

100.289 Notification of pipeline operator about planned development -- Location information provided to developer -- Planning commission to gather geospatial data -- Contact information to be filed with planning commission -- Final approval -- Interpretation of statute.

- (1) As used in this section:
 - (a) "Interstate hazardous liquid pipeline facility" has the same meaning as in 49 U.S.C. 60101(a)(7);
 - (b) "Natural gas transmission pipeline" means an interstate pipeline, as that term is defined in 15 U.S.C. sec. 3301;
 - (c) "Operator" means a person who engages in the transportation of gas, as that term is defined in 49 C.F.R. sec. 192.3; and
 - (d) "Person" means any individual, firm, joint venture, partnership, corporation, association, state, city, county, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof, as that term is defined in 49 C.F.R. sec. 192.3.
- (2) This section shall only apply to:
 - (a) Cities and counties that have adopted the provisions of this chapter for purposes of approving residential and nonresidential developments; and
 - (b) Preliminary development plans filed on or after July 14, 2022.
- (3) For a new residential or nonresidential development that is located in whole or in part within six hundred sixty (660) feet of the center point of a natural gas transmission pipeline or interstate hazardous liquid pipeline facility that was constructed or operated prior to the development, the developer shall notify the operator of the natural gas transmission pipeline or interstate hazardous liquid pipeline facility of the planned development no later than ten (10) days from the date of application for approval of the development, or ninety (90) days prior to commencement of construction, whichever is earlier.
- (4) Upon receiving notice of the filing of a preliminary development plan in accordance with this section, a pipeline operator shall provide pipeline location information to the developer within forty-five (45) days, including but not limited to documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps.
- (5) The developer of the development shall state on the final plat filed with the planning commission the following:

"The developer has utilized reasonable means to notify the operator of the pipeline to verify the location of the pipeline and the pipeline easement. The developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator."
- (6) Within sixty (60) days of July 14, 2022, planning commissions shall gather and confirm raw National Pipeline Mapping System geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration within the United States Department of Transportation. A planning commission

shall not be subject to liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection.

- (7) No later than August 15, 2022, a pipeline operator shall file the contact information for its point of contact with the planning commission or planning commissions having jurisdiction. A pipeline operator shall file updated information with the planning commission or planning commissions having jurisdiction in the event that the contact information for its point of contact changes.
- (8) A planning commission shall not give final approval to a development described under subsection (3) of this section until the requirements of this section have been satisfied. A planning commission may rely solely upon the note submitted under subsection (5) of this section, the geospatial data gathered under subsection (6) of this section, and the recordation required under subsection (7) of this section when determining whether the requirements of this section have been satisfied for purposes of granting final approval of such a development. A planning commission shall not be subject to liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection.
- (9) This section shall not exempt developers or operators from the requirements of the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to 367.4917.
- (10) Nothing contained in this section shall be interpreted or construed to alter or amend the full application of KRS 65.2001 to 65.2006 to local governments as defined in KRS 65.200.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 70, sec. 1, effective July 14, 2022.