

HOUSE No. 2901

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act for field safety in gas infrastructure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>

<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>

HOUSE No. 2901

By Mr. Moran of Lawrence, a petition (accompanied by bill, House, No. 2901) of Frank A. Moran and others for legislation to provide for field safety in gas infrastructure by requiring that the Department of Public Utilities promulgate regulations establishing requirements for the maintenance, timely updating, accuracy, and security of gas LDC maps and records. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act for field safety in gas infrastructure.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION __: Chapter 164 of the General Laws is hereby amended by amending section
2 144, as appearing in the 2016 Official Edition, in the following manner:

3 The DPU shall promulgate regulations establishing requirements for the maintenance,
4 timely updating, accuracy, and security of gas LDC maps and records. Such regulations shall be
5 promulgated and implemented no later than January 1, 2021.

6 To ensure sufficient local staff to oversee gas infrastructure and direct emergency
7 response in the event of an emergency:

8 SECTION __: Chapter 164 of the General Laws is hereby amended by amending section
9 144, as appearing in the 2016 Official Edition, in the following manner:

10 Each LDC shall maintain a central control room within its service territory with trained
11 staff sufficient to monitor its pipeline and respond to fluctuations in pressurization, reportable
12 incidents, and infrastructure failures.

13 To improve field access to electronic maps and records critical to LDC operations and
14 construction:

15 SECTION __: Chapter 164 of the General Laws is hereby amended by amending section
16 144, as appearing in the 2016 Official Edition, in the following manner:

17 Each LDC shall report each disruption in its ability to provide electronic data, including
18 but not limited to, maps and records relevant to inspections, maintenance, repairs, and
19 construction to its in-house workforce and contractors lasting more than 30 minutes. Each 30
20 minute disruption shall be the subject of a separate report.

21 Disruptions in the provision of electronic data to field personnel and field contractors will
22 be incorporated as a metric in the DPU's service quality indicators for LDCs.

23 To improve recordkeeping and remediation of gas leaks throughout the Commonwealth:

24 SECTION __: Chapter 164 of the General Laws is hereby amended by amending section
25 144, as appearing in the 2016 Official Edition, in the following manner:

26 (a) There shall be uniform natural gas leaks classification for all gas companies.

27 (b)(1) Gas companies shall assess a grade to all reported natural gas leaks based on the
28 system provided in this section.

29 (2) A Grade 1 leak shall be a leak that represents an existing or probable hazard to
30 persons or property. Grade 1 leaks require repair immediately and continuous action until the
31 conditions are no longer hazardous. Upon identifying a Grade 1 leak, the gas company shall
32 immediately schedule repairs, which shall continue until completed, and the location of the
33 existing or probably hazard shall be kept under continuous surveillance until the hazard or source
34 of the leak is permanently eliminated. Whenever appropriate and feasible, a gas company shall
35 notify the fire department and chief law enforcement officer in each city or town where a Grade
36 1 leak is identified.

37 (3) A Grade 2 leak shall be a leak that is recognized as non-hazardous to persons or
38 property at the time of detection, but justifies scheduled repair based on probable future hazard.
39 The gas company shall repair Grade 2 leaks or replace the main or service within 6 months from
40 the date the leak was classified. All Grade 2 leaks shall be reevaluated by a gas company at least
41 once every 3 months until eliminated permanently; provided, however, that the frequency of
42 reevaluation shall be determined by the location and magnitude of the leakage condition.

43 (4) A Grade 3 leak shall be a leak that is recognized as non-hazardous to persons or
44 property at the time of detection and can be reasonably expected to remain non-hazardous. The
45 gas company shall reevaluate Grade 3 leaks during the next scheduled survey, or within 6
46 months from the date last evaluated, whichever occurs first, until the leak is eliminated or the
47 main is replaced. A municipal or state public safety official may request a reevaluation of a
48 Grade 3 leak prior to the next scheduled survey, or sooner than 6 months of the date last
49 evaluated, if the official reasonably believes that the Grade 3 leak poses a threat to public safety.

50 Each LDC will maintain an accurate and timely record of any Grade 3 leaks that, upon
51 re-inspection, are upgraded to a Grade 1 or 2 leak. The DPU shall establish a service quality
52 metric for the same, and each LDC will report any upgrades of Grade 3 leaks to the DPU on a
53 monthly basis.

