GAS SAFETY STANDARDS
Act 165 of 1969

AN ACT to authorize the public service commission to establish and enforce gas safety standards; and to provide penalties for violations thereof.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

The People of the State of Michigan enact:

483.151 Definitions.

Sec. 1. As used in this act:

(a) "Commission" means the public service commission.

(b) "Gas" means natural gas, flammable gas, or gas that is toxic or corrosive.

(c) "Person" means an individual, firm, joint venture, partnership, corporation, association, municipality, cooperative association, or joint stock association, and includes a trustee, receiver, assignee, or personal representative of such an entity.

(d) "Pipeline facilities" includes, but is not limited to, new and existing pipeline rights-of-way, and any equipment, facility, or building used in the transportation of gas or the treatment of gas during the course of transportation.

(e) "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or the storage of gas. Transportation of gas does not include the gathering of gas in rural locations that lie outside the limits of an incorporated or unincorporated city, town, village, or other designated residential or commercial area such as a subdivision, business or shopping center, community development, or similar populated area that the commission may define as a nonrural area. Transportation of gas includes gathering lines located in or occupying the property of schools, hospitals, churches, parks, or similar public places.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969;—Am. 1992, Act 11, Imd. Eff. Mar. 10, 1992.

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483.152 Rules and standards; criteria; waiver.

Sec. 2. (1) The commission shall promulgate rules and prescribe safety standards for pipeline facilities and the transportation of gas in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In prescribing safety standards, the commission shall consider:

(a) Relevant available pipeline safety data.

(b) Whether the standards are appropriate for the particular type of pipeline transportation.

(c) The extent to which the standards will contribute to public safety.

(2) If a person engaged in the transportation of gas or the operation of pipeline facilities applies, the commission, after notice and opportunity for a hearing and under the terms and conditions and to the extent the commission considers appropriate, may waive, in whole or in part, compliance with any standard established under this act, if the waiver is not inconsistent with gas pipeline safety. At the time of issuing the waiver, the commission shall state the reasons for its issuance.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969;—Am. 1992, Act 11, Imd. Eff. Mar. 10, 1992.

Administrative rules: R 460.2301 et seq.; R 460.20101 et seq.; and R 460.20201 et seq. of the Michigan Administrative Code.

483.153 Gas transporters, pipe line owners and operators; duties.

Sec. 3. Any person who engages in the transportation of gas or who owns or operates a pipeline facility shall:

(a) Comply with the requirements of any standard prescribed by the commission.

(b) File and comply with a plan of inspection and maintenance as required by section 4.

(c) Permit access to and copying of records, make reports and provide information and permit entry and inspection as required by sections 5 and 6.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.154 Inspection and maintenance plan; filing, changes, determination of adequacy.

Sec. 4. Any person who engages in the transportation of gas or who owns or operates pipeline facilities shall file with the commission a plan for inspection and maintenance of each pipeline facility owned or operated by the person and any changes in the plan, in accordance with rules prescribed by the commission. If at any time the commission finds that the plan is inadequate to achieve pipeline safety, after notice and opportunity for a hearing, it shall require the plan to be revised. In determining the adequacy of any plan the

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commission shall consider:

(a) Relevant available pipeline safety data.

(b) Whether the plan is appropriate for the particular type of pipeline transportation.

(c) The extent to which such plan will contribute to the public safety.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.155 Records and reports; inspection.

Sec. 5. Any person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports and provide such information as the commission may reasonably require to enable it to determine whether the person has acted or is acting in compliance with the standards established pursuant to this act. Upon the request of an officer, employee or agent of the commission, the person shall permit the commission or person authorized by it to inspect his books, papers, records and other relevant documents to determine whether the person has acted or is acting in compliance with the standards established pursuant to this act.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.156 Inspection and investigation; reports of noncompliance; right of entry.

