
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 284 Session of
2019

INTRODUCED BY KILLION, K. WARD, YUDICHAK, BREWSTER, LEACH AND
TARTAGLIONE, JUNE 17, 2019

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 17, 2019

AN ACT

1 Amending the act of November 29, 2006 (P.L.1435, No.156),
2 entitled "An act relating to confidential security
3 information of public utilities; and imposing penalties,"
4 further providing for definitions; providing for pipeline
5 operation and emergency response plans; and further providing
6 for prohibition.

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

9 Section 1. Section 2 of the act of November 29, 2006
10 (P.L.1435, No.156), known as the Public Utility Confidential
11 Security Information Disclosure Protection Act, is amended by
12 adding definitions to read:

13 Section 2. Definitions.

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

17 * * *

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

19 "Hazardous liquid." As defined in 49 CFR 195.2 (relating to

1 definitions).

2 * * *

3 "Transmission." The transportation, other than gathering, of
4 gas through a transmission line as that term is defined in 49
5 CFR 192.3 or of hazardous liquids through a pipeline as that
6 term is defined in 49 CFR 195.2.

7 * * *

8 Section 2. The act is amended by adding a section to read:

9 Section 4.1. Pipeline operation and emergency response plans.

10 (a) General rule.--A public utility operating facilities for
11 the transmission of gas or hazardous liquids which provides an
12 operation and emergency response plan containing confidential
13 security information to the Pennsylvania Public Utility
14 Commission under section 4 shall maintain a complete, accurate
15 and up-to-date version of the operation and emergency response
16 plan on file with the Pennsylvania Public Utility Commission.

17 (b) Definition.--As used in this section, the term
18 "operation and emergency response plan" means the information
19 required under 49 CFR 195.402 (relating to procedural manual for
20 operations, maintenance, and emergencies) and an emergency plan
21 as provided under 49 CFR 192.615 (relating to emergency plans).

22 Section 3. Section 5(b) of the act is amended and the
23 section is amended by adding a subsection to read:

24 Section 5. Prohibition.

25 * * *

26 (b) Exception.--Notwithstanding subsection (a), [an] the
27 following shall apply:

28 (1) An agency may, after notification and consultation
29 with the public utility, disclose a public utility record or
30 portion thereof which contains confidential security

1 information, in accordance with the provisions of this act,
2 that is necessary for construction, renovation or remodeling
3 work on any public building or project. Release or disclosure
4 of such records or portions thereof for these purposes does
5 not constitute prohibited disclosure under subsection (a) and
6 does not result in such records or portions thereof becoming
7 public records subject to the provisions of the act of June
8 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know
9 Law.

10 (2) The Pennsylvania Public Utility Commission may,
11 after notification and consultation with a public utility
12 operating facilities for the transmission of gas or hazardous
13 liquids, disclose an operation and emergency response plan or
14 portion thereof which contains confidential security
15 information, in accordance with the provisions of this act,
16 that is necessary for a county emergency management agency
17 director to fulfill their obligations under 35 Pa.C.S.
18 (relating to health and safety).

19 (3) The disclosure permitted under paragraph (2) shall
20 be made only after the county emergency management agency
21 director, with authority to bind the county emergency
22 management agency, agrees to and signs a nondisclosure
23 agreement which, in the judgment of the Pennsylvania Public
24 Utility Commission, contains adequate protections against the
25 unauthorized or inadvertent disclosure of confidential
26 security information.

27 (c) Definition.--As used in this section, the term
28 "operation and emergency response plan" means the information
29 required under 49 CFR 195.402 (relating to procedural manual for
30 operations, maintenance, and emergencies) and an emergency plan

1 as provided under 49 CFR 192.615 (relating to emergency plans).

2 Section 4. This act shall take effect in 60 days.