

House Bill 3390

Sponsored by Representative WITT, Senator HANSELL

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person that proposes to construct building or structure located within 1,000 feet of interstate pipeline to notify owner or operator of interstate pipeline.

Prohibits state agency or municipality from issuing building permit for building or structure unless agency or municipality receives copy of notice and copy of reply from owner or operator of interstate pipeline.

Requires owner or operator of interstate pipeline each year to provide contact information to Oregon Utility Notification Center.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to notification requirements for structures located within 1,000 feet of an interstate pipe-
3 line; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 455.410 to**
6 **455.450.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Interstate pipeline" means a pipeline that:

9 (A) Is actually carrying or is capable of carrying liquid or gaseous substances; and

10 (B) Originates within this state and extends outside the boundaries of this state, or
11 originates from outside of and crosses one or more of the boundaries of this state.

12 (b) "National Pipeline Mapping System" means the publicly accessible online map viewer
13 for the electronic mapping system that the United States Department of Transportation's
14 Pipeline and Hazardous Materials Safety Administration operates and maintains for the
15 purpose of locating pipelines and utility systems, or a similar system that a successor agency
16 operates and maintains.

17 (2)(a) A person that intends to construct a building or structure that is or will be located
18 within 1,000 feet of the center line of an interstate pipeline shall send a written notice to the
19 owner or operator of the interstate pipeline at the time the person applies for a building
20 permit for the building or structure or 180 days before beginning construction, whichever is
21 earlier. The person shall send a copy of the notice to the state agency or municipality from
22 which the person expects to obtain a building permit for the building or structure. In the
23 notice, the person shall describe the extent and location of the construction, list the equip-
24 ment and supplies the person will use in the construction and identify any locations within
25 1,000 feet of the center line of the interstate pipeline in which the person will use, park or
26 store the equipment or supplies.

27 (b) To determine whether a notice is required under paragraph (a) of this subsection, a
28 person shall consult the National Pipeline Mapping System before applying for a building

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 permit to construct a building or structure within this state.

2 (3)(a) Not later than 30 calendar days after receiving a notice described in subsection (2)
3 of this section, the owner or operator of an interstate pipeline shall send a written reply to
4 the person that sent the notice described in subsection (2) of this section to indicate that the
5 owner or operator received the person's notice and shall review details of the proposed con-
6 struction. The owner or operator may not unreasonably delay or withhold the reply.

7 (b) In the review described in paragraph (a) of this subsection, the owner or operator
8 may inspect the person's plans and designs and the proposed site of the construction. To the
9 extent reasonably necessary for the review, the person shall cooperate with and make the
10 plans, designs and site available to the owner or operator during regular business hours.

11 (4) A state agency or municipality may not issue a building permit for a building or
12 structure if, after consulting the National Pipeline Mapping System, the state agency or
13 municipality determines that the building or structure is or will be located within 1,000 feet
14 of the center line of an interstate pipeline, unless and until the state agency or municipality
15 receives:

16 (a) A copy of the notice described in subsection (2) of this section; and

17 (b) A copy of the reply described in subsection (3)(a) of this section or a statement in
18 writing that the owner or operator of the interstate pipeline did not reply to the notice de-
19 scribed in subsection (2) of this section.

20 (5) An owner or operator of an interstate pipeline each year shall provide to the Oregon
21 Utility Notification Center contact information sufficient to provide the owner or operator
22 with the notice described in subsection (2) of this section.

23 **SECTION 3.** Section 2 of this 2021 Act applies to construction of a building or structure
24 for which a person seeks a building permit on or after the effective date of this 2021 Act.

25 **SECTION 4.** This 2021 Act takes effect on the 91st day after the date on which the 2021
26 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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