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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Cross

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SUMMARY

- Requires a building developer of new residential or commercial property development to notify the natural gas transmission pipeline operator of the new development, if the development will be within 660 feet of a natural gas transmission pipeline.
- By January 1, 2022, requires a natural gas transmission pipeline operator to file the name and contact information of its primary contact person with the county or city engineer having jurisdiction.
- Requires the natural gas transmission pipeline operator to provide pipeline location information to the developer within 45 days of receiving the notice from the developer of the planned construction.
- Requires each county and city engineer to gather raw national pipeline mapping geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration within the U.S. Department of Transportation.
- Prohibits a county or city engineer from giving final approval to a development until the requirements of the bill have been satisfied by the developer.

DETAILED ANALYSIS

General overview

The bill requires a building developer planning construction of new residential or commercial property development that will be located within 660 feet of the center point of any natural gas transmission pipeline to notify the natural gas transmission pipeline operator of the planned development prior to commencing construction. **“Natural gas transmission pipeline”** under the bill means an interstate pipeline and an intrastate pipeline, as defined in

federal law.¹ The bill only applies to counties and municipalities that require a county or city engineer to approve residential and nonresidential developments and to preliminary development plans filed on or after the effective date of the bill.² The bill requires that by January 1, 2022, a pipeline operator must file the name and contact information of its primary contact person with the county or city engineer having jurisdiction.³

Notification of construction

The developer must notify the operator of the natural gas transmission pipeline of the planned development within ten days of the approval of the development, or 90 days prior to commencement of construction, whichever is earlier.⁴

Within 45 days of receiving the notice from the developer, the pipeline operator must provide pipeline location information to the developer. The most current and reliable location information must be provided, which may include:

- Documents reflecting the actual location of the pipeline;
- Marking facilities on design drawings;
- Maps.⁵

The developer must provide on any plat filed with the county or city engineer a notice stating 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. And that the developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator.⁶

Pipeline location data gathering

Within 60 days of the effective date of the bill, each county and city engineer must gather raw national pipeline mapping geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the U.S. Department of Transportation. The bill provides immunity from liability to a county or city engineer related to the approval or construction of a development when the approval is based upon information gathered from the PHMSA.⁷

¹ R.C. 713.28(A).

² R.C. 713.28(I).

³ R.C. 713.28(F).

⁴ R.C. 713.28(B).

⁵ R.C. 713.28(E).

⁶ R.C. 713.28(C).

⁷ R.C. 713.28(D).

Approval of development

The bill prohibits a county or city engineer from giving the final approval for a development until the requirements of the bill have been satisfied by the developer. A county or city engineer may rely solely upon the notice to the pipeline operator, the geospatial data gathered, and the recordation when determining whether the requirements have been satisfied for purposes of granting final approval of such development. A county or city engineer is immune from liability related to the approval or construction of such development when the approval is based on this information.⁸

Interaction with One-call Utility Protection Service Law

The bill does not exempt developers or natural gas pipeline operators from the requirements of the One-call Utility Protection Service Law in Ohio, which requires a person to contact Ohio Utilities Protection Service before beginning any digging or excavation work.⁹

HISTORY

Action	Date
Introduced	09-21-21

H0430-I-134/ar

⁸ R.C. 713.28(G).

⁹ R.C. 713.28(H).