

**PLAN SUBMISSION, BUFFERING AND SETBACK FROM
TRANSMISSION PIPELINES**

Note: The sections of this ordinance are intended to be enacted as part of a Township's Subdivision and Land Development Ordinance.

AN ORDINANCE PURSUANT TO ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER ___ OF THE CODE OF ORDINANCES OF _____ TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PROVIDING FOR PLAN SUBMISSION, BUFFER, SETBACK, SIGNAGE AND LANDSCAPING PROVISIONS FOR NEW DEVELOPMENT ADJACENT TO TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.

Section 1. The Code of the Township of _____, Chapter ___ thereof, being the _____ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article ___, Plan Requirements and Procedures, Sections ___, Plan Content for Preliminary and Final Plan Submissions, is amended by adding a new subsection ___, to read as follows:

(___) The location, center line right-of-way, and limits of easements for all transmission pipelines on the tract or on any abutting property.

Section 2. The Code of the Township of _____, Chapter ___ thereof, being the _____ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article ___, Design Standards, Section ___, is amended by adding a new section ___, to read as follows:

Section ___. Buffer Standards and Setbacks from Transmission Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines and ensure consistency with the intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.

- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; such uses shall be set back from natural gas compressor stations or other surface land uses affiliated with transmission pipelines a minimum of seven hundred and fifty (750) feet or five hundred (500) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines, whichever is greater, unless waived in writing by the new development applicant (in which case such uses shall be set back a minimum of three hundred (300) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines). Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within two hundred (200) feet of any pipeline right-of-way.

Setbacks may be modified by the Township pursuant to the type of material being transported in the pipeline and whether the applicant proposes high on-site populations. The Township shall, on a case-by-case basis determine whether increased setbacks are warranted consistent with the “Potential Impact Radius” (PIR), defined by the relationship between the diameter of the adjacent pipeline and its maximum operating pressure (see Exhibit 1), whether high on-site populations are proposed, and whether more than one transmission pipeline (such as coupled lines) exist (or are proposed). The PIR approach is applicable only to “gas” or “petroleum gas” transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2 shall adhere to the setback standards contained in this subsection.

Note: Although Act 13’s setbacks were 750 feet from compressor stations, the Act also provided DEP latitude to reduce such setbacks if waived by the owner of adjacent buildings or adjoining lots. The setbacks offered here are graduated to apply to different types of uses and settings. Municipalities wishing to consider larger setbacks for transmission pipelines (including petroleum or other hazardous liquid pipelines not addressed by the PIR approach) should only do so if they believe they can justify the need for larger setbacks to protect High Consequence Areas (areas with high on-site populations) or Unusually Sensitive Areas (areas with unique natural resource constraints). Any increase or decrease in setbacks should be reviewed by the municipal solicitor.

No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

- (2) Consultation zone. Any application, other than those surface uses affiliated with transmission pipelines, for new residential structures and all new commercial, industrial and institutional uses (whether Class 1, 2, 3 or 4 locations pursuant to Exhibit 1), proposed within six hundred sixty (660) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that:
- (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
 - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
 - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

Note: The 660 feet designation for consultation zones (above) and high on-site populations (below) is based upon "best practices" developed by the Pipelines and Informed Planning Alliance (PIPA), a planning committee formed by Pipeline and Hazardous Materials Safety Administration (PHMSA) (see the "Planning Near Pipelines" Introduction for more information).

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within six hundred sixty (660) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency

plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the local Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshall may also require submission of plans for review and approval where deemed appropriate.

- C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-of-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

- D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.

Section 3. The Code of the Township of _____, Chapter ____ thereof, being the _____ Township Subdivision and Land Development Ordinance, as amended (the “Subdivision Chapter”), Article __, Section ____, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

Pipeline – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

Surface land uses affiliated with transmission pipelines – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Transmission Pipelines – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.