CHAPTER 299J

PIPELINE SAFETY

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299J.01 AUTHORITY OF OFFICE OF PIPELINE SAFETY.

The commissioner of public safety shall, to the extent authorized by agreement with the United States Secretary of Transportation, act as agent for the United States Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal pipeline safety regulations with respect to interstate pipelines located within this state. The commissioner shall, to the extent authorized by federal law, regulate pipelines in the state as authorized by sections 299J.01 to 299J.17 and 299F.56 to 299F.641.

History: *1987 c 353 s 22; 1989 c 244 s 18*

299J.02 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 299J.01 to 299J.17.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 3. **Director.** "Director" means the director of the Office of Pipeline Safety.

Subd. 4. **Emergency.** "Emergency" means a condition that poses a clear and immediate danger to life or health or that threatens a significant loss of property.

Subd. 5. **Emergency release.** "Emergency release" means a release that poses a clear and immediate danger to life or health or that threatens a significant loss of property.

Subd. 6. **Emergency responder.** "Emergency responder" means a fire department or company, a law enforcement official or office, an ambulance or other emergency rescue service, or the Division of Emergency Management created by section 12.04, subdivision 1.

Subd. 7. **Gas.** "Gas" has the meaning given it in Code of Federal Regulations, title 49, section 192.3.

Subd. 8. **Hazardous liquid.** "Hazardous liquid" means "hazardous liquid" and "highly volatile liquid" as defined in Code of Federal Regulations, title 49, section 195.2.

Subd. 8a. **LNG; liquefied natural gas.** "LNG" or "liquefied natural gas" means natural gas or synthetic gas having as its major constituent methane that has been changed to a liquid or semisolid.

Subd. 8b. **LNG facility.** "LNG facility" means a pipeline facility that is used for liquefying or solidifying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

Subd. 9. **Local governmental unit.** "Local governmental unit" means a county, town, or statutory or home rule charter city.

Subd. 10. **Person.** "Person" means an individual, corporation, partnership, association, or other business entity or a trustee, receiver, assignee, or personal representative of any of them.

Subd. 11. **Pipeline.** "Pipeline" means:

(1) pipe with a nominal diameter of six inches or more, located in the state, that is used to transport hazardous liquids, but does not include pipe used to transport a hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refining, storage, or manufacturing facility; or

(2) pipe operated at a pressure of more than 275 pounds per square inch that carries gas.

Subd. 12. **Pipeline operator.** "Pipeline operator" means a person who owns or operates a pipeline or LNG facility.

Subd. 13. **Release.** "Release" means a spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, disposing, flowing, or any other uncontrolled escape of a hazardous liquid or gas from a pipeline or gas from a LNG facility.

History: *1987 c 71 s 2; 1987 c 353 s 23; 1992 c 386 s 1-4*

299J.03 OFFICE OF PIPELINE SAFETY.

Subdivision 1. **Establishment.** The Office of Pipeline Safety is under the control of a director appointed by the commissioner and serving at the commissioner's pleasure in the unclassified service. The commissioner shall employ in the Office of Pipeline Safety inspectors and other professional and clerical staff who serve in the classified service.

Subd. 2. **Qualifications.** (a) The director of the office must be knowledgeable in the operation and safety aspects of pipelines.

(b) Inspectors must have scientific or technical training or experience that demonstrates in-depth knowledge of pipeline engineering technology and pipeline safety.

(c) Inspectors shall complete courses at the Transportation Safety Institute and be certified by the institute as soon as possible following appointment.

(d) Inspectors shall meet the qualifications established by the federal government in order for the state to participate in the pipeline safety grant programs under the federal Natural Gas Pipeline Safety Act of 1968, Public Law 90-481, and the federal Hazardous Liquid Pipeline Safety Act of 1979, United States Code, title 49, section 60101 et seq.

History: *1987 c 353 s 24; 1989 c 244 s 19; 2011 c 76 art 1 s 49*

299J.04 DUTIES OF OFFICE OF PIPELINE SAFETY.

