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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 262 Session of  
2019

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INTRODUCED BY DINNIMAN, KILLION, SCHWANK, KEARNEY AND HAYWOOD,  
FEBRUARY 7, 2019

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
FEBRUARY 7, 2019

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in powers and duties of commission,  
3 providing for pipeline siting review.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 66 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 531. Pipeline siting review.

9 (a) Commission duties.--The commission shall, within 18  
10 months of the effective date of this section, adopt regulations  
11 regarding the siting of the new construction of pipelines.

12 (b) Pipeline siting application.--Prior to the new  
13 construction of pipelines or pipeline construction projects  
14 described under subsection (a), a public utility shall submit an  
15 application to the commission for authorization regarding the  
16 siting of the pipeline to be constructed.

17 (c) Application contents.--Applications submitted under  
18 subsection (b) shall include:

1       (1) The name and address of the public utility proposing  
2 the pipeline and the name and contact information for the  
3 pipeline's representative for purposes of communication  
4 regarding the application.

5       (2) A general description of the proposed route of the  
6 pipeline, to include the number of route miles, the right-of-  
7 way width and the location of the proposed pipeline within  
8 each city, borough, town and township traversed.

9       (3) The names of known persons, corporations and other  
10 entities of record owning property within the proposed right-  
11 of-way, together with an indication of the pipeline rights-  
12 of-way acquired by the public utility.

13       (4) A statement of the safety considerations that will  
14 be incorporated into the design, construction and maintenance  
15 of the proposed pipeline.

16       (5) A description of studies that have been made as to  
17 the projected environmental impact of the pipeline as  
18 proposed and of the efforts which have been and which will be  
19 made to minimize the impact of the pipeline upon the  
20 environment and scenic and historic areas, including, but not  
21 limited to, impacts, where applicable, upon land use, soil  
22 and sedimentation, plant and wildlife habitats, terrain,  
23 hydrology and landscape.

24       (6) A description of the efforts of the public utility  
25 to locate and identify archeologic, geologic, historic,  
26 scenic or wilderness areas of significance within two miles  
27 of the proposed right-of-way and the location and identity of  
28 the areas discovered by the public utility.

29       (7) A general description of reasonable alternative  
30 routes to the proposed pipeline, including a description of

1 the corridor planning methodology, a comparison of the merits  
2 and detriments of each route and a statement of the reasons  
3 for selecting the proposed pipeline route.

4 (8) A list of the Federal, State and local governmental  
5 agencies that have requirements to be met in connection with  
6 the construction or maintenance of the proposed pipeline and  
7 a list of documents that have been or are required to be  
8 filed with those agencies in connection with the siting and  
9 construction of the proposed pipeline.

10 (9) A list of the governing bodies of the municipalities  
11 through which the proposed pipeline will be located.

12 (10) A description of the product or material to be  
13 transported through the proposed pipeline.

14 (11) The estimated cost of construction of the proposed  
15 pipeline and the projected date for completion.

16 (12) A general statement of the need for the proposed  
17 pipeline in meeting identified present and future demands for  
18 service and of how the proposed pipeline will meet that need  
19 and of the engineering justifications for the proposed  
20 pipeline.

21 (13) Any other information, documentation, exhibits or  
22 maps required by the commission.

23 (d) Service of application and notice of filing.--

24 (1) A public utility shall file the original application  
25 under subsection (b) with the commission accompanied by an  
26 affidavit of service showing the identity of those served  
27 under paragraphs (2) and (3).

28 (2) At the time of filing, the public utility shall  
29 serve a copy of the application upon the following:

30 (i) The chief executive officer, the governing body

1 and the body charged with the duty of planning land use  
2 in each municipality in which any portion of the pipeline  
3 is proposed to be located.

4 (ii) The Secretary of Environmental Protection.

5 (iii) The local coordinators of any local emergency  
6 management organizations in the areas in which the  
7 proposed pipeline route will be located.

8 (3) At the time of filing, the public utility shall  
9 serve a notice of filing and a map of suitable detail showing  
10 the proposed route of the proposed pipeline upon the  
11 following:

12 (i) The Secretary of Transportation.

13 (ii) The Chairman of the Historical and Museum  
14 Commission.

15 (iii) Other Federal, State and local agencies  
16 designated in subsection (c) (8).

17 (iv) The persons, corporations and other entities  
18 designated in subsection (c) (3).

