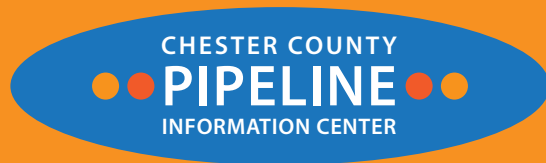


# Landowners Resource Guide for Easements and Rights-of-Way

Chester County Pipeline Information Center



This resource guide was prepared by the Chester County Planning Commission. Funding was provided, in part, through a grant from the Pipeline Hazardous Materials Safety Administration, under the U.S. Department of Transportation, and the Chester County Board of Commissioners. This document has been prepared in conjunction with the principles of the County's policy plan, Landscapes2, as a means of achieving greater consistency between local, regional, and county planning programs.

For more information see: [www.landscapes2.org](http://www.landscapes2.org).



Chester County Board of Commissioners

Terence Farrell  
Kathi Cozzone  
Michelle Kichline

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The following information is intended to serve as a resource for landowners and residents, including those who may have an existing or proposed pipeline right-of-way (R.O.W) on or near their property. Links and resources about easements are included for those interested in more detailed information on the subject.

**Please note:** Landowners should not rely solely on this information to direct their land or financial decisions. This information is advisory and not intended to be, and should not be considered to be, a substitute for legal advice and planning. Any individual who undertakes suggestions presented hereafter, should do so only after consulting with an experienced professional advisor.

# The Basics

If a pipeline company wants to place a new easement or renegotiate an existing easement on your property, here are some things to consider.

## Do some background research on the project.

**First, go to the pipeline company's web page.** Find out what kind of pipeline is proposed, when it is scheduled to be installed, and who at the pipeline company you should contact. Become familiar with the project before you contact the pipeline company as this will help you to ask the right questions.<sup>1</sup>

**Second, contact the pipeline company and speak to someone.** Be sure to find out the anticipated construction schedule for the project.

These links on the Chester County Pipeline Information Center can help you locate the operators contact information:

- [Interactive Pipeline Map](#)
- [Pipeline Operators](#)

Additionally, here are three resources you may find helpful in understanding landowner's issues as they relate to pipelines, rights of way, and easement impacts.

- Carolyn Elefant's guidebook titled [Knowing and Protecting Your Rights When an Interstate Gas Pipeline Comes to Your Community](#) (The Law Offices of Carolyn Elefant is a firm is based in Washington D.C. which specializes in Federal energy practice and policy.)
- Penn State Extension's document titled "[Natural Gas Pipeline Right of Ways: Understanding Landowner Rights and Options](#)"
- Pipeline Safety Trust's [Landowner's Guide to Pipelines](#)

*Note: Full website and publication links are located under "Resources" at the end of this document.*

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<sup>1</sup>P. Hall, C. Hogan, and L. Wills, "Understanding and Negotiating Pipeline Easements," Ohio State University Extension, accessed June 2015.



## Understand the role of the land agent in easement negotiations.

Pipeline companies often try to secure easements before they conduct the required environmental studies, since it is more advantageous to study a corridor where they have already obtained the rights-of-way. When easements are negotiated, pipeline companies often use independent contractors known as a land

agents. Landowners who are approached by a pipeline company or their land agent who is proposing to locate a facility on the owner's land, should receive an offer of financial compensation in exchange for an easement to use the property. Keep in mind that the representatives of a pipeline company are acting in the interest of the company, not necessarily the landowner. Landowners are advised to retain the services of an attorney who is specialized in negotiating utility easements.

The Chester County Bar Association has a lawyer referral service where landowners can talk to a lawyer, who is licensed and insured, for an initial 30-minute consultation for \$25. They are located at 15 W. Gay Street, 2nd Floor, West Chester, PA 19380 and may be reached by phone at 610-429-1500.

View the lawyer referral service page [here](#).

## Consider these points during easement negotiations.

When negotiating an easement, landowners should receive information about the following issues:

- What rights will the landowner maintain?
- What rights will the pipeline operator have?
- How will the land be restored after construction?
- What landscaping will be re-vegetated and; how will it be restored and by when?
- Will the easement affect the landowner's ability to access or use the land on the other side of the easement, either permanently, or during construction?
- Will there be temporary easement areas for construction staging yards or access?
- How or will the landowner be able to access their property during construction?
- How frequently will the pipeline company access the easement area after construction?
- How will the operator maintain the right-of-way after construction? This includes removal of vegetation, use of herbicides, landscapers, etc. and how frequently.
- How many pipelines will be permitted in the right-of-way and what type of products will be transported? Landowners can negotiate a maximum number of lines within R.O.W.

