

WAYNE CHRISTIAN, *CHAIRMAN*  
 CHRISTI CRADDICK, *COMMISSIONER*  
 JIM WRIGHT, *COMMISSIONER*



ALEXANDER C. SCHOCH, *GENERAL COUNSEL*

# RAILROAD COMMISSION OF TEXAS

## OFFICE OF GENERAL COUNSEL

### MEMORANDUM




**TO:** Chairman Wayne Christian  
 Commissioner Christi Craddick  
 Commissioner Jim Wright

**FROM:** Anna Harris, Attorney  
 Office of General Counsel

**THROUGH:** Alexander C. Schoch, General Counsel

**DATE:** October 5, 2022

**SUBJECT:** Proposed Amendments to 16 TAC Chapters 13 and 14,  
 relating to Regulations for Compressed Natural Gas and  
 Liquefied Natural Gas

October 11, 2022		
Approved	Denied	Abstain
DS 		
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Attached are proposals to amend the Commission's Alternative Fuels Regulations in 16 Texas Administrative Code Chapters 13 and 14. The amendments to Chapters 13 and 14, relating to Regulations for Compressed Natural Gas and Regulations for Liquefied Natural Gas respectively, are proposed to implement changes from the 87th Legislative Session. The proposed amendments also update, clarify, and ensure consistency among the Commission's alternative fuels regulations.

Staff requests the Commission's approval to publish the proposed amendments in the *Texas Register* for public comment. If approved at conference on October 11th, the proposals should appear in the October 28th issue of the *Texas Register*. The proposals and an online comment form would also be made available on the Commission's website by October 12th, giving interested persons more than two additional weeks to review and submit comments to the Commission.

cc: Wei Wang, Executive Director  
 Kari French, Director, Oversight and Safety Division  
 April Richardson, Director, Alternative Fuels Safety

1           The Railroad Commission of Texas (Commission) proposes amendments to §14.2004, Applicability,  
2 Severability, and Retroactivity; §14.2007, Definitions; §14.2014, Application for License or Manufacturer  
3 Registration (New and Renewal); §14.2016, Penalty Guidelines and Enforcement; §14.2019, Examination  
4 Requirements and Renewals; §14.2040, Filings Required for Stationary LNG Installations; §14.2043,  
5 Temporary Installations; §14.2101, System Protection Requirements; §14.2637, Signs and Labeling; §14.2704,  
6 Registration and Transfer of LNG Transports; §14.2707, Testing Requirements; §14.2710, Markings;  
7 §14.2725, Exhaust System; and §14.2801, Adoption by Reference of NFPA 52. The Commission also  
8 proposes new §14.2050, Reporting Unsafe LNG Activities, and new §14.2053, Manufacturer's Nameplate and  
9 Markings on ASME Containers.

10           The Commission proposes the amendments and new rules to incorporate provisions of Senate Bill  
11 1582 (SB 1582) enacted during the 87th Texas Legislative Session (Regular Session, 2021) and to make  
12 additional clarifying changes as discussed in the following paragraphs.

13           SB 1582 amended section 116.034(e) and (f) of the Natural Resources Code to provide for licensing  
14 and registration examination to be performed by a proctoring service. The Commission proposes amendments  
15 in §14.2019(b)(3)(A)(iii), (b)(3)(C)(v), and (d) to incorporate the use of an online testing or proctoring service  
16 and to ensure any required fee is paid to the testing or proctoring service in addition to the Commission's  
17 examination fee. Proposed subsection (b)(3)(C)(v) specifies that the use of an online testing or proctoring  
18 service may begin upon the rule's effective date, which is not certain at this time. Upon adoption of the  
19 amendments, the Commission will include a specific date in subsection (b)(3)(C)(v). Also in §14.2019(b), the  
20 Commission proposes clarifying changes regarding AFS scheduling and registration for courses to reflect  
21 current Commission practice.

22           Regarding other proposed amendments, the Commission proposes amendments in §14.2004 to make  
23 this rule provision consistent with the corresponding rule in Chapter 9 of this title regarding LP-Gas Safety  
24 Rules. Proposed amendments in §14.2007 delete the definitions of unused terms and make nonsubstantive  
25 clarifications in other definitions.

