
SENATE BILL 5126

State of Washington

57th Legislature

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By Senators Spanel, Patterson, Morton, McDonald, Regala, Gardner, Fraser, Rasmussen and Oke

Read first time 01/11/2001. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to technical and clarifying amendments to the
2 pipeline safety act of 2000; amending RCW 81.88.010, 81.88.060,
3 81.88.070, 81.88.090, 19.122.055, 19.122.070, and 80.01.080; repealing
4 RCW 81.88.050 and 81.88.130; providing an effective date; and declaring
5 an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 81.88.010 and 2000 c 191 s 2 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Commission" means the utilities and transportation commission.

12 (2) (~~("Department" means the department of ecology.~~

13 ~~(3))~~) "Failsafe" means a design feature that will maintain or
14 result in a safe condition in the event of malfunction or failure of a
15 power supply, component, or control device.

16 (~~((4))~~) (3) "Gas" means natural gas, flammable gas, or toxic or
17 corrosive gas.

18 (~~((5))~~) (4) "Gas pipeline" means all parts of a pipeline facility
19 through which gas moves in transportation, including, but not limited

1 to, line pipe, valves, and other appurtenances connected to line pipe,
2 pumping units, fabricated assemblies associated with pumping units,
3 metering and delivery stations and fabricated assemblies therein, and
4 breakout tanks. "Gas pipeline" does not include process or transfer
5 pipelines.

6 ~~((+6))~~ (5) "Gas pipeline company" means a person or entity
7 constructing, owning, or operating a gas pipeline for transporting gas.
8 A "gas pipeline company" does not include: (a) Distribution systems
9 owned and operated under franchise for the sale, delivery, or
10 distribution of natural gas at retail; or (b) excavation contractors or
11 other contractors that contract with a gas pipeline company.

12 ~~((+7))~~ (6) "Hazardous liquid" means: (a) Petroleum, petroleum
13 products, or anhydrous ammonia as those terms are defined in 49 C.F.R.
14 Part 195 in effect March 1, 1998; and (b) carbon dioxide.

15 ~~((+8))~~ (7) "Local government" means a political subdivision of the
16 state or a city or town.

17 ~~((+9))~~ (8) "Person" means an individual, partnership, franchise
18 holder, association, corporation, a state, a city, a county, or any
19 political subdivision or instrumentality of a state, and its employees,
20 agents, or legal representatives.

21 ~~((+10))~~ (9) "Pipeline," "pipeline system," or "hazardous liquid
22 pipeline" means all parts of a pipeline facility through which a
23 hazardous liquid moves in transportation, including, but not limited
24 to, line pipe, valves, and other appurtenances connected to line pipe,
25 pumping units, fabricated assemblies associated with pumping units,
26 metering and delivery stations and fabricated assemblies therein, and
27 breakout tanks. "Pipeline" or "pipeline system" does not include
28 process or transfer pipelines.

29 ~~((+11))~~ (10) "Pipeline company" or "hazardous liquid pipeline
30 company" means a person or entity constructing, owning, or operating a
31 pipeline for transporting hazardous liquid. A "pipeline company" does
32 not include: (a) Distribution systems owned and operated under
33 franchise for the sale, delivery, or distribution of natural gas at
34 retail; or (b) excavation contractors or other contractors that
35 contract with a pipeline company.

36 ~~((+12))~~ (11) "Reportable release" means a spilling, leaking,
37 pouring, emitting, discharging, or any other uncontrolled escape of a
38 hazardous liquid in excess of one barrel, or forty-two gallons.

1 (~~(13)~~) (12) "Safety management systems" means management systems
2 that include coordinated and interdisciplinary evaluations of the
3 effect of significant changes to a pipeline system before such changes
4 are implemented.

5 (~~(14)~~) (13) "Transfer pipeline" means a buried or aboveground
6 pipeline used to carry oil between a tank vessel or transmission
7 pipeline and the first valve inside secondary containment at the
8 facility provided that any discharge on the facility side of that first
9 valve will not directly impact waters of the state. A transfer
10 pipeline includes valves, and other appurtenances connected to the
11 pipeline, pumping units, and fabricated assemblies associated with
12 pumping units. A transfer pipeline does not include process pipelines,
13 pipelines carrying ballast or bilge water, transmission pipelines, or
14 tank vessel or storage tanks.

