

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 300

By: Bingman

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6 AS INTRODUCED

7 An Act relating to pipelines; amending 52 O.S. 2001,
8 Section 5, which relates to the Corporation
9 Commission authority to regulate pipelines; removing
10 certain restriction; amending 52 O.S. 2001, Section
11 47.2, which relates to definitions; removing obsolete
12 language; amending 52 O.S. 2001, Section 47.3, which
13 relates to powers and duties of the Corporation
14 Commission; removing certain restriction; updating
15 statutory language; and declaring an emergency.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 52 O.S. 2001, Section 5, is
amended to read as follows:

Section 5. The Corporation Commission is hereby authorized,
directed and empowered to promulgate, adopt and enforce reasonable
rules ~~and regulations~~ establishing minimum state safety standards
for the design, construction, maintenance and operation of all
pipelines used for the transmission and distribution of natural gas
in this state; ~~provided, however, the Commission shall not~~
~~promulgate, enforce or interpret any rule or regulation unless such~~
~~rule, regulation or interpretation shall be consistent with and no~~

1 ~~more restrictive than the rules, regulations and interpretations of~~
2 ~~the United States Secretary of Transportation for pipeline~~
3 ~~transportation and pipeline facilities.~~ When any such transmission
4 pipeline shall be constructed, operated or maintained under, through
5 and across a highway, section-line road or improved public road or
6 street, there shall be erected directly above where such pipeline
7 enters or leaves said highway, section-line road or improved public
8 road or street, a suitable sign or marker stating thereon the name
9 of the owner of such pipeline and such other information as the
10 Corporation Commission may by rule ~~or regulation~~ direct.

11 The Corporation Commission may appoint a registered professional
12 engineer with actual experience in the design, construction,
13 maintenance or operation of natural gas pipelines, and such other
14 personnel as may be provided by law, to carry out the provisions of
15 ~~this act~~ Section 1 et seq. of this title. Such engineer shall be
16 furnished with personnel, supplies and equipment as may be necessary
17 to carry out the provisions of ~~this act~~ Section 1 et seq. of this
18 title. The expenses of any inspection shall be borne and paid for
19 by the parties laying and constructing or operating such pipelines
20 for the transportation or transmission of natural gas.

21 ~~Unless a different meaning is required by the express term of an~~
22 ~~applicable federal statute, rule or regulation, the term "liaison"~~
23 ~~as used in 49 C.F.R. Section 192.615 shall be interpreted by the~~
24 ~~Corporation Commission according to this section.~~ "Liaison" shall

1 ~~mean any arrangement that is conducive to communications between a~~
2 ~~pipeline operator or group of operators and appropriate local public~~
3 ~~officials, including, but not limited to, fire and police officials.~~
4 ~~Such arrangements may be established and maintained in any manner~~
5 ~~that allows the officials and the operator or operators the~~
6 ~~opportunity to exchange information required by 49 U.S.C. Section~~
7 ~~60102. A public official's failure to attend a face to face meeting~~
8 ~~arranged by or on behalf of an operator or group of operators shall~~
9 ~~not be considered by the Corporation Commission as a failure on the~~
10 ~~part of any operator to establish or maintain a "liaison"; provided,~~
11 ~~the operator produces either of the following:~~

12 ~~1. A written roster of persons invited to the meeting, meeting~~
13 ~~minutes, an attendance list and return receipts indicating the~~
14 ~~minutes were sent to those not in attendance; or~~

15 ~~2. Evidence of compliance with any alternate arrangement~~
16 ~~acceptable to the Corporation Commission.~~

17 ~~The Corporation Commission shall not apply or enforce any~~
18 ~~interpretations of its rules or regulations against any operator for~~
19 ~~any practice, policy or conduct that complies with a written~~
20 ~~procedure to minimize the hazard resulting from a gas pipeline~~
21 ~~emergency when that procedure has been annually updated and approved~~
22 ~~by the United States Secretary of Transportation.~~

23 SECTION 2. AMENDATORY 52 O.S. 2001, Section 47.2, is
24 amended to read as follows:

1 Section 47.2 As used in the Hazardous Liquid Transportation
2 System Safety Act:

3 1. "Commission" means the Corporation Commission;

4 2. "Hazardous liquid" means petroleum or petroleum products and
5 anhydrous ammonia;

