency shutdowns, material defects or physical damage that
21 impairs the serviceability of the facilities and is not a
22 reportable incident.

23 (c) Means of commission notification.--The commission shall
24 establish, by regulation or order, the appropriate means of
25 communication for a notification required under subsection (a).

26 (d) Contents of notification.--The notification required
27 under this section shall include all of the following:

28 (1) The name of the public utility, name of the person
29 making the report and name, address and telephone number of
30 the person or persons representing the public utility to be

1 contacted for further information.

2 (2) A general description of the incident, including the
3 date, time and location.

4 (3) The extent of injuries and damage, including the
5 number of fatalities and personal injuries, if any.

6 (4) The initial estimate of the quantity of product
7 released, if applicable.

8 (5) All other significant facts that are known by the
9 public utility that are relevant to the cause of the incident
10 or extent of the damages.

11 (6) Any immediate health or safety risks to the public
12 associated with the emergency that are known or anticipated
13 by the public utility and, where appropriate, advice
14 regarding necessary medical attention and proper precautions
15 for exposed individuals.

16 (7) For commission notification required under
17 subsection (a), any other information required by the
18 commission.

19 (e) Written reports.--Within 30 days of the notification
20 under this section, the public utility shall file a written
21 report with the commission in a form and manner prescribed by
22 the commission that includes all of the following:

23 (1) The name of the public utility, name of the person
24 making the report and name, address and telephone number of
25 the person or persons representing the public utility to be
26 contacted for further information.

27 (2) A general description of the incident, including the
28 date, time and location.

29 (3) The extent of injuries and damage, including the
30 number of fatalities and personal injuries, if any.

1 (4) The initial estimate of the quantity of product
2 released, if applicable.

3 (5) All other significant facts that are known by the
4 public utility that are relevant to the cause of the incident
5 or extent of the damages.

6 (6) Any immediate health or safety risks to the public
7 associated with the emergency that are known or anticipated
8 by the public utility and, where appropriate, advice
9 regarding necessary medical attention and proper precautions
10 for exposed individuals.

11 (7) The date, time and type of any repair or corrective
12 action taken before the written report is filed and any
13 planned follow-up or future corrective action, including the
14 anticipated schedule for starting and concluding the
15 corrective action.

16 (8) Any other information required by the commission.
17 § 1544. Pipeline hydrostatic testing notification.

18 (a) Commission notification.--At least three working days
19 prior to the date on which a public utility begins conducting
20 hydrostatic pressure testing of a pipeline, the public utility
21 operating facilities for the transmission of gas or hazardous
22 liquids shall notify the commission. The commission shall
23 establish, by regulation or order, the appropriate means of
24 communication for the notification.

25 (b) Local organization notification.--At least three working
26 days prior to the date on which a public utility begins
27 conducting hydrostatic pressure testing of a pipeline, the
28 public utility operating facilities for the transmission of gas
29 or hazardous liquids shall notify, by electronic data
30 transmission or by telephone if electronic data transmission is

1 not available or practicable, a local emergency management
2 organization for any area in which the hydrostatic testing is to
3 be conducted.

4 (c) Contents of notification.--The notification required
5 under this section shall include all of the following:

6 (1) The name of the public utility and the name, address
7 and telephone number of the person or persons representing
8 the public utility to be contacted for further information
9 regarding the hydrostatic pressure testing and in the event
10 of a leak during testing.

11 (2) The name and contact information of any hydrostatic
12 test company used.

13 (3) The specific location of the pipeline segment to be
14 hydrostatically tested and the location of the test
15 equipment.

16 (4) The date and time the hydrostatic test is to be
17 conducted and the test duration.

18 (5) The test medium to be used.

19 Section 2. This act shall take effect in 60 days.