Note that it is also advantageous to request that the pipeline company physically mark the proposed right-of-way location in advance to provide an accurate visual representation of the location of the pipeline right-of-way on your property prior to finalizing an agreement.

## Consider the pros and cons of negotiating an easement versus proceeding to eminent domain.

Each negotiation between a landowner and a pipeline company is unique. However, landowners, generally speaking, have more options if they negotiate with the pipeline company and often

**Each negotiation between a landowner and a pipeline company is unique.**

can benefit if working as a group of landowners rather than individually. Where eminent domain is a possibility, landowners should consider it as a last resort if a mutual agreement with the pipeline company cannot be reached.

Landowners have a number of options when dealing with a pipeline company that wishes to establish a pipeline easement on their property. One option is for the landowner to simply limit their coordination with the pipeline company and let the process proceed to eminent domain. However, experts in land planning and pipeline law generally recommend coordination and negotiation with the pipeline companies as a preferred option. Simply put, a negotiated

**Eminent Domain:** The authority to acquire or take, or authorize the taking of, private property for public use or public purpose. Comment: While eminent domain is largely the prerogative of the government, utilities and independent agencies may also have the right of eminent domain. The Fifth Amendment of the Constitution requires just compensation for any taking.<sup>2</sup>



pipeline easement is more likely to include provisions that help landowners minimize the long-term impacts that a pipeline will have once it is installed.

When the operator has the right of eminent domain, Eric Camp, a lawyer specializing on pipeline issues has written that:

“A landowner should remember during these [easement] negotiations that the pipeline company holds the ultimate trump card—the right to use eminent domain to condemn the land. Pipeline Companies do not like to do this as it is expensive and causes bad publicity... Generally, landowners should not want to go through a condemnation proceeding because it is expensive and only determines that amount of compensation due to the landowner — meaning that landowner missed the opportunity to negotiate all the special provisions listed above. To ultimately get the best terms in the Easement Agreement, a landowner should negotiate in good faith maintaining civility.”<sup>3</sup>

<sup>2</sup>H. Moskowitz and C. Lindbloom, *The New Illustrated Book of Development Definitions*, 1993, 104.

<sup>3</sup>Eric Camp, [Natural Gas Pipeline Easement and Rights-of-Way Agreements: A Landowners List of Terms to Negotiate](#), Whitaker, Chalk, Swindle and Sawyer, LLP., accessed 2014.



## Understand the easement negotiation process.

The easement negotiation between a landowner and a pipeline company typically begins when the landowner receives a “form” or “model” easement from a pipeline development company. According to the Ohio State University Extension, the landowner should, “consider this form easement as a starting point for negotiating easement terms rather than as a final offer from the company. It is acceptable to respond to the company’s easement offer with additional provisions that address your needs. The assistance of a knowledgeable attorney throughout this easement negotiation process can be invaluable and well worth the investment. Before the pipeline easement negotiation process begins, take into account three key areas of concern: **impact on property; income; and eminent domain.**”<sup>4</sup>

Key areas of concern:

### **Impact on your property**

What effects could there be on the property due to construction, maintenance and long term presence of the pipeline, and are there ways to reduce those impacts?

### **Anticipated income**

How much compensation should the landowner receive for the use of the land and for the impacts that will or might result from the pipeline? An article, based on Texas tax law, about the potential tax impacts from easement agreements or eminent domain can be viewed [here](#).

### **Eminent domain**

Does the company possess the potential power of eminent domain, and is the company willing to pursue eminent domain?”<sup>5</sup>

In other words, you should look to the future and ask what possible negative impacts (like cutting down established trees), might occur if the pipeline is installed, and what kind of mitigating actions may reduce the negative visual impact. As a result of negotiation with the pipeline company, you can add an addendum to the easement which ensures that the pipeline company will take special measures when building or maintaining the pipelines and the lands above it.

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<sup>4</sup>Hall, Understanding and Negotiating Pipeline Easements.

<sup>5</sup>Hall, Understanding and Negotiating Pipeline Easements.

Easement Negotiation Process (cont.)

Penn State Extension has identified numerous considerations that may be included in a pipeline agreement or addendum. Some of these are:

- Payments for trees, crops, etc., damaged during the installation of the pipeline.
- Reseeding of easement areas and what types of grasses and other improvements, including the amount of time following completion of construction for surface restoration to be completed.
- Identification of all stream crossings, statement of methods of stream crossings, and requirement for restoration of stream crossings after construction.
- Replacement or installation of fencing and gates (with materials specified), including which gates will have locks and what type of lock will be used.
- Who from the pipeline company and their contractors will have access to gated areas?
- Definition of substances that can be transported in the pipeline , and the total number of lines in the R.O.W.

The Penn State Extension publication on negotiating pipeline rights of way [can be viewed here](#).

You can also visit the Ohio State University Extension's page on understanding and negotiating pipeline easements, [here](#).



The negotiation process allows the landowner to have a say in determining how much they will be compensated for the easement. Penn State Extension notes that payments to landowners for granting right-of-way easements vary between pipeline operators, the type of pipeline, and the location of the easement. Most payments involve a set dollar amount per linear foot (or per "rod," which is 16.5 feet). In Pennsylvania, easement agreements have ranged from less than \$5.00 to more than \$25.00 per linear foot. Landowners should also determine how any payments will impact their taxes prior to negotiating compensation.<sup>6</sup>



<sup>6</sup>Hall, Understanding and Negotiating Pipeline Easements.



## Limitations on eased property.

A pipeline easement limits activities on a property only within the portion of the land that is covered by the easement. On non-eased portions of the property, landowners have no special restrictions other than those that may apply under municipal or state regulations. Pipeline operators follow detailed guidelines for property use and construction near natural gas pipelines and equipment. If a pipeline company already has an easement on your land, you should contact the pipeline operator to obtain information



on these guidelines, as they will restrict what you can do. According to the Penn State Extension, property owners are, “generally prohibited from installing any structures, storing anything that could be an obstruction, or planting trees or shrubs along the right-of-way. Unauthorized building or planting in the pipeline right-of-way is known as a right-of-way encroachment... You should never dig or construct anything within the easement without first having a pipeline representative mark the pipeline, stake the right-of-way, and explain the company’s construction guidelines.”<sup>7</sup>

Federal Energy Regulatory Commission (FERC) Guidelines note that, “Driveways and other improvements without foundations are normally allowed. All improvements are subject to the terms of the easement and are subject to negotiation as long as the pipeline maintenance and safety are not affected.”<sup>8</sup>

## A “final” pipeline right-of-way can sometimes change.

It is possible that a pipeline company will negotiate an easement with a landowner, and later decide to take an alternate route, not utilizing the negotiated easement. Guidelines published by the FERC note that, “Because of planning and lead time, the company may try to obtain easement agreements in advance” of filing environmental studies with FERC. Landowners should be aware that, if an easement was negotiated and signed, even if a pipeline company selects an alternate route, the pipeline company still holds an easement on the parcel.

<sup>7</sup> Penn State Extension - College of Agricultural Sciences, “Negotiating Pipeline Rights-of-Way in Pennsylvania,” accessed 2015.

<sup>8</sup> FERC, “An Interstate Natural Gas Facility on my Land? What do I need to Know?” August 2013.

# ? FAQ

## Frequently Asked Questions Regarding Pipeline Easements



### How can I find out if there is a pipeline or pipeline easement on my property? How can I find a copy of the easement information?

While this determination may seem straightforward, it can be a complicated question to answer. Ideally, landowners already possess a copy of the easement and a map showing the easement's location on their property. This document should have been acquired when the easement was originally negotiated. However, in some cases, these easements can be quite old, dating back to the 1950s or earlier, and may have been lost over time. In reality, many landowners do not have the map, especially in the case of older easements.<sup>9</sup> As a result most landowners must conduct research to determine if there is a pipeline easement on their property, and the details of that easement.



<sup>9</sup> Penn State Extension, 2015.

If you are starting from scratch in determining information about a pipeline easement on your property, there are some basic terms used in real estate that will help you to find the information you are looking for including: title, deed, and title record.

**Title:** In real estate, the word title refers to “the document that proves ownership of a property.”<sup>10</sup> It is the title which formally states who owns a property.

**Deed:** A deed is a document used to show the conveyance of land from one owner to another. It describes the property—including the address boundaries, and size—and verifies that the seller has handed over the title to the buyer. Please note that there are occasions where a pipeline easement has been recorded as a miscellaneous deed in the Recorder of Deeds’ office, meaning it is not attached to the actual deed itself.

