

SUBJECT: Changing notification requirements for pipelines located near schools

COMMITTEE: Energy Resources — committee substitute recommended

VOTE: 6 ayes — West, Farabee, Canales, Crabb, E. Jones, B. Keffer

0 nays

1 absent — Delisi

WITNESSES: For — Kathy DeYoung, Copano Energy and Texas Intrastate Natural Gas Pipeline Association; Tom Harwell, Koch Pipeline Company; Ben Sebree, Texas Oil and Gas Association; (*Registered, but not testifying*): Marty Allday, Enbridge Energy; Patrick Nugent, Texas Pipeline Association; Kym Olson, El Paso Corporation; Shayne Woodard, Duke Energy and Sunoco, Inc.

Against — None

BACKGROUND: Natural Resources Code sec. 117.012 governs Railroad Commission (RRC) regulation of the hazardous liquid or carbon dioxide pipeline transportation industry. In 2001, the 77th Legislature enacted SB 310 by Harris, the Railroad Commission (RRC) sunset bill, which expanded and specified the nature of community liaison activities of pipeline operators.

Sec. 117.012 (h) requires an operator to conduct liaison activities in person with police, fire, and other emergency response officials. Conducting these liaison activities by telephone conference call is permitted only after the operator has mailed, faxed, and either e-mailed or telephoned a request for a meeting in person. In turn, an operator is allowed to mail pipeline safety information to these officials only after the operator has taken each of the same three steps to arrange a telephone conference call.

Sec. 117.012 (k) requires an operator whose interstate or intrastate pipeline passes within 1,000 feet of a public school to develop an emergency response plan in consultation with the local fire department and present the plan at the first annual school board budget meeting and subsequent annual budget meetings at the board's request.

DIGEST:

CSHB 1594 would allow an intrastate pipeline operator to provide in writing certain information about pipeline safety to a public school upon written request. Instead of an emergency response plan developed with a local fire department, an operator could provide:

- a map of pipeline facilities located near the school;
- a list of products transported through the pipeline;
- information on how to recognize and respond to a leak;
- the emergency number for the pipeline operator; and
- information on the state's excavation one-call system.

A representative of the operator would have to appear at a school board meeting to explain this information if requested. The RRC could not require release of an emergency response plan, including security sensitive information, and an operator would make such information available to a school board for review only.

Sec. 117.012(k) no longer would apply to interstate pipelines. Instead of applying to all public schools, it would apply only to a pipeline that crossed within 1,000 feet of a public school building containing classrooms or another public school facility where students congregated.

CSHB 1594 would allow an operator to arrange a telephone conference call with emergency response officials after submitting a request either by mail, fax, or telephone or e-mail, instead of requiring all three. If the operator also was unable to arrange a telephone conference call after employing one of the three contact methods, the operator would be allowed to mail the pipeline safety information.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 1594 would serve the public interest by helping pipeline operators to get important pipeline safety information to the right people at the right time. It is vital that police, firefighters, and emergency management officials have detailed information on pipeline infrastructure running through their communities. Their ability to effectively respond to a pipeline accident would hinge on this information.

CSHB 1594 would protect Texas schoolchildren from a potentially lethal danger by requiring pipeline operators to provide specific safety data to schools within 1,000 feet of a pipeline when that information was requested. The bill would address vagueness in current law by specifying the type of detailed information an operator must provide. It also would require a pipeline representative to explain this material at a school board meeting if asked.

CSHB 1594 would require that relevant pipeline safety information be presented to school officials through the mail rather than at budget meetings that had nothing to do with this issue. Mailing school officials pipeline safety information would provide them time to consider and examine the data and respond to the operator with any questions. This would avoid the confusing case of detailed pipeline information being presented at a meeting in which the public's and administration's attention would be focused on entirely unrelated budget issues.

The bill would create a balanced approach toward liaison activities with emergency response officials, while continuing to favor face-to-face meetings. Current law unreasonably requires a letter, fax, and phone call or e-mail to be made before a conference call can be arranged, and requires the same procedure again before important pipeline safety information can be mailed. This burdensome process prevents officials from receiving information in the most timely manner. CSHB 1594 would allow operators to mail emergency response officials pipeline safety information if they could not make contact after two attempts, allowing officials to review the data without delay and contact the operator with questions.

CSHB 1594 would incorporate a vital homeland security condition that was not considered when the Legislature enacted the current law. The bill would ensure that an operator was not required to release security sensitive data that could be exploited by terrorists for sinister purposes.

**OPPONENTS
SAY:**

CSHB 1594 would relax regulations enacted just two years ago that protect Texas schoolchildren and communities from hazardous pipelines. After recognizing last session that school districts need to be made aware of pipelines that run near schools, the Legislature required pipeline operators to take the initiative and notify school officials about these dangerous facilities. The Legislature should not risk the safety of Texas schools by weakening the

pipeline safety education requirements in current law.

CSHB 1594 would allow an operator to avoid developing an emergency response plan and instead mail less useful information to a school board only after that information was requested. An operator currently is required to develop a detailed emergency response plan with local fire officials and present this plan at a school board budget meeting. The budget meeting requirement is a deliberate attempt to educate as many parents as possible about the risk, since budget meetings generally have the highest attendance.

This bill would allow interstate pipelines to skirt the school notification requirement. The controversial and hazardous Longhorn interstate pipeline passes near many Texas schools, and these schools might remain uninformed about this hazard if this bill passed.

CSHB 1594 would dilute the effectiveness of community liaison activities by allowing operators to mail pipeline safety information to emergency response officials after making only half-hearted attempts to contact these officials. Current law truly favors face-to-face and telephone conference call meetings by requiring six attempts to arrange a meeting before an operator can mail the community liaison information.

NOTES:

The bill as introduced only would have amended current law to allow an operator to mail a copy of the emergency response plan to a school district when requested, avoiding the budget meeting requirement.