



Pipeline Safety Trust October 2018

Eminent Domain and Pipelines

Rebekah Sale, Property Rights and Pipeline Center



THE FIFTH AMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury

nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb

nor shall be compelled in any criminal case to be a witness against himself,

nor be deprived of life, liberty, or **property, without due process of law**

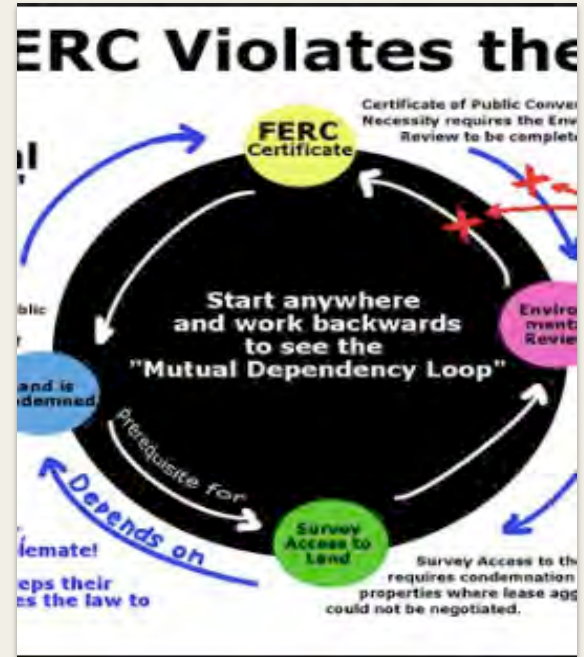
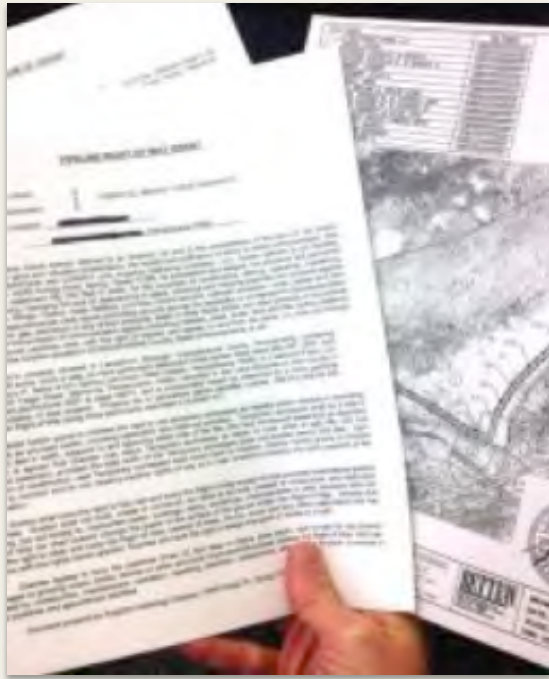
nor shall private property be taken for **public use, without just** compensation

In 2005 the Supreme Court ruled in *Kelo v. City of New London* that “economic development” is a legitimate “public use” and that Ms. Kelo’s private property could be given to a private company in order to build a corporate campus. They took her land and tore down her house.

THE FOUNDERS CANNOT HAVE INTENDED THIS PERVERSE RESULT



The property seized from Susette Kelo as of May 2014. (Photo Credit: Ilya Somin)



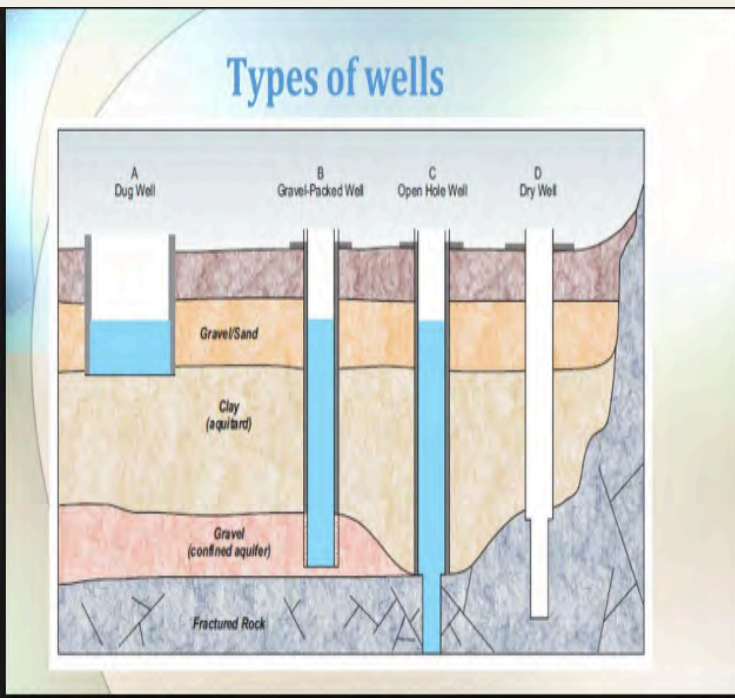
INITIAL NOTICE TO LANDOWNERS is often confusing, inadequate, or misleading.