26           The Commission proposes amendments in §14.2014(f)(1)(B) and in subsection (k)(2) to add  
27 references to Forms 2007A and 2007T. The Commission proposes new subsection (i) to require a 24-hour  
28 emergency telephone number, which is consistent with Chapter 9, and for clarification as the number is  
29 required on Form 2001. Proposed new subsection (l)(3) clarifies requirements for DOT and ASME licensees,  
30 consistent with provisions in Chapter 9. The Commission also proposes new subsection (m) regarding repair to  
31 certain cylinders or tanks, consistent with the same provision recently adopted in Chapter 9.

32           The Commission proposes an amendment in §14.2016 to correct a typographical error.

33           In §14.2040(b)(1), the Commission proposes to change the deadline for submittal of LNG Form 2501  
34 from 10 calendar days to 30 calendar days, which is consistent with the similar rule in Chapter 9.

1           In §14.2043(d), the Commission proposes a correction in the reference to the additional electrical  
2 requirements.

3           The Commission proposes new §14.2050 to outline the process by which industry members and the  
4 public may submit complaints about non-compliance. The proposed text of the new rule is similar to the  
5 equivalent rule in Chapter 9. The Commission will update LNG Form 2022 separately from these proposed  
6 rule amendments.

7           The Commission proposes new §14.2053 to address nameplate requirements consistent with the  
8 equivalent rule in Chapter 9 and concurrently proposed amendments to §13.40.

9           The Commission proposes an amendment in §14.2101(b)(9) to correct a typographical error.

10          The Commission proposes new §14.2637(d) to move the requirement from its current location in  
11 §14.2710 to better reflect that the requirement applies to mobile installations, not transports.

12          The Commission proposes amendments to §14.2704 to coincide with the proposal of new forms for  
13 registration or transfer of LNG cargo tanks or delivery units, which will be proposed separately during the  
14 comment period for these proposed amendments to corresponding rules in Chapter 14.

15          The Commission proposes an amendment in §14.2707(b) to correct a reference to a 49 Code of  
16 Federal Regulations section number.

17          The Commission proposes to amend §14.2710 as previously discussed with §14.2637.

18          The Commission amends in §14.2725 and §14.2801(b)(1) to correct typographical errors.

19          April Richardson, Director, Alternative Fuels Safety Department, has determined that there will be no  
20 costs to the Commission as a result of enforcing and administering the proposed amendments and new rules.  
21 There are no anticipated fiscal implications for local governments as a result of enforcing the amendments and  
22 new rules.

23          Ms. Richardson has also determined that for each year of the first five years the amendments and new  
24 rules as proposed are in effect the public benefit will be compliance with recent changes to the Texas Natural  
25 Resources Code and consistency of rule provisions.

26          Ms. Richardson has determined that for each year of the first five years that the amendments and new  
27 rules will be in effect, there will be no economic costs for persons required to comply as a result of adoption of  
28 the proposed amendments and new rules. Persons who elect to use a testing or proctoring service for the rules  
29 examination in §14.2019 may be charged a separate fee by the testing or proctoring service in addition to the  
30 Commission's fee for the rules examination, but the use of those services is optional.

31          Texas Government Code, §2006.002, relating to Adoption of Rules with Adverse Economic Effect,  
32 directs that, as part of the rulemaking process, a state agency prepare an economic impact statement that  
33 assesses the potential impact of a proposed rule on rural communities, small businesses, and micro-businesses,  
34 and a regulatory flexibility analysis that considers alternative methods of achieving the purpose of the rule if

1 the proposed rule will have an adverse economic effect on rural communities, small businesses, or micro-  
2 businesses. The proposed amendments and new rules will not have an adverse economic effect on rural  
3 communities, small businesses, or micro businesses because the only potential cost due to the proposed  
4 amendments is for the use of a testing or proctoring service, which is optional. Therefore, the regulatory  
5 flexibility analysis addressed in §2006.002 is not required.

6 The Commission has determined that the proposed rulemaking will not affect a local economy;  
7 therefore, pursuant to Texas Government Code, §2001.022, the Commission is not required to prepare a local  
8 employment impact statement for the proposed rules.

9 The Commission has determined that the proposed amendments and new rules do not meet the  
10 statutory definition of a major environmental rule as set forth in Texas Government Code, §2001.0225;  
11 therefore, a regulatory analysis conducted pursuant to that section is not required.

