

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 559

Representatives Goyal, Flowers

**Cosponsors: Representatives McGregor, J., Webster, Combs, Fessler,
Hagan, R., Stebelton, Foley**

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A B I L L

To enact section 4933.41 of the Revised Code relative 1
to the removal of trees and structures from 2
easements that are part of interstate gas pipeline 3
facilities. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4933.41 of the Revised Code be 5
enacted to read as follows: 6

Sec. 4933.41. (A) As used in this section, "interstate gas 7
pipeline facility" has the same meaning as in 108 Stat. 1301 8
(1994), 49 U.S.C. 60101(a)(6). 9

(B) A person that holds an easement as part of an interstate 10
gas pipeline facility shall not remove, or cause the removal of, 11
trees or structures from any portion of the easement that is not 12
required to be cleared in order to comply with the minimum safety 13
standards and practices prescribed by federal law for interstate 14
pipeline facilities or interstate pipeline transportation and 15
that, for at least twenty-one years, has not been cleared by the 16
holder of the easement, unless both of the following conditions 17
are met: 18

(1) The easement holder first obtains the approval of the property owner. 19
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(2) The easement holder reimburses the property owner for all losses incurred due to the removal of the trees or structures. 21
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(C) Notwithstanding division (B) of this section, a person that holds an easement as part of an interstate gas pipeline facility may remove, or cause the removal of, trees or structures from any portion of the easement beyond what is required to comply with the minimum safety standards and practices prescribed by federal law for interstate pipeline facilities or interstate pipeline transportation, if either of the following applies: 23
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(1) The easement dimensions are clearly defined in recorded title. 30
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(2) The easement dimensions are not clearly defined in recorded title and a court determines the easement dimensions after considering the following criteria: 32
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(a) The language of the grant; 35

(b) The circumstances surrounding the transaction granting the easement; 36
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(c) What is reasonably necessary and convenient to serve the purpose for which the easement was granted; 38
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(d) The concept of use and acquiescence. 40