

BILL ANALYSIS

Senate Research Center
85R12546 JXC-F

S.B. 2099
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Natural Resources & Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute establishes requirements in Chapter 251, Utilities Code, for an excavator to notify a one call center prior to performing any excavation. The Texas Railroad Commission is identified as the enforcement agent for those digging in the vicinity of an intrastate pipeline. This authority is found in both the Natural Resources Code and the Health and Safety Code.

S.B. 2099 seeks to confirm the existing statutory language found in the Natural Resources Code, Health and Safety Code, and Utilities Code by referencing that authority in Chapter 251, Utilities Code. S.B. 2099 also expands the Texas Railroad Commission's authority to interstate pipelines for the purpose of damage prevention.

As proposed, S.B. 2099 amends current law relating to the authority of the Railroad Commission of Texas to enforce requirements for the prevention of damage to interstate and intrastate underground facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Railroad Commission in SECTION 2 (Section 756.126, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 251, Utilities Code, by adding Section 251.0021, as follows:

Sec. 251.0021. RAILROAD COMMISSION AUTHORITY. (a) Provides that for the purposes of 49 U.S.C. Section 60101 et seq., the Texas Railroad Commission (railroad commission) is responsible for statewide enforcement of this state's requirements for the prevention of damage to interstate and intrastate underground facilities, as authorized under Section 756.126 (Safety Standards and Best Practices), Health and Safety Code, Section 117.012 (Rules and Standards), Natural Resources Code, and Section 121.201 (Safety Rules; Railroad Commission Power Under Delegated Federal Authority), Utilities Code.

(b) Provides that the authority described in Subsection (a) is in addition to the authority granted to county attorneys, district attorneys, and the board of directors of the Texas Underground Facility Notification Corporation under Subchapter E (Penalties).

SECTION 2. Amends Section 756.126, Health and Safety Code, as follows:

Sec. 756.126. SAFETY STANDARDS AND BEST PRACTICES. Requires the railroad commission to adopt and enforce rules prescribing safety standards and best practices, including those described by 49 U.S.C. Section 6105 et seq., relating to the prevention of damage by a person to a facility, including an interstate or intrastate pipeline facility, under the jurisdiction of the railroad commission.

SECTION 3. Amends Section 117.012, Natural Resources Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the railroad commission to adopt rules that include safety standards related to the prevention of damage to interstate and intrastate hazardous liquid or carbon dioxide pipeline facilities, rather than such a facility, resulting from the movement of earth by a person in the vicinity of such a facility, other than movement by tillage that does not exceed a depth of 16 inches. Makes nonsubstantive changes.

(a-1) Creates this subsection from existing text. Makes a conforming change.

SECTION 4. Amends Section 121.201(a), Utilities Code, to authorize the railroad commission to by rule prescribe or adopt safety standards for the transportation of gas and for gas pipeline facilities, including safety standards related to the prevention of damage to an interstate or intrastate gas pipeline facility resulting from the movement of earth by a person in the vicinity of the facility, other than movement by tillage that does not exceed a depth of 16 inches. Makes a nonsubstantive change.

SECTION 5. Effective date: September 1, 2017.