

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1314**

60th Legislature  
2007 Regular Session

Passed by the House April 14, 2007  
Yeas 91 Nays 2

---

**Speaker of the House of Representatives**

Passed by the Senate April 11, 2007  
Yeas 48 Nays 1

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1314** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 1314**

---

Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Crouse, Linville and Anderson; by request of Utilities & Transportation Commission)

READ FIRST TIME 02/08/07.

1            AN ACT Relating to regulation of gas and hazardous liquid  
2 pipelines; amending RCW 81.88.010, 81.88.040, 81.88.050, 81.88.060,  
3 81.88.080, 81.88.090, 81.88.100, 19.122.020, and 81.04.490; adding a  
4 new section to chapter 81.88 RCW; and repealing RCW 80.28.205,  
5 80.28.207, 80.28.210, 80.28.212, 80.28.215, and 81.88.150.

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

7            **Sec. 1.** RCW 81.88.010 and 2001 c 238 s 6 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) (~~("Failsafe" means a design feature that will maintain or~~  
13 ~~result in a safe condition in the event of malfunction or failure of a~~  
14 ~~power supply, component, or control device.~~

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

17            ~~((4))~~ (3) "Gas pipeline" means all parts of a pipeline facility  
18 through which gas moves in transportation, including, but not limited  
19 to, line pipe, valves, and other appurtenances connected to line pipe,

1 (~~pumping units, fabricated assemblies associated with pumping units,~~  
2 ~~metering and delivery stations and fabricated assemblies therein, and~~  
3 ~~breakout tanks. "Gas pipeline" does not include process or transfer~~  
4 ~~pipelines~~) compressor units, metering stations, regulator stations,  
5 delivery stations, holders, and fabricated assemblies. "Gas pipeline"  
6 does not include any pipeline facilities, other than a master meter  
7 system, owned by a consumer or consumers of the gas, located  
8 exclusively on the consumer or consumers' property, and none of the gas  
9 leaves that property through a pipeline.

10 ((+5)) (4) "Gas pipeline company" means a person or entity  
11 constructing, owning, or operating a gas pipeline for transporting gas.  
12 ((A)) "Gas pipeline company" includes a person or entity owning or  
13 operating a master meter system. "Gas pipeline company" does not  
14 include(~~(a) Distribution systems owned and operated under franchise~~  
15 ~~for the sale, delivery, or distribution of natural gas at retail; or~~  
16 ~~(b))~~) excavation contractors or other contractors that contract with a  
17 gas pipeline company.

18 ((+6)) (5) "Hazardous liquid" means: (a) Petroleum, petroleum  
19 products, or anhydrous ammonia as those terms are defined in 49 C.F.R.  
20 Part 195 (~~in effect March 1, 1998~~); and (b) carbon dioxide.

21 ((+7)) (6) "Hazardous liquid pipeline" means all parts of a  
22 pipeline facility through which a hazardous liquid moves in  
23 transportation including, but not limited to, line pipe, valves, and  
24 other appurtenances connected to line pipe, pumping units, fabricated  
25 assemblies associated with pumping units, metering and delivery  
26 stations and fabricated assemblies therein, and breakout tanks.  
27 "Hazardous liquid pipeline" does not include all parts of a pipeline  
28 facility through which a hazardous liquid moves in transportation  
29 through refining or manufacturing facilities or storage or in-plant  
30 piping systems associated with such facilities, a pipeline subject to  
31 safety regulations of the United States coast guard, or a pipeline that  
32 serves refining, manufacturing, or truck, rail, or vessel terminal  
33 facilities, if the pipeline is less than one mile long, measured  
34 outside facility grounds, and does not cross an offshore area or a  
35 waterway used for commercial navigation.

36 (7) "Hazardous liquid pipeline company" means a person or entity  
37 constructing, owning, or operating a hazardous liquid pipeline.

1 "Hazardous liquid pipeline company" does not include excavation  
2 contractors or other contractors that contract with a hazardous liquid  
3 pipeline company.

4 (8) "Line pipe" means a tube, usually cylindrical, through which a  
5 hazardous liquid or gas is transported from one point to another.

6 (9) "Local government" means a political subdivision of the state  
7 ((or a city or town)).

8 ~~((+8))~~ (10) "Master meter system" means a pipeline system for  
9 distributing gas within, but not limited to, a definable area, such as  
10 a mobile home park, housing project, or apartment complex, where the  
11 operator purchases metered gas from an outside source for resale  
12 through a gas distribution pipeline system. The gas distribution  
13 pipeline system supplies the ultimate consumer who either purchases the  
14 gas directly through a meter or by any other means, such as by rents.