Subdivision 1. **General duties.** The commissioner shall:

(1) enforce sections 216D.01 to 216D.09, as provided in sections 216D.08 and 216D.09;

(2) maintain a database of all pipeline and LNG facility emergency releases;

(3) inspect, as necessary, any record, map, or written procedure required by sections 299J.01 to 299J.17 to be kept by a pipeline operator concerning the reporting of emergency releases, and the design, construction, testing, or operation and maintenance of pipelines and LNG facilities; and

(4) adopt rules to implement sections 299J.01 to 299J.17.

The rules adopted under clause (4) must treat separately and distinguish between hazardous liquid and gas pipelines and must be compatible with federal laws and regulations.

Subd. 2. **Delegated duties.** (a) The commissioner shall seek and accept federal designation of the office's pipeline inspectors as federal agents for the purposes of enforcement of the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal rules adopted to implement those acts. The commissioner shall establish and submit to the United States Secretary of Transportation an inspection program that complies with requirements for delegated interstate agent inspection authority.

(b) To the extent that federal delegation of interstate agent inspection authority permits, the inspection program for interstate pipelines and LNG facilities must be the same as the inspection program for intrastate pipelines and LNG facilities. If the United States Secretary of Transportation delegates inspection authority to the state as provided in this subdivision, the commissioner, at a minimum, shall do the following to carry out the delegated federal authority:

(1) inspect pipelines and LNG facilities periodically as specified in the inspection program;

(2) collect inspection fees;

(3) order and oversee the testing of pipelines and LNG facilities as authorized by federal law and regulations; and

(4) file reports with the United States Secretary of Transportation as required to maintain the delegated inspection authority.

Subd. 3. MS 1988 [Repealed by amendment, 1989 c 244 s 20]

Subd. 4. MS 1988 [Repealed by amendment, 1989 c 244 s 20]

History: *1987 c 353 s 25; 1989 c 244 s 20; 1992 c 386 s 5*

299J.05 PIPELINE SETBACK ORDINANCE.

(a) The commissioner shall adopt, by December 31, 1990, a model ordinance under chapter 14 requiring a setback from pipelines in areas where residential or other development is allowed. The model ordinance must apply only to new development and not to development that has occurred, or for which development permits have been issued, before the effective date of the ordinance.

(b) By August 1, 1991, each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 394.21 to 394.37 or 462.351 to 462.365, and in which a pipeline is located, shall adopt a pipeline setback ordinance that meets or exceeds the minimum standards of the model ordinance and is approved by the commissioner. The model ordinance applies in a jurisdiction where the local

governmental unit does not adopt a setback ordinance that is approved by the commissioner by August 1, 1991.

History: *1987 c 353 s 26; 1989 c 244 s 21; 2025 c 20 s 235*

299J.06 MS 1996 [Repealed, 1998 c 348 s 8]

299J.061 MS 2004 [Repealed, 2006 c 212 art 1 s 26]

299J.07 PENALTIES FOR FAILING TO REPORT EMERGENCY RELEASE.

Subdivision 1. **Duty to report.** A pipeline operator shall immediately report by telephone to the emergency response center established by the commissioner of public safety an emergency release from the operator's pipeline or LNG facility.

Subd. 2. **Felony.** (a) An employee of a pipeline operator who has responsibility to make the report under subdivision 1 is guilty of a felony if:

(1) the employee knows or has reason to know that an emergency release exists;

(2) the employee does not immediately report the release to the commissioner of public safety; and

(3) the emergency release causes the death of an individual or great bodily harm as defined in section 609.02, subdivision 8.

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than seven years or payment of a fine of not more than $14,000, or both.

History: *1987 c 353 s 28; 1992 c 386 s 6*

299J.08 COMMISSIONER REPORTS RELEASE; ADVICE, COORDINATION.

Upon receiving notice of an emergency release, the commissioner or a designee shall immediately report the emergency release to the emergency responder of the appropriate local governmental unit, to the Pollution Control Agency if the notice of the release is required by section 115.061, and to any other person or office, as provided by the rules or procedures of the Office of Pipeline Safety. A pipeline operator's report of an emergency release to the commissioner satisfies the notification requirements of section 115.061. The commissioner shall advise the emergency responder concerning appropriate emergency procedures and coordinate the procedures. The commissioner shall also coordinate responses to pipeline accidents with the federal government according to procedures established by the United States Secretary of Transportation.