**Title Record:** When a property is sold or given to a family member, both the buyer and the seller may trust each other so well, that they simply use a deed to transfer the title with minimal paperwork, and do not necessarily change information on the title. However, land is most often bought by a non-family member, and the buyer will require written proof of ownership known as a title record.

To get detailed information about an existing easement or deed, you can contact the [Chester County Recorder of Deeds](#) and provide them with the parcel number of the property you wish to learn more about. The Recorder of Deeds can help you locate a deed and determine if a pipeline company holds an easement on it.

Landowners can also contact the pipeline operators directly. To do this, go to the [Pipeline Information Center’s Interactive map](#), and click on “View Larger Map.” Once there, a specific address can be input into the search box in the upper right hand corner of the mapping application. The map will zoom to the property in question, and if there is a colored swath, clicking on that color will result in a

pop-up box that includes the contact information for that pipeline (either a phone number or email address).

## **If there is a pipeline easement on my land, will a description of that easement be written down on the deed to my property?**

Not always. Finding out if there is an easement on your land can sometimes be complex because of the way land ownership records were written down in the past. To find out if there is an easement, first check your deed. (See preceding information and link to the Recorder of Deeds.) The deed notes that you own the land. It also lists who sold (or transferred) the land to you. The deed may list pipeline easements, or it may not. If the deed does not list the easement, you should then check to see if a title report (also called a “title”) was ever written for your property. The title report will list the names of past owners and may include other information like easements. However, title reports commonly go back only 50 years, and so may not include pipeline easements older than that.

In the case of a farm or estate that has been long-owned by one family or just a few families, there may be no title reports to review. In some cases, it is prudent to search through old landownership documents that may be stored with old family photos or family bibles. It may seem odd, but land ownership documents can sometime be found this way. Also, you can ask your neighbors if they have a pipeline easement listed on a deed, a title report, or any family documents. It is best to get a copy of any neighbor’s documents, and not rely simply on word of mouth. If you cannot find any documentation of an easement on your own, you may need to hire a professional who can conduct a title search. The process of finding out if your land is eased can be quite simple if your deed lists the easement. But keep in mind that in Chester County land records can date back over 300 years, with many owners and records that may not be as clearly written or as detailed as they are today.

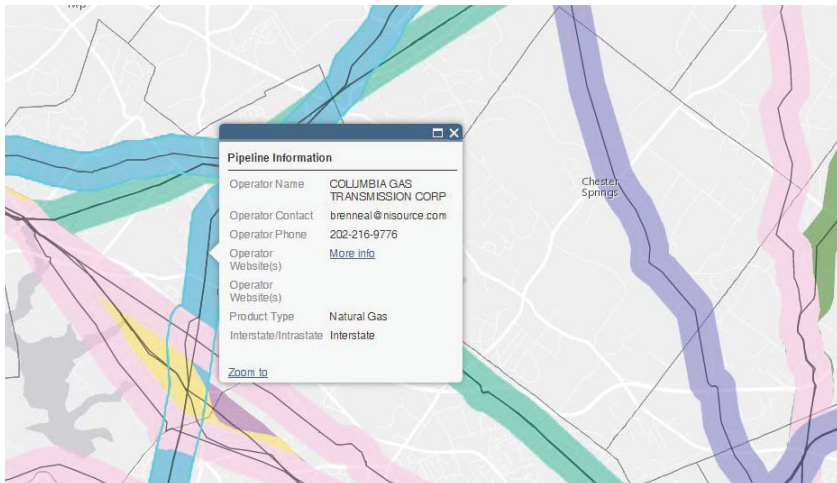
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<sup>10</sup>W. Roark and W. Roark, *Concise Encyclopedia of Real Estate Terms*, Halworth Press, 2006, 160.

## ? How can I contact a pipeline company if I have questions about pipeline easements, either proposed or already in place?

Each pipeline company has its own way of coordinating with the public.

In general, the best way to contact a pipeline company to find their web page, locate the individual who deals with public inquiries and give them a call or an e-mail. You can also visit the Chester County Pipeline Information Center's [interactive map](#) and click on the pipeline in question or go to the information center's [pipeline operators' webpage](#). Both of these resources include contact information for the pipeline operators located within Chester County.



## ? Are all pipeline easement agreements the same?

There is no standard pipeline easement agreement. Each pipeline or, in some cases, different sections of a pipeline, may have different easement agreement.