12 During the first five years that the rules would be in effect, the proposed amendments and new rules  
13 would not: create or eliminate a government program; create or eliminate any employee positions; require an  
14 increase or decrease in future legislative appropriations; require an increase or decrease in fees paid to the  
15 agency; create a new regulation; expand, limit, or repeal an existing regulation; increase or decrease the  
16 number of individuals subject to the rule's applicability; or affect the state's economy.

17 Comments on the proposal may be submitted to Rules Coordinator, Office of General Counsel,  
18 Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at  
19 [www.rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings](http://www.rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings); or by electronic mail to  
20 [rulescoordinator@rrc.texas.gov](mailto:rulescoordinator@rrc.texas.gov). The Commission will accept comments until 5:00 p.m. on Monday,  
21 November 28, 2022. The Commission finds that this comment period is reasonable because the proposal and  
22 an online comment form will be available on the Commission's website more than two weeks prior to Texas  
23 Register publication of the proposal, giving interested persons additional time to review, analyze, draft, and  
24 submit comments. The Commission cannot guarantee that comments submitted after the deadline will be  
25 considered. For further information, call Ms. Richardson at (512) 463-6935. The status of Commission  
26 rulemakings in progress is available at [www.rrc.texas.gov/general-counsel/rules/proposed-rules](http://www.rrc.texas.gov/general-counsel/rules/proposed-rules).

27 The Commission proposes the amendments and new rules under Texas Natural Resources Code  
28 §116.012, which authorizes the Commission to adopt rules and standards relating to compressed natural gas  
29 activities to protect the health, welfare, and safety of the general public; Texas Natural Resources Code  
30 §116.031(e), which requires a person engaging in the manufacture or fabrication of containers to register with  
31 the commission in accordance with rules adopted by the commission; and Texas Natural Resources Code  
32 §116.034(e) and (f) as amended by Senate Bill 1582 (87th Legislature, Regular Session).

33 Statutory authority: Texas Natural Resources Code, §§116.012, 116.031, and 116.034.

34 Cross reference to statute: Texas Natural Resources Code Chapter 116.

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SUBCHAPTER A. GENERAL APPLICABILITY AND REQUIREMENTS.

§14.2004. Applicability, Severability, and Retroactivity.

(a) The Regulations for Liquefied Natural Gas in this chapter [~~This chapter is intended to~~] apply to the design, installation, and operation of liquefied natural gas (LNG) [~~dispensing~~] systems and equipment [~~the design and installation of LNG engine fuel systems on vehicles of all types and their associated fueling facilities, and the construction and operation of equipment for the storage, handling, and transportation of~~ LNG].

(b) - (g) (No change.)

§14.2007. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

(1) - (3) (No change.)

~~[(4) API—American Petroleum Institute.]~~

(5) - (13) (*To be renumbered as (4) - (12).*)

(13) [~~(14)~~] Container--Any LNG vessel manufactured to the applicable sections of the American Petroleum Institute (API) [~~API~~] Code, ASME Code, or DOT requirements in effect at the time of manufacture.

(15) - (22) (*To be renumbered as (14) - (21).*)

~~[(23) Fired equipment—Any equipment in which the combustion of fuels takes place.]~~

(22) [~~(24)~~] Ignition source--Any item, substance, or event having adequate temperature and energy release of the type and magnitude sufficient to ignite any flammable mixture of gases or vapors that could occur at a site.

(25) - (46) (*To be renumbered as (23) - (44).*)

(45) [~~(47)~~] Pressure vessel--A container or other component designed in accordance with the ASME Code [~~ASME Code~~].

(48) - (65) (*To be renumbered as (46) - (63).*)

§14.2014. Application for License or Manufacturer Registration (New and Renewal).

(a) - (e) (No change.)

(f) Applicants for a new license shall file with AFS:

1 (1) a properly completed LNG Form 2001 listing all names under which LNG-related  
2 activities requiring licensing are to be conducted and the applicant's properly qualified company  
3 representative, and the following forms or documents as applicable:

4 (A) (No change.)

5 (B) LNG Form 2007, 2007A or 2007T and any information requested in §14.2704 of  
6 this title (relating to Registration and Transfer of LNG Transports) if the applicant intends to register any LNG  
7 transports;

8 (C) - (F) (No change.)

