



Working the Construction Segment of a Pipeline Right of Way Project

By Steve Chastain, VP, ORC

While many right of way assignments end with the successful acquisition of the necessary permanent and temporary rights of way; the pipeline right of way agent's job often continues through construction, restoration and final in-service of the pipeline. This project demand broadens the scope of the agent's role beyond acquisition and keeps the agent engaged with the landowners and construction contractors until the pipeline is brought on line and all the properties are restored to their pre-construction condition and ready to turn over to operations. The role increases accountability with the landowner from whom rights have been purchased and it places the agent alongside construction contractors

working daily through the dangerous and fast paced construction cycle. The work schedule can include early mornings, long hours and extended work weeks as contractors race to meet project deadlines and overcome construction challenges. The right of way agent will be expected to be on-site anytime construction activities are underway and will remain the landowner's primary point of contact as concerns arise.

Special Provisions for Construction

Agents acquiring pipeline rights of way are required to capture landowner special provisions for construction during the acquisition process. Not every tract will have a special provision but

inspiring confidence in progress...

some may have several. These provisions are compiled into a tract by tract list (sometimes called a construction stipulations list) which will be referenced throughout the construction cycle from pre-bid to demobilization. They are not typically included in the language of the easement; however, they reflect promises made by the pipeline company as a component of the successful right of way negotiation and relate to items such as access during construction, construction limitations such as hours of operation and/or restoration requirements such as stipulating a specific seed mix be used during reseeding. Contractors bidding on the project will reference the provisions as they relate to restoration quantities such as fencing, culverts, etc., and to identify any items which may limit construction options or methodologies and ultimately affect pricing. For instance, restricting a private drive's access to ½ ton vehicles or less may accommodate the landowner's desire but it may also result in heavy equipment move-arounds resulting in substantial additional costs.

All special provisions are subject to the client's approval but once agreed to, they become the standard for the parcel(s) affected and are a key component of the construction right of way agent's responsibility. The agent will need to be well acquainted with each item and will work daily with the project's chief inspector to ensure the construction team has advance notice of upcoming concerns. Daily kick-off meetings are used to share information about where work crews will be assigned and what activities are anticipated along the route. The agent will reference the special provisions list to bring attention to concerns associated with any parcel where activities are likely to occur. Just as knowledge of pricing items for bidding was important from a cost perspective, failure to adhere to special provisions is equally important. A work stoppage caused by the landowner can cost the pipeline company tens of thousands of dollars as large construction teams and their

equipment sit dormant or have to be moved to another location as they await a resolution. The role of the right of way agent in keeping the contractor and the landowners informed and updated on anticipated concerns is critical to the project's successful completion.

Knowledge of Construction Techniques

Knowledge and experience of pipeline construction techniques is essential to the construction right of way agent. Agents without construction experience should be briefed prior to being assigned to an active construction project to ensure they are well acquainted with pipeline construction methodologies and can communicate expected impacts effectively to the landowner. Pipeline companies often provide training material such as videos and typical drawings which illustrate the process and common equipment used. A well-informed agent can prepare landowners for upcoming activities and possibly avoid unnecessary concerns or stoppages.

Safety is Critical

Working in a pipeline construction environment, by necessity, places the agent in proximity to hazards. Pipeline companies work hard to ensure that the work environments are safe and they place the greatest value on the health and welfare of their employees and contractors. Safety is not optional - it is essential. