

Federal Guidance for Pipeline Rights-of-Way

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November 16, 2007

Major Discussion Points

- On the Right-of Way
- Near the Right-of-Way
- Existing Guidance
- Possible Future Guidance

On the Right-of-Way

- Easement agreements are legal documents in place now and into the future
- Pipeline operators need public's cooperation with early notice of intent to build on or alter right-of-way, heavy equipment operation on ROW
- Operators need to notify public of safety needs and how easement is affected

Connecticut Easement and Surroundings



Off the Right-of-Way

- No easement or other legal agreements exist
- Public's activities may affect pipeline safety
- Full recognition of siting and acceptance of responsibility is necessary
- Activities which affect pipeline safety need to be considered
 - Blasting
 - Contouring or terracing
 - Clear cutting

Connecticut Easement and Surroundings



Existing Guidance

- Easement agreements and other legal documents are only existing guidance, others are less formal or very specific
- Pipeline operators work within bounds of easement agreements, can only affect easement
- Following authorization from the easement holder, the public can work on easements or around easements, and can affect safety both ways

Possible Future Guidance

- Easement structure threat characterization
 - Walls and fences
 - Excavations (pools, decks, roads)
 - Large vegetation
- Written guidance of public's responsibilities (PIPA)
- Federal regulations would seem difficult due to varying physical characteristics, types and ages and dimensions of easements, and lack of jurisdiction over near right-of-way users

Conclusions and Possible Solutions

- Pipeline safety is paramount and must be key factor in all deliberations
- Effective land use planning, zoning, and real estate disclosures are community issues
- Early public disclosure of planned activities to existing pipeline operators and early pipeline disclosure of new pipelines
- All parties must accept responsibility for actions, along both existing and new pipelines
- All parties (operators, excavators, landowners, developers, regional government, etc) should accept responsibility and have needs and desires represented in PIPA process, but open discussion and willingness to recognize needs of other parties is critical
- Federal guidance exists in regulations and is adequately flexible to meet most needs; further needs are addressed on individual basis and are enforceable on the ROW by regulatory agencies