**Section 302.40 Negotiation of the Acquisition of an Easement in Property or Any Interest in Property**

This Section shall govern the actions of every person acting on behalf of an Owner or Operator when negotiating the acquisition of an easement in any property or interest in property for the construction, operation or maintenance of a carbon dioxide pipeline:

a) At least 14 days before an Owner or Operator initiates telephone or personal contact with the landowner to negotiate the acquisition of an easement in any property or interest in property, the Owner or Operator or representative shall send a letter to the landowner by certified mail, return receipt requested, containing the information set forth in subsection (c), together with the "Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act" (see Appendix B).

b) Owner or Operator representatives shall keep and maintain a permanent record of all letters sent in compliance with this Section.

c) Any letter sent by the Owner or Operator representative shall be on that representative's letterhead or on the letterhead of the utility, and it shall clearly set forth:

1) The identity, address and telephone number of the utility representative;

2) The identity of the Owner or Operator attempting to acquire easement in the property or interest in property;

3) The general purpose of the proposed project;

4) A description of the proposed carbon dioxide pipeline, including pipeline length, pipeline diameter, and the location of any above ground facilities (compressor stations, valves, etc.);

5) The general description of the easement in property or interest in property that the Owner or Operator seeks to acquire and the type of structures, if any, the Owner or Operator seeks to build;

6) A statement that the Owner or Operator or its representative seeks to negotiate with the landowner to arrive at a fair and reasonable agreement for the easement in property or interest in property; and

7) An invitation to the landowner to contact the Owner or Operator representative to arrange a mutually agreeable time for an appointment to further discuss the matter.

d) If the landowner does not contact the Owner or Operator representative within two weeks after the mailing of the original letter, the representative may contact the landowner to attempt to establish a mutually convenient time and date for a meeting to discuss the matter.

e) Each Owner or Operator representative shall carry, and show to every landowner contacted, an identification card with the name and address of the Owner or Operator and a recent picture of the Owner or Operator representative. All contacting persons shall provide their telephone numbers to landowners.

f) Upon the initial personal contact with the landowner, each Owner or Operator representative shall be prepared to discuss, with specificity, the project for which the easement in property or interest in property is sought and shall more specifically inform and advise the landowner of the following:

1) By oral statement, the reason for the contact; e.g., the general purpose of the proposed project and the type of facilities to be constructed.

2) Technical information regarding the proposed project. This shall include, among other things: to the extent that is then known to the Owner or Operator, a written statement briefly outlining the purpose of the proposed project; a small-scale map of the proposed project route or route width; sketches indicating types of facilities; the approximate location of facilities; the compensation and basis for compensation; if applicable, the types of structures; and the amount (length and width) of the easement in property or interest in property deemed necessary for the proposed project. This information shall also include a statement that the law provides that easements in property or interests in property ranging from the minimum width required for a pipeline right-of-way up to 200 feet in width may be sought for carbon dioxide pipelines. This information shall be furnished to the landowner for the landowner's review, along with any proposed agreement or contract proposed by the Owner or Operator.