

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



**ALEXANDER C. SCHOCH, GENERAL COUNSEL**

# RAILROAD COMMISSION OF TEXAS

## OFFICE OF GENERAL COUNSEL

### MEMORANDUM

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

**FROM:** Haley Cochran, Assistant General Counsel

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

**DATE:** January 11, 2023

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

Attached is Staff's recommendation to adopt amendments to 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, implement changes from the 87th Legislative Session. The amendments also update, clarify, and ensure consistency among the Commission's Alternative Fuels Regulations.

On October 11, 2022, the Commission approved the publication of the proposed amendments in the Texas Register for a public comment period, which ended on November 28, 2022. Staff recommends that the Commission adopt the amendments with changes to the proposed text as published in the October 28, 2022, issue of the *Texas Register* (47 TexReg 7190). The recommended changes are described in the attached adoption preamble.

**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) adopts amendments to §13.1, Applicability,  
2 Severability, and Retroactivity; §13.3, Definitions; §13.25, Filings Required for Stationary CNG Installations;  
3 §13.40, Manufacturer's Nameplates and Markings on ASME Containers; §13.61, License Categories,  
4 Container Manufacturer Registration, Fees, and Application for Licenses, Manufacturer Registrations, and  
5 Renewals; §13.63, Self-Insurance Requirements; §13.69, Registration and Transfer of CNG Cargo Tanks or  
6 Delivery Units; §13.70, Examination and Exempt Registration Requirements and Renewals; §13.91,  
7 Applicability; §13.93, System Protection Requirements; §13.203, Sections in NFPA 52 Adopted with  
8 Additional Requirements or Not Adopted; and §13.301, Adoption by Reference of NFPA 55. The Commission  
9 also adopts new §13.33, Reporting Unsafe CNG Activities, and §13.68, CNG Cargo Tank Requirements.  
10 Section 13.70 is adopted with a change from the proposed text as published and the remaining new and  
11 amended rules are adopted without changes to the proposed text as published in the October 28, 2022, issue of  
12 the Texas Register (47 TexReg 7190).

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

16           SB 1582 amended section 116.034(e) and (f) of the Natural Resources Code to provide for licensing  
17 and registration examination to be performed by a proctoring service. The Commission adopts amendments in  
18 §13.70(b)(3)(A)(iii), (b)(3)(C)(v), and (d) to incorporate the use of an online testing or proctoring service and  
19 to ensure any required fee is paid to the testing or proctoring service in addition to the Commission's  
20 examination fee. Subsection (b)(3)(C)(v) specifies that the use of an online testing or proctoring service may  
21 begin upon the rule's effective date; the Commission adopts this rule with a change to indicate the specific  
22 effective date of February 7, 2023. Also in §13.70(b), the Commission adopts changes regarding AFS  
23 scheduling and registration for courses to reflect current Commission practice. In §13.70(c)(1)(A), the  
24 Commission corrects a typographical error that appears in the current rule text. In §13.70(c)(1)(B), the  
25 Commission clarifies the delivery truck driver activities to remove references to service work. Most CNG  
26 drivers do not perform service work, but if they do, they may take the examination referenced in  
27 §13.70(c)(1)(A) to be qualified to perform those activities.

28           The Commission received one comment on the proposal from the Environmental Integrity Project  
29 (EIP). EIP commented on the complaint procedure in new §13.33 and suggested that the rule may dissuade  
30 members of the public or employees from reporting unsafe activities for fear of retribution or retaliation if  
31 their identities can be revealed as noted in subsections (b) and (c). The Commission makes no change with  
32 respect to this comment, but notes that anonymous complaints may be submitted by telephone; only a person  
33 who submits the form must include the complainant's information.

1           Regarding other amendments, the Commission amends §13.1 to make this rule provision consistent  
2 with the corresponding rule in Chapter 9 of this title regarding LP-Gas Safety Rules. Amendments in §13.3  
3 delete the definitions of some unused terms.

4           In §13.25, the Commission corrects a subsection reference and corrects references to the aggregate  
5 storage capacity of CNG commercial installations. In §13.25(c)(1), the Commission changes the deadline for  
6 submittal of CNG Form 1501 from 10 calendar days to 30 calendar days, which is consistent with the similar  
7 rule in Chapter 9.

8           The Commission adopts new §13.33 to outline the process by which industry members and the public  
9 may submit complaints about non-compliance. The text of the new rule is similar to the equivalent rule in  
10 Chapter 9. The Commission will adopt CNG Form 1022 separately from these rule amendments.

11           The Commission adopts amendments in §13.40 to make the rule consistent with the nameplate  
12 provisions in Chapter 9.

13           The Commission adopts amendments in §13.61(b) and new subsection (c) to make the rule consistent  
14 with the similar rule in Chapter 9 and redesignates the remaining subsections. In subsection (k), redesignated  
15 from subsection (j), and in subsection (p), redesignated from subsection (n), the Commission adds references  
16 to Forms 1007A and 1007T. The Commission adopts new subsection (n) to require a 24-hour emergency  
17 telephone number, which is also consistent with Chapter 9. In subsection (q)(2), the Commission adds license  
18 category "1B" which was inadvertently omitted from previously adopted amendments in Chapter 13. Adopted  
19 new §13.61(q)(3) clarifies requirements for DOT and ASME licensees, consistent with provisions in Chapter  
20 9. The Commission also adopts new subsection (r) regarding repair to certain cylinders or tanks, consistent  
21 with the same provision recently adopted in Chapter 9.

22           The Commission adopts an amendment in §13.63 to correct a typographical error.

23           The Commission adopts new §13.68 regarding CNG cargo tank requirements, which is added for  
24 consistency with similar provisions in Chapter 9.

25           The Commission adopts amendments to §13.69 regarding requirements for registering different types  
26 of units to coincide with new forms for registration or transfer of CNG cargo tanks or delivery units, which  
27 will be adopted separately. Amendments in newly designated subsection (a)(1) remove the requirement to file  
28 a copy of the manufacturer's data report; these reports are not applicable to CNG cargo tanks.

29           The Commission adopts amendments to §13.91 to better reflect the subject matter included in the  
30 subchapter.

31           The Commission adopts amendments in §13.93(c) to remove paragraph (6) for consistency with the  
32 similar provision in Chapter 9.

33           The Commission corrects typographical errors in the Figure in §13.203 and in §13.301(b)(26).

34           The Commission adopts the amendments under Texas Natural Resources Code §116.012, which  
35 authorizes the Commission to adopt rules and standards relating to compressed natural gas activities to protect

1 the health, welfare, and safety of the general public; Texas Natural Resources Code §116.031(e), which  
2 requires a person engaging in the manufacture or fabrication of containers to register with the Commission in  
3 accordance with rules adopted by the Commission; and Texas Natural Resources Code §116.034(e) and (f) as  
4 amended by Senate Bill 1582 (87th Legislature, Regular Session).

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

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

7

8 SUBCHAPTER A. SCOPE AND DEFINITIONS

9 §13.1. Applicability, Severability, and Retroactivity.

10 (a) The Regulations for Compressed Natural Gas in this chapter apply [~~This chapter applies~~] to the  
11 design, installation, and operation of compressed natural gas (CNG) [~~compression and dispensing~~]  
12 systems and equipment, including those used for compression [~~; the design and installation of CNG engine~~  
13 ~~fuel systems on vehicles of all types and their associated fueling facilities; and the construction and operation~~  
14 ~~of equipment for the storage, handling, and transportation of CNG].~~

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

16

17 §13.3. Definitions.

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

20 (1) (No change.)

21 [~~(2) ANSI--American National Standards Institute.~~]

22 (2) [(3)] ASME--American Society of Mechanical Engineers.

23 (3) [(4)] ASME Code--ASME Boiler and Pressure Vessel Code.

24 [(5) ASTM--ASTM International (formerly American Society for Testing and Materials).]

25 (4) [(6)] Automatic dispenser--A CNG dispenser which is operated by a member of the  
26 general public and which requires transaction authorization.

27 (5) [(7)] Building--A structure with walls and a roof resulting in the structure being totally  
28 enclosed.

29 (6) [(8)] Cascade storage system--Storage in multiple cylinders.

