

HOUSE BILL 408

C5

01r0714

By: **Delegates Charkoudian, Moon, and Wilkins**

Introduced and read first time: January 23, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public Utilities – Gas Service Regulator Safety**
3 **(Flower Branch Act)**

4 FOR the purpose of requiring that any gas service newly installed at an occupied structure
5 may have a gas service regulator installed only outside the structure; requiring an
6 existing interior gas service regulator in a multifamily residential structure to be
7 relocated outside whenever a gas service line, ~~meter~~, or regulator is replaced;
8 ~~requiring an existing interior gas service regulator servicing a multifamily structure~~
9 ~~to be relocated outside within a certain time period; requiring a gas company, on or~~
10 before a certain date, to file a plan with the Public Service Commission to relocate
11 any gas service regulator that provides service to a multifamily residential structure;
12 requiring the Commission, on or before a certain date, to approve, disapprove, or
13 approve with modifications a gas company's plan to relocate any gas service
14 regulator after considering certain factors; authorizing the Commission to exempt a
15 gas service regulator from relocation if the Commission finds that an exemption is
16 warranted after considering certain factors; authorizing the Commission to delegate
17 the authority to grant a certain exemption to the Commission's technical staff
18 division; requiring a gas company, on or before a certain date each year, beginning
19 in a certain year, to report to the Commission on progress through the end of the
20 immediately preceding calendar year related to implementing a certain plan;
21 requiring the Commission to submit a certain report to the Governor and the General
22 Assembly on or before a certain date each year, beginning in a certain year; providing
23 for the application of this Act; stating the intent of the General Assembly; requiring
24 certain gas service regulators to be enclosed in a certain manner under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



circumstances; defining certain terms; and generally relating to gas service and regulator safety.

BY adding to

Article – Public Utilities

Section 7–311

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

7–311.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “GAS SERVICE REGULATOR” MEANS AN INSTRUMENT THAT:

(I) IS INSTALLED TO A METER INLET TO CONTROL THE GAS
PRESSURE BEING INTRODUCED INTO A STRUCTURE; AND

(II) INCLUDES A RELIEF VALVE TO VENT EXCESS GAS TO THE
OUTSIDE ATMOSPHERE IF THE PRESSURE OF THE REGULATED GAS EXCEEDS A
SPECIFIED PRESSURE.

(3) “MULTIFAMILY RESIDENTIAL STRUCTURE” MEANS A BUILDING
CONTAINING ~~TWO~~ SIX OR MORE DWELLING UNITS, INCLUDING:

(I) AN APARTMENT HOUSE;

(II) A BOARDING HOUSE;

(III) A CONVENT;

(IV) A DORMITORY;

(V) A FRATERNITY OR SORORITY HOUSE;

(VI) A HOTEL OR MOTEL;

(VII) A MONASTERY;

(VIII) A VACATION TIME-SHARE PROPERTY;

(IX) A CONDOMINIUM, AS DEFINED IN § 11-101 OF THE REAL PROPERTY ARTICLE; AND

(X) A COOPERATIVE PROJECT, AS DEFINED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(B) (1) WHENEVER GAS SERVICE IS NEWLY INSTALLED AT AN OCCUPIED STRUCTURE, A GAS SERVICE REGULATOR MAY BE INSTALLED ONLY OUTSIDE THE STRUCTURE.

(2) ~~(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY~~ ANY EXISTING GAS SERVICE REGULATOR THAT IS INSTALLED IN THE INTERIOR OF ~~AN OCCUPIED STRUCTURE~~ A MULTIFAMILY RESIDENTIAL STRUCTURE SHALL BE RELOCATED TO THE OUTSIDE OF THE STRUCTURE WHENEVER THE GAS SERVICE LINE, ~~METER,~~ OR REGULATOR IS REPLACED.

~~(II) ON OR BEFORE OCTOBER 1, 2025, ANY EXISTING INTERIOR GAS SERVICE REGULATOR THAT SERVICES A MULTIFAMILY RESIDENTIAL STRUCTURE SHALL BE RELOCATED TO THE OUTSIDE OF THE STRUCTURE.~~

(3) ON OR BEFORE JANUARY 1, 2021, A GAS COMPANY SHALL FILE A PLAN WITH THE COMMISSION TO RELOCATE ANY GAS SERVICE REGULATOR THAT PROVIDES SERVICE TO A MULTIFAMILY RESIDENTIAL STRUCTURE.