## ? Can eminent domain be used to acquire a pipeline easement?

In Pennsylvania, an operator of a "public utility" has the authority to use eminent domain to acquire a pipeline easement for gathering, transmission, or distribution pipelines. According to U.S. Title 15, Chapter 2, Section 15.0201, a public utility includes a "public corporation, company... or enterprise fund that owns, operates, or controls a plant or equipment" that is used for "the production or delivery of power in any form..."<sup>11</sup> As a result, a pipeline operation that is a designated public utility can use eminent domain to acquire a pipeline easement just like a water utility can acquire a water pipe easement.

If a pipeline company is not designated as a public utility, it may be able to use eminent domain to acquire an interstate pipeline right-of-way under certain circumstances. In Pennsylvania, eminent domain or right of condemnation for non-public utilities generally applies to natural gas transmission lines or lines moving gas interstate. Siting of natural gas pipelines fall under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and once a certificate has been issued by FERC, the ability to use eminent domain is authorized.

In the event of an eminent domain proceeding, the landowner is to be compensated by the court or regulatory authority at a fair market value for the easement.

Therefore, if a pipeline company with eminent domain authority wished to place a pipeline easement on a private property, and an agreement with the landowner cannot be reached, the company can use eminent domain.<sup>12</sup>

Additional information on pipeline regulatory agencies can be viewed [here](#).

<sup>11</sup>Penn State Extension, 2015.

<sup>12</sup>Ibid.

## ? How long does a pipeline easement last? Is it permanent?

An easement is the right to cross or otherwise use someone else's land for a specified purpose. Except for the temporary workspace easements described below, pipeline easements are perpetual. They are said to "run with the land" which means that when a parcel with an easement is sold, the new buyer will also be subject to the restrictions of the easement previously placed on the land. Easements for pipelines are a form of an "affirmative easement;" it entitles the holder to do something on another individual's land, such as crossing over the land. Generally, easements are permanent unless the written terms of the easement state that it will become extinguished at a specific time. A change in ownership of the property does not alter the easement agreement. It is possible that a pipeline company might remove (or extinguish) an easement, but that is not common. Pipeline companies generally prefer to retain any easements they establish, even for projects that never get constructed. That way, the companies have the option of using that easement for a project in the future that may not even be in the planning stage.

## ? What is the difference between a Temporary Workspace Easement and a Permanent Easement?

There are two types of easements that are typically part of a negotiation. They include permanent easements and temporary workspace or construction easements. Often a pipeline company will seek a permanent easement, where the actual pipeline is installed, as well as an additional workspace easement for construction activity. The temporary workspace/ construction easement should terminate either upon completion of construction or at a specified time agreed upon by both parties. The permanent easement lasts in perpetuity, except under very specific circumstances.

## ? Do I pay taxes on the proceeds from a pipeline easement?

A property owner is entitled to the fair market value of the property eased. Therefore, regardless of how an easement is obtained, it is treated as a sale for tax purposes. Severance damages for the portion of the property not taken, compensation for personal property and fixtures, compensation for temporary space needed for construction, damage to growing crops, relocation expenses, and interest on these amounts may be recovered, in appropriate circumstances. It is advisable to contact your financial advisor or tax preparer for further information as to possible tax ramifications.



## ? **If there is a pipeline easement on my land, does that mean there is a pipeline on my property?**

Not necessarily. Sometimes pipeline companies establish an easement and, for a variety of reasons, do not construct the pipeline. Any landowner whose property is covered by an easement should be aware that a pipeline could potentially be located within that easement space at some point in the future. Additionally, your easement may be for temporary workspaces, access roads, or other setbacks, that may not directly include a pipeline. It should also be noted that pipelines are not necessarily located in the center of a R.O.W. and could be closer to one side or the other.

## ? **Who from the pipeline company has access to walk across or work on land with a pipeline easement?**

If a pipeline company has an easement on your land, field staff can typically access your property. Pipeline companies may hire subcontractors as consultants, who also can access your land. Sometime, these consultants are hired to complete a very specific task, like checking to see that trees are not growing on the pipeline right-of-way. As a result, the consultant may not be informed about anything other than their task, and may not be

able to answer questions about anything other than what they are there to do.

It is important to keep in mind that a pipeline easement simply makes it possible for a pipeline company to build a pipeline, which could happen within a few years, within a decade, or sometimes, never. It is possible that a pipeline will never be



built in an easement. However, to be safe, a landowner should assume that a pipeline will be built on any new easement sometime in the near future. This way the landowner can have plans in place well in advance of any construction activity.