54 Upon the undertaking of a significant project on a public way exposing confirmed natural
55 gas infrastructure, and with sufficient notice, a municipality or the commonwealth shall submit
56 written notification of the project to a gas company. The gas company shall survey the project
57 area for the presence of Grade 1 or Grade 2 leaks and grade 3 leaks identified as having a
58 significant environmental impact and set repair and replacement schedules for all known or
59 newly detected Grade 1 or Grade 2 leaks and grade 3 leaks identified as having a significant
60 environmental impact. The gas company shall ensure that any shut off valve in the significant
61 project area has a gate box installed upon it or a reasonable alternative that would otherwise
62 ensure continued public safety and that any critical valve that has not been inspected and tested
63 within the past 12 months is verified to be operational and accessible. The gas company shall
64 provide the repair and replacement schedule of gas leaks to the municipality or the
65 commonwealth.

66 Additionally, as a condition of receiving Chapter 90 funding for any project on a public
67 way, a gas LDC shall undertake an inspection of the areas surrounding the gas infrastructure
68 through a mobile survey to determine whether any gas leaks exist prior to embarking on the road
69 project.

70 (d) Gas companies shall prioritize any pipeline repairs required under this section for gas
71 leaks detected within a school zone. For the purposes of this section, “school zone” shall mean

72 on or within 50 feet of the real property comprising a public or private accredited preschool,
73 accredited Head Start facility, elementary, vocational or secondary school.

74 (e) As part of the annual service quality standards report required by section 11, each gas
75 company shall report to the department the location of each Grade 1, Grade 2 and Grade 3 leak
76 existing as of the date of the report, the date each Grade 1, Grade 2 and Grade 3 leak was
77 classified and the dates of repairs performed on each Grade 1, Grade 2 and Grade 3 leak. A gas
78 company shall specify any reclassification of previously identified leaks in its annual report. Gas
79 leak information shall be made available to any municipal or state public safety official upon
80 written request to the department.

81 (f) The department shall promulgate regulations necessary to implement the uniform
82 natural gas leak classifications as specified in this section and shall oversee and monitor
83 company response and reporting.

84 To improve the safety and service quality for consumers with inside meters:

85 SECTION _: Chapter 164 of the General Laws is hereby amended by inserting after
86 section 115A, as appearing in the 2016 Official Edition, the following section:

87 § 115B. Inspection and Repair of Piping Adjacent to Inside Meter

88

89 The DPU shall promulgate regulations establishing: (1) inspection and reporting
90 requirements for the inspection of pipe, including both the gas LDC's service line connected to
91 an inside meter from the pipeline, and (2) notice to occupants of the inspection process and any

92 findings resulting therefrom, and (3) repair/replacement requirements when a hazard is
93 discovered.

94 Any LDC service connected to an inside meter over 30 years old shall be scheduled for
95 replacement concurrent with any scheduled or unscheduled visit to the structure housing the
96 inside meter.

97 The DPU shall approve the implementation of these requirements, as memorialized in
98 each gas LDC's Operations and Maintenance Manual and receive annual reports concerning the
99 implementation of this section from each gas LDC.

100 To ensure that contracting out or insourcing by a gas company of work customarily
101 performed by gas company employees is with undertaken with competent and qualified
102 contractors:

103 The Department shall issues rules to establish rules and regulation by which the
104 qualifications of contractors shall be evaluated.

105 Contractors who wish to be eligible to receive contracts with a gas company to perform
106 gas work shall be required to register and provide all required documentation to meet
107 certification requirements with the DPU on an annual basis.

108 When a gas company seeks to outsource work customarily performed by gas company
109 employees and valued at an amount in excess of \$20,000 to a registered contractor, the company
110 shall report to DPU the reason the work is being outsourced; the cost of the contract being
111 outsourced; the contractor with whom the company is contracting; and, the qualifications of said
112 contractor. An agent of the Company will provide a signed certification attesting to the same.

113 For contractors hired to provide field services, the Company will also submit a plan to
114 DPU designating the number in-house staff and their job classifications assigned to oversee each
115 contractor(s) work each month and will provide a monthly report documenting the number of
116 visits by in-house staff and the locations visited to oversee contractor work. An agent of the
117 Company will certify compliance with this plan as part of the Company's monthly reporting
118 requirements.

119 When the outsourcing is due to insufficient staffing, the gas company shall submit a plan
120 for hiring additional staff to address the staffing shortage.

121 No construction, reconstruction, installation, alteration, repair or mapping of critical
122 infrastructure shall be outsourced to a contractor outside of the United States.