30 (7) [(9)] Certificate holder--An individual:

31 (A) who has passed the required management-level or employee-level examination  
32 pursuant to §13.70 of this title (relating to Examination and Exempt Registration Requirements and Renewal)  
33 and paid applicable fees; or

34 (B) who holds a current examination exemption pursuant to §13.70 of this title.

1           (8) [(40)] Certified--An individual who is authorized by the Commission to perform the CNG  
2 activities covered by the certification issued under §13.70 of this title.

3           (9) [(41)] CNG--See "Compressed natural gas" in this section.

4           (10) [(42)] CNG cargo tank--A container which complies with ASME or DOT specifications  
5 used to transport CNG for delivery.

6           (11) [(43)] CNG cylinder--A cylinder or other container designed for use or used as part of a  
7 CNG system.

8           (12) [(44)] CNG system--A system of safety devices, cylinders, piping, fittings, valves,  
9 compressors, regulators, dryers, gauges, relief devices, vents, installation fixtures, and other CNG equipment  
10 intended for use or used in any building or public place by the general public, or used in conjunction with a  
11 motor vehicle or mobile fuel system fueled by CNG, and any system or facilities designed to be used or used  
12 in the compression, sale, storage, transportation for delivery, or distribution of CNG in portable CNG  
13 cylinders, but does not include natural gas facilities, equipment, or pipelines located upstream of the outlet of  
14 the natural gas meter.

15           (13) [(45)] Commercial installation--Any CNG installation located on premises other than a  
16 single family dwelling used as a residence, or a private agricultural installation, including but not limited to a  
17 retail business establishment, school, convalescent home, hospital, retail CNG cylinder filling/exchange  
18 operation, service station, forklift refueling facility, or private motor/mobile fuel cylinder filling operation.

19           (14) [(46)] Commission--The Railroad Commission of Texas.

20           (15) [(47)] Company representative--The individual designated to the Commission by a  
21 license applicant or a licensee as the principal individual in authority and actively supervising the conduct of  
22 the licensee's CNG activities.

23           (16) [(48)] Compressed natural gas--Natural gas primarily consisting of methane (CH<sub>4</sub>) in  
24 gaseous state that is compressed and used, stored, sold, transported, or distributed for use by or through a CNG  
25 system.

26           (17) [(49)] Container--A pressure vessel cylinder or cylinders permanently manifolded  
27 together used to store CNG.

28           (18) [(20)] Cylinder service valve--A hand-wheel operated valve connected directly to a CNG  
29 cylinder.

30           (19) [(21)] Director--The director of the AFS or the director's delegate.

31           (20) [(22)] Dispensing installation--A CNG installation that dispenses CNG from any source  
32 by any means into fuel supply cylinders installed on vehicles or into portable cylinders.

33           (21) [(23)] DOT--The United States Department of Transportation.

34           (22) [(24)] Flexible metal hose--Metal hose made from continuous tubing that is corrugated  
35 for flexibility and, if used for pressurized applications, has an external wire braid.

1           (23) [(25)] Fuel supply cylinder--A cylinder mounted upon a vehicle for storage of CNG as  
2 fuel supply to an internal combustion engine.

3           (24) [(26)] Interim approval order--The authority issued by the Railroad Commission of Texas  
4 following a public hearing allowing construction of a CNG installation.

5           (25) [(27)] Licensed--Authorized by the Commission to perform CNG activities through the  
6 issuance of a valid license.

7           (26) [(28)] Licensee--A person which has applied for and been granted a CNG license by the  
8 Commission.

9           (27) [(29)] Mass transit vehicle--Any vehicle which is owned or operated by a political  
10 subdivision of a state, city, or county and primarily used in the conveyance of the general public.

11           (28) [(30)] Metallic hose--Hose in which the strength of the hose depends primarily on the  
12 strength of metallic parts, including liners or covers.

13           (29) [(31)] Mobile fuel container--A CNG container mounted on a vehicle to store CNG as the  
14 fuel supply for uses other than the engine to propel the vehicle, including use in an auxiliary engine.

15           (30) [(32)] Mobile fuel system--A CNG system which supplies natural gas fuel to an auxiliary  
16 engine other than the engine used to propel the vehicle or for other uses on the vehicle.

17           (31) [(33)] Motor fuel container--A CNG container mounted on a vehicle to store CNG as the  
18 fuel supply to an engine used to propel the vehicle.

19           (32) [(34)] Motor fuel system--A CNG system to supply natural gas as a fuel for an engine  
20 used to propel the vehicle.

21           (33) [(35)] Motor vehicle--A self-propelled vehicle licensed for highway use or used on a  
22 public highway.

23           (34) [(36)] Operations supervisor--The individual who is certified by the Commission to  
24 actively supervise a licensee's CNG activities and is authorized by the licensee to implement operational  
25 changes.

26           (35) [(37)] Outlet--A site operated by a CNG licensee from which any regulated CNG activity  
27 is performed.

28           (36) [(38)] Person--An individual, partnership, firm, joint venture, association, corporation, or  
29 any other business entity, a state agency or institution, county, municipality, school district, or other  
30 governmental subdivision, or licensee.

31           (37) [(39)] Point of transfer--The point where the fueling connection is made.

32           (38) [(40)] Pressure relief device--A device designed to provide a means of venting excess  
33 pressure to prevent rupture of a normally charged cylinder.

1                   (39) [(41)] Public transportation vehicle--A vehicle for hire to transport persons, including but  
2 not limited to taxis, buses (excluding school buses, mass transit, or special transit vehicles), or airport courtesy  
3 cars.

4                   (40) [(42)] Pullaway--The accidental separation of a hose from a cylinder, container, transfer  
5 equipment, or dispensing equipment, which could occur on a cylinder, container, transfer equipment, or  
6 dispensing equipment whether or not they are protected by a pullaway or breakaway device.

7                   (41) [(43)] Registered manufacturer--A person who has applied for and been granted a  
8 registration to manufacture CNG containers by the Commission.

9                   (42) [(44)] Residential fueling facility--An assembly and its associated equipment and piping  
10 at a residence used for the compression and delivery of natural gas into vehicles.

11                   (43) [(45)] Rules examination--The Commission's written examination that measures an  
12 examinee's working knowledge of Texas Natural Resources Code, Chapter 116, and the rules in this chapter.

13                   (44) [(46)] School--A public or private institution which has been accredited through the  
14 Texas Education Agency or the Texas Private School Accreditation Commission.

15                   (45) [(47)] School bus--A vehicle that is sold or used for purposes that include carrying  
16 students to and from school or related events.

17                   (46) [(48)] Special transit vehicle--A vehicle designed with limited passenger capacity which  
18 is used by a mass transit authority for special transit purposes, such as transport of mobility impaired persons.

19                   (47) [(49)] Trainee--An individual who has not yet taken and passed an employee-level rules  
20 examination.

21                   (48) [(50)] Transfer system--All piping, fittings, valves, pumps, compressors, meters, hoses,  
22 and equipment used in transferring CNG between containers.

23                   (49) [(51)] Transport--Any vehicle or combination of vehicles and CNG cylinders designed or  
24 adapted for use or used principally as a means of moving or delivering CNG from one place to another,  
25 including but not limited to any truck, trailer, semitrailer, cargo tank, or other vehicle used in the distribution  
26 of CNG.

27                   (50) [(52)] Ultimate consumer--The person controlling CNG immediately prior to its ignition.  
28

29 **SUBCHAPTER B. GENERAL RULES FOR COMPRESSED NATURAL GAS (CNG) EQUIPMENT**  
30 **QUALIFICATIONS**

31 **§13.25. Filings Required for Stationary CNG Installations.**

32                   (a) (No change.)

33                   (b) Installations with an aggregate storage capacity of 84,500 standard cubic feet or more. The storage  
34 capacity of each container is based on the container's operating pressure.

35                   (1) - (6) (No change.)

1 (7) The applicant shall submit to AFS written notice of completed construction and the  
2 Commission shall complete the field inspection as specified in subsection (d) [(e)] of this section. After the  
3 Commission has completed the inspection, the operator, pending the inspection findings, may commence CNG  
4 activities at the facility.

5 (8) - (11) (No change.)

6 (c) Commercial installations with an aggregate storage capacity of less than 84,500 [240] standard  
7 cubic feet [~~water volume~~]. The storage capacity of each container is based on the container's operating  
8 pressure.

9 (1) Within 30 [40] calendar days following the completion of a commercial container  
10 installation, the licensee shall submit CNG Form 1501 to AFS stating:

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

12 (2) - (3) (No change.)

