

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 137 Session of  
1991

INTRODUCED BY PESCI, DERMODY, ANGSTADT, PITTS, SALOOM,  
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REBER, STEELMAN, DALEY, BILLOW, OLASZ, COLAFELLA, FOX,  
PISTELLA, BISHOP AND KRUSZEWSKI, JANUARY 29, 1991

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 29, 1991

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, regulating pipelines; establishing the  
3 Pipeline Safety Bureau; providing penalties; and requiring  
4 registration.

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

7 Section 1. Title 66 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 26

10 PIPELINE SAFETY

11 Sec.

12 2601. Definitions.

13 2602. Pipeline Safety Bureau.

14 2603. Duties of bureau.

15 2604. Penalties and enforcement powers.

16 § 2601. Definitions.

17 The following words and phrases when used in this chapter  
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Bureau." The Pipeline Safety Bureau established under this  
3 chapter.

4 "Gas." Natural gas, flammable gas or gas which is toxic or  
5 corrosive.

6 "Owner, operator or lessee." A person owning, operating or  
7 leasing a pipeline facility or any part thereof.

8 "Person." An individual, firm, joint venture, partnership,  
9 corporation, association, municipality, cooperative association  
10 or joint stock association. The term includes any trustee,  
11 receiver, assignee or personal representative thereof.

12 "Pipeline facilities." Includes, without limitation, new and  
13 existing pipe, rights-of-way and any equipment, facility or  
14 building used in the transportation of gas or the treatment of  
15 gas during the course of transportation.

16 "Pipeline failure." Includes, without limitation, any  
17 unintended leakage of gas at any point in a pipeline facility  
18 during or after construction.

19 "Transmission facilities." Includes, without limitation, any  
20 pipeline facilities that operate at 20% or more of specified  
21 minimum yield strength, or that are used to convey gas into or  
22 out of storage.

23 "Transportation of gas." The gathering, transmission or  
24 distribution of gas by pipeline, or its storage.

25 § 2602. Pipeline Safety Bureau.

26 (a) Creation.--There is established the Pipeline Safety  
27 Bureau within the Pennsylvania Public Utility Commission. This  
28 bureau shall regulate pipeline facilities in order to ensure the  
29 public safety, and shall perform the duties specified in section  
30 2603 (relating to duties of bureau).

1 (b) Director.--The Governor shall appoint a director of the  
2 bureau for a term of six years. The director may be reappointed  
3 for an unlimited number of additional terms.

4 (c) Staff.--The director of the bureau may employ staff and  
5 hire consultants as he deems appropriate to carry out the duties  
6 of the bureau.

7 § 2603. Duties of bureau.

8 The bureau shall:

9 (1) Gather complete information as to the date and scope  
10 of last inspection, age, length and location of all pipeline  
11 facilities in Pennsylvania.

12 (2) Gather and evaluate data on pipeline failures.

13 (3) Establish, within three months of the date on which  
14 this act becomes effective, interim inspection requirements  
15 for all pipeline facilities in Pennsylvania and set standards  
16 as to the time frequency and distance frequency of  
17 inspection.

18 (4) Establish comprehensive requirements and standards  
19 for the safe operation of pipeline facilities as soon as  
20 practicable.

21 (5) Administer the Federal gas pipeline safety standards  
22 developed under the authority of the Natural Gas Pipeline  
23 Safety Act of 1968 (Public Law 90-481, 49 U.S.C. § 1671 et  
24 seq.), as amended.

25 (6) Require owners, operators or lessees to report to  
26 the bureau whatever information the bureau may request to  
27 promote pipeline safety.

28 (7) Consistent with standards established under  
29 paragraph (3), perform inspections and require owners,  
30 operators or lessees to remedy conditions in pipeline

1 facilities which the bureau determines to be hazardous.

2 (8) Designate as restricted areas locations in this  
3 Commonwealth where large numbers of people gather regularly  
4 and:

5 (i) prohibit the routing of all transmission  
6 facilities within 1,000 feet of any area so designated;  
7 and

8 (ii) require the installation of automatic gas  
9 leakage-detection equipment that will detect any failure  
10 along the entire pipeline facility and on all pipeline  
11 facilities within 1,000 feet of any area so designated.

12 (9) Require marking of all pipeline facilities in this  
13 Commonwealth in such a way that a reasonably prudent person  
14 would see the marking and comprehend its significance from  
15 any point along the right-of-way of the pipeline facility.

16 (10) Require persons engaged in building, contracting,  
17 drilling or excavating to locate the precise position of  
18 pipeline facilities in the vicinity of their operations prior  
19 to the commencement of these operations.

20 (11) Initiate research into the development of automatic  
21 shutoff valves and improved leakage-warning devices which  
22 will operate in case of pipeline failure, and undertake other  
23 research as is necessary and appropriate to carry out its  
24 duties.

25 (12) Initiate a public education program concerning the  
26 actions that individuals should take during an emergency due  
27 to a pipeline failure.

28 § 2604. Penalties and enforcement powers.

29 (a) Civil fines.--The bureau may impose civil fines on  
30 owners, operators or lessees who violate the provisions of

1 section 2603 (relating to duties of bureau) or who willfully  
2 misrepresent the results of inspections of pipeline facilities.  
3 The fines imposed shall be up to \$1,000 per day for each  
4 requirements or standards violation and up to \$10,000 for each  
5 willful misrepresentation. These fines shall be in addition to  
6 other sanctions or liabilities the owners, operators or lessees  
7 shall incur as a result of their actions.

8 (b) Strict liability.--Owners, operators and lessees shall  
9 be strictly liable for all damages associated with pipeline  
10 failures.

11 (c) Cease and desist orders.--The bureau may issue cease and  
12 desist orders against owners, operators and lessees whose  
13 pipeline facilities fail to meet the provisions of section 2603.

14 (d) Registration fee.--The commission shall establish  
15 registration fees for pipeline owners, operators and lessees  
16 which shall be used to fund the operation of the bureau. Owners,  
17 operators and lessees of pipelines in this Commonwealth shall  
18 register with the commission annually.

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