

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session**

Part I: Measure Information

Bill Request #: 982

Bill #: HB 195/GA

Document ID #: 3846

Bill Subject/Title: AN ACT relating to pipeline location notification.

Sponsor: Representative DJ Johnson

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: County and Municipal Utilities, Planning and Zoning Offices

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local
Government**

HB 195 GA creates a new section of KRS 100.273 to 100.292 requiring a developer of a new residential or nonresidential development to notify operators of a natural gas transmission pipeline or interstate hazardous liquid pipeline facility, located within six hundred sixty feet of the center point of a natural gas transmission pipeline or interstate hazardous liquid pipeline facility. This notice must occur no later than ten days from the date of application for approval of the development or 90 days prior to the commencement of construction, whichever is earlier.

Within 45 days of receiving notice of the preliminary development plan, the pipeline operator shall provide pipeline location information, including but not limited to documents reflecting the actual location of the pipeline, marking facilities on design drawings, and maps.

The developer shall state on the final plat filed with the planning commission that *“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.”*

Within 60 days of the effective date of this Act, 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. Planning commissions shall not be subject to liability related to approval or construction of such development when the approval is based upon information as provided in this legislation.

No later than August 15, 2022, pipeline operators shall file contact information with planning commissions and shall update this information as changes occur.

A planning commission shall not give final approval to a development until the requirements of this legislation have been satisfied.

This legislation shall not exempt developers or operators from the requirements of the Underground Facility Damage Prevention Act of 1994 (KRS 367.4901-367.4917).

The fiscal impact of HB 195/GA is indeterminable and minimal. There will be additional time and effort costs incurred by local planning and zoning departments in obtaining and subsequently using the required geospatial mapping information.

The Kentucky League of Cities (KLC) states the primary challenge associated with HB 195 is accessing the National Pipeline Mapping System information within 60 days of enactment. Local planning commissions and officials can request access to information in their county and receive a digital file. KLC does not know how long the approval process typically lasts. Cities with gas systems would have to respond to requests from developers, but KLC believes that likely wouldn't be much different than what they currently do. As a result, KLC believes **the bill may result in a minimal negative financial and administrative impact.**

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the GA version of the bill which includes House Floor Amendment 1 adding "interstate hazardous liquid pipeline facility" to the notification requirements.

Data Source(s): Kentucky League of Cities, LRC Staff

Preparer: MJO **Reviewer:** KHC **Date:** 2/8/22