15 (11) "Person" means an individual, partnership, franchise holder,  
16 association, corporation, a state, a city, a town, a county, or any  
17 other political subdivision or instrumentality of a state, and its  
18 employees, agents, or legal representatives.

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

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

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

37 ~~(12) "Safety management systems" means management systems that~~

1 include coordinated and interdisciplinary evaluations of the effect of  
2 significant changes to a pipeline system before such changes are  
3 implemented.

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

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

19 (12) "Pipeline company," without further qualification, means a  
20 hazardous liquid pipeline company or a gas pipeline company.

21 **Sec. 2.** RCW 81.88.040 and 2000 c 191 s 3 are each amended to read  
22 as follows:

23 (1) A person, officer, agent, or employee of a pipeline company  
24 who, as an individual or acting as an officer, agent, or employee of  
25 such a company, violates or fails to comply with this chapter or a rule  
26 adopted under ~~((this section))~~ RCW 81.88.060 or section 5 of this act,  
27 or who procures, aids, or abets another person or entity in the  
28 violation of or noncompliance with this ~~((section))~~ chapter or a rule  
29 adopted under ~~((this section))~~ RCW 81.88.060 or section 5 of this act,  
30 is guilty of a gross misdemeanor.

31 (2)(a) A pipeline company, or any person, officer, agent, or  
32 employee of a pipeline company that violates a provision of this  
33 ~~((section))~~ chapter, or a rule adopted under ~~((this section))~~ RCW  
34 81.88.060 or section 5 of this act, is subject to a civil penalty to be  
35 assessed by the commission.

36 (b) The commission shall adopt rules: (i) Setting penalty amounts,

1 but may not exceed the penalties specified in the federal pipeline  
2 safety laws, 49 U.S.C. Sec. 60101 et seq.; and (ii) establishing  
3 procedures for mitigating penalties assessed.

4 (c) In determining the amount of the penalty in a particular  
5 instance, the commission shall consider: (i) The appropriateness of  
6 the penalty in relation to the position of the person charged with the  
7 violation; (ii) the gravity of the violation; and (iii) the good faith  
8 of the person or company charged in attempting to achieve compliance  
9 after notification of the violation.

10 (d) The amount of the penalty may be recovered in a civil action in  
11 the superior court of Thurston county or of some other county in which  
12 the violator may do business. In all actions for recovery, the rules  
13 of evidence shall be the same as in ordinary civil actions. All  
14 penalties recovered under this section must be paid into the state  
15 treasury and credited to the ((hazardous liquid)) pipeline safety  
16 account.

17 (3) The commission shall adopt rules incorporating by reference  
18 other substances designated as hazardous by the secretary of  
19 transportation under 49 U.S.C. Sec. 60101(a)(4).

20 (4) The commission ((shall also have the power of)) may seek  
21 injunctive relief((, as required by 49 U.S.C. Sec. 60105(b),)) to  
22 enforce the provisions of this chapter.

23 (5) Nothing in this section duplicates the authority of the energy  
24 facility site evaluation council under chapter 80.50 RCW.

25 **Sec. 3.** RCW 81.88.050 and 2001 c 238 s 7 are each amended to read  
26 as follows:

27 ((~~1~~)) The pipeline safety account is created in the custody of  
28 the state treasurer. All fees received by the commission for the  
29 pipeline safety program according to RCW 80.24.060 and 81.24.090 and  
30 all receipts from the federal office of pipeline safety and any other  
31 state or federal funds provided for pipeline safety shall be deposited  
32 in the account((, except as provided in subsection (2) of this  
33 section)). Any ((fines)) penalties collected under this chapter, or  
34 otherwise designated to this account must be deposited in the account.  
35 Moneys in the account may be spent only after appropriation.  
36 Expenditures from the account may be used only for funding pipeline  
37 safety.

1       (~~(2) Federal funds received before June 30, 2001, shall be treated~~  
2 ~~as receipt of unanticipated funds and expended, without appropriation,~~  
3 ~~for the designated purposes.))~~

4       **Sec. 4.** RCW 81.88.060 and 2001 c 238 s 9 are each amended to read  
5 as follows:

6       (1) ~~((A comprehensive program of hazardous liquid pipeline safety~~  
7 ~~is authorized by RCW 81.88.010, 81.88.040, 81.88.050, 81.88.090,~~  
8 ~~81.88.100, 48.48.160, and this section to be developed and implemented~~  
9 ~~consistent with federal law. The commission shall administer and~~  
10 ~~enforce all laws related to hazardous liquid pipeline safety.~~