13 (d) Physical inspection of stationary installations.

14 (1) Aggregate storage capacity of 84,500 [240] standard cubic feet [~~water volume~~] or more.  
15 The applicant shall notify AFS in writing when the installation is ready for inspection.

16 (A) - (B) (No change.)

17 (2) Aggregate storage capacity of less than 84,500 [240] standard cubic feet [~~water volume~~].  
18 After receipt of CNG Form 1501, AFS shall conduct an inspection as soon as possible to verify the installation  
19 described complies with the rules in this chapter. The facility may be operated prior to inspection if the facility  
20 fully complies with the rules in this chapter. If the initial inspection at a commercial installation results in the  
21 citation of non-compliance items, AFS may require that the subject container, including any piping,  
22 appliances, appurtenances, or equipment connected to it be immediately removed from CNG service until the  
23 applicant corrects the non-compliance items.

24 (3) - (4) (No change.)

25  
26 **§13.33. Reporting Unsafe CNG Activities.**

27 **(a) A person may report any unsafe or noncompliant CNG activities to AFS by mail, telephone, email,**  
28 **or fax. When possible, the person shall make the report using CNG Form 1022. Within five business days of**  
29 **receipt of such report, AFS shall notify the alleged noncompliant party in writing regarding the report and**  
30 **specify the reported noncompliant installations and/or activities.**

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

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

35



## 1 §13.40. Manufacturer's Nameplates and Markings on ASME Containers.

2 (a) In addition to NFPA 52 §5.4.5.1 and NFPA 55 §7.1.6.1: [;]

3 (1) Compressed [~~compressed~~] natural gas (CNG) shall not be introduced into  
4 any ASME [~~American Society of Mechanical Engineers (ASME)~~] container unless the container is [~~which is~~  
5 ~~not~~] equipped with an original [~~a manufacturer's original or replacement~~] nameplate or at least one of the  
6 following nameplates permanently attached to the container or has the required information stamped directly  
7 on the vessel.8 (A) A duplicate nameplate is an additional ASME container nameplate issued by the  
9 original manufacturer with duplicate information as the original nameplate and clearly marked as a duplicate  
10 nameplate but installed in a remote location.11 (B) A modification (or alteration) nameplate is a nameplate issued and affixed by an  
12 ASME Code facility including only partial information applicable to a modification or alteration performed on  
13 that container.14 (C) A replacement nameplate is a nameplate including the identical information as the  
15 original nameplate and identified as a replacement nameplate, but issued and affixed by the original  
16 manufacturer or its successor company or companies when the original nameplate is lost or illegible.17 (2) Nameplates on ASME containers [~~No ASME container~~] manufactured on or after  
18 November 1, 1994, shall be [~~used in the State of Texas unless it has attached to it a~~] stainless steel  
19 [~~manufacturer's nameplate or the required information is visibly stamped directly on the vessel~~].20 (3) If the nameplate is attached, it shall be attached in a manner that will minimize corrosion  
21 of the nameplate or its attachments or that will not contribute to the corrosion of the container.

22 (b) - (e) (No change.)

23 (f) AFS may remove a container from CNG service or require ASME acceptance of a container at any  
24 time if AFS determines that the nameplate or stamped information, in any form defined in subsection (a) of  
25 this section, is loose, unreadable, or detached, or if it appears to be tampered with or damaged in any way and  
26 does not contain at a minimum the items defined in subsection (c) or (e) of this section as applicable.

27

## 28 SUBCHAPTER C. CLASSIFICATION, REGISTRATION, AND EXAMINATION

29 §13.61. License Categories, Container Manufacturer Registration, Fees, and Application for Licenses,  
30 Manufacturer Registrations, and Renewals.

31 (a) (No change.)

32 (b) The license categories and fees are as follows.

33 (1) - (4) (No change.)

34 (5) A Category 3 license for retail and wholesale dealers authorizes the sale, storage,  
35 transportation for delivery, or dispensing of CNG for use other than by an ultimate consumer, and the sale,

1 installation, service, or repair of CNG systems as set out in Categories 2 and [~~5~~] 5 [~~and 6~~]. The original license  
2 fee is \$750; the renewal fee is \$300.

3 (6) - (7) (No change.)

4 (c) A container manufacturer registration authorizes the manufacture, assembly, repair, subframing,  
5 testing and sale of CNG containers. The original registration fee is \$1,000; the renewal fee is \$600.

6 (d) [(e)] A military service member, military veteran, or military spouse shall be exempt from the  
7 original license fee specified in subsection (b) of this section pursuant to the requirements in §13.76 of this  
8 title (relating to Military Fee Exemption). An individual who receives a military fee exemption is not exempt  
9 from the renewal or transport registration fees specified in subsection (p) [~~(n)~~] of this section and §13.69 of  
10 this title (relating to Registration and Transfer of CNG Cargo Tanks or Delivery Units).

11 (e) [(d)] In addition to NFPA 55 §7.1.12, no person may engage in CNG activities until that person has  
12 obtained a license from the Commission authorizing that activity, except as follows:

13 (1) A state agency or institution, county, municipality, school district or other governmental  
14 subdivision is exempt from licensing requirements as provided in Texas Natural Resources Code, §116.031(d),  
15 if the entity is performing CNG activities on its own behalf, but is required to obtain a license to perform CNG  
16 activities for or on behalf of a second party.

17 (2) An ultimate consumer is not subject to the licensing requirements of this chapter in order  
18 to perform those CNG activities dealing only with the ultimate consumer; however, a license is required to  
19 register a transport or cylinder delivery unit. An ultimate consumer's license does not require a fee or a  
20 company representative.

21 (3) An original manufacturer of a new motor vehicle powered by CNG or a subcontractor of a  
22 manufacturer who produces a new CNG powered motor vehicle for the manufacturer is not subject to the  
23 licensing requirements of this chapter, but shall comply with all other rules in this chapter.

24 (f) [(e)] A license obtained by an individual, partnership, corporation, or other legal entity shall extend  
25 to the entity's employees who are performing CNG activities, provided that each employee is properly certified  
26 as required by this chapter.

27 (g) [(f)] An applicant for license shall not engage in CNG activities until it has employed a company  
28 representative who meets the requirements of §13.72 of this title (relating to Designation and Responsibilities  
29 of Company Representative and Operations Supervisor).

30 (h) [(g)] Licensees, registered manufacturers, company representatives, and operations supervisors at  
31 each outlet shall have copies of all current licenses and/or manufacturer registrations and certification cards for  
32 employees at that location available for inspection during regular business hours. In addition, licensees and  
33 registered manufacturers shall maintain a current version of the rules in this chapter and any adopted codes  
34 covering CNG activities performed by the licensee or manufacturer, and shall provide at least one copy of all

1 publications to each company representative and operations supervisor. The copies shall be available to  
2 employees during business hours.

3 (i) [~~h~~] Licenses or manufacturer registrations issued under this chapter expire one year after issuance  
4 at midnight on the last day of the month previous to the month in which they are issued.

5 (j) [~~h~~] If a license or registration expires, the person shall immediately cease CNG activities.

6 (k) [~~h~~] Applicants for a new license shall file with AFS:

7 (1) a properly completed CNG Form 1001 listing all names under which CNG related  
8 activities requiring licensing are to be conducted and the applicant's properly qualified company  
9 representative, and the following forms or documents as applicable:

10 (A) CNG Form 1001A if the applicant will operate any outlets pursuant to  
11 subsection (l) [~~h~~] of this section;

12 (B) CNG Form 1007, 1007A, or 1007T and any information requested in §13.69 of  
13 this title if the applicant intends to register any CNG cargo tanks or container delivery units;

14 (C) CNG Form 1019 if the applicant will be transferring the operation of one or more  
15 existing retail service stations;

16 (D) any form required to comply with §13.62 of this title (relating to Insurance  
17 Requirements);

18 (E) a copy of current certificate of account status if required by §13.75 of this title  
19 (relating to Franchise Tax Certification and Assumed Name Certificate); and/or

20 (F) copies of the assumed name certificates if required by §13.75 of this title; and  
21 (2) payment for all applicable fees.

22 (A) If the applicant submits the payment by mail, the payment shall be in the form of  
23 a check, money order or printed copy of an online receipt.

