

**SENATE . . . . . No. 1969**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cindy F. Friedman***

*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 relative to improving gas workers field safety.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/1/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/1/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/6/2019</i>

**SENATE . . . . . No. 1969**

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By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1969) of Cindy F. Friedman, Diana DiZoglio, Patrick M. O'Connor, Joseph A. Boncore and other members of the General Court for legislation relative to improving gas workers field safety. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to improving gas workers field safety.

*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 1. Chapter 164 of the General Laws is hereby amended by inserting the  
2 following section:-

3 Section 115B. The department shall promulgate regulations establishing: (1) inspection  
4 and reporting requirements for the inspection of pipeline, including the gas local distribution  
5 company’s service line connected to an inside meter from the pipeline; (2) notice to occupants of  
6 the inspection process and any findings resulting therefrom; and (3) repair and replacement  
7 requirements when a hazard is discovered.

8 Any gas local distribution company service connected to inside piping over 30 years old  
9 shall be scheduled for replacement concurrent with any scheduled or unscheduled visit to the  
10 structure housing the inside meter.

11 The department shall approve the implementation of these requirements, as memorialized  
12 in each gas local distribution company's operations and maintenance manual and receive annual  
13 reports concerning the implementation of this section from each gas local distribution company.

14 SECTION 2. Section 144 of said chapter 164, as appearing in the 2016 Official Edition,  
15 is hereby amended by striking out subsection (a) and inserting in place thereof the following  
16 subsection:-

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

18 For the purposes of this section, the following terms shall have the following meanings:

19 "Eliminated", a zero gas reading in all areas within 300 feet of the leak, including all  
20 inhabited structures, for 24 consecutive hours after an initial zero gas reading following the  
21 repair of the leak; provided, that every time a new gas reading occurs within the 300 foot radius,  
22 the reading will trigger a new work order, repair and a new 24-hour period to ensure the leak is  
23 eliminated; provided further, that leaks repaired on a temporary basis to eliminate an immediate  
24 hazard or probable hazard shall not be considered eliminated.

25 "Grade 1 Leak", a leak that represents an existing or probable hazard to persons or  
26 property, including, but not limited to, leaks resulting in: (1) any positive reading inside an  
27 inhabited structure that is determined to be related to a pipeline; (2) any positive reading from an  
28 external source, above or below ground, within 5 feet of an inhabited structure; or (3) any  
29 reading indicating 4 per cent or more gas in an enclosed space.

30 "Grade 2 Leak", a leak that is recognized as non-hazardous to persons or property at the  
31 time of detection, but justifies scheduled repair based on probable future hazard.

32           “Grade 3 Leak”, a leak that is recognized as non-hazardous to persons or property at the  
33 time of detection and can be reasonably expected to remain non-hazardous.

34           SECTION 3. Subsection (b) of said section 144 of said chapter 164, as so appearing, is  
35 hereby amended by striking out paragraph (2) and inserting in place thereof the following  
36 paragraph:-

37           (2) Grade 1 leaks, as defined in subsection (a), require repair immediately and continuous  
38 action until the conditions are no longer hazardous. Upon identifying a Grade 1 leak, the gas  
39 company shall immediately schedule repairs, which shall continue until completed, and the  
40 location of the existing or probable hazard shall be kept under surveillance until the hazard or  
41 source of the leak is eliminated permanently. Whenever appropriate and feasible, a gas company  
42 shall notify the fire department and chief law enforcement officer in each city or town where a  
43 Grade 1 leak is identified.

44           SECTION 4. Said subsection (b) of said section 144 of said chapter 164, as so appearing,  
45 is hereby further amended by striking out paragraph (3) and inserting in place thereof the  
46 following paragraph:-

47           (3) The gas company shall repair Grade 2 leaks, as defined in subsection (a), or replace  
48 the main within 6 months from the date the leak was classified. All Grade 2 leaks shall be  
49 reevaluated by a gas company at least once every 3 months until eliminated permanently;  
50 provided, however, that the frequency of reevaluation shall be determined by the location and  
51 magnitude of the leakage condition.