11       ~~(2) The commission shall adopt rules for pipeline safety standards~~  
12 ~~for hazardous liquid pipeline transportation that:~~

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

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

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

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

19       ~~(c) Require the training and certification of personnel who operate~~  
20 ~~pipelines and the associated systems;~~

21       ~~(d) Require reporting of emergency situations, including emergency~~  
22 ~~shutdowns and material defects or physical damage that impair the~~  
23 ~~serviceability of a pipeline; and~~

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

28       ~~(3) The commission shall approve operations safety plans if they~~  
29 ~~have been deemed fit for service. A plan shall be deemed fit for~~  
30 ~~service when it provides for pipelines that are designed, developed,~~  
31 ~~constructed, operated, and periodically modified to provide for~~  
32 ~~protection of public safety and the environment. Pipeline operations~~  
33 ~~safety plans shall, at a minimum, include:~~

34       ~~(a) A schedule of inspection and testing within the pipeline~~  
35 ~~distribution system of:~~

36       ~~(i) All mechanical components;~~

37       ~~(ii) All electronic components; and~~

1       ~~(iii) The structural integrity of all pipelines as determined~~  
2 ~~through pressure testing, internal inspection tool surveys, or another~~  
3 ~~appropriate technique;~~

4       ~~(b) Failsafe systems;~~

5       ~~(c) Safety management systems; and~~

6       ~~(d) Emergency management training for pipeline operators.~~

7       ~~(4) The commission shall coordinate information related to pipeline~~  
8 ~~safety by providing technical assistance to local planning and siting~~  
9 ~~authorities.~~

10       ~~(5) The commission shall evaluate, and consider adopting, proposals~~  
11 ~~developed by the federal office of pipeline safety, the national~~  
12 ~~transportation safety board, and other agencies and organizations~~  
13 ~~related to methods and technologies for testing the integrity of~~  
14 ~~pipeline structure, leak detection, and other elements of pipeline~~  
15 ~~operation.))~~

16       (1) Each hazardous liquid pipeline company shall design,  
17 construct, operate, and maintain its hazardous liquid pipeline so that  
18 it is safe and efficient. Each hazardous liquid pipeline company is  
19 responsible for the conduct of its contractors regarding compliance

20       (2) The commission shall develop and administer a comprehensive  
21 program of pipeline safety in accordance with this chapter.

22       (3) The commission may adopt rules to carry out the purposes of  
23 this chapter as long as the rules are compatible with minimum federal  
24 requirements.

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

28       NEW SECTION. Sec. 5. A new section is added to chapter 81.88 RCW  
29 to read as follows:

30       (1) Each gas pipeline company shall design, construct, operate, and  
31 maintain its gas pipeline so that it is safe and efficient. Each gas  
32 pipeline company is responsible for the conduct of its contractors  
33 regarding compliance with pipeline safety requirements.

34       (2) The commission shall develop and administer a comprehensive  
35 program of gas pipeline safety in accordance with this chapter.

36       (3) The commission may adopt rules to carry out the purposes of



1 this chapter as long as the rules are compatible with minimum federal  
2 requirements.

3 (4) The commission shall coordinate information related to natural  
4 gas pipeline safety by providing technical assistance to local planning  
5 and siting authorities.

6 **Sec. 6.** RCW 81.88.080 and 2000 c 191 s 7 are each amended to read  
7 as follows:

8 (1) The commission shall require hazardous liquid pipeline  
9 companies, and gas pipeline companies with interstate pipelines, (~~gas~~  
10 ~~transmission pipelines,~~) or gas pipelines operating over two hundred  
11 fifty pounds per square inch gauge, to provide accurate maps of  
12 (~~their~~) these pipelines to specifications developed by the commission  
13 sufficient to meet the needs of first responders (~~including~~  
14 ~~installation depth information when known~~)).

15 (2) The commission shall evaluate the sufficiency of the maps and  
16 consolidate the maps into a statewide geographic information system.  
17 The commission shall assist local governments in obtaining hazardous  
18 liquid and gas pipeline location information and maps. The maps shall  
19 be made available to the one-number locator services as provided in  
20 chapter 19.122 RCW. The mapping system shall be consistent with the  
21 United States department of transportation national pipeline mapping  
22 program.

23 (3) The commission shall periodically update the mapping system  
24 (~~shall be completed by January 1, 2006, and periodically updated~~  
25 ~~thereafter. The commission shall develop a plan for funding the~~  
26 ~~geographic information system and report its recommendations to the~~  
27 ~~legislature by December 15, 2000~~)).