24 (B) If the applicant pays the applicable fee online, the applicant shall submit a copy of  
25 an online receipt via mail, email, or fax.

26 (l) [~~h~~] A licensee shall submit CNG Form 1001A listing all outlets operated by the licensee.

27 (1) Each outlet shall employ an operations supervisor who meets the requirements of §13.72  
28 of this title.

29 (2) Each outlet shall be listed on the licensee's renewal specified in subsection (m) [~~h~~] of this  
30 section.

31 (m) [~~h~~] Beginning February 15, 2021, a prospective container manufacturer may apply to AFS to  
32 manufacture CNG containers in the state of Texas. Beginning February 15, 2021, a person shall not engage in  
33 the manufacture of CNG containers in this state unless that person has obtained a container manufacturer's  
34 registration as specified in this subsection.

1 (1) Applicants for container manufacturer registration shall file with AFS CNG Form 1001M,  
2 and the following forms or documents as applicable:

3 (A) any form required by §13.62 of this title;

4 (B) a copy of current certificate of account status if required by §13.75 of this title;

5 (C) copies of the assumed name certificates if required by §13.75 of this title;

6 (D) a copy of current DOT authorization. A registered manufacturer shall not continue  
7 to operate after the expiration date of the DOT authorization; and/or

8 (E) a copy of current ASME Code, Section VIII certificate of authorization or "R"  
9 certificate. If ASME is unable to issue a renewed certificate of authorization prior to the expiration date, the  
10 manufacturer may request in writing an extension of time not to exceed 60 calendar days past the expiration  
11 date. The request for extension shall be received by AFS prior to the expiration date of the ASME certificate of  
12 authorization referred to in this section, and shall include a letter or statement from ASME that the agency is  
13 unable to issue the renewal certificate of authorization prior to expiration and that a temporary extension will  
14 be granted for its purposes. A registered manufacturer shall not continue to operate after the expiration date of  
15 an ASME certificate of authorization until the manufacturer files a current ASME certificate of authorization  
16 with AFS or AFS grants a temporary exception.

17 (2) By filing CNG Form 1001M, the applicant certifies that it has read the requirements of this  
18 chapter and shall comply with all applicable rules, regulations and adopted standards.

19 (3) The required fee shall accompany CNG Form 1001M. An original registration fee is  
20 \$1,000; the renewal fee is \$600.

21 (A) If submitted by mail, payment shall be by check, money order, or printed copy of  
22 an online receipt.

23 (B) If submitted by email or fax, payment shall be a copy of an online receipt.

24 (4) If a manufacturer registration expires or lapses, the person shall immediately cease the  
25 manufacture, assembly, repair, testing and sale of CNG containers in Texas.

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

27 (o) [(m)] AFS will review an application for license or registration to verify all requirements have  
28 been met.

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

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

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

35 (p) [(n)] For license and manufacturer registration renewals:

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

4 (2) The renewal notice shall include copies of applicable CNG Forms 1001, 1001A, and  
5 1007, 1007A or CNG Form 1001M showing the information currently on file.

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

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

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

13 (6) If a person's license or manufacturer registration has been expired for 90 calendar days or  
14 fewer, the person shall submit a renewal fee that is equal to 1 1/2 times the renewal fee  
15 in subsection [subsections] (a) [~~and (k)~~] of this section [~~, respectively~~].

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

19 (8) If a person's license or manufacturer registration has been expired for one year or longer,  
20 that person shall not renew, but shall comply with the requirements for issuance of an original license or  
21 manufacturer registration under subsections [~~(i)-(j)~~] (k) or (m) of this section.

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

25 (q) [~~(e)~~] Applicants for license or license renewal in the following categories shall comply with these  
26 additional requirements.

27 (1) An applicant for a Category 4 license or renewal shall file with AFS a completed CNG  
28 Form 1505, certifying that the applicant will follow the testing procedures indicated. CNG Form 1505 shall be  
29 signed by the appropriate CNG company representative designated on CNG Form 1001.

30 (2) An applicant for Category 1 1B, or 4 license or renewal who tests tanks, subframes CNG  
31 cargo tanks, or performs other activities requiring DOT registration shall file with AFS a copy of any  
32 applicable current DOT registrations. Such registration shall comply with Title 49, Code of Federal  
33 Regulations, Part 107 (Hazardous Materials Program Procedures), Subpart F (Registration of Cargo Tank and  
34 Cargo Tank Motor Vehicle Manufacturers and Repairers and Cargo Tank Motor Vehicle Assemblers).

1           (3) An applicant for Category 1, 1A or 4 license or renewal who repairs or tests ASME  
2 containers shall file with AFS a copy of its current ASME Code, Section VIII certificate of authorization or  
3 "R" certificate. If ASME is unable to issue a renewed certificate of authorization prior to the expiration date,  
4 the manufacturer may request in writing an extension of time not to exceed 60 calendar days past the  
5 expiration date. The request for extension shall be received by AFS prior to the expiration date of the ASME  
6 certificate of authorization referred to in this section, and shall include a letter or statement from ASME that  
7 the agency is unable to issue the renewal certificate of authorization prior to expiration and that a temporary  
8 extension will be granted for its purposes. A registered manufacturer shall not continue to operate after the  
9 expiration date of an ASME certificate of authorization until the manufacturer files a current ASME certificate  
10 of authorization with AFS or AFS grants a temporary exception.

11           (r) Repair to a US DOT cylinder or cargo tank is defined in 49 CFR §§180.203, 180.403 and 180.413.  
12 Changes made to or maintenance of a cylinder or cargo tank excluded from the definition of repair in 49 CFR  
13 §§180.203, 180.403 and 180.413 do not require a license.

14  
15 §13.63. Self-Insurance Requirements.

16           (a) - (c) (No change.)

17           (d) Periodic reports. The applicant shall file ~~with~~ semiannual reports and annual statements reflecting  
18 the applicant's financial condition and status of its self-insurance program with AFS during the period of its  
19 self-insurer status by March 10 and September 10 of each year.

20           (e) - (g) (No change.)

21  
22 §13.68. CNG Cargo Tank Requirements.

23           (a) Applicability.

24           (1) This section applies to transport containers constructed under special permit from the  
25 Department of Transportation (DOT) for the transportation of CNG.

26           (2) All CNG cargo tanks shall comply with US DOT Code of Federal Regulations (CFR) or  
27 Transport Canada (TC) Transportation of Dangerous Goods (TDG).

28           (3) Licensees and ultimate consumers shall comply with other DOT or motor vehicle  
29 requirements, if applicable. In addition, transports shall comply with the applicable sections of 49 CFR, the  
30 Federal Motor Vehicle Safety Standards, and any other applicable regulations.

31           (b) Testing Requirements. Each transport container unit required to be registered with AFS shall be  
32 tested in accordance with the special permit under which it was constructed, relating to requirements for test  
33 and inspection. The tests shall be conducted by any individual authorized by the United States Department of  
34 Transportation through a DOT "CT" number to conduct such tests. This section shall not apply to the initial  
35 transfer of unregistered units that are tested and transferred from another state. If the test results show any

1 unsafe condition, or if the transport unit does not comply with the special permit, the transport container unit  
2 shall be immediately removed from CNG service and shall not be returned to CNG service until all necessary  
3 repairs have been made and AFS authorizes in writing its return to service.

4 (c) Markings. CNG transports and container delivery units shall be marked on each side and the rear  
5 with the name of the licensee or the ultimate consumer operating the unit. Such lettering shall be legible and at  
6 least two inches in height and in sharp color contrast to the background. AFS shall determine whether the  
7 name marked on the unit is sufficient to properly identify the licensee or ultimate consumer operating the unit.

8  
9 §13.69. Registration and Transfer of CNG Cargo Tanks or Delivery Units.

10 ~~[(a) All CNG cargo tanks shall comply with US DOT Code of Federal Regulations (CFR) or Transport~~  
11 ~~Canada (TC) Transportation of Dangerous Goods (TDG).]~~

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

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

18 (A) pay to AFS the \$270 registration fee for each transport [unit];

19 (B) file a properly completed CNG Form 1007;

20 ~~[(C) file a copy of the manufacturer's data report;]~~

21 (C) ~~[(D)]~~ file a copy of the US DOT special permit under which the container is built;

22 and

23 (D) ~~[(E)]~~ file a copy of the most recent test required by §13.68 of this title (relating to  
24 CNG Cargo Tank Requirements) [the US DOT special permit under which the container was built].

