

1 AN ACT relating to natural gas transmission pipeline location notification.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 100.273 TO 100.292 IS CREATED
4 TO READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Natural gas transmission pipeline" means an interstate pipeline, as that*
7 *term is defined in 15 U.S.C. sec. 3301;*

8 *(b) "Operator" means a person who engages in the transportation of gas, as*
9 *that term is defined in 49 C.F.R. sec. 192.3; and*

10 *(c) "Person" means any individual, firm, joint venture, partnership,*
11 *corporation, association, state, city, county, cooperative association, or joint*
12 *stock association, and including any trustee, receiver, assignee, or personal*
13 *representative thereof, as that term is defined in 49 C.F.R. sec. 192.3.*

14 *(2) This section shall only apply to:*

15 *(a) Cities and counties that have adopted the provisions of this chapter for*
16 *purposes of approving residential and nonresidential developments; and*

17 *(b) Preliminary development plans filed on or after the effective date of this*
18 *Act.*

19 *(3) For a new residential or nonresidential development that is located in whole or in*
20 *part within six hundred sixty (660) feet of the center point of a natural gas*
21 *transmission pipeline that was constructed or operated prior to the development,*
22 *the developer shall notify the operator of the natural gas transmission pipeline of*
23 *the planned development no later than ten (10) days from the date of application*
24 *for approval of the development, or ninety (90) days prior to commencement of*
25 *construction, whichever is earlier.*

26 *(4) Upon receiving notice of the filing of a preliminary development plan in*
27 *accordance with this section, a pipeline operator shall provide pipeline location*

1 information to the developer within forty-five (45) days, including but not limited
2 to documents reflecting the actual location of the pipeline, marking facilities on
3 design drawings, and providing maps.

4 (5) The developer of the development shall state on the final plat filed with the
5 planning commission the following:

6 "The developer has utilized reasonable means to notify the operator of the
7 pipeline to verify the location of the pipeline and the pipeline easement. The
8 developer has reviewed, or attempted to review, preliminary information about
9 the proposed development with the pipeline operator."

10 (6) Within sixty (60) days of the effective date of this Act, planning commissions
11 shall gather raw National Pipeline Mapping System geospatial data about the
12 locations of pipelines from the Pipeline and Hazardous Materials Safety
13 Administration within the United States Department of Transportation. A
14 planning commission shall not be subject to liability related to the approval or
15 construction of such a development when the approval is based upon information
16 as provided in this subsection.

17 (7) No later than August 15, 2022, a pipeline operator shall file the name of its
18 registered agent with the planning commission or planning commissions having
19 jurisdiction.

20 (8) A planning commission shall not give final approval to a development described
21 under subsection (3) of this section until the requirements of this section have
22 been satisfied. A planning commission may rely solely upon the note submitted
23 under subsection (5) of this section, the geospatial data gathered under
24 subsection (6) of this section, and the recordation required under subsection (7)
25 of this section when determining whether the requirements of this section have
26 been satisfied for purposes of granting final approval of such a development. A
27 planning commission shall not be subject to liability related to the approval or

1 construction of such a development when the approval is based upon information
2 as provided in this subsection.

3 (9) This section shall not exempt developers or operators from the requirements of
4 the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to
5 367.4917.