



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

## **Pipeline Safety Trust Conference**

**November 16, 2007**

**New Orleans, LA**

**Presented by Jerry Kenerson**



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- Our nation's economy is driven by an insatiable appetite for abundant amounts of energy, and gas and liquid transmission pipelines play a crucial role in safely delivering these products from sources of supply to points of use. . .industry, businesses and homes.
- PHMSA hopes to **partner** with local government planners, real estate agents, and property developers to further enhance pipeline safety in communities throughout our Nation. I want to present to you actions stakeholders can take **RIGHT NOW** to enhance pipeline safety.



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- I'd like to summarize three (3) entities whose practices and procedures are critical in ensuring this joint partnership is successful. These entities are inseparably intertwined in our national economy:



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **Local Government Planners**
  - Include transmission pipelines and easements on local planning maps.
  - Consider transmission pipeline locations during long-range planning (steering growth away from pipelines reduces risk to communities and pipelines).



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **Property Developers**
  - Coordinate with transmission pipeline owners early in the planning process (developers can make use of pipeline easements as open spaces, greenway connectors, and recreational areas).
  - Accommodate transmission pipeline easements and setbacks in development plans (final development plans need to avoid prohibited uses of land within easements and comply with local setbacks...).



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **Real Estate Agents**

- Know what type of pipeline is in the easement (a small pipeline marker does not mean a small pipeline – nor does it indicate size or pressure).
- Inform potential real estate buyers of transmission pipeline easements early in the process.
- Closing on a real estate purchase is a hectic time filled with signing many papers; meet all requirements of your State law regarding easements and disclosure.
  - Utilize PHMSA's National Pipeline Mapping System (<http://www.npms.phmsa.dot.gov/>) to determine the current operator of transmission pipelines.



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

My emphasis in this presentation will be on only one:  
**REAL ESTATE AGENTS – IS THERE A NEED  
FOR BETTER REAL ESTATE DISCLOSURE?**



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

The short answer is: **MAYBE!**





U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

**HOW** should this be accomplished, and  
**WHAT ARE THE CHALLENGES?**



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **HOW?**

1. **Develop Risk-Informed Land Use Guidance, including:**

- Decision framework informed by risk analysis
- Develop guidelines based on the analysis
- Formulate alternative actions that could be taken on the basis of guidelines
- Be collaborative between public and private stakeholders
- Incorporate learning and feedback to refine guidance over time



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **HOW?**
  2. Encourage implementation and support of State, county and municipal laws that encourage community growth away from existing interstate transmission rights-of-way.



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **WHAT ARE THE CHALLENGES?**
  1. Developing requirements at the Federal level acceptable to both pipeline and non-pipeline associations that promote both the opportunity for continuous economic growth and increased safety to the public.



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **WHAT ARE THE CHALLENGES?**
  2. Passage of Federal laws that support State Real Estate Commissions which would:
    - Require substantial civil penalties for a real estate agent or title company who:
      - Fails to disclose or omits material facts regarding the known existence of a hazardous material transmission pipeline to a prospective buyer of real estate upon which the pipeline facility is located; or
      - Fails to disclose or omits material facts regarding planned construction of a hazardous material transmission pipeline to a prospective buyer of real estate upon which the pipeline facility will be located.



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **WHAT ARE THE CHALLENGES?**
  3. Require that a separate Addendum be attached to contracts to buy and sell real property which specifically identify the existence of a hazardous transmission pipeline upon the property being sold or purchased.
  4. Require that Title Insurance Companies acknowledge to buyers of real estate at the time of issuance of a title commitment **AND** at the time of transfer of title (closing) by separate addendum the existence of interstate transmission pipelines which are located on the real estate being transferred.



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

- **WHAT ARE THE CHALLENGES?**
  5. **The benefit for the pipeline operator and public is viewed as a detriment to the developer because it reduces the potential reward for the development.**
  6. **A general “hesitation” by the Federal Government to interfere in real property ownership rights by individuals or institutions.**



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration



# Pipelines and Informed Planning Alliance (PIPA)

## Questions ???

[jerry.kenerson@dot.gov](mailto:jerry.kenerson@dot.gov)

720-963-3191