9 (2) (No change.)

10 (g) - (h) (No change.)

11 (i) Applications for license or registration must include a 24-hour emergency telephone number.

12 (j) [(+) AFS will review an application for license or registration to verify all requirements have been  
13 met.

14 (1) If errors are found or information is missing in the application or other documents, AFS  
15 will notify the applicant of the deficiencies in writing.

16 (2) The applicant must respond with the required information and/or documentation within 30  
17 days of the written notice. Failure to respond by the deadline will result in withdrawal of the application.

18 (3) If all requirements have been met AFS will issue the license or manufacturer registration  
19 and send the license or registration to licensee or manufacturer, as applicable.

20 (k) [(+)] For license and manufacturer registration renewals:

21 (1) AFS shall notify the licensee or registered manufacturer in writing at the address on file  
22 with AFS of the impending license or manufacturer registration expiration at least 30 calendar days before the  
23 date the license or registration is scheduled to expire.

24 (2) The renewal notice shall include copies of applicable LNG Forms 2001, 2001A, and 2007,  
25 2007A or LNG Form 2001M showing the information currently on file.

26 (3) The licensee or registered manufacturer shall review and return all renewal documentation  
27 to AFS with any necessary changes clearly marked on the forms. The licensee or registered manufacturer shall  
28 submit any applicable fees with the renewal documentation.

29 (4) Failure to meet the renewal deadline set forth in this section shall result in expiration of the  
30 license or manufacturer registration.

31 (5) If a person's license or manufacturer registration expires, that person shall immediately  
32 cease performance of any LNG activities authorized by the license or registration.

1 (6) If a person's license or manufacturer registration has been expired for 90 calendar days or  
2 fewer, the person shall submit a renewal fee that is equal to 1 1/2 times the renewal fee in §14.2013 of this title  
3 (relating to License Categories, Container Manufacturer Registration, Fees, and Application for Licenses,  
4 Manufacturer Registrations and Renewals).

5 (7) If a person's license or manufacturer registration has been expired for more than 90  
6 calendar days but less than one year, the person shall submit a renewal fee that is equal to two times the  
7 renewal fee.

8 (8) If a person's license or manufacturer registration has been expired for one year or more,  
9 that person shall not renew, but shall comply with the requirements for issuance of an original license or  
10 manufacturer registration under this section and §14.2013 of this title.

11 (9) After verification that the licensee or registered manufacturer has met all requirements for  
12 licensing or manufacturer registration, AFS shall renew the license or registration and send the applicable  
13 authorization to the licensee or manufacturer.

14 (1) [~~(4)~~] Applicants for license or license renewal in the following categories shall comply with these  
15 additional requirements:

16 (1) An applicant for a Category 20 or 50 license or renewal shall file with AFS a completed  
17 LNG Form 2505, certifying that the applicant will follow the testing procedures indicated. LNG Form 2505  
18 shall be signed by the appropriate LNG company representative designated on the licensee's LNG Form 2001.

19 (2) An applicant for Category 15, 20, or 50 license or renewal who tests tanks, subframes  
20 LNG cargo tanks, or performs other activities requiring DOT registration shall file with AFS a copy of any  
21 applicable current DOT registrations. Such registration shall comply with Title[~~7~~] 40<sub>2</sub> Code of Federal  
22 Regulations, Part 107 (Hazardous Materials Program Procedures), Subpart F (Registration of Cargo Tank and  
23 Cargo Tank Motor Vehicle Manufacturers and Repairers and Cargo Tank Motor Vehicle Assemblers).

24 (3) An applicant for Category 15 or 50 license or renewal who repairs or tests ASME  
25 containers shall file with AFS a copy of its current ASME Code, Section VIII certificate of authorization or  
26 "R" certificate. If ASME is unable to issue a renewed certificate of authorization prior to the expiration date,  
27 the manufacturer may request in writing an extension of time not to exceed 60 calendar days past the  
28 expiration date. The request for extension shall be received by AFS prior to the expiration date of the ASME  
29 certificate of authorization referred to in this section, and shall include a letter or statement from ASME that  
30 the agency is unable to issue the renewal certificate of authorization prior to expiration and that a temporary  
31 extension will be granted for its purposes. A registered manufacturer shall not continue to operate after the  
32 expiration date of an ASME certificate of authorization until the manufacturer files a current ASME certificate  
33 of authorization with AFS or AFS grants a temporary exception.