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

27 (A) pay to AFS the \$270 registration fee for each unit; and

28 (B) file a properly completed CNG Form 1007A.

29 (3) ~~[(2)]~~ To register a CNG cargo tank or any container delivery unit which was previously  
30 registered in Texas but for which the registration has expired, the operator of the unit shall:

31 (A) pay to AFS the \$270 registration fee;

32 (B) file a properly completed CNG Form 1007 for cargo tanks or CNG Form 1007A  
33 for container delivery units; and

1 (C) for cargo tanks, file a copy of the latest test results required by §13.68 of this  
2 title if an expired unit has not been used in the transportation of CNG for over one year, or if a current test has  
3 not been filed with AFS.

4 (4) [~~3~~] To transfer a currently registered unit, the new operator of the unit shall:

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

6 (B) file a properly completed CNG Form 1007T; and [~~1007~~]

7 (C) for cargo tanks, file a copy of the latest test results required by §13.68 of this title  
8 if one has not been filed with AFS.

9 (5) [~~4~~] To re-register a currently registered unit, the licensee operating the unit shall:

10 (A) pay a \$270 annual registration fee;

11 (B) file CNG Form 1007 for cargo tanks or CNG Form 1007A for container delivery  
12 units or the truck list provided with licensee's renewal notice; and

13 (C) for cargo tanks file a copy of the latest test results required by §13.68 of this title  
14 if one has not been filed with AFS.

15 (b) [~~e~~] When all registration or transfer requirements have been met, AFS shall issue CNG Form  
16 1004 which shall be properly affixed in accordance with the placement instructions on the form. CNG Form  
17 1004 shall authorize the licensee or ultimate consumer to whom it has been issued and no other person to  
18 operate such unit in the transportation of CNG and to fill the transport containers.

19 (1) A person shall not operate a CNG transport or cylinder delivery unit in Texas unless the  
20 CNG Form 1004 has been properly affixed or unless its operation has been specifically approved by AFS.

21 (2) A person shall not introduce CNG into a transport container unless that unit bears a CNG  
22 Form 1004 or unless specifically approved by AFS.

23 (3) CNG Form 1004 shall not be transferable by the person to whom it has been issued, but  
24 shall be registered by any subsequent licensee or ultimate consumer prior to the unit being placed into CNG  
25 service.

26 (4) This subsection shall not apply to:

27 (A) a container manufacturer/fabricator who introduces a reasonable amount of CNG  
28 into a newly constructed container in order to properly test the vessel, piping system, and appurtenances prior  
29 to the initial sale of the container. The CNG shall be removed from the transport container prior to the  
30 transport leaving the manufacturer's or fabricator's premises; or

31 (B) a person who introduces a maximum of 500 cubic feet of CNG into a newly  
32 constructed transport container when such container will provide the motor fuel to the chassis engine for the  
33 purpose of allowing the unit to reach its destination.

34 (5) AFS shall not issue a CNG Form 1004 if AFS or a Category 1 or 4 licensee determines  
35 that the transport is unsafe for CNG service.



1 (6) If a CNG Form 1004 decal on a unit currently registered with AFS is destroyed, lost, or  
2 damaged, the operator of that vehicle shall obtain a replacement by filing CNG Form 1018B and a \$50  
3 replacement fee with AFS.

4  
5 §13.70. Examination and Exempt Registration Requirements and Renewals.

6 (a) (No change.)

7 (b) Rules examination.

8 (1) An individual who passes the applicable rules examination with a score of at least 75%  
9 will become a certificate holder. AFS will send [~~mail~~] a certificate to the licensee listed on the CNG Form  
10 1016. If a licensee is not listed on the form, AFS will send the certificate [~~will be mailed~~] to the individual's  
11 personal address.

12 (A) - (B) (No change.)

13 (2) (No change.)

14 (3) An individual who files CNG Form 1016 and pays the applicable nonrefundable  
15 examination fee may take the rules examination.

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

19 (i) at the Commission's AFS Training Center in Austin; [~~between the hours of~~  
20 ~~8:00 a.m. and 12:00 noon, Monday through Friday, except for state holidays, and~~]

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

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

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

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

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

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

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

30 (iv) A military service member, military veteran, or military spouse shall be  
31 exempt from the examination fee pursuant to the requirements in §13.76 of this title (relating to Military Fee  
32 Exemption). An individual who receives a military fee exemption is not exempt from renewal fees specified in  
33 subsection (h) of this section.

1 (v) Beginning February 7, 2023, individuals who register for an examination  
2 to be administered by a testing or proctoring service shall pay any fee required by the testing or proctoring  
3 service in addition to paying the examination fee to the Commission.

4 (D) [(C)] Time limits.

5 (i) An applicant shall complete the examination within two hours.

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

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

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

11 (E) [(D)] Each individual who performs CNG activities as an employee of an ultimate  
12 consumer or a state agency, county, municipality, school district, or other governmental subdivision shall be  
13 properly supervised by his or her employer. Any such individual who is not certified by AFS to perform such  
14 CNG activities shall be properly trained by a competent person in the safe performance of such CNG  
15 activities.

16 (c) The following examinations are offered by the Commission.

17 (1) Employee-level examinations:

18 (A) The Service and Installation Technician examination qualifies an individual to  
19 perform all CNG activities related to stationary CNG systems, including CNG containers, piping, and  
20 equipment. The Service and Installation examination does not authorize an individual to fill containers or  
21 operate a CNG [doe] transport.

22 (B) The Delivery Truck Driver examination qualifies an individual to operate a cargo  
23 tank [~~or cylinder deliver unit~~], load and unload CNG and connect and disconnect transfer hoses, and operate a  
24 cylinder delivery unit [~~perform all activities related to stationary CNG systems, including CNG containers,~~  
25 ~~piping and equipment, and inspect, fill, disconnect, and connect CNG cylinders~~].

26 (C) The Cylinder Filler examination qualifies an individual to inspect, fill, disconnect,  
27 and connect CNG cylinders.

28 (2) (No change.)

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

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

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

4 (e) - (h) (No change.)  
5

#### 6 SUBCHAPTER D. CNG COMPRESSION, STORAGE, AND DISPENSING SYSTEMS

##### 7 §13.91. Applicability.

8 This subchapter applies to the design, construction, installation, and operation of cylinders, pressure  
9 vessels, compression equipment, buildings and structures, and associated equipment used  
10 for stationary [~~storage and dispensing of~~] compressed natural gas (CNG) installations [~~as an engine fuel in~~  
11 ~~fleet and automatic dispensing operations~~].

##### 12 13 §13.93. System Protection Requirements.

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

15 (c) Guardrails at CNG stationary installations shall comply with the following:

16 (1) - (5) (No change.)

17 [~~(6) A minimum clearance of 24 inches shall be maintained between the railing and any part~~  
18 ~~of the CNG compression equipment, cylinder cascades, containers, or dispensing equipment.~~]

19 (d) - (g) (No change.)

#### 20 SUBCHAPTER G. ADOPTION BY REFERENCE OF NFPA 52 (VEHICULAR GASEOUS FUEL 21 SYSTEMS CODE)

##### 22 §13.203. Sections in NFPA 52 Adopted with Additional Requirements or Not Adopted.

23 Table 1 of this section lists certain NFPA 52 sections which the Commission adopts with additional  
24 requirements or does not adopt in order to address the Commission's rules in this chapter.

25 Figure: 16 TAC §13.203  
26

#### 27 SUBCHAPTER H. ADOPTION BY REFERENCE OF NFPA 55 (COMPRESSED GASES AND 28 CRYOGENIC FLUIDS CODE)

##### 29 §13.301. Adoption by Reference of NFPA 55.

30 (a) (No change.)

31 (b) Effective February 15, 2021, the Commission also adopts by reference all other NFPA publications  
32 or portions of those publications referenced in NFPA 55 which apply to CNG activities only. The pamphlets  
33 adopted by reference in NFPA 55 are:

34 (1) - (25) (No change.)

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1 (26) NFPA 505, Fire Safety Standard for Powered Industrial Trucks [~~Trucks~~] Including Type  
2 Designations, Areas of Use, Conversions, Maintenance, and Operations, 2011 edition;

3 (27) - (29) (No change.)