(4) ON OR BEFORE JANUARY 1, 2022, THE COMMISSION SHALL APPROVE, DISAPPROVE, OR APPROVE WITH MODIFICATIONS A GAS COMPANY'S PLAN SUBMITTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO RELOCATE ANY GAS SERVICE REGULATOR AFTER CONSIDERING:

(I) THE NUMBER OF GAS SERVICE REGULATORS DESIGNATED FOR RELOCATION IN THE GAS COMPANY'S SERVICE TERRITORY;

(II) THE AVAILABILITY OF QUALIFIED PERSONNEL TO SAFELY RELOCATE GAS SERVICE REGULATORS;

(III) THE ENGINEERING AND PERMITTING CHALLENGES WITHIN THE GAS COMPANY'S SERVICE TERRITORY;

(IV) A SCHEDULE FOR RELOCATING GAS SERVICE REGULATORS THAT IS CONSISTENT WITH THE PUBLIC INTEREST;

(V) ANY OTHER GAS COMPANY PROGRAMS, INNOVATIONS, INITIATIVES, PRIORITIES, OR INVESTMENTS THAT IMPROVE THE SAFETY OR RELIABILITY OF THE GAS SYSTEM; AND

(VI) ANY OTHER FACTOR IDENTIFIED BY THE COMMISSION.

(5) THE COMMISSION MAY EXEMPT A GAS SERVICE REGULATOR FROM THE REQUIREMENTS OF THIS SUBSECTION IF THE COMMISSION FINDS THAT AN EXEMPTION IS WARRANTED AFTER CONSIDERING:

(I) WHETHER GRANTING THE EXEMPTION IS CONSISTENT WITH THE PUBLIC INTEREST;

(II) CONFLICTS WITH FEDERAL, STATE, OR LOCAL LAWS OR REGULATIONS;

(III) PHYSICAL OBSTRUCTIONS OR SPACE CONSTRAINTS; AND

(IV) ANY OTHER FACTOR IDENTIFIED BY THE COMMISSION.

(6) THE COMMISSION MAY DELEGATE THE AUTHORITY TO GRANT EXEMPTIONS UNDER THIS SUBSECTION TO THE COMMISSION'S TECHNICAL STAFF DIVISION.

(C) (1) A GAS SERVICE REGULATOR SHALL BE INSTALLED AWAY FROM ROADS, DRIVEWAYS, PARKING AREAS, OR OTHER LOCATIONS EXPOSED TO VEHICULAR TRAFFIC OR OTHER EXTERNAL FORCES THAT MAY DAMAGE THE GAS SERVICE REGULATOR.

(2) IF IT IS IMPRACTICAL TO INSTALL A GAS SERVICE REGULATOR IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, GUARDS SHALL BE INSTALLED TO PROTECT THE GAS SERVICE REGULATOR FROM EXTERNAL FORCES THAT MAY DAMAGE THE GAS SERVICE REGULATOR.

(3) GUARDS MAY CONSIST OF POSTS, BOLLARDS, RAILINGS, OR ANY OTHER SAFETY STRUCTURE THAT WILL PREVENT DAMAGE TO THE GAS SERVICE REGULATOR.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE FEBRUARY 1, 2022, AND EACH YEAR THEREAFTER, A GAS COMPANY SHALL REPORT TO THE COMMISSION ON PROGRESS THROUGH THE END OF THE IMMEDIATELY PRECEDING CALENDAR YEAR ON THE IMPLEMENTATION OF THE PLAN APPROVED UNDER SUBSECTION (B) OF THIS SECTION.

1 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO APPLY TO A GAS**
2 **COMPANY THAT HAS FULLY IMPLEMENTED AN APPROVED PLAN UNDER SUBSECTION**
3 **(B) OF THIS SECTION.**

4 **(E) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2022, THE**
5 **COMMISSION SHALL PROVIDE A REPORT TO THE GOVERNOR AND, IN ACCORDANCE**
6 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY**
7 **ON EACH GAS COMPANY'S PROGRESS IN RELOCATING GAS SERVICE REGULATORS IN**
8 **ACCORDANCE WITH THIS SECTION.**

9 **SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General**
10 **Assembly that:**

11 **(1) the statutory changes enacted under Section 1 of this Act should be**
12 **interpreted in light of the significant concerns for public safety raised by the Flower Branch**
13 **explosion, as investigated by the National Transportation Safety Board, whose**
14 **recommendations this Act embodies; and**

15 **(2) each gas company in the State shall:**

16 **(i) use best efforts to identify gas service regulators in the**
17 **company's service territory that may fail or are most vulnerable to damage;**

18 **(ii) prioritize replacing the regulators identified under item (i) of this**
19 **item; and**

20 **(iii) educate the public on:**

21 **1. identifying older, vulnerable, or potentially failing gas**
22 **service regulators; and**

23 **2. procedures for reporting regulators identified under item**
24 **1 of this item to gas companies and local authorities.**

25 **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2020.**