1           (m) Repair to a US DOT cylinder or cargo tank is defined in 49 CFR §§180.203, 180.403 and  
2 180.413. Changes made to or maintenance of a cylinder or cargo tank excluded from the definition of repair in  
3 49 CFR §§180.203, 180.403 and 180.413 do not require a license.  
4

5 §14.2016. Penalty Guidelines and Enforcement

6           (a) (No change.)

7           (b) Denial, suspension, or revocation of licenses, manufacturer registrations, or certificates.

8                   (1) The Commission may deny, suspend, or revoke a license, manufacturer registration, or  
9 certificate for any person who fails to comply with this chapter.

10                   (A) If AFS determines that an applicant for license, manufacturer registration,  
11 certificate, or renewal has not met the requirements of this chapter, AFS shall notify the applicant in writing of  
12 the reasons for the proposed denial. In the case of an applicant for license, manufacturer registration, or  
13 certificate, the notice shall advise the person that the application may be resubmitted within 30 calendar days  
14 of receipt of the denial with all cited deficiencies corrected, or, if the person disagrees with AFS' determination  
15 [~~AFS determination~~], that person may request in writing a hearing on the matter within 30 calendar days of  
16 receipt of the notice of denial.

17                   (B) (No change.)

18                   (2) - (4) (No change.)  
19

20 §14.2019. Examination Requirements and Renewals.

21           (a) (No change.)

22           (b) Rules examination.

23                   (1) - (2) (No change.)

24                   (3) An individual who files LNG Form 2016 and pays the applicable nonrefundable  
25 examination fee may take the rules examination.

26                   (A) Dates and locations of available Commission LNG examinations may be obtained  
27 [~~in the Austin offices of AFS and~~] on the Commission's web site[~~, and shall be updated at least monthly~~].  
28 Examinations may be administered: [~~conducted~~]

29                           (i) at the Commission's AFS Training Center in Austin; [~~between the hours of~~  
30 ~~8:00 a.m. and 12:00 noon, Monday through Friday, except for state holidays, and~~]

31                           (ii) at other designated times and locations around the state; and

32                           (iii) through an online testing or proctoring service.

33                   (B) Individuals or companies may request in writing that examinations be given in  
34 their area. AFS shall schedule [~~its~~] examinations [~~and locations~~] at its discretion.



1                    (C) [~~(B)~~] Exam fees.

2                    (i) The nonrefundable management-level rules examination fee is \$70.

3                    (ii) The nonrefundable employee-level rules examination fee is \$40.

4                    (iii) The nonrefundable examination fees shall be paid each time an individual  
5 takes an examination.

6                    (iv) A military service member, military veteran, or military spouse shall be  
7 exempt from the examination fee pursuant to §14.2015 of this title (relating to Military Fee Exemption). An  
8 individual who receives a military fee exemption is not exempt from renewal fees specified in subsection (g)  
9 of this section.

10                    (v) Beginning on the effective date of this rule, individuals who register for an  
11 examination to be administered by a testing or proctoring service shall pay any fee required by the testing or  
12 proctoring service in addition to paying the examination fee to the Commission.

13                    (D) [~~(C)~~] Time limits.

14                    (i) An applicant shall complete the examination within the time limits  
15 specified in this subparagraph.

16                    (I) The employee-level LNG Delivery Truck Driver examination and  
17 the management-level Category 35 Retail and Wholesale Dealers examination shall be limited to three hours;  
18 and

19                    (II) all other examinations shall be limited to two hours.

20                    (ii) The examination proctor shall be the official timekeeper.

21                    (iii) An examinee shall submit the examination and the answer sheet to the  
22 examination proctor before or at the end of the established time limit for an examination.

23                    (iv) The examination proctor shall mark any answer sheet that was not  
24 completed within the time limit.

25                    (E) [~~(D)~~] Each individual who performs LNG activities as an employee of an ultimate  
26 consumer or a state agency, county, municipality, school district, or other governmental subdivision shall be  
27 properly supervised by his or her employer. Any such individual who is not certified by the Commission to  
28 perform LNG activities shall be properly trained by a competent person in the safe performance of such LNG  
29 activities.

