

Frequently Asked Questions Concerning Pipeline Easements

Pipelines perform a strategic role in helping to meet our country's need for fuel and other petroleum products. It is the safest mode of transportation for petroleum products according to the U.S. Department of Transportation. Utilization of pipeline transportation reduces the quantity of refined petroleum products being transported by highway and railway, increasing the safety of those transportation routes.

What is an "easement?"

As easement is a legal right to use property owned by another party for a special purpose. An easement does not give its holder a right of "possession" of the property, but allows the easement holder access to all or a portion of it for a specific purpose. The easement holder typically has the right to access and inspect the property contained within the easement and to place certain restrictions on how the property can be changed, maintained or used.

An easement is generally created through a legal agreement with a property owner. This agreement is recorded and effectively becomes attached to the deed for the property. The easement "goes with the property," meaning that when the property is sold, conveyed or subdivided, the new owners of the property continue to be bound by the easement agreement.

Pipeline companies hold an easement on properties along the path of the pipeline, intended to ensure the safety of the pipeline and guarantee access to it for operation, repairs, maintenance, inspection, or in the event of an emergency. The pipeline itself is generally located approximately in the middle of the easement and typically buried three feet underground. However, a pipeline may be located anywhere within the easement and its location within the easement may vary within a given property.

What is a "right of way?"

The term "right of way" is often used interchangeably with "easement." More specifically, it refers to a right granted as a result of an easement agreement allowing, in this case, a pipeline company to enter or cross another's property to install, inspect, operate and maintain equipment located on or that crosses through the property. A pipeline company's right of way is considered to extend along, across, below and above its pipeline easement.

Why is right-of-way clearing necessary?

Right-of-way clearing is done for one reason and one reason only—SAFETY. To ensure the safety of pipeline neighbors and the pipeline itself, Marathon Pipe Line LLC (MPL) flies weekly aerial surveillance of its pipeline routes and must be able to look down and inspect the route of the pipeline without interference from trees, vegetation, structures or overhanging branches. It must have immediate access to the pipeline in the event of an emergency, without delays that the removal of trees or other structures on the right of way could inhibit. There must also be access for routine maintenance and repair to the pipeline.

Can my trees really cause a problem?

Yes. Tree canopies prevent aerial inspection of the pipeline for safety purposes. Tree roots can wrap around pipelines damaging the coating on the pipeline, which can result in corrosion that can weaken and damage the pipeline. Trees in the right of way can also block access to the site of an emergency on the pipeline, creating safety issues for the property owners and the emergency responders.

Does an easement agreement mean a pipeline company owns part of my property?

No. If the pipeline easement traverses your property, it grants a pipeline company certain rights to use the property in the easement to install, inspect, operate and maintain the pipeline, but not to “possess,” buy or sell your property or determine your ability to do so. A pipeline company with an easement agreement does have the right to transfer or convey those rights granted by the easement to other parties in the future without notice to or agreement by property owners.

Do I own part of the pipeline?

No. The pipeline company owns the pipeline and equipment that support, controls and protects it, including portions of it that may traverse your property. While you may own real estate surrounding the pipeline, you neither own nor are responsible for any portion of the pipeline itself. In fact, property owners are legally prohibited from activities that could interfere with the safe operation of the pipeline.

How wide is the easement on my property?

Pipeline easements vary from property to property, but many are 50 feet wide, being 25 feet on either side of the pipeline. The width of the easement was determined when the easement was purchased from the original property owner prior to construction of the pipeline, though it may have been modified by subsequent agreements.

A pipeline company or its contractors can advise you of the exact location and the width of the easement on your property.

How is the route of an underground pipeline marked?

The U.S. Department of Transportation requires the use of signs to indicate the location of underground pipelines. Markers like these are located at road, railroad, and navigable waterway crossings. Markers are also posted along the pipeline right-of-way.

The markers display:

- the name of the pipeline operator
- a telephone number where the operator can be reached in the event of an emergency
- the material transported in the line

Markers only indicate the approximate location of the underground pipeline. They are normally not placed directly on top of the pipeline.

Types of petroleum pipeline markers are shown below.

Painted metal or plastic posts



Signs located near roads, railroads, waterways & along pipeline rights of way



Pipeline casing vent



Marker for aerial patrol



Can I dig near the pipeline?

Public utilities have established a nationwide network of clearing houses with offices in each state, known as the One-Call System. This is a free public service. To report planned digging, call the One-Call System number in your area. The One-Call Center will notify the appropriate utility to mark the locations of underground lines, pipes and other facilities.

Arkansas	1-800-482-8998	www.arkonecall.com
Illinois	1-800-892-0123	www.illinois1call.com
Indiana	1-800-382-5544	www.iupps.org
Kentucky	1-800-752-6007	www.kyunderground.com
Louisiana	1-800-272-3020	www.laonecall.com

Michigan	1-888-482-7171	www.missdig.org
Minnesota	1-800-252-1166 1-651-454-0002	www.gopherstateonecall.com
Mississippi	1-800-227-6477	www.ms1call.org
Montana	1-800-424-5555	www.udig.org
Ohio	1-800-362-2764	www.oups.org
Pennsylvania	1-800-242-1776	www.paonecall.org
Tennessee	1-800-351-1111	www.tnonecall.com
Texas	1-800-344-8377	www.digtess.org
West Virginia	1-800-245-4848	www.muwv.org
Wyoming	1-800-849-2476	

Do I need to give a pipeline company with an easement on my property access to my property?