Sec. 6. The commission may conduct such inspection and investigation as may be necessary to aid in the enforcement of the provisions of this act and the standards established pursuant to this act. The commission shall furnish the attorney general any information obtained indicating noncompliance with the standards for appropriate action. For purposes of the enforcement of this act, officers, employees or agents authorized by the commission, upon presenting appropriate credentials to the person in charge of the pipeline facilities, may enter and inspect pipeline facilities at reasonable times and in a reasonable manner and with reasonable promptness.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.157 Accident reports; use in judicial proceedings; testimony; public inspection.

Sec. 7. Accident reports made by any officer, employee or agent of the commission shall be available for use in any civil, criminal or other judicial proceeding arising out of the accident. Any officer, employee or agent may be required to testify in the proceedings. Any report shall be made available to the public in a manner which does not identify individuals. All reports on research projects, demonstration projects and other related activities shall be public information.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.158 Trade secrets, confidentiality; disclosure to legislative committee.

Sec. 8. All information reported to or otherwise obtained by the commission or its representative pursuant to sections 5, 6 or 7, which information contains or relates to a trade secret referred to in section 1905 of title 18 of the United States code, shall be considered confidential for the purpose of that section, except that the information may be disclosed to other officers or employees concerned with carrying out this act or when relevant in any proceeding under this act. Nothing in this section shall authorize the withholding of information by the commission or any officer, employee or agent under its control, from the duly authorized committees of the legislature.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.159 Research, testing, development and training; cooperation with state and federal agencies.

Sec. 9. (1) The commission may conduct research, testing, development and training necessary to carry out the provisions of this act.

(2) Upon request, the commission shall furnish to the federal department of transportation any information it has concerning the safety of any materials, operations, devices or processes relating to the transportation of gas or the operation of pipeline facilities.

(3) The commission is authorized to advise, assist and cooperate with other state departments and agencies and other interested public and private agencies and persons, in the planning and development of safety standards, and methods for inspecting and testing to determine compliance with safety standards.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

483.160 Exemptions; applicability of act.

Sec. 10. (1) This act does not apply to a pipeline facility or the transportation of gas subject to the jurisdiction of the federal energy regulatory commission under the natural gas act, chapter 556, 52 Stat. 821,

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15 U.S.C. 717 to 717w.

(2) This act applies to a person engaged in interstate commerce other than a person subject to the jurisdiction of the federal energy regulatory commission.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969;—Am. 1992, Act 11, Imd. Eff. Mar. 10, 1992.

483.161 Penalties.

Sec. 11. (1) A person who violates this act or a rule promulgated under this act is subject to a fine of not more than $10,000.00 for each violation for each day that the violation persists, except that the maximum civil penalty shall not exceed $500,000.00 for any related series of violations.

(2) In determining the amount of the fine, the commission shall consider all of the following:

(a) The effect on the ability of the person charged to continue in business.

(b) The nature, circumstances, and gravity of the violation.

(c) Any good faith effort by the person charged to comply with the requirements of this act.

(d) The degree of culpability of the person charged.

(e) The history of prior violations of the person charged.

(f) The ability of the person charged to pay.

(g) Other matters as justice may require.

(3) The amount of the penalty stipulated may be deducted from a sum the state owes the person charged or may be recovered in a civil action in the Ingham county circuit court.

(4) A person who willfully and knowingly defaces, damages, removes, or destroys a pipeline sign or right-of-way marker required by this act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or by a fine of not more than $5,000.00, or both, for each offense.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969;—Am. 1992, Act 11, Imd. Eff. Mar. 10, 1992.

Administrative rules: R 460.2301 et seq. of the Michigan Administrative Code.

483.162 Injunctive relief; jurisdiction; notice; opportunity to comply.

Sec. 12. The Ingham county circuit court has jurisdiction to restrain violations of this act, including the restraint of transportation of gas or the operation of a pipeline facility, and to enforce standards established under this act upon petition by the attorney general. Whenever practical, the commission shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to be heard, and, except in the case of a knowing and wilful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

History: 1969, Act 165, Imd. Eff. Aug. 5, 1969.

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