123 To ensure safety and transparency in pipeline repair:

124 Section 1. Chapter 149 as appearing in the 2016 Official Edition of the General Laws is
125 hereby amended by inserting a new Section, 27J:

126 All construction, reconstruction installation, alteration or repair not performed by gas or
127 electric public utility employees on public infrastructure shall be performed and procured under
128 this section of chapter 149, and section 39M of chapter 30.

129 No agreement, order, or requisition for labor or services on public infrastructure owned
130 or overseen by the commonwealth or by a county, city, town or district, shall be entered into or
131 given by any public official or public body unless said agreement, order or requisition contains a
132 stipulation requiring prescribed rates of wages, as determined by the commissioner, to be paid to

133 individuals performing construction, reconstruction installation, alteration or repair on public
134 infrastructure who are not gas or electric utility workers.

135 Any such agreement, order or requisition which does not contain said stipulation shall be
136 invalid, and no payment shall be made thereunder. Said rates of wages shall be requested of said
137 commissioner by said public official or public body together with the gas and electric public
138 utility on whose service territory the public infrastructure lies, and shall be furnished by the
139 commissioner in a schedule containing the classifications of jobs, and the rate of wages to be
140 paid for each job. Said rates of wages shall include payments to health and welfare plans, or, if
141 no such plan is in effect between employers and employees, the amount of such payments shall
142 be paid directly to said employees. Such requests for rates shall be made every six (6) months.

143 Whoever pays less than said rates of wages, including payments to health and welfare
144 funds, or the equivalent in wages, on said works, and whoever accepts for his own use, or for the
145 use of any other person, as a rebate, gratuity or in any other guise, any part or portion of said
146 wages or health and welfare funds, shall have violated this section and shall be punished or shall
147 be subject to a civil citation or order as provided in section 27C.

148 An employee claiming to be aggrieved by a violation of this section may, 90 days after
149 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
150 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
151 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
152 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who
153 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost

154 wages and other benefits and shall also be awarded the costs of the litigation and reasonable
155 attorneys' fees.

156 The Department, under chapter 30A and in consultation with gas and electric utilities,
157 shall promulgate rules and regulations for the training and implementation of a certification
158 program for contractors and their employees repairing or performing work on gas infrastructure
159 in the commonwealth.

160 To ensure the safety of residents, first responders, and gas workers

161 Section 144 of Chapter 164 of the General Laws, as appearing in the 2014 Official
162 Edition, is hereby amended by striking out subsection (c) and inserting in place thereof the
163 following subsection:-

164 (c)(1) Upon the undertaking of a significant project on a public way exposing confirmed
165 natural gas infrastructure, and with sufficient notice, a municipality or the commonwealth shall
166 submit written notification of the project to a gas company. The gas company shall survey the
167 project area for the presence of Grade 1 or Grade 2 leaks and set repair and replacement
168 schedules for all known or newly detected Grade 1 or Grade 2 leaks. The gas company shall
169 ensure that any shut off valve in the significant project area has a gate box installed upon it or a
170 reasonable alternative that would otherwise ensure continued public safety and that any critical
171 valve that has not been inspected and tested within the past 12 months is verified to be
172 operational and accessible. The gas company shall provide the repair and replacement schedule
173 of gas leaks to the municipality or the commonwealth.

174 (2) Upon the undertaking of any planned project involving excavation for purposes of
175 performing maintenance on or construction involving any gas mains or services by gas company

176 employees, or any blasting work, the gas company shall ensure that its employees first locate and
177 identify and mark all gas gates and valves, and verify that all are cleared, operational and
178 accessible in clear sight at ground level in advance of any excavation; and that said gas gates and
179 valves are left cleared, and operational following any such project.

180 (3) The gas company shall ensure that any shut off valve in the significant project area
181 has a gate box installed upon it by its employees to ensure continued public safety.

182 (4) The gas company shall provide the municipality or the commonwealth with written
183 confirmation that the gas gates and valves have been cleared, inspected and tested by its
184 employees and found to be capable of accepting a gate key; and, shall provide the municipality
185 or commonwealth with undated, correct information if the location of gates or valves is
186 determined to have been previously improperly located.

187 (5) Failure to undertake verification that gas gates and valves have been cleared, and are
188 both operational and accessible prior to the start of and following an excavation, or blasting
189 work, shall be subject to a fine of up to \$10,000. Failure to submit written confirmation of such
190 verification shall be subject to a fine of \$200 per day.