History: *1987 c 353 s 29; 1989 c 244 s 23*

299J.09 MS 1988 [Repealed, 1989 c 244 s 28]

299J.10 LOCAL GOVERNMENT EMERGENCY OPERATIONS PLAN.

(a) A county or statutory or home rule charter city having a pipeline or LNG facility within its jurisdiction shall prepare an emergency operations plan and supporting documents that will include appropriate pipeline safety information. The format and content of the plan and supporting documents must be in agreement with the guidance and prototype planning documents provided by the Department of Public Safety, Division of Emergency Management. The county or statutory or home rule charter city must consult with the pipeline owner or operator when preparing the plan.

(b) A county or statutory or home rule charter city shall review and update its plan and supporting documents annually to reflect changes in its operations, in the operation of the pipeline or LNG facility, or other matters relating to public safety. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the Department of Public Safety, Division of Emergency Management. The director may at any reasonable time examine an emergency operations plan required by this section.

History: *1987 c 353 s 31; 1989 c 244 s 24; 1992 c 386 s 7*

299J.11 ADOPTION OF FEDERAL PIPELINE INSPECTION RULES.

To enable the state to act as an agent of the United States Secretary of Transportation and to qualify for annual federal certification to enforce the federal pipeline inspection program authorized by the Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and the rules implementing those acts, the federal pipeline inspection rules and safety standards, and regulations and standards that may be adopted that amend them, are adopted.

History: *1987 c 353 s 32; 1989 c 244 s 25*

299J.12 INTERSTATE PIPELINE INSPECTION FEE, ASSESSMENT.

Subdivision 1. **Assessment and deposit of fee.** For each quarter following the delegation to the state of the inspection authority described in section 299J.04, the commissioner shall assess and collect from every interstate pipeline operator an inspection fee in an amount calculated under subdivisions 2 and 3. If an operator does not pay the fee within 60 days after the assessment was mailed, the commissioner may impose a delinquency fee of ten percent of the quarterly inspection fee and interest at the rate of 15 percent per year on the portion of the fee not paid. Fees collected by the commissioner under this section must be deposited in the pipeline safety account.

Subd. 2. **Inspection fee.** For interstate pipelines and LNG facilities subject to the inspection authority granted under sections 299J.01 to 299J.11, the expenses attributable to the inspection of each pipeline facility or LNG facility must be directly charged to the appropriate pipeline operators on a quarterly basis. The expenses must not include expenses that will be reimbursed by the federal government.

Subd. 3. **Support costs.** The commissioner shall calculate the amount of the general support costs of the Office of Pipeline Safety for the preceding quarter that is proportionate to the amount of time spent by the office in implementing sections 299J.01 to 299J.18 and maintaining interstate agent status, including the costs incurred in seeking federal interstate agent status in the first quarter's calculations. The costs incurred in seeking federal interstate agent status must include the costs directly attributable to salaries, training, and other activities and costs related to obtaining interstate agent status, from the time that the request for interstate agent status is submitted by the commissioner to the United States Department of Transportation, to the time that approval of interstate agent status is granted. The calculated support cost must not include expenses that will be reimbursed by the federal government. Each interstate pipeline operator, except LNG facility operators, must be assessed on a quarterly basis a portion of the calculated support costs equal to the percentage of the total miles of pipeline operated by the pipeline operator in Minnesota. LNG facility operators must be assessed on a quarterly basis a portion of the calculated support costs divided equally between the LNG facilities.

History: *1987 c 353 s 33; 1988 c 624 s 20; 1989 c 244 s 26; 1992 c 386 s 8,9*

299J.13 ACCESS TO INFORMATION; CLASSIFICATION OF DATA.

Subdivision 1. **Duty to provide information.** A person who the director has reason to believe is responsible for an emergency release shall, when requested by the office or an authorized agent of the office, furnish to the director any information that the person may have or may reasonably obtain that is relevant to the emergency release.