52 SECTION 5. Said subsection (b) of said section 144 of said chapter 164, as so appearing,  
53 is hereby further amended by striking out paragraph (4) and inserting in place thereof the  
54 following paragraph:-

55 (4) The gas company shall reevaluate Grade 3 leaks, as defined in subsection (a), during  
56 the next scheduled survey, or within 6 months from the date last evaluated, whichever occurs  
57 first, until the leak is eliminated or the main is replaced. A municipal or state public safety  
58 official may request a reevaluation of a Grade 3 leak prior to the next scheduled survey, or  
59 sooner than 6 months from the date last evaluated, if the official reasonably believes that the  
60 Grade 3 leak poses a threat to public safety.

61 Each local distribution company shall maintain an accurate and timely record of any  
62 Grade 3 leaks that, upon re-inspection, are upgraded to a Grade 1 or 2 leak. The department shall  
63 establish a service quality metric for the same, and each gas local distribution company will  
64 report any upgrades of Grade 3 leaks to the department on a monthly basis.

65 Each gas local distribution company shall maintain a central control room within its  
66 service territory with trained staff sufficient to monitor its pipeline and respond to fluctuations in  
67 pressurization, reportable incidents, and infrastructure failures.

68 Each gas local distribution company shall report each disruption in its ability to provide  
69 electronic data, including but not limited to, maps and records relevant to inspections,  
70 maintenance, repairs, and construction to its in-house workforce and contractors lasting more  
71 than 30 minutes. Each 30 minute disruption shall be the subject of a separate report. Disruptions  
72 in the provision of electronic data to field personnel and field contractors will be incorporated as  
73 a metric in the DPU's service quality indicators for gas local distribution companies.

74 The department shall promulgate regulations establishing requirements for the  
75 maintenance, timely updating, accuracy, and security of gas local distribution company maps and  
76 records. Such regulations shall be promulgated and implemented no later than January 1, 2021.

77 SECTION 6. Said section 144 of said chapter 164, as so appearing, is hereby further  
78 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

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

89 (2) Upon the undertaking of any planned project involving excavation for purposes of  
90 performing maintenance on or construction involving any gas mains or services by gas company  
91 employees, or any blasting work, the gas company shall ensure that its employees first locate and  
92 identify and mark all gas gates and valves, and verify that all are cleared, operational and  
93 accessible in clear sight at ground level in advance of any excavation, and that said gas gates and  
94 valves are left cleared, and operational following any such project.

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

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

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

106 SECTION 7. Said chapter 164 is hereby amended by inserting after section 21 the  
107 following section:-

108 Section 21A. The department, under chapter 30A and in consultation with gas and  
109 electric utilities, shall promulgate rules and regulations for the training and implementation of a  
110 certification program for contractors and their employees repairing or performing work on gas  
111 infrastructure in the commonwealth.

112 Contractors who wish to be eligible to receive contracts with a gas company to perform  
113 gas work shall be required to register and provide all required documentation to meet  
114 certification requirements with the department on an annual basis.

115           When a gas company seeks to outsource work customarily performed by gas company  
116 employees and valued at an amount in excess of \$20,000 to a registered contractor, the gas  
117 company shall report to the department the reason the work is being outsourced, the cost of the  
118 contract being outsourced, the contractor with whom the gas company is contracting and the  
119 qualifications of said contractor. An agent of the gas company shall provide a signed certification  
120 attesting to the same.

121           For contractors hired to provide field services, the gas company shall submit a plan to the  
122 department designating the number of in-house staff and their job classifications assigned to  
123 oversee contractor work each month and shall provide a monthly report documenting the number  
124 of visits by in-house staff and the locations visited to oversee contractor work. An agent of the  
125 gas company shall certify compliance with this plan as part of the gas company's monthly  
126 reporting requirements.

127           If a gas company chooses to outsource work customarily performed by gas company  
128 employees due to insufficient gas company staffing, the gas company shall submit a plan for  
129 hiring additional staff to address the staffing shortage.

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