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Sponsor(s): Senators Spanel, Gardner, Oke, Franklin, Costa, Kline, Bauer, B. Sheldon, Shin, Eide, Patterson, Haugen, Swecker, Kohl-Welles, Goings, Rasmussen, Fairley, McAuliffe, Prentice, Fraser and Thibaudeau

Brief Description: Providing for oil and gas pipeline safety.

**SB 6441.E - DIGEST**

(AS OF SENATE 2ND READING 2/14/00)

Declares an intent to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington.

Finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government.

Directs the pipeline companies to develop a curricula aimed at the prevention of third-party excavation damage to hazardous liquid and gas pipelines. The curricula must be reviewed and approved by the department and the utilities and transportation commission. The curricula shall be made available to municipal workers and construction workers who are involved in construction work within the right-of-way or easement of a hazardous liquid and gas pipeline. The curricula shall include training on: (1) Prevention of damage to pipelines;

(2) the danger involved if a pipeline is damaged;

(3) the significance of pipeline damage that does not cause immediate failure; and

(4) the importance of immediately reporting damage to a pipeline and the importance of immediately repairing a damaged pipeline.

Provides that the department and utilities and transportation commission shall require hazardous liquid and gas pipeline companies to provide accurate maps of their pipeline distribution networks to specifications developed by the department including depth information.

Requires the municipal research council to, by June 30, 2001, develop and periodically update, for the consideration by local governments: (1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction;

(2) a model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located; and

(3) protective standards applicable to existing and proposed hazardous liquid and gas pipelines in densely populated areas and environmentally sensitive areas.

Directs the department to seek and accept federal designation of the department's inspectors as federal agents for the purposes of enforcement of the federal hazardous liquid pipeline safety act (49 U.S.C. Sec. 60101 et seq.), and federal rules adopted to

implement that act, as they exist as of the effective date of this act.

Provides that all powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 80.28, 80.24, and 81.24 RCW, are transferred to the department of ecology.

Establishes a hazardous liquid and gas pipeline safety advisory committee to advise the department, the utilities and transportation commission, energy facility site evaluation council, and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety, routing, construction, operation, and maintenance.

Directs the utilities and transportation commission to establish by December 31, 2000, a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

Provides that, in consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations, the chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall: (1) Evaluate the preparedness of local first responders in meeting emergency management demands under this act; and

(2) conduct an assessment of the equipment needed by local first responders, to meet emergency management demands related to pipelines.

Requires the chief of the Washington state patrol, through the director of fire protection or his or her deputy, to develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents.

Provides that any person who willfully or maliciously damages or removes a marking used to identify a hazardous liquid or gas pipeline is subject to a civil penalty of not more than one thousand dollars for each act.

Provides that any person who fails to notify the one-number locator service of excavation work that is planned to occur within twenty-five feet of a hazardous liquid or gas pipeline is subject to a civil penalty of not more than five thousand dollars for each violation.

Provides that any person who fails to notify a pipeline company of excavation work that is planned to occur within five feet of a hazardous liquid or gas pipeline, or excavates within five feet of the pipeline without the pipeline company's representative on-site, is subject to a civil penalty of not more than ten thousand dollars for each violation.

Declares that a pipeline company that fails to comply with any provision of this chapter shall be subject to civil penalties of not less than five thousand dollars. This penalty shall be imposed pursuant to RCW 43.21B.300.

Declares that a pipeline company that fails to report a dangerous release shall be guilty of a class B felony punishable under RCW 9A.20.021 if: (1) The company knows or has reason to

know that a dangerous release exists;

(2) the company does not immediately report the release to the local first responder; and

(3) the dangerous release causes the death of, or bodily injury to, an individual.

Repeals RCW 81.88.040.