



Transmission Lines & Pipelines: Routing-Condernnation-Easements

Friday, March 6, 2015

***Texas Land Conservation Conference
Hosted by: Texas Land Trust Counsel
Austin, TX***

WE ARE ADVOCATES FOR YOU AND YOUR LAND



Big Picture

- Phase 1: Company study
- Phase 2: Routing
- Phase 3: Land acquisition (condemnation)
- Phase 4: Construction



Phase 2: Routing



Routing Process

Transmission v. Pipelines

- Regulated Formal Process
 - Powerline Company Files CCN
 - Light: Heard by SOAH/PUC
- Non-transparent Process
 - O&G Company/Railroad/TxDOT?
 - SUD, MUD, Water Company, etc.
 - Dark: Threat of Condemnation

Powerlines in SOAH

- Intervene or Comment
- If Intervening, Provide Written Direct Testimony
- Critical Difference: Protestors are Not Parties and Comments Are Not Evidence

Intervention Form

Request to Intervene in PUC Docket No. _____

The following information must be submitted by the person requesting to intervene in this proceeding. This completed form will be provided to all parties in this docket. If you DO NOT want to be an intervenor, but still want to file comments, please complete the "Comments" page.

Mail this completed form and 10 copies to:

Public Utility Commission of Texas
Central Records
Attn: Filing Clerk
1701 N. Congress Ave.
P.O. Box 13326
Austin, TX 78711-3326

First Name: _____ Last Name: _____

Phone Number: _____ Fax Number: _____

Address, City, State: _____

I am requesting to intervene in this proceeding. As an INTERVENOR, I understand the following:

- I am a party to the case;
- I am required to respond to all discovery requests from other parties in the case;
- If I file testimony, I may be cross-examined in the hearing;
- If I file any documents in the case, I will have to provide a copy of that document to every other party in the case; and
- I acknowledge that I am bound by the Procedural Rules of the Public Utility Commission of Texas (PUC) and the State Office of Administrative Hearings (SOAH).

Please check one of the following:

- ☐ I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- ☐ One or more of the utility's proposed routes would cross my property.
- ☐ Other. Please describe and provide comments. You may attach a separate page, if necessary. _____

Signature of person requesting intervention:

_____ Date: _____

Effective: January 1, 2003

Comment Form

Comments in Docket No. _____

If you want to be a PROTESTOR only, please complete this form. Although public comments are not treated as evidence, they help inform the PUC and its staff of the public concerns and identify issues to be explored. The PUC welcomes such participation in its proceedings.

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I am NOT requesting to intervene in this proceeding. As a PROTESTOR, I understand the following:

- I am NOT a party to this case;
- My comments are not considered evidence in this case; and
- I have no further obligation to participate in the proceeding.

Please check one of the following:

- ☐ I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- ☐ One or more of the utility's proposed routes would cross my property.
- ☐ Other. Please describe and provide comments. You may attach a separate page, if necessary. _____

Signature of person submitting comments:

_____ Date: _____

Effective: January 1, 2003

Roles and Strategies of the Team

Landowners:



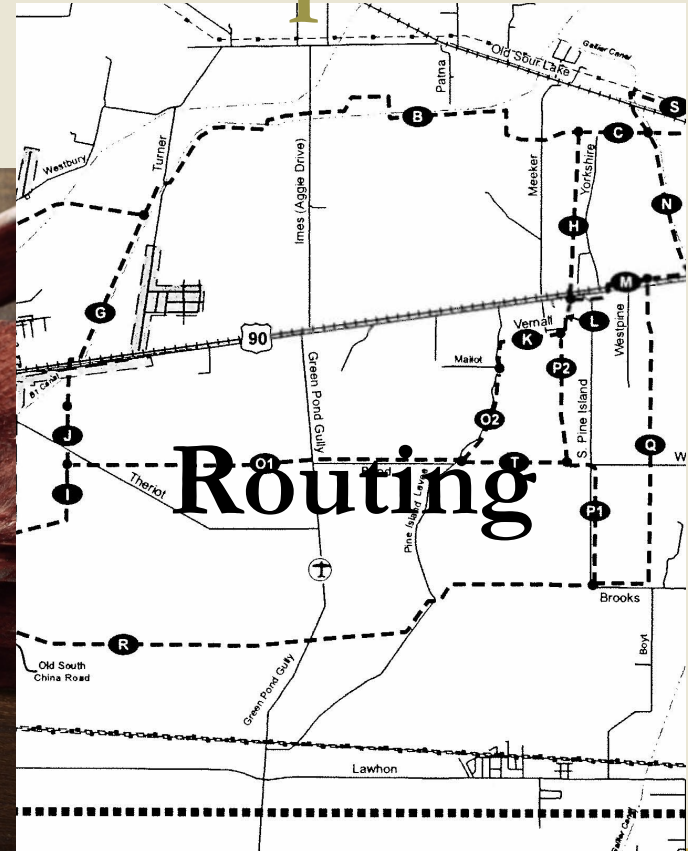
Alliances

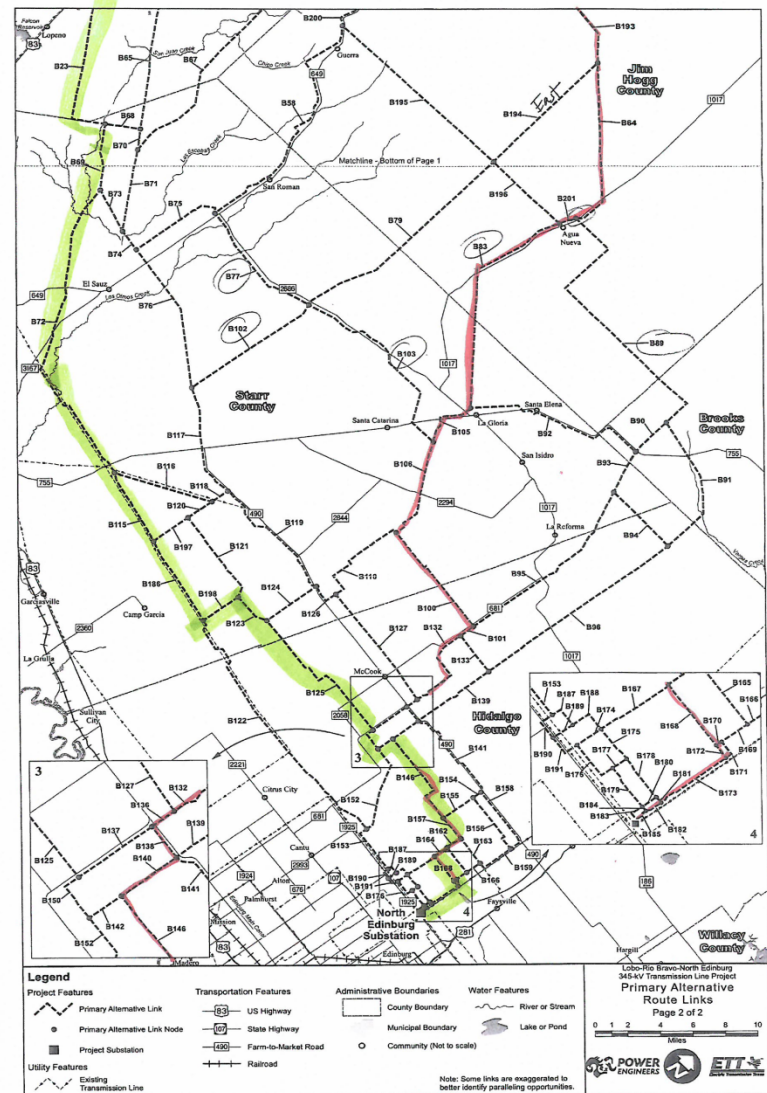
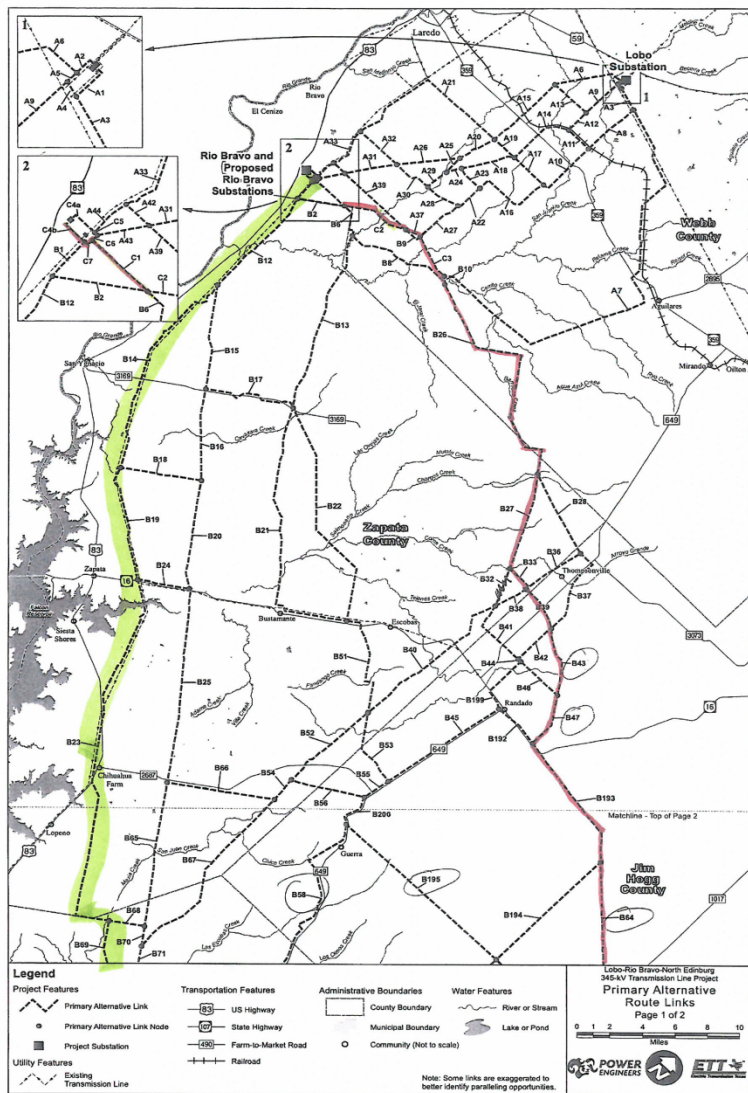
Lawyers:



Legal

Experts:

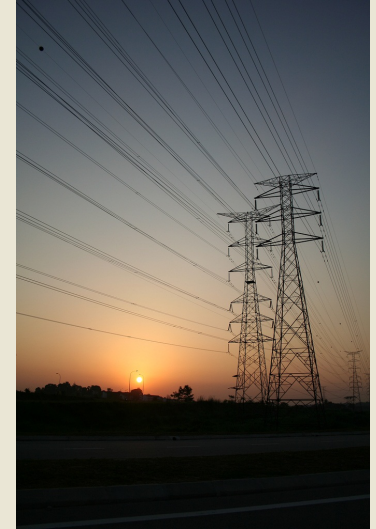






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Steps in Eminent Domain/ Condemnation

- Phase 1: The Call, Visit or Letters from Landman
- Phase 2: Negotiating Your Terms and Compensation
- Phase 3: Special Commissioners' Hearing
- Phase 4: District Court/County Court at Law Appeal

Matthews Property: Transmission Line Easement Areas











General Negotiations

- Price of land taken
- Other damages
- Details of routes
- Location of structures
- Temporary agreements
 - e.g., Roads/Easements
- Permanent easements



Easement Negotiations

- Restore/protect land
- Access points
- Roads
- Improvements
- Fences and gates
- Liability protections
- Landowner's future use
- Limits on others' use



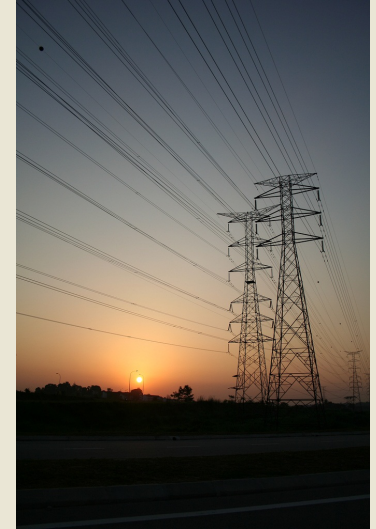
Pipeline Specific Negotiations

- Non-exclusivity
- Limitation of number of lines
- Limitation of diameter of pipe
- Limitation of easement width
- Limitation of surface facilities
- Depth of pipe
- Surface restoration measures
- Indemnity protection
- Termination clause
- Land/ranch specifics
- Miscellaneous provisions
 - No warranty, dispute resolution, etc.



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- **Should the seller tell the buyer a pipeline company has notified seller about the possible routing of a new pipeline across the seller's property?**

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- Do transmission lines/pipelines negatively affect property values?
- Should the seller tell the buyer an electric utility company has notified the seller the property may be impacted by the routing of a new transmission line?
- Should the seller tell the buyer a pipeline company has notified seller about the possible routing of a new pipeline across the seller's property?
- **Should the seller disclose whether the property is under the threat of potential condemnation?**

Bad Old Easements

- Blanket easements by past failure to negotiate
- Undefined ingress and egress locations
- Undefined width of permanent easement
- Undefined number and sizes of pipelines
- Undefined number of transmission line circuits, etc.
- Undefined use of additional temporary work space
- Payment for new lines at 1930's prices -- or worse!!
 - Example \$0.25/rod for each additional line (1 rod = 16.5 feet)



Exceptions to Title Policy

- Buyer should request the documents and carefully review the language before closing
- Without a careful review by buyer and his/her attorney, the buyer may not realize the extent of the burden of a bad old easement
- Company may decide to “maintain” an old easement and remove all trees/growth in a 50-100 foot strip of land -- or lay additional lines anywhere on the property

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