

IC 8-1-22.6

Chapter 22.6. Pipeline Construction Guidelines

IC 8-1-22.6-1

Application

Sec. 1. (a) This chapter applies to the construction of any segment of an interstate pipeline on privately owned land in Indiana.

(b) Except as otherwise provided in the guidelines adopted by the division, this chapter does not apply to construction activities that occur entirely on:

- (1) a public right-of-way;
- (2) a railroad right-of-way; or
- (3) publicly owned land.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-2

"Affected landowner"

Sec. 2. As used in this chapter, "affected landowner" means an owner of an interest in property that:

- (1) is located in Indiana; and
- (2) meets one (1) or more of the conditions set forth in 18 CFR 157.6(d)(2).

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-3

"Construction"

Sec. 3. (a) As used in this chapter, "construction" means the physical work involved in the construction, reconstruction, improvement, maintenance, or extension of a pipeline project.

(b) The term includes the following:

- (1) The preparation of the construction site.
- (2) Disassembling and removing a structure.
- (3) Related work.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-4

"Division"

Sec. 4. As used in this chapter, "division" refers to the pipeline safety division of the Indiana utility regulatory commission established by IC 8-1-22.5-2.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-5

"Guidelines"

Sec. 5. As used in this chapter, "guidelines" refers to a nonrule policy document adopted by the division that establishes voluntary guidelines to be considered by a pipeline company that proposes to construct a pipeline that will be located, in whole or in part, in Indiana.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-6**"Pipeline"**

Sec. 6. As used in this chapter, "pipeline" means a pipeline (as defined in IC 8-1-22.5-1(c)) that crosses or is located in:

- (1) Indiana; and
- (2) one (1) or more other states.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-7**"Pipeline company"**

Sec. 7. (a) As used in this chapter, "pipeline company" means a person (as defined in IC 8-1-22.5-1(e)) that:

- (1) constructs; or
- (2) proposes to construct;

a pipeline.

(b) The term includes any:

- (1) employee;
- (2) agent;
- (3) contractor;
- (4) subcontractor; or
- (5) other person;

that is employed by, or acts on behalf of, a pipeline company.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-8**Division to establish nonbinding guidelines; use in simplifying easement negotiations**

Sec. 8. (a) The division shall establish voluntary guidelines to be considered by a pipeline company that proposes to construct a pipeline that will be located, in whole or in part, in Indiana.

(b) Guidelines adopted by the division are not binding on any pipeline company or affected landowner but may be used by a pipeline company or an affected landowner to simplify negotiations involved in establishing a price for any:

- (1) easement; or
- (2) other interest in land;

needed by the pipeline company to construct a pipeline.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-9**Actions indicating intent to construct pipeline; notice of guidelines to pipeline company; time of mailing**

Sec. 9. (a) For purposes of this section, a pipeline company proposes to construct a pipeline in Indiana if it does any of the following:

- (1) Files an application for a certificate of public convenience and necessity with the Federal Energy Regulatory Commission.
- (2) Undertakes:
 - (A) environmental, engineering, or cultural surveys; or
 - (B) other studies or surveys;

in Indiana in preparation for filing an application described in subdivision (1).

(3) Holds public meetings or hearings in Indiana concerning a proposed pipeline.

(4) Enters upon land in Indiana for the purpose of determining the route or location of a proposed pipeline.

(5) Contacts landowners in Indiana for the purpose of negotiating the price for:

(A) easements; or

(B) other interests in land;

necessary for the construction of a pipeline.

(6) Undertakes other actions in preparation for the construction of a pipeline.

(b) The division shall send, by certified mail, the following to each pipeline company that proposes to construct a pipeline in Indiana:

(1) A copy of the guidelines adopted by the division.

(2) A notice that includes the following:

(A) A statement that the division has adopted the pipeline construction guidelines included with the notice.

(B) A statement indicating:

(i) that the pipeline construction guidelines have been mailed to all affected landowners on the list provided by the pipeline company under section 10 of this chapter; and

(ii) that the division has encouraged the affected landowners to agree to the guidelines in any negotiations for easements or other land interests with the pipeline company.

(c) The division shall mail the guidelines and notice in accordance with subsection (b):

(1) as soon as the division learns of the proposed pipeline as a result of the pipeline company performing one (1) or more actions described in subsection (a); or

(2) not later than three (3) business days after the Federal Energy Regulatory Commission provides notice under 18 CFR 157.9(a) of the pipeline company's application for a certificate of territorial authority;

whichever occurs earlier.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-10

List of affected landowners; notice to affected landowners; time of mailing

Sec. 10. (a) The pipeline company shall provide the division with a list of landowners that will be affected by the proposed construction of a pipeline or a segment of a pipeline in Indiana. The list must include all affected landowners that the pipeline company must provide notice to under IC 32-24-1-3(g).

