

2024 Regular Session

HOUSE BILL NO. 612

BY REPRESENTATIVE MCFARLAND

ENERGY/PIPELINES: Provides a voluntary process for pipeline crossing disputes

1 AN ACT

2 To enact R.S. 40:1749.28, relative to pipeline crossing disputes; to provide for written notice
3 of a proposed crossing; to provide for summary proceedings; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1749.28 is hereby enacted to read as follows:

7 §1749.28. Pipeline crossings; voluntary notice; summary procedure

8 A. The state of Louisiana has an interest in protecting, conserving, and
9 regulating Louisiana's natural resources; facilitating and supporting commerce and
10 competition in the energy sector; and ensuring Louisiana's prominence in the United
11 States as the nation's hub of oil and gas production, transportation, and processing.
12 In furtherance of these interests, including the timely development of infrastructure,
13 and to create an optional expedited procedure for resolving pipeline crossing
14 disputes, the legislature hereby determines that the procedures set forth in this
15 Section are in the best interest of the state of Louisiana.

16 B. Any person seeking to construct a pipeline for the purpose of gathering
17 or transmitting natural gas, oil, or carbon dioxide that will cross an existing pipeline
18 may institute a summary proceeding as provided in this Section by providing notice
19 to the owner of the existing pipeline of a planned crossing. The written notification
20 shall be sent to the email address publicly designated by the existing pipeline owner

1 for such requests or, if no such email address has been publicly designated, by
2 traceable overnight courier or certified mail to the registered agent for the existing
3 pipeline owner, and shall include the following information:

4 (1) The identity of the company proposing the crossing, and the name,
5 telephone number, email address, and mailing address of its designated
6 representative.

7 (2) A crossing drawing providing approximate latitude and longitude
8 coordinates of the planned crossing location and a plan and profile depiction of the
9 planned crossing.

10 (3) The diameter, wall thickness, and material of the planned pipeline at the
11 crossing location.

12 (4) The minimum vertical separation between the existing pipeline and the
13 planned pipeline.

14 (5) The approximate angle measured between the existing pipeline and the
15 planned pipeline at the crossing location.

16 (6) The method of installing the planned pipeline at the crossing location.

17 C. After thirty days have elapsed following receipt by the owner of the
18 existing pipeline of the notification contemplated by Subsection B of this Section,
19 the notifying party under Subsection B of this Section may commence an action to
20 determine or enforce its rights with respect to the planned crossing by summary
21 proceeding in accordance with Code of Civil Procedure Article 2592(13).

22 D. Nothing in this Section shall preclude a notifying party under Subsection
23 B of this Section from pursuing judicial relief by any other process provided by law,
24 and nothing in this Section is intended to affect other rights or obligations under the
25 Louisiana Underground Utilities and Facilities Damage Prevention Law.

26 E. This statute shall be effective as to all pipeline crossings, including those
27 presently the subject of pending judicial demands.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 612 Engrossed

2024 Regular Session

McFarland

Abstract: Creates a voluntary process for a pipeline owner to provide a notice of intent to cross an existing pipeline and initiate a summary proceeding for disputes.

Proposed law provides that any person constructing an oil, gas, or carbon dioxide pipeline that will cross an existing pipeline may voluntarily provide notice of the crossing

Proposed law requires that to initiate the summary proceeding, written notice of the planned pipeline crossing must be sent to the existing pipeline owner and proposed law provides the methods by which notice may be delivered.

Proposed law requires the notice to include the following:

- (1) The identity of the company proposing the crossing, and the name, telephone number, email address, and mailing address of its designated representative.
- (2) A crossing drawing providing approximate latitude and longitude coordinates of the planned crossing location and a plan and profile depiction of the planned crossing.
- (3) The diameter, wall thickness, and material of the planned pipeline at the crossing location.
- (4) The minimum vertical separation between the existing pipeline and the planned pipeline.
- (5) The approximate angle measured between the existing pipeline and the planned pipeline at the crossing location.
- (6) The method of installing the planned pipeline at the crossing location.

Proposed law allows the notifying party to initiate a summary proceeding 30 days following receipt of notice by the existing pipeline owner.

Proposed law provides that proposed law will apply to all pipeline crossings, including those currently involved in pending lawsuits.

(Adds R.S. 40:1749.28)