Yes. Under the easement agreement, a pipeline company and its contractors have the legal right to access and inspect the easement, and to cross other areas of your property where necessary to gain access to it. The agreement may provide, and it is MPL’s policy, that this access will occur at reasonable hours and with reasonable notice to the property owner, except in an emergency situation.

Can a pipeline company really specify where I can or can’t have trees on my property?

Yes. Under the easement agreement, the pipeline company and its contractors have the legal right to prevent encroachment on (interference with) the right of way, and to remove or modify trees and/or other structures that encroach on or block access to it. This may include trees that are rooted outside of the right-of-way (even on adjacent properties), but which overhang the right of way such that they prevent aerial inspection, or which could otherwise interfere with the pipeline or access to it.

What about the fences, sidewalks, driveways or other surface structures on my property?

These structures may not pose a problem, as long as they can be easily removed or dismantled for emergency access and do not block routine inspection of the pipeline and the easement. In most cases, these structures would be repaired or replaced if they were damaged during routine or emergency operations. Keep in mind, however, that if these structures are located within or across the easement, they are encroachments, and they could be removed without compensation or replacement.

What does “clearing” mean?

Right-of-way clearing is the removal of trees, vegetation over three feet high, or other encroachments within the right of way. It includes the trimming of branches that

overhang the right of way and prevent aerial surveillance of the pipeline. A pipeline company representative will attempt to discuss property-specific issues with the property owner prior to the start of all clearing activities on the property during a pre-clearing inspection.

What will happen on my property during the clearing operation?

A representative of the pipeline company will contact property owners in advance of clearing operations to discuss what will occur at the time of clearing. Typically, MPL will attempt to contact property owners in person one week before the planned clearing. If they are not successful in having a face-to-face discussion, material about the clearing operation is left at the property owner's home along with information on contacting a pipeline company representative. Follow-up phone calls are made to the property owner to discuss clearing plans.

Who actually performs the clearing?

MPL currently contracts with a professional tree service to mark the easement and to remove trees, shrubs and other vegetation within the right of way and with a landscaping firm for lawn restoration. MPL's land agents, inspectors and/or engineers may also be on site during clearing and/or restoration activities. MPL and/or its contractor personnel will be able to provide identification upon request from a property owner before or after entering a property. These contractors are required to have MPL's safety training before working on MPL clearing projects.

Can I arrange a specific date/time for clearing on my property?

Due to the number of properties included in clearing operations, this is not usually possible. However, MPL will try to work with property owners to minimize inconvenience or expense. Property owners are not expected or required to be present during clearing operations.

What will MPL do to restore my property?

When a tree or large shrub must be removed from the right of way, MPL will arrange for cutting, thorough removal of the stump and all debris, soil replacement and fertilization and reseeding where necessary to restore the lawn.

Can I move trees and/or other plantings to another part of my property?

Yes. You would need to perform or arrange for this work yourself, and to have the relocation completed prior to the scheduled beginning of clearing operations. Always call a utility location service before digging to ensure that you are not near underground infrastructure. MPL will not contract or pay for relocation of trees or plantings, and will not accept any responsibility for the survival of relocated trees or plants. However, it will

arrange and pay for landscape restoration (soil replacement and reseeded) at the former location of trees or shrubs relocated from the right of way.

Will property owners be charged for the clearing operation or for restoration?

If clearing operations are required on your property, there will be no charge to you by MPL or its contractors for tree or shrub removal or for restoration of your yard. If you choose to relocate trees or plants from the right-of-way to avoid their removal, or to make landscaping changes that are not necessary as a direct result of the clearing operation, you must do so at your own expense.

I've lived here for years now. Why hasn't this been done before?

While MPL cannot speak to why or how things were done in the past, today MPL is more knowledgeable about the safe operation of pipelines, and right-of-way clearing is essential to maintaining a safe pipeline. In addition to greater industry knowledge regarding pipeline safety, the regulators demand stringent vigilance of our energy assets. In general, safety standards have increased in all facets of our lives. Today, we are legally required to wear seat belts and provide approved child restraints in vehicles, while fifty years ago this was not the case.

How much right-of-way clearing is MPL planning to do?

MPL began clearing its 5,500 miles of pipeline right of way in 13 states in 2000 and expects to complete this safety procedure in 2008. MPL does not make money clearing right of way. In fact, MPL has spent millions of dollars to help ensure the safety of neighbors and the safe operation of the pipeline.

How often will clearing operations need to occur on my property?

After this major operation is completed, right-of-way clearing typically will not be required for three years.

For More Information Visit These Websites

Marathon Pipe Line LLC

<http://www.marathonpipeline.com>

US DOT Office of Pipeline Safety

<http://primis.phmsa.dot.gov/comm/GeneralPublic.htm>

Pipeline 101 (American Petroleum Institute/Association of Oil Pipe Lines)

<http://www.pipeline101.com>