30                    (c) (No change.)

31                    (d) Within 15 calendar days of the date an individual takes an examination, AFS shall notify the  
32 individual of the results of the examination.

1 (1) If the examination is graded or reviewed by a testing or proctoring service, AFS shall  
2 notify the individual of the examination results within 14 days of the date AFS receives the results from the  
3 testing or proctoring service.

4 (2) If the notice of the examination results will be delayed for longer than 90 days after the  
5 examination date, AFS shall notify the individual of the reason for the delay before the 90th day. AFS may  
6 require a testing or proctoring service to notify an individual of the individual's examination results.

7 (e) - (g) (No change.)  
8

9 §14.2040. Filings Required for Stationary LNG Installations.

10 (a) (No change.)

11 (b) Commercial installations with an aggregate water capacity of less than 15,540 gallons.

12 (1) Within 30 [~~40~~] calendar days following the completion of a commercial container  
13 installation, the licensee shall submit LNG Form 2501 to AFS stating:

14 (A) - (C) (No change.)

15 (2) - (3) (No change.)

16 (c) - (e) (No change.)  
17  
18

19 §14.2043. Temporary Installations.

20 (a) - (c) (No change.)

21 (d) Temporary installations shall comply with the electrical requirements specified in NFPA 59A  
22 Chapter 10 [~~Subchapter F of this chapter (relating to Instrumentation and Electrical Services)~~].

23 (e) - (i) (No change.)  
24

25 §14.2050. Reporting Unsafe LNG Activities.

26 (a) A person may report any unsafe or noncompliant LNG activities to AFS by mail, telephone, email,  
27 or fax. When possible, the person shall make the report using LNG Form 2022. Within five business days of  
28 receipt of such report, AFS shall notify the alleged non-compliant party in writing regarding the report and  
29 specify the reported non-compliant installations and/or activities.

30 (b) The Commission may release the person's name in accordance with applicable open records  
31 procedures.

32 (c) A person who reports unsafe LNG activities may be called to testify at a Commission hearing if  
33 one is necessary following the initiation of an enforcement action.  
34

1 §14.2053. Manufacturer's Nameplate and Markings on ASME Containers.

2 (a) In addition to NFPA 52 §13.3.16 and NFPA 59A §13.3.15, LNG shall not be introduced into any  
3 ASME container unless the container is equipped with an original nameplate or at least one of the following  
4 nameplates permanently attached to the container.

5 (1) A duplicate nameplate is an additional ASME container nameplate issued by the original  
6 manufacturer with duplicate information as the original nameplate and clearly marked as a duplicate  
7 nameplate, but installed in a remote location.

8 (2) A modification (or alteration) nameplate is a nameplate issued and affixed by an ASME  
9 Code facility including only partial information applicable to a modification or alteration performed on that  
10 container.

11 (3) A replacement nameplate is a nameplate including the identical information as the original  
12 nameplate and identified as a replacement nameplate, but issued and affixed by the original manufacturer or its  
13 successor company or companies when the original nameplate is lost or illegible.

14 (b) AFS may remove a container from LNG service or require ASME acceptance of a container at any  
15 time if AFS determines that the nameplate, in any form defined in subsection (a) of this section, is loose,  
16 unreadable, or detached, or if it appears to be tampered with or damaged in any way and does not contain at a  
17 minimum the items defined by NFPA as applicable.

18  
19 SUBCHAPTER B. GENERAL RULES FOR ALL STATIONARY LNG INSTALLATIONS

20 §14.2101. System Protection Requirements.

21 (a) (No change.)

22 (b) Fencing at LNG stationary installations shall comply with the following:

23 (1) - (8) (No change.)

24 (9) Where fencing is not used to protect the installation, then valve locks, a means of locking  
25 the electric control for the compressors, or other suitable means shall be provided to prevent unauthorized  
26 withdrawal of LNG [~~CNG~~].

27 (c) - (g) (No change.)

28  
29 SUBCHAPTER G. ENGINE FUEL SYSTEMS.

30 §14.2637. Signs and Labeling.

31 (a) - (b) (No change.)

