



## PIPELINES

# BROAD REACH

Owners, operators, developers and users of pipelines turn to the multi-disciplinary Barnes & Thornburg LLP Pipeline Practice Team for skilled legal representation in this highly specialized industry.

Barnes & Thornburg attorneys have in-depth experience advising major pipeline operators on compliance with federal and state regulatory programs across the United States and do so with a practical, business-oriented approach. We are also called upon to represent pipeline operators during leak incidents and resultant governmental investigations and enforcement actions.

Our Pipeline Practice Team is dedicated to keeping abreast of the latest issues affecting our clients- pipeline operations and draws upon Barnes & Thornburg's deep and broad capabilities, including lawyers from the Energy, Environmental, Construction, Labor & Employment, and Real Estate Practice.

## Pipeline Project Management

Pipeline Practice attorneys assist on every detail of pipeline project site selection, acquisition, construction and permitting - the details that are vital to the success of your venture. Pipeline construction - especially new projects or expansion - tends to be front-page news, as companies continue to seek cost-effective ways to produce and transport energy to market. The federal government and state regulators are involved every step of the way, and we work closely with government officials on behalf of our clients.

We understand the balancing act between timing and costs for any pipeline project. Our attorneys work with project management personnel to acquire survey access, draft and negotiate easements, and step in when

## Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

## RELATED PRACTICES

Environmental

landowner disputes arise. We have experience with large-scale eminent domain proceedings to timely acquire the necessary right of way for the project. During construction and restoration, our attorneys can handle virtually any environmental or OSHA compliance issues that may arise.

## **Integrity Management, Operations and Compliance**

Barnes & Thornburg's Pipeline Practice attorneys have a detailed understanding of the statutes and regulations applicable to the operation, maintenance, inspection, and monitoring of pipelines as well as leak response, corrective action, and pipeline restart rules and procedures. We also understand the technical and practical aspects of pipeline operations including ILI inspections and repair plans, tool tolerance, anomaly identification and sizing, cathodic protection, leak detection systems, operating pressures and pressure tests, pipe coating and encasements, and control room operations, among other issues.

Barnes & Thornburg attorneys can help clients navigate the PHMSA Integrated Inspection process, provide representation for PHMSA Compliance Proceedings, and respond to other agency inspection events and findings.

## **Incident Response and Management**

Pipeline Practice Team attorneys have first-hand experience advising pipeline operators and refineries regarding release incidents. We advise our clients regarding legal issues and crisis management strategies at all stages of a release incident: from the time a release is suspected or discovered, through governmental and internal investigations, through management of third-party and governmental claims, and through litigation or alternative dispute resolution if necessary. Barnes & Thornburg attorneys have assisted clients with the liability, environmental, insurance, property damage and personal injury issues related to PHMSA, USEPA, and other regulatory and prosecutorial authorities and are conversant with applicable statutes and regulations concerning failure analysis, pipeline inspections and restarts, and the environmental impacts resulting from pipeline failures. We provide counsel regarding litigation avoidance, third-party claim management, damages analysis, environmental impact investigation and remediation, and sensitive public relations issues. The Pipeline Practice Team's experience allows its attorneys to seamlessly address the myriad of issues which arise from a release incident and to protect our clients' interests from the time a release is discovered to incident closure.

## **Litigation**

Our Pipeline Practice Team attorneys have experience counseling clients on litigation avoidance for both governmental and third-party claims, providing detailed projected outcomes analyses, developing compensation programs for affected landowners, and resolving disputes through mediation and other alternative dispute resolution mechanisms. When litigation is necessary, we defend against both governmental and third-party claims related to pipeline releases, have defended individuals and companies being investigated for criminal violations of environmental regulations, and have defended allegations of violations of the Petroleum Marketing Practices Act (PMPA).

Additionally, Barnes & Thornburg's Toxic Tort Practice Group has a wide range of experience as national counsel for cases involving personal injury toxic tort and property damage claims, mass torts, class actions, commercial litigation, and corporate conspiracy claims. When insurance coverage is disputed for property damage, pollution, business interruption, or personal injury claims, our nationally recognized Insurance Recovery and Counseling Practice Group can be engaged.

## **Intellectual Property and Corporate Matters**

We advise pipeline owners and operators on obtaining, maintaining, and enforcing their intellectual property rights, including trade secrets, trademarks, copyrights and patents. This includes obtaining and protecting patents on core technology as well as unrelated manufacturing technology.

We provide the full range of intellectual property services and understand the unique needs of pipeline owners and operators. Our team also handles corporate and transactional matters for pipeline companies. This includes advising on general corporate issues, operating agreements, contracts of all types, and real estate transactions.

Owners, operators, developers and users of pipelines rely on the experience of Barnes & Thornburg's Pipeline Practice Team attorneys for diligent, practical, and detail-oriented legal advice to help them achieve their business and operational goals and to protect their interests when problems arise.

## **Recent Representative Experience:**

- Represented pipeline companies in connection with real estate aspects of acquisition of pipeline easements and rights of way, including consensual acquisitions as well as all acquisitions by eminent domain.
- Represented pipeline operator regarding a pipeline release in a residential area resulting in the evacuation of a number of residences and an investigation by EPA, PHMSA, and DOJ. Established pool counsel protocol for internal investigation, managed third-party tort claims, represented pipeline operator in mediation, and defended company in governmental inquiry. Final result was no criminal or civil claims filed against company by the government or any third-parties.
- Represented pipeline operator in dispute with local governmental entity seeking to apply local zoning regulations regarding wetland setback requirements to installation of interstate petroleum pipeline. Received approval to install pipeline without need to seek variance to zoning requirements.
- Represent pipeline operator in dispute with landowner claiming property contamination from historic pipeline release that had been successfully remediated. Oversaw environmental investigation at property to support operator's position.
- Represented pipeline operator in historic pipeline release incident on rural farmland. Negotiated settlement agreement and access agreement, and provide ongoing oversight of remediation project.
- Advised pipeline operator on independent utility analysis before the

#### U.S. Fish and Wildlife Service

- Advised pipeline operator on obtaining 404 permits from the U.S. Army Corps of Engineers as well as obtaining authorization to cross navigable waters.
- Advised various pipeline companies on agreements with the U.S. Department of Defense.
- Advised pipeline operators on easement preparation; fee simple site acquisitions; preparation, coordination and review of title work for site acquisitions; coordination and management of Uniform Easement Acquisition Offers and related eminent domain work.

### Additional Experience\*:

- Developed pipeline easement and related contract forms for pipeline operators acquiring rights-of-way and for large landowners granting rights-of-way to pipeline operators
- Counseled several pipeline and midstream companies, as well as related lenders and investors, on issues arising from recent bankruptcies of oil and gas producers challenging the enforceability of -covenant running with the land- provisions in midstream contracts in more than a dozen states
- Represented a multinational energy logistics company in its acquisition of a nine-mile liquids pipeline near Corpus Christi, Texas
- Lead real estate counsel to a pipeline company in the sale of a 40 percent undivided interest in its pipeline system
- Represented large U.S. petrochemical company in developing a right-of-way form and then negotiating rights of way for a proprietary ethylene pipeline
- Lead real estate counsel to several midstream companies in connection with acquisitions and dispositions of midstream businesses, gathering systems and other pipeline assets located throughout the U.S.

*\*This experience was obtained prior to joining Barnes & Thornburg.*

### Practice Leaders



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