28 **Sec. 7.** RCW 81.88.090 and 2001 c 238 s 10 are each amended to read  
29 as follows:

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

1       ~~((a))~~ (1) Inspect hazardous liquid pipelines and gas pipelines  
2 periodically as specified in the inspection program;  
3       ~~((b))~~ (2) Collect fees;  
4       ~~((c))~~ (3) Order and oversee the testing of hazardous liquid  
5 pipelines and gas pipelines as authorized by federal law and  
6 regulation; and  
7       ~~((d))~~ (4) File reports with the United States secretary of  
8 transportation as required to maintain ~~((the delegated authority.~~  
9       ~~(2) The commission shall also seek federal authority to adopt~~  
10 ~~safety standards related to the monitoring and testing of interstate~~  
11 ~~hazardous liquid pipelines.~~  
12       ~~(3) Upon delegation under subsection (1) of this section or under~~  
13 ~~a grant of authority under subsection (2) of this section, to the~~  
14 ~~extent authorized by federal law, the commission shall adopt rules for~~  
15 ~~interstate pipelines that are no less stringent than the state's laws~~  
16 ~~and rules for intrastate hazardous liquid pipelines))~~ federal  
17 certification.

18       **Sec. 8.** RCW 81.88.100 and 2000 c 191 s 11 are each amended to read  
19 as follows:

20       The commission may inspect any record, map, or written procedure  
21 required by federal law to be kept by a ~~((hazardous liquid))~~ pipeline  
22 company concerning ~~((the reportable))~~ releases, and the design,  
23 construction, testing, or operation and maintenance of ~~((hazardous~~  
24 ~~liquid))~~ pipelines. Nothing in this section affects the commission's  
25 access to records under any other provision of law.

26       **Sec. 9.** RCW 19.122.020 and 2005 c 448 s 1 are each amended to read  
27 as follows:

28       Unless the context clearly requires otherwise, the definitions in  
29 this section apply throughout this chapter:

30       (1) "Business day" means any day other than Saturday, Sunday, or a  
31 legal local, state, or federal holiday.

32       (2) "Damage" includes the substantial weakening of structural or  
33 lateral support of an underground facility, penetration, impairment, or  
34 destruction of any underground protective coating, housing, or other  
35 protective device, or the severance, partial or complete, of any

1 underground facility to the extent that the project owner or the  
2 affected utility owner determines that repairs are required.

3 (3) "Emergency" means any condition constituting a clear and  
4 present danger to life or property, or a customer service outage.

5 (4) "Excavation" means any operation in which earth, rock, or other  
6 material on or below the ground is moved or otherwise displaced by any  
7 means, except the tilling of soil less than twelve inches in depth for  
8 agricultural purposes, or road and ditch maintenance that does not  
9 change the original road grade or ditch flowline.

10 (5) "Excavation confirmation code" means a code or ticket issued by  
11 the one-number locator service for the site where an excavation is  
12 planned. The code must be accompanied by the date and time it was  
13 issued.

14 (6) "Excavator" means any person who engages directly in  
15 excavation.

16 (7) "Gas" means natural gas, flammable gas, or toxic or corrosive  
17 gas.

18 (8) "Hazardous liquid" means: (a) Petroleum, petroleum products,  
19 or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195  
20 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities  
21 and transportation commission may by rule incorporate by reference  
22 other substances designated as hazardous by the secretary of  
23 transportation.

24 (9) "Identified facility" means any underground facility which is  
25 indicated in the project plans as being located within the area of  
26 proposed excavation.

27 (10) "Identified but unlocatable underground facility" means an  
28 underground facility which has been identified but cannot be located  
29 with reasonable accuracy.

30 (11) "Locatable underground facility" means an underground facility  
31 which can be field-marked with reasonable accuracy.

32 (12) "Marking" means the use of stakes, paint, or other clearly  
33 identifiable materials to show the field location of underground  
34 facilities, in accordance with the current color code standard of the  
35 American public works association. Markings shall include  
36 identification letters indicating the specific type of the underground  
37 facility.

1 (13) "Notice" or "notify" means contact in person or by telephone  
2 or other electronic methods that results in the receipt of a valid  
3 excavation confirmation code.

4 (14) "One-number locator service" means a service through which a  
5 person can notify utilities and request field-marking of underground  
6 facilities.

7 (15) "Operator" means the individual conducting the excavation.

8 (16) "Person" means an individual, partnership, franchise holder,  
9 association, corporation, a state, a city, a county, or any subdivision  
10 or instrumentality of a state, and its employees, agents, or legal  
11 representatives.