19 (4) The notice of filing shall contain a statement  
20 identifying the filing, the date on which the filing was or  
21 is to be made, a description of the proposed pipeline, a  
22 description of the product or material to be transported  
23 through the proposed pipeline, the number of route miles, the  
24 right-of-way width and the location of the proposed pipeline  
25 within each municipality traversed and a statement that a  
26 copy of the application is available for public examination  
27 as provided in paragraph (5).

28 (5) On the day of filing of the application, the public  
29 utility shall make a copy of the application available for  
30 public examination on the public utility's publicly

1 accessible Internet website or during ordinary business hours  
2 at a convenient location within any county in which a part of  
3 the proposed pipeline will be located.

4 (e) Hearing and notice.--

5 (1) Upon filing of an application, the commission shall  
6 set the time and place for at least two public hearings in  
7 each county in which a portion of the pipeline is proposed to  
8 be located.

9 (2) The public utility shall publish for two consecutive  
10 weeks a notice of hearings in a newspaper of general  
11 circulation within each municipality in which the pipeline is  
12 proposed to be located. The publication of the notice of  
13 hearings shall begin at least 45 days before the date set for  
14 the commencement of the hearings. The notice of hearing for  
15 publication shall contain a brief description of the proposed  
16 pipeline, the pipeline's location, a statement of the date,  
17 time and place of the hearing and of the hearing's purpose  
18 and a statement as to where and when a copy of the  
19 application will be available for public examination.

20 (3) The commission shall notify, and allow the timely  
21 intervention of, each person or agency designated in  
22 subsection (d)(2) and (3) of the time and place of the  
23 hearings on the application and shall notify any other  
24 parties granted leave to intervene in accordance with  
25 commission rules or regulations.

26 (4) At hearings held under this section, the commission  
27 shall accept evidence upon, and in the commission's  
28 determination of the application the commission will consider  
29 the following matters in consultation with the persons or  
30 agencies listed in subsection (d)(2), where applicable:

1           (i) The present and future necessity of the proposed  
2 pipeline in furnishing service to the public.

3           (ii) The safety of the proposed pipeline.

4           (iii) The impact and the efforts which have been and  
5 will be made to minimize the impact, if any, of the  
6 proposed pipeline upon the following:

7                   (A) Land use.

8                   (B) Soil and sedimentation.

9                   (C) Plant and wildlife habitats.

10                  (D) Terrain.

11                  (E) Hydrology.

12                  (F) Landscape.

13                  (G) Archeologic areas.

14                  (H) Geologic areas.

15                  (I) Historic areas.

16                  (J) Scenic areas.

17                  (K) Wilderness areas.

18                  (L) Scenic rivers.

19           (iv) The availability of reasonable alternative  
20 routes.

21 (f) Commission determination.--

22           (1) The commission shall grant or deny the application,  
23 in whole or in part, as filed or upon the terms, conditions  
24 or modifications of the location, construction, operation or  
25 maintenance of the line as the commission deems appropriate.

26           (2) The commission may not grant the application, either  
27 as proposed or as modified, unless the commission finds and  
28 determines as to the proposed pipeline that:

29                   (i) There is a need for the proposed pipeline.

30                   (ii) The proposed pipeline will not create an

1 unreasonable risk of danger to the health and safety of  
2 the public.

3 (iii) The proposed pipeline is in compliance with  
4 applicable statutes and regulations providing for the  
5 protection of the natural resources of this Commonwealth.

6 (iv) The proposed pipeline will have minimum adverse  
7 environmental impact, considering the needs of the public  
8 for the pipeline, the state of available technology and  
9 the available alternatives.

10 (g) Definitions.--As used in this section, the following  
11 words and phrases shall have the meanings given to them in this  
12 subsection unless the context clearly indicates otherwise:

13 "Pipeline." Includes:

14 (1) A pipeline of a public utility defined in paragraph  
15 (1)(v) of the definition of "public utility" in section 102  
16 (relating to definitions).

17 (2) A pipeline of a public utility defined in paragraph  
18 (1)(i) of the definition of "public utility" in section 102  
19 carrying natural or artificial gas, which pipeline has a  
20 nominal inside diameter of eight inches or greater.

21 (3) Pipeline construction projects of a public utility  
22 with total costs of \$5,000,000 or more.

23 Section 2. This act shall take effect in 60 days.