(b) The division shall send, by certified mail, the following to each affected landowner:

- (1) A copy of, or reference to, the guidelines adopted by the division.
- (2) A notice that includes the following:
 - (A) A statement that the division has adopted the pipeline construction guidelines included with, or referenced in, the notice.
 - (B) A statement indicating that the pipeline construction guidelines have been mailed to the pipeline company. The statement required by this clause must specify a date after which the affected landowner may contact a toll free telephone number established by the division to provide information on the status of any construction guidelines agreed to by the pipeline company.
 - (C) A statement indicating that any guidelines agreed to by the pipeline company shall not be binding on the pipeline company or affected landowners but may be used by the pipeline company and an individual landowner to simplify negotiations involved in establishing a price for any:
 - (i) easement; or
 - (ii) other interest in land;needed by the pipeline company to construct the pipeline.
 - (D) A statement encouraging the affected landowner to agree to any construction guidelines that the pipeline company agrees to follow, to the extent that the landowner determines that the guidelines are not contrary to the landowner's best interests.
 - (E) A statement including:
 - (i) contact information for the one (1) or more project coordinators designated by the division under section 12 of this chapter;
 - (ii) contact information for the Federal Energy Regulatory Commission, including a local or toll free telephone number; and
 - (iii) the commission's web site address.

(c) The division shall mail the information required under subsection (b) not later than twenty (20) days after the division is notified by the pipeline company of the proposed route and is provided with a list of the affected landowners as required by subsection (a).

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-11

Use of guidelines in negotiations with state agencies; statement of agreement to use guidelines

Sec. 11. The division shall encourage pipeline companies to use the guidelines as a starting point for any negotiations with the various state agencies identified in the guidelines. The division may require a pipeline company proposing to construct a pipeline or a segment of a pipeline to sign a statement indicating whether or not the pipeline company agrees to use the guidelines for the project.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-12

Division to designate project coordinators; duties of coordinators

Sec. 12. For each proposed or ongoing pipeline project in Indiana, the director of the division shall designate one (1) or more employees of the division to serve as project coordinators for the division. The director shall ensure that one (1) or more of the coordinators designated under this section are responsible for the following duties concerning the project:

- (1) Monitoring all:
 - (A) filings with; and
 - (B) proceedings before;the Federal Energy Regulatory Commission.
- (2) Attending all public hearings or meetings concerning the project that are held in Indiana.
- (3) Receiving and responding to questions and complaints about the project from Indiana residents.
- (4) Updating the information required to be made available on the commission's web site under section 13 of this chapter.
- (5) Any other duties assigned by the director of the division.

As added by P.L.110-2007, SEC.1.

IC 8-1-22.6-13

Information on commission's web site; updating of information

Sec. 13. (a) The division shall make the following available on the commission's web site:

- (1) A link to the guidelines adopted by the division.
- (2) For each proposed or ongoing pipeline construction project in Indiana, the following information:
 - (A) A description of the pipeline company and the pipeline project, including:
 - (i) the pipeline's location, purpose, and construction schedule; and
 - (ii) the docket number assigned to the project by the Federal Energy Regulatory Commission.
 - (B) Contact information for the pipeline company, including a local or toll free telephone number.
 - (C) Contact information for the Federal Energy Regulatory Commission, including a local or toll free telephone number.
 - (D) Contact information for the one (1) or more project coordinators designated under section 12 of this chapter to receive and respond to questions and complaints from Indiana residents.
 - (E) Information on public hearings or meetings that are scheduled in connection with the pipeline project.
 - (F) Other information concerning the pipeline project that the division considers relevant or of likely concern to Indiana residents.

- (b) The division shall update the information required under

subsection (a)(1) whenever:

(1) one (1) or more guidelines adopted by the division are revised or superseded by the division; or

(2) one (1) or more new guidelines are adopted by the division.

(c) The division shall update the information required under subsection (a)(2) on a regular basis throughout the course of a pipeline project. The division shall ensure that all information on the division's web site concerning a pipeline project is accurate, current, and accessible. The director of the division shall assign the responsibility of complying with this subsection to one (1) or more project coordinators designated under section 12 of this chapter.

As added by P.L.110-2007, SEC.1.