

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

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.

The Commonwealth of Massachusetts

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

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.