4 This agency hereby certifies that the rules as adopted have been reviewed by legal counsel and found  
5 to be a valid exercise of the agency's legal authority.

6 Issued in Austin, Texas, on 1/18/2023, 2023.

7 Filed with the Office of the Secretary of State on 1/18/2023, 2023.

DocuSigned by:  
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Christi Craddick, Chairman

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*Wayne Christian*  
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Wayne Christian, Commissioner

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Jim Wright, Commissioner



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Office of General Counsel  
Railroad Commission of Texas

Figure: 16 TAC §13.203

<b>NFPA 52 Sections with Additional Requirements or Not Adopted</b>		
<b>Affected NFPA 52 Section</b>	<b>Specific Action</b>	<b>Commission Rule(s) to be Followed or Other Comments</b>
1.4.1	additional requirement	See Commission rule §13.37, Appurtenances and equipment
1.4.1.2	additional requirement	See Commission rule §13.37, Appurtenances and equipment
1.4.3	additional requirements	See Commission rule §13.70, Examination and exempt registration requirements and renewals and §13.72, Designation and responsibilities of company representatives <b>and</b> <del>(an)</del> operations supervisors
4.2	additional requirements	See Commission rule §13.70, Examination and exempt registration requirements and renewals and §13.72, Designation and responsibilities of company representatives <b>and</b> <del>(an)</del> operations supervisors
4.3	additional requirement	See Commission rule §13.35, Application for an exception to a safety rule
5.2.1.1	additional requirement	See Commission rule §13.22, Odorization
5.3.1	additional requirement	See Commission rule §13.37, Appurtenances and equipment
5.4.5.1	additional requirement	See Commission rule §13.40, Manufacturer's nameplate and markings on ASME containers
6.3.2	additional requirement	See Commission rule §13.133, Installation of fuel supply containers
6.3.3	additional requirement	See Commission rule §13.133, Installation of fuel supply containers
6.9.3	additional requirement	See Commission rule §13.34, Vehicle fueling connection

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6.13.2	additional requirement	See Commission rule §13.23, Installation and maintenance
6.14.1.1	additional requirement	See Commission rule §13.143, Venting of CNG to the atmosphere
7.3.1	additional requirement	See Commission rule §13.25, Filings required for stationary CNG installations
7.3.2	additional requirements	See Commission rule §13.93, System protection requirements
7.4.3.11	additional requirement	See Commission rule §13.93, System protection requirements
7.11.5.2	additional requirement	See Commission rule §13.93, System protection requirements
7.14.4	additional requirement	See Commission rule §13.107, Dispenser installation
7.14.5	additional requirement	See Commission rule §13.107, Dispenser installation
7.14.12	additional requirement	See Commission rule §13.93, System protection requirements
7.16.2	not adopted	See Commission rule §13.107, Dispenser installations
8.2.1	additional requirement	See Commission rule §13.183, System component qualifications
8.5	additional requirement	See Commission rule §13.187, Installation of pressure relief devices
8.8.3	not adopted	See Commission rule §13.190, Piping and hose
Chapter 9	not adopted	NFPA 52 Chapter 9 does not apply to CNG installations
Chapter 10	not adopted	NFPA 52 Chapter 10 does not apply to CNG installations
Chapter 12	not adopted	NFPA 52 Chapter 12 does not apply to CNG installations
Chapter 13	not adopted	NFPA 52 Chapter 13 does not apply to CNG installations
Chapter 14	not adopted	Commission rules in Chapter 13 do not cover

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		marine installations
--	--	----------------------

1           The Railroad Commission of Texas (Commission) adopts 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 adopts  
8 new §14.2050, Reporting Unsafe LNG Activities, and new §14.2053, Manufacturer's Nameplate and Markings  
9 on ASME Containers. Section 14.2019 is adopted with a change from the proposed text as published and the  
10 remaining new and amended rules are adopted without changes to the proposed text as published in the  
11 October 28, 2022, issue of the Texas Register (47 TexReg 7200).

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

15           SB 1582 amended section 116.034(e) and (f) of the Natural Resources Code to provide for licensing  
16 and registration examination to be performed by a proctoring service. The Commission proposes amendments  
17 in §14.2019(b)(3)(A)(iii), (b)(3)(C)(v), and (d) to incorporate the use of an online testing or proctoring service  
18 and to ensure any required fee is paid to the testing or proctoring service in addition to the Commission's  
19 examination fee. Proposed subsection (b)(3)(C)(v) specifies that the use of an online testing or proctoring  
20 service may begin upon the rule's effective date; the Commission adopts this rule with a change to indicate the  
21 specific effective date of February 7, 2023. Also in §14.2019(b), the Commission adopts changes regarding  
22 AFS scheduling and registration for courses to reflect current Commission practice.

23           The Commission received one comment on the proposal from the Environmental Integrity Project  
24 (EIP). EIP commented on the complaint procedure in new §14.2050 and suggested that the rule may dissuade  
25 members of the public or employees from reporting unsafe activities for fear of retribution or retaliation if  
26 their identities can be revealed as noted in subsections (b) and (c). The Commission makes no change with  
27 respect to this comment, but notes that anonymous complaints may be submitted by telephone; only a person  
28 who submits the form must include the complainant's information.

29           Regarding other amendments, the Commission amends §14.2004 to make this rule provision  
30 consistent with the corresponding rule in Chapter 9 of this title regarding LP-Gas Safety Rules. Amendments  
31 in §14.2007 delete the definitions of unused terms and make nonsubstantive clarifications in other definitions.

32           The Commission adopts amendments in §14.2014(f)(1)(B) and in subsection (k)(2) to add references  
33 to Forms 2007A and 2007T. The Commission adopts new subsection (i) to require a 24-hour emergency  
34 telephone number, which is consistent with Chapter 9, and for clarification as the number is required on Form  
35 2001. New subsection (l)(3) clarifies requirements for DOT and ASME licensees, consistent with provisions in



1 Chapter 9. The Commission also adopts new subsection (m) regarding repair to certain cylinders or tanks,  
2 consistent with the same provision recently adopted in Chapter 9.

3 The Commission amends §14.2016 to correct a typographical error. In §14.2040(b)(1), the  
4 Commission changes the deadline for submittal of LNG Form 2501 from 10 calendar days to 30 calendar days,  
5 which is consistent with the similar rule in Chapter 9.

6 In §14.2043(d), the Commission corrects the reference to the additional electrical requirements.

7 The Commission adopts new §14.2050 to outline the process by which industry members and the  
8 public may submit complaints about non-compliance. The text of the new rule is similar to the equivalent rule  
9 in Chapter 9. The Commission will adopt LNG Form 2022 separately from these rule amendments.

10 The Commission adopts new §14.2053 to address nameplate requirements consistent with the  
11 equivalent rule in Chapter 9 and concurrent amendments to §13.40.

12 The Commission amends §14.2101(b)(9) to correct a typographical error.

13 The Commission adopts new §14.2637(c) to move the requirement from its current location in  
14 §14.2710 to better reflect that the requirement applies to mobile installations, not transports.

15 The Commission adopts amendments to §14.2704, regarding requirements for registering different  
16 types of units, to coincide with new forms for registration or transfer of LNG cargo tanks or delivery units,  
17 which will be adopted separately.

18 The Commission adopts an amendment in §14.2707(b) to correct a reference to a 49 Code of Federal  
19 Regulations section number.

20 The Commission amends §14.2710 as previously discussed with §14.2637.

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

22 The Commission adopts the amendments and new rules under Texas Natural Resources Code  
23 §116.012, which authorizes the Commission to adopt rules and standards relating to compressed natural gas  
24 activities to protect the health, welfare, and safety of the general public; Texas Natural Resources Code  
25 §116.031(e), which requires a person engaging in the manufacture or fabrication of containers to register with  
26 the Commission in accordance with rules adopted by the Commission; and Texas Natural Resources Code  
27 §116.034(e) and (f) as amended by Senate Bill 1582 (87th Legislature, Regular Session).

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

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

## 30 31 SUBCHAPTER A. GENERAL APPLICABILITY AND REQUIREMENTS

32 §14.2004. Applicability, Severability, and Retroactivity.