12 (17) "Pipeline" or "pipeline system" means all or parts of a  
13 pipeline facility through which hazardous liquid or gas moves in  
14 transportation, including, but not limited to, line pipe, valves, and  
15 other appurtenances connected to line pipe, pumping units, fabricated  
16 assemblies associated with pumping or compressor units, metering and  
17 delivery stations and fabricated assemblies therein, and breakout  
18 tanks. "Pipeline" or "pipeline system" does not include process or  
19 transfer pipelines (~~as defined in RCW 81.88.010~~).

20 (18) "Pipeline company" means a person or entity constructing,  
21 owning, or operating a pipeline for transporting hazardous liquid or  
22 gas. A pipeline company does not include: (a) Distribution systems  
23 owned and operated under franchise for the sale, delivery, or  
24 distribution of natural gas at retail; or (b) excavation contractors or  
25 other contractors that contract with a pipeline company.

26 (19) "Reasonable accuracy" means location within twenty-four inches  
27 of the outside dimensions of both sides of an underground facility.

28 (20) "Transfer pipeline" means a buried or aboveground pipeline  
29 used to carry hazardous liquid between a tank vessel or transmission  
30 pipeline and the first valve inside secondary containment at the  
31 facility provided that any discharge on the facility side of that first  
32 valve will not directly impact waters of the state. A transfer  
33 pipeline includes valves, and other appurtenances connected to the  
34 pipeline, pumping units, and fabricated assemblies associated with  
35 pumping units. A transfer pipeline does not include process pipelines,  
36 pipelines carrying ballast or bilge water, transmission pipelines, or  
37 tank vessel or storage tanks.

1        (21) "Transmission pipeline" means a pipeline that transports  
2 hazardous liquid or gas within a storage field, or transports hazardous  
3 liquid or gas from an interstate pipeline or storage facility to a  
4 distribution main or a large volume hazardous liquid or gas user, or  
5 operates at a hoop stress of twenty percent or more of the specified  
6 minimum yield strength.

7        ~~((+21+))~~ (22) "Underground facility" means any item buried or  
8 placed below ground for use in connection with the storage or  
9 conveyance of water, sewage, electronic, telephonic or telegraphic  
10 communications, cablevision, electric energy, petroleum products, gas,  
11 gaseous vapors, hazardous liquids, or other substances and including  
12 but not limited to pipes, sewers, conduits, cables, valves, lines,  
13 wires, manholes, attachments, and those parts of poles or anchors below  
14 ground. This definition does not include pipelines as defined in  
15 subsection (17) of this section, but does include distribution systems  
16 owned and operated under franchise for the sale, delivery, or  
17 distribution of natural gas at retail.

18        **Sec. 10.** RCW 81.04.490 and 1961 c 14 s 81.04.490 are each amended  
19 to read as follows:

20        Nothing in this title shall authorize the commission to make or  
21 enforce any order affecting rates, tolls, rentals, contracts or charges  
22 or service rendered, or the safety, adequacy or sufficiency of the  
23 facilities, equipment, instrumentalities or buildings, or the  
24 reasonableness of rules or regulations made, furnished, used, supplied  
25 or in force affecting any street railroad owned and operated by any  
26 city or town, but all other provisions enumerated herein shall apply to  
27 public utilities owned by any city or town. The commission shall  
28 regulate the safety of all hazardous liquid and gas pipelines  
29 constructed, owned, or operated by any city or town under chapter 81.88  
30 RCW.

31        NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
32 each repealed:

33        (1) RCW 80.28.205 (Enforcement of federal laws covering gas  
34 pipeline safety--Request for federal delegation of authority) and 2000  
35 c 191 s 10;

1           (2) RCW 80.28.207 (Commission inspection of records, maps, or  
2 written procedures) and 2000 c 191 s 12;  
3           (3) RCW 80.28.210 (Safety rules--Pipeline transporters--Penalty)  
4 and 2003 c 53 s 384, 1969 ex.s. c 210 s 2, & 1961 c 14 s 80.28.210;  
5           (4) RCW 80.28.212 (Safety rules--Civil penalty for violation of RCW  
6 80.28.210 or regulations issued thereunder--Level of penalty--  
7 Compromise--Disposition of penalty) and 1995 c 247 s 1 & 1969 ex.s. c  
8 210 s 3;  
9           (5) RCW 80.28.215 (Gas pipeline company duties after notice of  
10 excavation) and 2000 c 191 s 22; and  
11           (6) RCW 81.88.150 (Review of hazardous liquid and gas pipeline  
12 safety programs) and 2001 c 238 s 4.

--- END ---