6 3. ~~"Liaison", unless a different meaning is required by the~~
7 ~~express terms of an applicable federal statute, rule or regulation,~~
8 ~~shall mean the same as the term "liaison" as used in 49 C.F.R.,~~
9 ~~Section 195.402(c)(12) which means any arrangement that is conducive~~
10 ~~to communications between a pipeline operator or group of operators~~
11 ~~and the appropriate local public officials including, but not~~
12 ~~limited to, fire and police officials. Such arrangements may be~~
13 ~~established and maintained in any manner that allows the officials~~
14 ~~and the operator or operators the opportunity to exchange~~
15 ~~information required by 49 U.S.C. Section 60102. A public~~
16 ~~official's failure to attend a face to face meeting arranged by or~~
17 ~~on behalf of an operator or group of operators shall not be~~
18 ~~considered by the Commission as a failure on the part of any~~
19 ~~operator to establish or maintain a "liaison"; provided, the~~
20 ~~operator produces either of the following:~~

21 a. ~~a written roster of persons invited to the meeting,~~
22 ~~meeting minutes, an attendance list and return~~
23 ~~receipts indicating the minutes were sent to those not~~
24 ~~in attendance, or~~

1 ~~b. evidence of compliance with any alternate arrangement~~
2 ~~acceptable to the Commission;~~

3 4. "Person" means any individual, corporation, industry, firm,
4 partnership, association, venture, trust, institution, or federal,
5 state, or local governmental instrumentality, or any legal entity
6 however organized; and

7 ~~5.~~ 4. "Transportation system" means a system of pipelines,
8 conduits, pumping stations and force mains, temporary storage
9 facilities, and all other constructions, devices, appurtenances, and
10 facilities used in the movement of hazardous liquids. Said term
11 does not include gathering pipelines in rural areas, onshore oil or
12 gas production, refining, or manufacturing facilities, oil or gas
13 storage facilities, or in-plant piping systems associated with said
14 oil or gas facilities.

15 SECTION 3. AMENDATORY 52 O.S. 2001, Section 47.3, is
16 amended to read as follows:

17 Section 47.3 The Corporation Commission shall have the power
18 and duty to:

19 1. Establish, administer, and enforce safety standards for the
20 design, construction, maintenance, and operation of all
21 transportation systems for hazardous liquid;

22 2. Advise, consult, and cooperate with other agencies of this
23 state, the federal government, other states, interstate agencies,
24 political subdivisions, and industries, as may be necessary for the

1 discharge of the duties of the Commission pursuant to the provisions
2 of the Hazardous Liquid Transportation System Safety Act;

3 3. Accept and administer loans and grants from the federal
4 government and from other sources, public or private, for
5 implementing the provisions of the Hazardous Liquid Transportation
6 System Safety Act;

7 4. Adopt, modify, repeal, promulgate, and enforce rules and
8 ~~regulations~~ implementing or effectuating the powers and duties of
9 the Commission pursuant to the provisions of the Hazardous Liquid
10 Transportation System Safety Act, ~~provided such rules and~~
11 ~~regulations shall not exceed those found in 49 CFR, Part 195, as~~
12 ~~provided for by P.L. 96 129; provided that, the Commission shall not~~
13 ~~promulgate, enforce or interpret any rule or regulation unless such~~
14 ~~rule, regulation or interpretation shall be consistent with and no~~
15 ~~more restrictive than the applicable rules, regulations and~~
16 ~~interpretations of the United States Secretary of Transportation,~~
17 ~~provided further that, the Commission shall not apply or enforce any~~
18 ~~interpretation of its rules or regulations against any operator for~~
19 ~~any practice, policy or conduct that complies with a written~~
20 ~~procedure to minimize the hazard resulting from a hazardous liquid~~
21 ~~or carbon dioxide pipeline emergency when that procedure has been~~
22 ~~annually updated and approved by the United States Secretary of~~
23 ~~Transportation;~~

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1 5. Make periodic investigations and inspections of hazardous
2 liquid transportation systems to ensure compliance with the
3 provisions of the Hazardous Liquid Transportation System Safety Act
4 and rules and regulations promulgated by the Commission pursuant to
5 the provisions of the Hazardous Liquid Transportation System Safety
6 Act;

7 6. Require the submission of plans, specifications, and other
8 data relative to hazardous liquid transportation systems, and review
9 said plans, specifications, and other data;

10 7. Approve or disapprove written safety plans for the
11 inspection and maintenance of said transportation systems;

12 8. Require reports from all persons operating or owning a
13 hazardous liquid transportation system;

14 9. Require the maintenance of records relating to the operation
15 of hazardous liquid transportation systems;

16 10. Institute or cause to be instituted any necessary legal
17 proceedings in any court of competent jurisdiction for an injunction
18 or other appropriate relief to enforce the provisions of the
19 Hazardous Liquid Transportation System Safety Act; and

20 11. Exercise all incidental powers which are necessary and
21 proper to perform the duties of the Commission pursuant to the
22 provisions of the Hazardous Liquid Transportation System Safety Act.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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