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

Railroad Commission of Texas  
16 TAC Chapter 14 -- Regulations for Liquefied Natural Gas (LNG)

1 ~~facilities, and the construction and operation of equipment for the storage, handling, and transportation of~~  
2 ~~LNG].~~

3 (b) - (g) (No change.)  
4

5 §14.2007. Definitions.

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

8 (1) - (3) (No change.)

9 [~~(4) API--American Petroleum Institute.~~]

10 ~~(4)~~ [(5)] ASME--American Society of Mechanical Engineers.

11 ~~(5)~~ [(6)] ASME Code--The American Society of Mechanical Engineers Boiler and Pressure  
12 Vessel Code, Section I, Section IV, Section VIII, and Section IX.

13 ~~(6)~~ [(7)] Automatic fuel dispenser--A fuel dispenser which requires transaction authorization.

14 ~~(7)~~ [(8)] Certificate holder--An individual who has passed the required management-level or  
15 employee-level examination pursuant to §14.2019 of this title (relating to Examination Requirements and  
16 Renewals) and paid the applicable fees.

17 ~~(8)~~ [(9)] Certified--An individual who is authorized by the Commission to perform the LNG  
18 activities covered by the certification issued under §14.2019 of this title.

19 ~~(9)~~ [(10)] Combustible material--A solid material which, in the form in which it is used and  
20 under the conditions anticipated, can be ignited and will burn, support combustion, or release flammable  
21 vapors when subjected to fire or heat.

22 ~~(10)~~ [(11)] Commercial installation--An LNG equipment installation located on premises  
23 other than a single-family dwelling used primarily as a residence.

24 ~~(11)~~ [(12)] Commission--The Railroad Commission of Texas.

25 ~~(12)~~ [(13)] Company representative--The individual designated to the Commission by a  
26 license applicant or a licensee as the principal individual in authority and actively supervising the conduct of  
27 the licensee's LNG activities.

28 ~~(13)~~ [(14)] Container--Any LNG vessel manufactured to the applicable sections of  
29 the American Petroleum Institute (API) [API] Code, ASME Code, or DOT requirements in effect at the time  
30 of manufacture.

31 ~~(14)~~ [(15)] Container appurtenances--Components installed in container openings, including  
32 but not limited to pressure relief devices, shutoff valves, backflow check valves, excess flow check valves,  
33 internal valves, liquid level gauges, pressure gauges, and plugs.

34 ~~(15)~~ [(16)] Conversion--The changes made to a vehicle to allow it to use LNG as a motor fuel.

35 ~~(16)~~ [(17)] Dike--A structure used to establish an impounding area.

1           (17) ~~[(18)]~~ Director--The director of AFS or the director's delegate.

2           (18) ~~[(19)]~~ Dispensing system--That combination of valves, meters, hoses, piping, electrical  
3 connections, and fuel connections used to distribute LNG to mobile or motor fuel containers.

4           (19) ~~[(20)]~~ DOT--The United States Department of Transportation.

5           (20) ~~[(21)]~~ Employee--Any individual who renders or performs any services or labor for  
6 compensation, including individuals hired on a part-time or temporary basis, full-time or permanent basis,  
7 independent contractors, and owner-employees.

8           (21) ~~[(22)]~~ Final approval--The authority issued by AFS allowing the introduction of LNG  
9 into a container and system.

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

11           (22) ~~[(24)]~~ Ignition source--Any item, substance, or event having adequate temperature and  
12 energy release of the type and magnitude sufficient to ignite any flammable mixture of gases or vapors that  
13 could occur at a site.

14           (23) ~~[(25)]~~ Impounding area--An area defined through the use of dikes or the topography at  
15 the site for the purpose of containing any accidental spill of LNG.

16           (24) ~~[(26)]~~ Interim approval order--The authority issued by the Railroad Commission of Texas  
17 following a public hearing allowing construction of an LNG installation.

18           (25) ~~[(27)]~~ Labeled--The attachment to equipment or materials of a label, symbol, or other  
19 identifying mark of a nationally recognized testing laboratory or a Category 50 licensee which conducts  
20 product evaluation, periodically inspects production of listed equipment or materials, and which publishes its  
21 findings in a list indicating that the equipment either meets appropriate standards or has been tested and found  
22 suitable for use in a specified manner.

23           (26) ~~[(28)]~~ Licensed--Authorized by the Commission to perform LNG activities through the  
24 issuance of a valid license by AFS.

25           (27) ~~[(29)]~~ Licensee--A person which has applied for and been granted an LNG license by the  
26 Commission.

27           (28) ~~[(30)]~~ LNG--Natural gas, consisting primarily of methane in liquid or semisolid state.

28           (29) ~~[(31)]~~ LNG system--A system of safety devices, containers, piping, fittings, valves,  
29 regulators, and other LNG equipment intended for use or used with a motor vehicle fueled by LNG and any  
30 system or other facilities designed to be used or used in the sale, storage, transportation for delivery, or  
31 distribution of LNG.

32           (30) ~~[(32)]~~ LNG transport--Any vehicle or combination of vehicles and LNG containers  
33 designed or adapted for use or used principally as a means of moving or delivering LNG from one place to  
34 another, including but not limited to any truck, trailer, semi-trailer, cargo tank, or other vehicle used in the  
35 distribution of LNG.

1           (31) [(33)] Mass transit vehicle--Any vehicle which is owned or operated by a political  
2 subdivision of a state, city, or county, and which is used primarily in the conveyance of the general public.

3           (32) [(34)] Maximum allowable working pressure--The maximum gauge pressure permissible  
4 at the top of completed equipment, containers, or vessels in their operating position for a design temperature.

5           (33) [(35)] Mobile fuel container--An LNG container mounted on a vehicle to store LNG as  
6 the fuel supply for uses other than the engine to propel the vehicle, including use in an auxiliary engine.

7           (34) [(36)] Mobile fuel system--An LNG system to supply natural gas fuel to an auxiliary  
8 engine other than the engine used to propel the vehicle or for other uses on the vehicle.

9           (35) [(37)] Motor fuel container--An LNG container mounted on a vehicle and used to store  
10 LNG as the fuel supply to an engine used to propel the vehicle.

11           (36) [(38)] Motor fuel system--An LNG system to supply natural gas as a fuel for an engine  
12 used to propel the vehicle.

13           (37) [(39)] NEC--National Electrical Code (NFPA 70).

14           (38) [(40)] NFPA--National Fire Protection Association.

15           (39) [(41)] Noncombustible material--A solid material which in no conceivable form or  
16 combination with other material will ignite.

17           (40) [(42)] Operations supervisor--An individual who is certified by the Commission to  
18 actively supervise a licensee's LNG activities and who is authorized by the licensee to implement operational  
19 changes.

20           (41) [(43)] Outlet--A site operated by an LNG licensee from which any regulated LNG  
21 activity is performed.

22           (42) [(44)] Person--An individual, partnership, firm, joint venture, corporation, association, or  
23 any other business entity, a state agency or institution, county, municipality, school district, other  
24 governmental subdivision, or licensee.

25           (43) [(45)] Point of transfer--The point at which a connection is made to transfer LNG from  
26 one container to another.

27           (44) [(46)] Pressure relief device--A device, including a pressure relief valve, which is  
28 designed both to open automatically to prevent a continued rise of internal fluid pressure in excess of a  
29 specified value (set pressure) and to close when the internal fluid pressure is reduced below the set pressure.

30           (45) [(47)] Pressure vessel--A container or other component designed in accordance with  
31 the ASME Code [ASME Code].

32           (46) [(48)] Property line--The boundary which designates the point at which one real property  
33 interest ends and another begins.

34           (47) [(49)] PSIG--Pounds per square inch gauge.

1           (48) [(50)] Public transportation vehicle--A vehicle for hire to transport persons, including but  
2 not limited to taxis, buses (excluding school buses, mass transit or special transit vehicles), and airport  
3 courtesy cars.

4           (49) [(51)] Pullaway--The accidental separation of a hose from a cylinder, container, transfer  
5 equipment, or dispensing equipment, which could occur on a cylinder, container, transfer equipment, or  
6 dispensing equipment whether or not they are protected by a pullaway or breakaway device.

7           (50) [(52)] Registered manufacturer--A person who has applied for and been granted a  
8 registration to manufacture LNG containers by the Commission.

9           (51) [(53)] Repair to container--The correction of damage or deterioration to an LNG  
10 container, the alteration of the structure of such a container, or the welding on such a container in a manner  
11 which causes the temperature of the container to rise above 400 degrees Fahrenheit.