AND you need to know **AN IMMEDIATE APPEAL MUST BE FILED** to dispute it.

TOLLING ORDERS allow FERC to indefinitely delay when they will decide rehearing **while pipeline construction continues**. What happened to DUE PROCESS OF THE LAW?

CONDITIONAL CERTIFICATES allow the use of eminent domain **before all approvals are given**. Where is the day in court a citizen should have before their land is taken?





The potential harms to landowners are many – even without a major spill or explosion.





Year	Injuries	Evacuees	Fatalities	Property Damage	Fires	Explosions
2010	108	3,139	22	\$1,692,585,877	109	38
2011	56	5,492	14	\$426,552,370	99	41
2012	57	1,870	12	\$229,160,681	86	31
2013	44	5,567	9	\$350,019,030	86	26
2014	95	3,562	19	\$264,544,017	97	41
2015	49	1,688	12	\$338,705,902	93	31
2016*	61	2,304	12	\$125,052,396	65	22
Total	470	23,622	100	\$3,426,620,273	635	230

Figure 1: Cumulative impacts pipeline incidents in the US. Data collected from PHMSA on November 4th, 2016. Operators are required to submit incident reports within 30 days.

- Farmers
- Ranchers
- Land trusts
- Religious groups
- Environmental justice groups
- Rural tourist areas
- Libertarians
- Property rights groups

Georgia and South Carolina successfully passed laws blocking private, for-profit companies from taking land for pipelines. People see the risk of danger with their own eyes.



Local communities are not keen on having these pipelines. They do not need more oil and gas and are afraid for their safety and their drinking water.

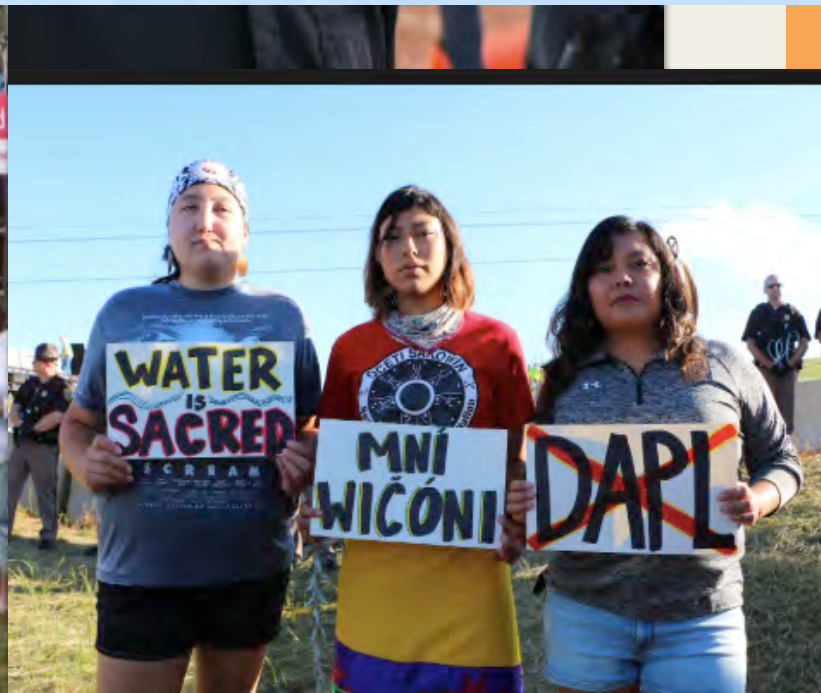
**HANDS
OFF OUR
LAND**



POPULAR

Farm Bureau approves anti-pipeline resolution

By BOB STUART bstuart@newsvirginian.com | (540) 932-3562 Sep 29, 2018 1 min to read



Property Rights and Pipeline Center

The Property Rights and Pipeline Center (PRPC) is committed to providing legislative, organizing and legal expertise and support to the fight to prevent the use of eminent domain for siting of oil and gas infrastructure.

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