CHAPTER 75 HB 1491-FN-LOCAL - FINAL VERSION

15Mar2022... 0547h

2022 SESSION

22-2487 12/10

HOUSE BILL 1491-FN-LOCAL

AN ACT relative to natural gas transmission pipeline safety.

SPONSORS: Rep. Alexander Jr., Hills. 6

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill requires developers to notify the operator of a natural gas transmission pipeline prior to approval of an application for a development project that is within 1,000 feet of the pipeline.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT

relative to natural gas transmission pipeline safety.

Be it Enacted by the Senate and House of Representatives in General Court convened:

75:1 Legislative Intent and Purpose.

- I. The legislature intends in this acts to create a pipeline safety dialogue between property developers and owners and natural gas transmission pipeline operators when new land use or property development is planned near a transmission pipeline.
- II. When a new development of any kind occurs near an interstate transmission pipeline, federal law can require additional modifications be made to the pipeline for the safety of others. This act would protect the transmission pipeline by promoting adequate safety consideration of the impacts of the property development on the pipeline, with considerable time before construction begins. Developers would become aware of the existence of pipelines, and could factor the location of these facilities into the design phases of their projects, while also allowing pipeline operators time to make adjustments to the facilities.
- 75:2 New Subdivision; Advance Pipeline Notification. Amend RSA 674 by inserting after section 74 the following new subdivision:

Advance Pipeline Notification

674:75 Advance Pipeline Notification.

- I. As used in this section, "natural gas transmission pipeline" means an interstate pipeline, as that term is defined in 15 U.S.C. Section 3301(15); and
- II. For a new residential or nonresidential development that is located in whole or in part within 1,000 feet of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the applicant shall notify the operator of the natural gas transmission pipeline of the planned development no later than the time of application for approval of the development, or 180 days prior to commencement of construction, whichever is earlier.
- III. The developer of the development shall provide on a form filed with the local land use board the following notice:

"All reasonable means were used to obtain information about natural gas transmission pipeline facilities in the area of the proposed development and pipeline operator(s) were contacted 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."

IV. Within 60 days of the effective date of this section, a local land use board in a municipality that is within 1,000 feet of the center point of a natural gas transmission pipeline shall make National Pipeline Mapping System geospatial data available to developers from the Pipeline and Hazardous

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- Materials Safety Administration within the United States Department of Transportation relative to the locations of pipelines.
- V. Upon receiving notice of a planned development in accordance with this section, a pipeline operator shall locate and mark the natural gas pipeline facilities and provide pipeline facility information to the developer by other means such as marking up design drawings and providing maps.
- VI. A building permit shall not be issued, and a building shall not be erected on a lot within the jurisdiction of a local land use board unless one of the following 3 criteria is met:
- (a) The developer has received written consent from the natural gas pipeline operator and has filed this consent with such regional planning commission;
- (b) The developer has not received written consent from the natural gas pipeline operator, but has filed with such local land use board written correspondence from the pipeline operator demonstrating that discussions and outreach have occurred; or
- (c) The developer has filed dated and written correspondence with such local land use board that demonstrates attempts to contact the natural gas pipeline operator and that no response has been received within 180 days of the filing.
- VII. This section applies only to counties and municipalities that are governed by a local land use board for purposes of approving residential and nonresidential developments.
 - 75:3 Effective Date. This act shall take effect January 1, 2023.

Approved: May 20, 2022

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Effective Date: January 01, 2023