

US DOT PHMSA

Technical Assistance Grant (TAG) #DTPH5615GPPT2L

Submitted by: Lynda Farrell, Executive Director, Pipeline Safety Coalition

Final Report: December 29, 2017

To:

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Introduction:

Pipeline Safety Coalition (PSC) received technical assistance funding to conduct a study of the practice of real estate in conjunction with natural gas and hazardous liquids pipeline safety. The purpose of this Technical Assistance Grant was to create a blueprint for the development of a handbook, manual, or set of on-line resources for pipeline safety and awareness based on the review and investigation of existing real estate educational and informational needs in 14 states in the U.S. Atlantic Coast region.

The study was principally based on Pipeline and Informed Planning Alliance (PIPA) recommendations. PIPA is a stakeholder initiative focused on pipeline planning and safety. PIPA's founding key stakeholders are 1) Local Governments, 2) Property Developers/Owners, 3) Transmission Pipeline Operators, and 4) Real Estate Commissions. Utilizing this founding stakeholder hierarchy, PIPA establishes baseline (BL) Recommended Practices which "should be implemented by stakeholders in preparation for future land use and development" and New Development (ND) Recommended Practices which "should be implemented by stakeholders when specific new land use and development projects are proposed."

PSC observed that although real estate commissions are a key foundational stakeholder group of PIPA, according to PIPA¹, BL 18: Disclose Transmission Pipeline Easements in Real Estate

¹ page 32 - 33, Recommended Practices Chart

Transactions, is the sole BL recommendation pertaining to real estate commissions. And there is no ND recommendation pertaining to real estate commissions or the real estate profession.

In regard to real estate commissions, PIPA also states, “As part of all real estate sales contracts, each state should require the disclosure of known transmission pipeline easements on the property.” PSC agrees with this practice and through this TAG conducted in-depth research and review of the real estate disclosure requirements (in policy or law) and practices regarding easements, rights-of-way, and hazardous substances generally, and specifically to easements and rights-of-way for the transportation of gas, oil, and hazardous liquids in the U.S. states of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia. We used the PIPA BLs and NDs identified as specifically applicable to land development and property transactions to identify documents and resources from each state that could be applied to these practices and recommendations regarding material disclosures and property transactions. After thorough review, each state was more specifically analyzed to ascertain legal, policy, and practice requirements specific to the disclosure of gas, oil, and hazardous liquids pipeline information during real estate property transactions.

The need and ability for expansion of state-by-state recommendations to the National Association of Realtors as a program that discloses regulatory processes, sets standards and educates realtors who in turn disseminate information and play an informal educational role during the course of property transactions with residential and commercial clients is a function landowners and developers should come to expect from local real estate professional when making decisions about real estate investments, home relocations, short-term or rental housing, planned lifetime activities, or business ventures. Given this central role that real estate brokers and agents play in these important transactional decisions, this project vetted practicality and industry openness to expanding PIPA recommendations by real estate professionals into common sense, practical practices that enhance public, private and environmental safety.

In consideration of the broad context in which real estate professionals have the potential to provide transparency, education and enhance safety and the diverse array of stakeholders with whom

they interact, it is notable that this professional group is perhaps under-served and underutilized in promoting pipeline safety initiatives. PSC therefore conducted this research of existing real estate practices in harmony with PIPA BL 18, and vetted the potential for inclusion of PIPA recommendations that lend themselves to timely inclusion by nature of the role real estate brokers and agents play, and could play, in enhancing pipeline safety.

Commencement of the project timeline was initially held up due to a delay in the partial funding required to initiate the project. Received December 09, 2015, the contractual process and work milestones were impacted. In compliance with terms of TAG Agreement DTPH5615GPPT20, Attachment I, Section 13: Prior Approvals, Pipeline Safety Coalition requested approval from the Agreement Officer for a no cost, time only extension of the project. A project completion date was granted to September 2017. Expenditures, scope, objective, and key personnel remained unchanged.

Pursuant to the contracted agreement between the US Department of Transportation, Pipeline Hazardous Materials Safety Administration (PHMSA) and Pipeline Safety Coalition, and in compliance with Article X. Reports: Section 10.01 Final Report, Pipeline Safety Coalition submits this final report to the GOTR and the AA, demonstrating completion of Technical Assistance Grant (TAG) #DTPH5615GPPT2L. Included are Section 10.02 Federal Financial Report, Standard Form 425 (SF-425).

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Lynda Farrell', written in a cursive style.

Lynda Farrell, Executive Director
Pipeline Safety Coalition

Attachments:

Final Report: Real Estate Disclosures of Transmission Pipeline Siting and Safety

Federal Financial Report, Standard Form 425 (SF-425)