12           (52) [(54)] Rules examination--The Commission's written examination that measures an  
13 examinee's working knowledge of Texas Natural Resources Code, Chapter 116, and the rules in this chapter.

14           (53) [(55)] School--A public or private institution which has been accredited through the  
15 Texas Education Agency or the Texas Private School Accreditation Commission.

16           (54) [(56)] School bus--A vehicle that is sold or used for purposes that include carrying  
17 students to and from school or related events.

18           (55) [(57)] Special transit vehicle--A vehicle designed with limited passenger capacity which  
19 is primarily used by a mass transit authority for special transit purposes such as transport of mobility impaired  
20 individuals.

21           (56) [(58)] Temporary installation--A stationary installation at which LNG activities are  
22 performed for 12 months or less pursuant to §14.2043 of this title (relating to Temporary Installations).

23           (57) [(59)] Trainee--An individual who has not yet taken and passed an employee-level rules  
24 examination.

25           (58) [(60)] Transfer area--That portion of an LNG refueling station where LNG is introduced  
26 into or dispensed from a stationary installation.

27           (59) [(61)] Transfer system--All piping, fittings, valves, pumps, meters, hoses, bulkheads, and  
28 equipment used in transferring LNG between containers.

29           (60) [(62)] Transport--Any container built in accordance with ASME or DOT specifications  
30 and used to transport LNG for delivery.

31           (61) [(63)] Transport system--Any and all piping, fittings, valves, and equipment on a  
32 transport, excluding the container.

33           (62) [(64)] Ultimate consumer--The person controlling LNG immediately prior to its ignition.

34           (63) [(65)] Water capacity--The amount of water in gallons required to fill a container.

35

## 1 §14.2014.Application for License or Manufacturer Registration (New and Renewal).

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

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

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

7 (A) (No change.)

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

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

12 (2) (No change.)

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

14 (i) Applications for license or registration must include a 24-hour emergency telephone number.15 (j) [(+) AFS will review an application for license or registration to verify all requirements have been  
16 met.17 (1) If errors are found or information is missing in the application or other documents, AFS  
18 will notify the applicant of the deficiencies in writing.19 (2) The applicant must respond with the required information and/or documentation within 30  
20 days of the written notice. Failure to respond by the deadline will result in withdrawal of the application.21 (3) If all requirements have been met AFS will issue the license or manufacturer registration  
22 and send the license or registration to licensee or manufacturer, as applicable.23 (k) [(+)] For license and manufacturer registration renewals:24 (1) AFS shall notify the licensee or registered manufacturer in writing at the address on file  
25 with AFS of the impending license or manufacturer registration expiration at least 30 calendar days before the  
26 date the license or registration is scheduled to expire.27 (2) The renewal notice shall include copies of applicable LNG Forms 2001, 2001A, and 2007,  
28 2007A or LNG Form 2001M showing the information currently on file.29 (3) The licensee or registered manufacturer shall review and return all renewal documentation  
30 to AFS with any necessary changes clearly marked on the forms. The licensee or registered manufacturer shall  
31 submit any applicable fees with the renewal documentation.32 (4) Failure to meet the renewal deadline set forth in this section shall result in expiration of the  
33 license or manufacturer registration.34 (5) If a person's license or manufacturer registration expires, that person shall immediately  
35 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 (l) [~~h~~] 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[5] 40, 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'  
15 determination [~~AFS=determination~~], that person may request in writing a hearing on the matter within 30  
16 calendar days of 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.

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



1 (i) The nonrefundable management-level rules examination fee is \$70.  
2 (ii) The nonrefundable employee-level rules examination fee is \$40.  
3 (iii) The nonrefundable examination fees shall be paid each time an individual  
4 takes an examination.

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

9 **(v) Beginning February 7, 2023, individuals who register for an examination**  
10 **to be administered by a testing or proctoring service shall pay any fee required by the testing or proctoring**  
11 **service in addition to paying the examination fee to the Commission.**

12 **(D) [(C)]** Time limits.

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

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

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

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

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

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

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

29 (c) (No change.)

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

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

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

4 (e) - (g) (No change.)  
5

6 §14.2040. Filings Required for Stationary LNG Installations.

7 (a) (No change.)

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

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

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

12 (2) - (3) (No change.)

13 (c) - (e) (No change.)  
14

15 §14.2043. Temporary Installations.

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

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

19 (e) - (i) (No change.)  
20

21 §14.2050. Reporting Unsafe LNG Activities.

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

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

28 (c) A person who reports unsafe LNG activities may be called to testify at a Commission hearing if  
29 one is necessary following the initiation of an enforcement action.  
30

31 §14.2053. Manufacturer's Nameplate and Markings on ASME Containers.

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

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

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

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

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

#### 15 SUBCHAPTER B. GENERAL RULES FOR ALL STATIONARY LNG INSTALLATIONS

##### 16 §14.2101. System Protection Requirements.

17          (a) (No change.)

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

19                 (1) - (8) (No change.)

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

23          (c) - (g) (No change.)

#### 25 SUBCHAPTER G. ENGINE FUEL SYSTEMS

##### 26 §14.2637. Signs and Labeling.

27          (a) - (b) (No change.)

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

#### 32 SUBCHAPTER H. LNG TRANSPORTS

##### 33 §14.2704. Registration and Transfer of LNG Transports.

34          (a) A person who operates a [an LNG] transport equipped with LNG cargo tanks or any container  
35 delivery unit, regardless of who owns the transport or unit, shall register the transport or unit with AFS in the

1 name or names under which the operator conducts business in Texas prior to the unit [~~transport~~] being used in  
2 LNG service.

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

- 5 (A) pay to AFS the \$270 registration fee for each LNG transport;  
6 (B) file a properly completed LNG Form 2007;  
7 (C) file a copy of the manufacturer's data report;  
8 (D) file a copy of the DOT compliance sheet; and  
9 (E) file a copy of the test required by §14.2707 of this title (relating to Testing  
10 Requirements), unless that unit was manufactured within the previous five years.

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

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

15 (3) [~~2~~] To register an LNG cargo tank or any container delivery unit [~~a transport~~] which was  
16 previously registered in Texas but for which the registration has expired, the operator of the unit shall:

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

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

22 (4) [~~3~~] To re-register a currently registered unit, the licensee operating the unit shall:

- 23 (A) pay a \$270 [~~\$300~~] annual registration fee;  
24 (B) file LNG Form 2007 for cargo tanks or LNG Form 2007A for container delivery  
25 units or the truck list provided with licensee's renewal notice; and

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

28 (5) [~~4~~] To transfer a currently registered unit, the new operator of the transport shall:

- 29 (A) pay the \$100 transfer fee for each unit; [~~and~~]  
30 (B) file a properly completed LNG Form 2007T; and [~~2007~~]  
31 (C) for cargo tanks, file a copy of the latest test results if one has not been filed with

32 AFS.

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

34

35 §14.2707. Testing Requirements.

1 (a) (No change.)

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

3 (c) (No change.)

4

5 §14.2710. Markings.

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

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

13 §14.2725. Exhaust System.

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

17

18 SUBCHAPTER I. ADOPTION BY REFERENCE OF NFPA 52 (VEHICULAR GASEOUS FUEL  
19 SYSTEMS CODE)

20 §14.2801. Adoption by Reference of NFPA 52.

21 (a) (No change.)

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


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

27 (2) - (13) (No change.)

28 This agency hereby certifies that the rules as adopted have been reviewed by legal counsel and found  
29 to be a valid exercise of the agency's legal authority.

30 Issued in Austin, Texas, on 1/18/2023, 2023.

31 Filed with the Office of the Secretary of State on 1/18/2023, 2023.

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15494B7DF4CC424  
Christi Craddick, Chairman

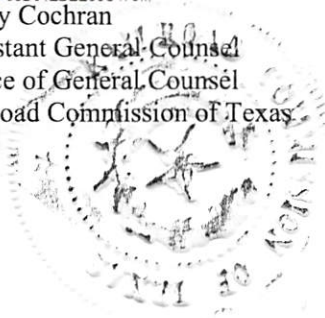
Railroad Commission of Texas  
16 TAC Chapter 14 -- Regulations for Liquefied Natural Gas (LNG)

DocuSigned by:  
*Wayne Christian*  
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