15 (~~(15)~~) (14) "Transmission pipeline" means a gas pipeline that
16 transports gas within a storage field, or transports gas from an
17 interstate pipeline or storage facility to a distribution main or a
18 large volume gas user, or operates at a hoop stress of twenty percent
19 or more of the specified minimum yield strength.

20 **Sec. 2.** RCW 81.88.060 and 2000 c 191 s 5 are each amended to read
21 as follows:

22 (1) A comprehensive program of hazardous liquid pipeline safety is
23 authorized by RCW 81.88.010, 81.88.040, (~~(81.88.050)~~) 81.88.090,
24 81.88.100, (~~(81.88.130)~~) 48.48.160, and this section to be developed
25 and implemented consistent with federal law. (~~Except as provided in~~
26 ~~subsection (6) of this section,~~) The commission shall administer and
27 enforce all laws related to hazardous liquid pipeline safety.

28 (2) The commission shall adopt rules for pipeline safety standards
29 for hazardous liquid pipeline transportation that:

30 (a) Require pipeline companies to design, construct, operate, and
31 maintain their pipeline facilities so they are safe and efficient;

32 (b) Require pipeline companies to rapidly locate and isolate all
33 reportable releases from pipelines, that may include:

34 (i) Installation of remote control shut-off valves; and

35 (ii) Installation of remotely monitored pressure gauges and meters;

36 (c) Require the training and certification of personnel who operate
37 pipelines and the associated systems;

1 (d) Require reporting of emergency situations, including emergency
2 shutdowns and material defects or physical damage that impair the
3 serviceability of a pipeline; and

4 (e) Require pipeline companies to submit operations safety plans to
5 the commission once every five years, as well as any amendments to the
6 plan made necessary by changes to the pipeline system or its operation.
7 The safety plan shall include emergency response procedures.

8 (3) The commission shall approve operations safety plans if they
9 have been deemed fit for service. A plan shall be deemed fit for
10 service when it provides for pipelines that are designed, developed,
11 constructed, operated, and periodically modified to provide for
12 protection of public safety and the environment. Pipeline operations
13 safety plans shall, at a minimum, include:

14 (a) A schedule of inspection and testing within the pipeline
15 distribution system of:

16 (i) All mechanical components;

17 (ii) All electronic components; and

18 (iii) The structural integrity of all pipelines as determined
19 through pressure testing, internal inspection tool surveys, or another
20 appropriate technique;

21 (b) Failsafe systems;

22 (c) Safety management systems; and

23 (d) Emergency management training for pipeline operators.

24 (4) The commission shall coordinate information related to pipeline
25 safety by providing technical assistance to local planning and siting
26 authorities.

27 (5) The commission shall evaluate, and consider adopting, proposals
28 developed by the federal office of pipeline safety, the national
29 transportation safety board, and other agencies and organizations
30 related to methods and technologies for testing the integrity of
31 pipeline structure, leak detection, and other elements of pipeline
32 operation.

33 ~~((6) The authorities of RCW 81.88.010, 81.88.040, 81.88.050,~~
34 ~~81.88.090, 81.88.100, 81.88.130, 48.48.160, and this section relating~~
35 ~~to hazardous liquid pipeline safety shall be transferred from the~~
36 ~~commission to the department pursuant to RCW 81.88.130 upon the~~
37 ~~occurrence of either:~~

1 ~~(a) Amendments to federal pipeline safety laws to eliminate~~
2 ~~preemption of state authority to regulate safety requirements for such~~
3 ~~pipelines; or~~

4 ~~(b) The granting of federal authority to the state to enforce or~~
5 ~~adopt any safety requirements for interstate hazardous liquid~~
6 ~~pipelines.)~~

7 **Sec. 3.** RCW 81.88.070 and 2000 c 191 s 6 are each amended to read
8 as follows:

9 (1) The commission shall develop, in consultation with
10 representatives of hazardous liquid pipeline companies, gas pipeline
11 companies, local governments, and the excavation and construction
12 industries: (a) A ~~((curricula))~~ curriculum aimed at the prevention of
13 third-party excavation damage to hazardous liquid pipelines and gas
14 pipelines; and (b) a plan for distribution of the ~~((curricula))~~
15 curriculum.

16 (2) The ~~((curricula))~~ curriculum shall include training on:

17 (a) Prevention of damage to hazardous liquid and gas pipelines;

18 (b) The danger involved if a hazardous liquid or gas pipeline is
19 damaged;

20 (c) The significance of hazardous liquid or gas pipeline damage
21 that does not cause immediate failure; and

22 (d) The importance of immediately reporting damage to a hazardous
23 liquid or gas pipeline and the importance of immediately repairing a
24 damaged hazardous liquid or gas pipeline.