Subd. 2. **Access to information and property.** The director or an authorized agent, upon presentation of credentials, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information under subdivision 1; and

(2) enter upon any property, public or private, for the purpose of taking any action authorized by sections 299J.01 to 299J.17, including obtaining information from any person who has a duty to provide the information under subdivision 1 and conducting surveys or investigations.

Subd. 3. **Classification of data.** Except as otherwise provided in this subdivision, data obtained from any person under subdivision 1 or 2 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes, or methods of production unique to that person, or information that would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 299J.01 to 299J.17, or to other public agencies concerned with the implementation of sections 299J.01 to 299J.17.

Subd. 4. **Recovery of expenses.** Reasonable and necessary expenses incurred by the director under this section, including administrative and legal expenses, may be recovered from a person who has been found liable under section 299J.07, 299J.15, or 299J.16, or any other law relating to the operation of a pipeline, in a separate action brought by the attorney general or in connection with an action under section 299J.16. The director's certification of expenses is prima facie evidence that the expenses are reasonable and necessary.

History: *1987 c 353 s 34*

299J.14 LINE MARKERS; VANDALISM PENALTY.

Subdivision 1. **Line markers required.** A pipeline operator shall place and maintain line markers over each pipeline as required by Code of Federal Regulations, title 49, sections 192.707 and 195.410.

Subd. 2. **Vandalism prohibited; misdemeanor.** A person may not deface, mar, damage, remove, injure, displace, destroy, or tamper with any sign or line marker marking the location of a pipeline. A person violating this subdivision is guilty of a misdemeanor.

History: *1987 c 353 s 35*

299J.15 DISPOSAL OF PIPELINE; PENALTY; ENFORCEMENT.

Subdivision 1. **Disposal prohibited.** (a) After an emergency release has occurred, a pipeline operator, or its employee or agent, may not dispose of, destroy, or alter the part of a pipeline or LNG facility that was involved in the emergency release until approval is granted by the commissioner. The authority of the commissioner to grant approval may not be delegated.

(b) This subdivision does not prevent the repair of a pipeline in the ground without the approval of the commissioner, or the excavation and removal from the ground of a pipeline or part of a pipeline without the approval of the commissioner. However, the pipeline may not be altered with the intent to prevent or hinder a determination of the cause of the emergency release.

Subd. 2. **Felony.** A person who knowingly violates subdivision 1, or who denies the director or the director's designee access to the pipeline or LNG facility for the purposes of inspection, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

History: *1987 c 353 s 36; 1992 c 386 s 10*

299J.16 CIVIL PENALTY; INJUNCTIVE RELIEF.

Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07, subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections, shall forfeit and pay to the state a civil penalty in an amount to be determined by the court, up to the maximum penalties listed in Code of Federal Regulations, title 49, part 190, and any successor regulations and standards that may be amended or adopted.

(b) The penalty provided under this subdivision may be recovered by an action brought by the attorney general at the request of the commissioner, in the name of the state, in connection with an action to recover expenses of the director under section 299J.13, subdivision 4:

(1) in the District Court of Ramsey County; or

(2) in the county of the defendant's residence.

Subd. 2. **Action to compel performance; injunctive relief.** A person who fails to perform an act required by section 299J.13 or 299J.15, or the rules of the commissioner implementing those sections, may be compelled to do so by an action in district court brought by the attorney general at the request of the commissioner, in the name of the state.

History: *1987 c 353 s 37; 1989 c 244 s 27; 2008 c 287 art 1 s 92; 2023 c 68 art 4 s 84*

299J.17 OTHER REMEDIES PRESERVED.

Sections 299J.01 to 299J.17 do not abolish or diminish the right of a person to bring a legal action or use a remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss, or other costs arising out of a release.

History: *1987 c 353 s 38*

299J.18 PIPELINE SAFETY ACCOUNT.

The pipeline safety account is established as an account in the state treasury. All fees and penalties collected under sections 299J.01 to 299J.17 shall be deposited in the state treasury and credited to the pipeline safety account.

Money received by the office in the form of gifts, grants, reimbursements, or appropriations from any source shall be credited to the pipeline safety account.

History: *1987 c 353 s 39*