

RAILROAD COMMISSION OF TEXAS
Oversight and Safety Division
Pipeline Safety Department



NOTICE TO PIPELINE OPERATORS AND LOCAL DISTRIBUTION COMPANIES

State of Disaster in Texas Waiver Requests

On March 13, 2020, the President issued a *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, and Governor Greg Abbott declared a State of Disaster in Texas for all Texas counties in response to the novel coronavirus.

On March 20, 2020, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA"), Office of Pipeline Safety, issued a *Notice to Gas and Hazardous Liquid Pipeline, Underground Natural Gas Storage and Liquefied Natural Gas Facility Operators and PHMSA State Partners Regarding the National Emergency Relating to the Novel Coronavirus Disease (COVID-19) Outbreak* ("PHMSA Notice"). The Railroad Commission of Texas ("RRC") recognizes that pipeline operators may face resource constraints, including limited personnel, during the COVID-19 pandemic. These resource constraints, coupled with the continuing need to meet operational and maintenance obligations may necessitate actions by personnel that may not fully meet federal operator qualification (OQ), control room management (CRM), and employment drug testing requirements, as more fully described in the PHMSA Notice. Accordingly, the RRC intends to follow the guidance issued by PHMSA in its March 20, 2020 PHMSA Notice. Additionally, the RRC will exercise discretion in its overall enforcement of other parts of pipeline safety regulations not specifically referenced in the PHMSA Notice, RRC intends to provide operators with the flexibility to maintain normal operations while ensuring public safety and protection of the environment throughout the COVID-19 pandemic.

Operators who determine that they cannot comply with the regulations described in the PHMSA Notice or other pipeline safety regulations due to challenges related to COVID-19 should promptly notify the RRC's Pipeline Safety Department by e-mail at Safety@rrc.texas.gov. **In all cases, pipeline operators must adequately document any such issues and communicate those matters promptly with the RRC's Pipeline Safety Department.**

This Notice applies only to operators faced with limited resources as a result of the impacts of the State of Disaster. This Notice does not relieve operators from complying with other RRC rules and regulations and acting reasonably to use trained, non-impaired workers to perform operations and maintenance and control-room tasks. Finally, operators remain responsible for the safe operation of their systems and shall maintain the capability to detect and respond to critical pipeline safety issues and adequately respond to pipeline emergencies.

Local Distribution Companies ("LDCs"): The RRC recognizes that residential and small commercial gas LDC customers impacted by the COVID-19 pandemic may be faced with financial constraints.

This Notice advises gas LDC operators that the RRC recommends the temporary suspension of disconnections of residential and small commercial customers for nonpayment while Texas remains under a State of Disaster. In addition, to lessen the financial hardship of customers, RRC recommends that LDC operators offer customers options to make payments or set up alternative payment plans.

UPDATE to LDCs - September 23, 2020: The RRC recognizes and appreciates gas LDC operators' temporary suspension of disconnections of residential and small commercial customers for nonpayment since the onset of the COVID-19 pandemic. The RRC also recognizes the financial need for utilities to be paid for their services and for customers to have an account in good standing heading into the winter heating season. While LDC operators may continue to suspend disconnections of residential and small commercial customers for nonpayment, LDC operators may also initiate disconnects according to procedures no more stringent than those specified in their approved quality of service rules. In addition, to lessen the financial hardship of customers, the RRC recommends that LDC operators offer customers options to make payments, set up alternative payment plans, and refer customers to the 211 Texas website at <https://www.211texas.org/>. This amendment to this Notice is effective September 15, 2020, and will remain in effect until further notice or modification by the RRC, and nothing in this Notice prohibits the RRC from modifying or rescinding this Notice or enforcing its rules and regulations if it determines that a significant safety issue or other circumstance warrants doing so.

This Notice is effective March 24, 2020, and will remain in effect until further notice or modification by the RRC and nothing in this Notice prohibits the RRC from modifying or rescinding this Notice or enforcing its rules and regulations if it determines that a significant safety issue or other circumstance warrants doing so.

The *Notice to Gas and Hazardous Liquid Pipeline, Underground Natural Gas Storage and Liquefied Natural Gas Facility Operators and PHMSA State Partners Regarding the National Emergency Relating to the Novel Coronavirus Disease (COVID-19) Outbreak* is available on the PHMSA website at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-03/PHMSA%20Notice%20on%20Enforcement.pdf>.

If you have questions regarding this notice, please contact the RRC at Safety@rrc.texas.gov.

Please Forward to the Appropriate Section of Your Company