## ? **Can a pipeline easement be successfully negotiated?**

Yes. Many aspects of a pipeline easement are negotiable. Typically a pipeline representative will present a landowner with a pre-printed agreement. This document should serve as a starting point for a two-way negotiation, or it can be fully accepted or rejected by the landowner. You can negotiate changes to the easement by creating an addendum that is approved by both parties. (See pages 4 to 7 for more information on the easement negotiation process.)

## ? **If my neighbor has been given information from a pipeline company about an easement, will that information apply to my land as well?**

No. You should always verify information you get from friends and neighbors. A pipeline is more than an underground tube. It is possible that your neighbor's easement may be used for a segment of pipeline (or pipelines) that has a different size or design from the segment of pipeline on your property. Additionally, what your neighbors negotiate, regarding landscaping and future maintenance, may not be what you have negotiated. That is why it is important to talk with your neighbors, and if necessary, a lawyer, to negotiate an agreement.



**Always call  
8-1-1 before  
you dig!**

## ? **What types of maintenance are performed by the pipeline company on their eased lands?**

A pipeline company will regularly inspect its right-of-way. They may use a combination of staff walking on the ground and inspections from aircraft. The Penn State Extension notes that these inspections are used to “check right-of-way conditions, test for leaks, install and maintain pipeline markers, and clear brush that restricts access to the right-of-way or visibility during inspections. Rights-of-way are kept clear of trees, brush, and other obstructions so the pipeline operator can safely operate, inspect, maintain, and repair its pipelines.”<sup>13</sup>

## ? **What can I do with the portion of my land that is subject to a pipeline easement?**

Generally, property owners are prohibited from installing any structures, storing anything that could be an obstruction, or planting trees or shrubs, whose roots could compromise the pipeline, along the right-of-way. Unauthorized building or planting in the pipeline right-of-way is known as right-of-way encroachment. The pipeline operator may extract anything growing within the right-of-way that may compromise the equipment or infrastructure.

Pipeline operators will regularly conduct aerial and ground inspections to check right-of-way conditions, test for leaks, install and maintain pipeline markers and to clear brush that restricts access to the right-of-way or visibility during inspections. Rights-of-way are kept clear of trees, brush, and other obstructions so the pipeline operator can safely operate, inspect, maintain and repair its pipelines.

Normal gardening and agricultural activities are generally acceptable. However you should never dig or construct anything within the easement without first having a pipeline representative mark the pipeline, stake the right-of-way, and explain the company’s construction guidelines, or calling 811.

Some municipal zoning ordinances also include minimum setbacks and other restrictions that apply to land uses within a specified distance of existing pipelines. It is advisable to check with your municipal zoning officer before proceeding with any planned improvements near a pipeline or pipeline right-of-way.

Although pipeline markers are located along the path of a pipeline, they only identify the general location of the pipeline.

## ? **What types of plants can be grown on land that has a pipeline easement?**

The Penn State Extension notes that “normal gardening and agricultural activities are generally acceptable” within a pipeline easement.<sup>14</sup> If a pipeline is built, the disturbed soil can impact plants growing upon it. When a trench for a pipeline is dug, the topsoil is removed and stockpiled, taking steps to avoid compaction during removal and stockpiling.<sup>15</sup> According to FERC guidelines, “Trees with roots that may damage the pipeline or its coating and other obstructions that prevent observation from aircraft during maintenance are usually not allowed.”<sup>16</sup>

In terms of active farm operations, FERC documents also indicate that an easement condition can be added so that, “the continuation of past agricultural uses and practices on or across the right-of-way would be permitted. Buildings and large trees are usually not allowed.”<sup>17</sup> In Lancaster County, some farmers found that their croplands atop pipeline R.O.W.s were less productive. Others however, observed mostly normal productivity after a few years of proper soil management.<sup>18</sup>

<sup>13</sup>Penn State Extension, 2015. <sup>14</sup>Ibid. <sup>15</sup>Ibid.

<sup>16</sup>FERC, “An Interstate Natural Gas Facility on my Land? What do I need to Know?” August 2013.

<sup>17</sup>FERC, 2013.

<sup>18</sup>Ed Crable, “Farmer: Crops stunted over gas pipelines Lancaster County farmer says crop yields never the same after gas pipelines,” *Lancaster Online*, August 12, 2014, accessed April 2015.

