

**ASSEMBLY CONCURRENT
RESOLUTION No. 164**

**STATE OF NEW JERSEY
218th LEGISLATURE**

INTRODUCED MARCH 26, 2018

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Urges President and Congress to require interstate natural gas pipelines constructed in N.J. to conform with N.J. regulations for intrastate natural gas pipelines.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/6/2018)

1 **A CONCURRENT RESOLUTION** urging the President and Congress of
2 the United States to require adherence to New Jersey regulations
3 for certain pipelines.
4

5 **WHEREAS**, The Pipeline Hazardous Materials Safety Administration
6 (PHMSA), a division of the United States Department of
7 Transportation, is charged with regulating interstate pipelines, and
8 in doing so, has established a classification system which
9 distinguishes between pipeline location types and compels higher
10 safety standards in locations with greater population numbers; and

11 **WHEREAS**, The pipeline location classes established by the PHMSA
12 are: Class 1 - an offshore area or any location that has 10 or fewer
13 residential buildings; Class 2 – any location with between 11 and
14 46 residential buildings; Class 3 – any location with more than 46
15 residential buildings or an area where the pipeline lies or would lie
16 within 100 yards of either a building or a small, well-defined
17 outside area regularly occupied by more than 20 people; and Class
18 4 – any location in which buildings with four stories or more are
19 prevalent; and

20 **WHEREAS**, The New Jersey Board of Public Utilities (BPU) has
21 established standards which govern the construction, operation, and
22 maintenance of natural gas pipelines within the State, and these
23 standards require, in part, that all pipelines constructed in New
24 Jersey after March 2, 2009 meet the most stringent PHMSA safety
25 standards by adhering to Class 4 design standards regardless of the
26 particular attributes of the location; and

27 **WHEREAS**, The BPU’s authority extends only to pipelines built
28 completely within the State; therefore, interstate pipelines, such as
29 the proposed PennEast pipeline, are subject to federal law and need
30 not adhere to the more-stringent Class 4 standards if the location
31 qualifies as a lower-class location; and

32 **WHEREAS**, New Jersey’s proximity to the Marcellus Formation, the
33 largest source of natural gas in the United States, has recently led to
34 an increase in proposals for the construction of major interstate
35 transmission pipelines which would run through the State and
36 adhere to lower safety standards than those required by New Jersey
37 regulations for intrastate pipelines; and

38 **WHEREAS**, As New Jersey is the most densely populated state in the
39 country, with 1,215.4 people per square mile as of 2014, the BPU
40 has determined that adherence to the highest safety standards in the
41 construction, operation, and maintenance of natural gas pipelines in
42 the State is necessary to ensure public safety and promote
43 environmental health throughout the State; and

44 **WHEREAS**, Protecting the people and the environment of New Jersey
45 is of paramount importance and warrants adherence to the highest
46 possible safety standards, and though higher standards may result in
47 increased costs for pipeline operators, these costs are necessary and
48 justified; now, therefore,

1 **BE IT RESOLVED** *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

3

4 1. The Legislature of this State respectfully urges the President
5 and Congress of the United States to require that all interstate
6 natural gas pipelines constructed in New Jersey conform to New
7 Jersey regulations concerning the construction, operation, and
8 maintenance of natural gas pipelines.

9

10 2. Copies of this resolution, as filed with the Secretary of State,
11 shall be transmitted by the Clerk of the General Assembly or the
12 Secretary of the Senate to the President of the United States, the
13 Majority Leader and Minority Leader of the United States Senate,
14 the Speaker and Minority leader of the United States House of
15 Representatives, and every member of Congress elected from the
16 State of New Jersey.

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STATEMENT

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21 This concurrent resolution respectfully urges the President and
22 Congress of the United States to require that all interstate gas
23 pipelines constructed in New Jersey conform to New Jersey
24 regulations concerning the construction, operation, and maintenance
25 of natural gas pipelines in the State.

26

27 As New Jersey is the most densely populated state in the country,
28 the Board of Public Utilities (BPU) has determined that adherence
29 to the highest possible safety standards in the construction,
30 operation, and maintenance of natural gas pipelines in the State is
31 necessary to ensure public safety and to promote environmental
32 health throughout the State. In order to accomplish this, the BPU
33 has adopted safety standards for intrastate pipelines which are more
34 stringent than those adopted for interstate pipelines by the federal
35 Pipeline Hazardous Materials Safety Administration. This
36 resolution seeks to ensure that interstate pipelines constructed and
37 operated in New Jersey adhere to safety standards which are
appropriate for the unique characteristics of this State.