25 **Sec. 4.** RCW 81.88.090 and 2000 c 191 s 9 are each amended to read
26 as follows:

27 (1) The commission ~~((and the department))~~ shall apply for federal
28 delegation for the state's program for the purposes of enforcement of
29 federal hazardous liquid pipeline safety requirements. If the
30 secretary of transportation delegates inspection authority to the state
31 as provided in this subsection, the ~~((department))~~ commission, at a
32 minimum, shall do the following:

33 (a) Inspect hazardous liquid pipelines periodically as specified in
34 the inspection program;

35 (b) Collect fees;

36 (c) Order and oversee the testing of hazardous liquid pipelines as
37 authorized by federal law and regulation; and

1 (d) File reports with the United States secretary of transportation
2 as required to maintain the delegated authority.

3 (2) The commission (~~and the department~~) shall also seek federal
4 authority to adopt safety standards related to the monitoring and
5 testing of interstate hazardous liquid pipelines.

6 (3) Upon delegation under subsection (1) of this section or under
7 a grant of authority under subsection (2) of this section, to the
8 extent authorized by federal law, the (~~department~~) commission shall
9 adopt rules for interstate pipelines that are no less stringent than
10 the state's laws and rules for intrastate hazardous liquid pipelines.

11 **Sec. 5.** RCW 19.122.055 and 2000 c 191 s 24 are each amended to
12 read as follows:

13 (1) Any person who fails to notify the one-number locator service
14 and causes damage to a hazardous liquid or gas pipeline is subject to
15 a civil penalty of not more than ten thousand dollars for each
16 violation.

17 (2) All civil penalties recovered under this section (~~relating to~~
18 ~~hazardous liquid pipelines~~) shall be deposited into the (~~hazardous~~
19 ~~liquid pipeline safety account~~) public service revolving fund created
20 in RCW (~~81.88.050. All civil penalties recovered under this section~~
21 ~~relating to gas pipelines shall be deposited in the general fund~~)
22 80.01.080 and expended for the purpose of enforcement of (~~gas~~)
23 pipeline safety laws.

24 **Sec. 6.** RCW 19.122.070 and 1984 c 144 s 7 are each amended to read
25 as follows:

26 (1) Any person who violates any provision of this chapter, and
27 which violation results in damage to underground facilities, is subject
28 to a civil penalty of not more than one thousand dollars for each
29 violation. All penalties recovered in such actions shall be deposited
30 in the (~~general~~) public service revolving fund created under RCW
31 80.01.080.

32 (2) Any excavator who willfully or maliciously damages a field-
33 marked underground facility shall be liable for treble the costs
34 incurred in repairing or relocating the facility. In those cases in
35 which an excavator fails to notify known underground facility owners or
36 the one-number locator service, any damage to the underground facility

1 shall be deemed willful and malicious and shall be subject to treble
2 damages for costs incurred in repairing or relocating the facility.

3 (3) This chapter does not affect any civil remedies for personal
4 injury or for property damage, including that to underground
5 facilities, nor does this chapter create any new civil remedies for
6 such damage.

7 **Sec. 7.** RCW 80.01.080 and 1961 c 14 s 80.01.080 are each amended
8 to read as follows:

9 (~~The transportation revolving fund and the public utilities
10 revolving fund are abolished as of April 1, 1949, and as of such date~~)
11 There is created in the state treasury a ((~~the~~)) public service revolving
12 fund(~~(to which shall be transferred all moneys which then remain on
13 hand to the credit of the transportation revolving fund and the public
14 utilities revolving fund, subject, however, to outstanding warrants and
15 other obligations chargeable to appropriations made from such funds.
16 From and after April 1, 1949,))~~). Regulatory fees payable by all types
17 of public service companies and civil penalties recovered under RCW
18 19.122.055 shall be deposited to the credit of the public service
19 revolving fund. All expense of operation of the Washington utilities
20 and transportation commission shall be payable out of the public
21 service revolving fund.

22 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
23 repealed:

24 (1) RCW 81.88.050 (Hazardous liquid pipeline safety account) and
25 2000 c 191 s 4; and

26 (2) RCW 81.88.130 (Transfer of powers, duties, and functions of
27 commission to department--Delegation of federal authority--
28 Determination by office of financial management) and 2000 c 191 s 13.

29 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 July 1, 2001.

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