# Pipeline Regulations



The following information addresses some of the basic regulatory aspects of pipelines. Additional information on the regulatory process can be viewed [here](#).

## What types of projects are subject to PA PUC jurisdiction?

The Pennsylvania legislature has empowered the PA Public Utility Commission (PUC) to direct and enforce safety standards for pipeline facilities and to regulate safety practices of certificated utilities engaged in the transportation of natural gas and other gas by pipeline. The PUC also has authority to enforce federal pipeline safety laws (otherwise enforced by PHMSA) as they relate to non-public utility gas and hazardous liquid pipeline equipment and facilities within Pennsylvania. These include cooperatively owned natural gas distribution systems, non-utility natural gas transportation, and gathering lines and propane distribution systems. The PUC has jurisdiction over 35 gas utilities. It does not have jurisdiction over bottled propane gas, and most utilities owned and operated by cities, boroughs, or townships. The PA PUC utilities website and products that they regulate can be viewed [here](#).



## What are the different phases of the FERC process?

When a natural gas pipeline is proposed, the FERC process generally consists of two phases. The first phase is called “Pre-Certificate Activities” and the second is “Post-Certificate Activities.” Pre-certificate activity involves the filing of the application, public participation, intervention, and environmental reviews. Post-certificate activity happens after a certificate has been issued. The process also includes opportunities for rehearing and judicial reviews of the certificate, pipeline compliance with FERC-issued conditions, eminent domain, construction, and ongoing operations. The FERC processes can be viewed [here](#). The FERC citizen guide “An Interstate Natural Gas Facility on my land? What do I need to know?” can be viewed [here](#).

## Is the Chester County Conservation District involved with pipeline construction earth disturbances?

Yes. Under an agreement with the PA DEP, the Conservation District has assumed local responsibility for specific program activities related to erosion control and the resulting sediment pollution that results from all types of earthmoving activities. The Conservation District administers the National Pollutant Discharge Elimination System (NPDES) Program to ensure that best management practices are implemented to control erosion and sedimentation associated with earth disturbances. This permit specifically regulates the discharge of stormwater from construction activities. Permits are issued based upon whether the receiving stream is a High Quality/Exceptional Value stream, or a non-protected stream.

## When does the Chester County Conservation District review a project?

The Erosion & Sediment Control regulations found in PA Code Title 25 Chapter 102 indicate that an Erosion and Sediment Control Plan is required when an earth disturbance is greater than 5,000 square feet. Additionally, any disturbance associated with a Chapter 105 Permit (for stream crossings, wetland disturbances, etc.), or one acre or greater disturbance must have an Erosion and Sediment Control Plan developed and reviewed by the Chester County Conservation District. You can read more about how the Conservation District administers the program for Chester County [here](#).



# Resources

American Institute of CPAs, "Condemnation of Pipeline Easements: The Landowners Perspective, 2014"

[http://www.aicpa.org/Publications/TaxAdviser/2014/march/Pages/Keboeaux\\_mar2014.aspx](http://www.aicpa.org/Publications/TaxAdviser/2014/march/Pages/Keboeaux_mar2014.aspx)

Eric Camp, "Natural Gas Pipeline Easement and Rights-of-Way Agreements: A Landowners List of Terms to Negotiate"

[http://cornwallvt.com/vermont\\_gas/landowners\\_negotiation\\_list.pdf](http://cornwallvt.com/vermont_gas/landowners_negotiation_list.pdf)

Carolyn Elefant, "Knowing and Protecting Your Rights When an Interstate Gas Pipeline Comes to Your Community"

<http://lawofficesofcarolynelefant.com/wp-content/uploads/2010/06/FINALTAGguide.pdf>

Chester County Bar Association lawyer referral service

<http://www.chesco.org/?page=LawyerReferralServ>

Chester County Conservation District

<http://www.chesco.org/conservation>

Chester County Pipeline Information Center, Interactive Pipeline Map

<http://www.landscapes2.org/pipeline/PipelineMapInteractive.cfm>

Chester County Pipeline Information Center, Pipeline Operators

<http://www.landscapes2.org/pipeline/Operators.cfm>

Chester County Recorder of Deeds

<http://chesco.org/Recorder>

Ed Crable, "Farmer: Crops stunted over gas pipelines. Lancaster County farmer says crop yields never the same after gas pipelines," *Lancaster Online*

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