

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 44

Introduced by Senator Corbett

December 8, 2010

An act to add Section 769 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 44, as amended, Corbett. Public utilities: gas pipeline emergency response standards.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The Public Utilities Act authorizes the commission to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or services to be furnished, imposed, observed, and followed by specified public utilities, including gas corporations, as defined.

Existing federal law requires the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) to adopt minimum safety standards for pipeline transportation and for pipeline facilities, including an interstate gas pipeline facility and an intrastate gas pipeline facility, as defined. Existing federal law prohibits a state authority from adopting or continuing in force safety standards for interstate pipeline facilities or interstate pipeline transportation, but permits a state authority that has submitted a specified certification to adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed by PHMSA.

This bill would require the commission, by July 1, 2012, to commence a process to establish compatible emergency response standards, as defined, that owners or operators of commission-regulated gas pipeline facilities, as defined, would be required to follow. The standards would require owners or operators of commission-regulated gas pipeline facilities to implement emergency response plans, with specified requirements, that are compatible with PHMSA's regulations concerning emergency plans. The bill would require the commission to report to the Legislature on the status of establishing the compatible emergency response standards on or before January 1, 2013.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill are within the act and require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 769 is added to the Public Utilities Code,
2 to read:
3 769. (a) For purposes of this section, the following terms have
4 the following meanings:
5 (1) "Commission-regulated gas pipeline facility" means an
6 intrastate gas pipeline facility as defined in Section 60101 of Title
7 49 of the United States Code, that is subject to the regulatory
8 authority of the commission, including both of the following
9 pipelines:
10 (A) A pipeline that is not subject to the jurisdiction of the
11 Federal Energy Regulatory Commission pursuant to Section 717(b)
12 of Title 15 of the United States Code because it is used for the
13 local distribution of natural gas.

(B) A pipeline that the commission, pursuant to Section 717(c) of Title 15 of the United States Code, has certified to the Federal Energy Regulatory Commission as being subject to the regulatory jurisdiction of the commission over rates and service.

(2) “Compatible emergency response standards” means additional or more stringent safety standards concerning emergency response for commission-regulated gas pipeline facilities that are compatible with the minimum safety standards adopted by the United States Department of Transportation pursuant to Chapter 601 (commencing with Section 60101) of Subtitle VIII of Title 49 of the United States Code and that the commission is authorized to adopt pursuant to Section 60104(c) of that chapter.

(b) On or before July 1, 2012, the commission shall commence a process to establish compatible emergency response standards that owners or operators of commission-regulated gas pipeline facilities shall be required to follow. The commission shall establish the standards to ensure that commission-regulated gas pipeline facilities have emergency response plans that adequately prepare them for ~~any~~ *a natural* disaster or malfunction that could cause injury to human life or property, with the purpose of minimizing the occurrence of both.

(c) The commission shall establish the compatible emergency response standards in consultation with the Office of Emergency Services and members of California’s first responder community including, but not limited to, members of the California Fire Chiefs Association.

(d) The compatible emergency response standards shall require owners or operators of commission-regulated gas pipeline facilities to implement emergency response plans that are compatible with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration’s regulations concerning emergency plans contained in Title 49 of Section 192.615 of the Code of Federal Regulations, and those plans shall include, but not be limited to, all of the following requirements:

(1) Emergency shutdown and pressure reduction shall be utilized whenever deemed necessary ~~by first responders or~~ *and appropriate by the owners or operators to minimize hazards to life or property. An owner or operator shall notify appropriate first responders of emergency shutdown and pressure reduction.*

1 (2) *During an emergency response effort, the incident*
2 *commander may direct coordination between first responders and*
3 *owners or operators to ensure timely and ongoing communication*
4 *on decisions for emergency shutdown and pressure reduction.*

5 ~~(2)~~

6 (3) Owners or operators of commission-regulated gas pipeline
7 facilities shall establish and maintain liaison with appropriate fire,
8 police, and other public officials to do all of the following:

9 (A) Learn the responsibility and resources of each government
10 organization that may respond to a gas pipeline *emergency,*
11 *including, but not limited to, the role of the incident commander*
12 *in an emergency.*

13 (B) Acquaint the officials with the owner's or operator's ability
14 in responding to a gas pipeline emergency.

15 (C) Identify the types of gas pipeline emergencies of which the
16 owner or operator notifies the officials.

17 (D) Plan how the owner or operator and officials can engage in
18 mutual assistance to minimize hazards to life or property.

19 (E) *Identify and update information on individual personnel*
20 *responsible for the liaison with the appropriate first responder*
21 *organizations.*

22 ~~(3)~~

23 (4) Owners and operators of commission-regulated gas pipeline
24 facilities shall provide the State Fire Marshal and the chief fire
25 official of the applicable city, county, *city and county,* or fire
26 protection district with geographic information system maps of
27 the pipeline system within the owner's or operator's control and
28 shall ensure that those system maps are updated on a regular basis.
29 *The information received by the State Fire Marshal and the chief*
30 *fire official shall be maintained in confidence to protect against*
31 *security risks.*

32 (e) (1) The commission shall report to the Legislature on the
33 status of establishing the compatible emergency response standards
34 on or before January 1, 2013.

35 (2) A report to be submitted pursuant to paragraph (1) shall be
36 submitted in compliance with Section 9795 of the Government
37 Code.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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