32 (c) Each school bus, special transit vehicle, mass transit vehicle, and public transportation unit shall be  
33 marked with the manual shutoff valve's location with the words "Manual Shutoff Valve." Decals or stencils  
34 are acceptable.

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SUBCHAPTER H. LNG TRANSPORTS.

§14.2704. Registration and Transfer of LNG Transports.

(a) A person who operates a ~~an LNG~~ transport equipped with LNG cargo tanks or any container delivery unit, regardless of who owns the transport or unit, shall register the transport or unit with AFS in the name or names under which the operator conducts business in Texas prior to the unit ~~[transport]~~ being used in LNG service.

(1) To register a cargo tank unit previously unregistered in Texas, the operator of the unit shall:

- (A) pay to AFS the \$270 registration fee for each LNG transport;
- (B) file a properly completed LNG Form 2007;
- (C) file a copy of the manufacturer's data report;
- (D) file a copy of the DOT compliance sheet; and
- (E) file a copy of the test required by §14.2707 of this title (relating to Testing

Requirements), unless that unit was manufactured within the previous five years.

(2) To register a container delivery unit previously unregistered in Texas, the operator of the unit shall:

- (A) pay to AFS the \$270 registration fee for each unit; and
- (B) file a properly completed LNG Form 2007A.

(3) ~~[(2)]~~ To register an LNG cargo tank or any container delivery unit ~~[a transport]~~ which was previously registered in Texas but for which the registration has expired, the operator of the unit shall:

- (A) pay to AFS the \$270 registration fee;
- (B) file LNG Form 2007 for cargo tanks or LNG Form 2007A for container delivery

units; and

- (C) for cargo tanks file a copy of the latest test results if an expired unit has not been used in the transportation of LNG for over one year or the current test has not been filed with AFS.

(4) ~~[(3)]~~ To re-register a currently registered unit, the licensee operating the unit shall:

- (A) pay a \$270 ~~[\$300]~~ annual registration fee;
- (B) file LNG Form 2007 for cargo tanks or LNG Form 2007A for container delivery

units or the truck list provided with licensee's renewal notice; and

- (C) for cargo tanks file a copy of the latest test results if one has not been filed with

AFS.

(5) ~~[(4)]~~ To transfer a currently registered unit, the new operator of the transport shall:

- (A) pay the \$100 transfer fee for each unit; ~~and~~

1 (B) file a properly completed LNG Form 2007T; and [2007]

2 (C) for cargo tanks, file a copy of the latest test results if one has not been filed with

3 AFS.

4 (b) - (c) (No change.)

5  
6 §14.2707. Testing Requirements.

7 (a) (No change.)

8 (b) Containers shall be tested in accordance with 49 CFR §180.407 [~~§338~~].

9 (c) (No change.)

10  
11 §14.2710. Markings.

12 ~~[(a)]~~ LNG transports shall be marked on each side and the rear with the name of the licensee or the  
13 ultimate consumer operating the unit. Such lettering shall be legible and at least two inches in height and in  
14 sharp color contrast to the background. AFS will determine whether the name marked on the transport is  
15 sufficient to properly identify the operator.

16 ~~[(b) Each school bus, special transit vehicle, mass transit vehicle, and public transportation unit shall~~  
17 ~~be marked with the manual shutoff valve's location with the words "Manual Shutoff Valve." Decals or stencils~~  
18 ~~are acceptable.]~~

19  
20 §14.2725. Exhaust System.

21 No part of the exhaust system on any LNG transport or container delivery unit shall be located less  
22 than six inches [~~unless shielded~~] from any piping, pump, and/or compressor unless shielded. The exhaust  
23 system discharge shall not impinge on the containers, piping, or related appurtenances.

24  
25 SUBCHAPTER I. ADOPTION BY REFERENCE OF NFPA 52 (VEHICULAR GASEOUS FUEL  
26 SYSTEMS CODE)

27 §14.2801. Adoption by Reference of NFPA 52.

28 (a) (No change.)

29 (b) Effective February 15, 2021, the Commission also adopts by reference all other NFPA publications  
30 or portions of those publications referenced in NFPA 52 which apply to LNG activities only. The pamphlets  
31 adopted by reference in NFPA 52 are:

32 (1) NFPA [~~FPA~~] 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2012  
33 edition;

34 (2) - (13) (No change.)

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This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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\_\_\_\_\_  
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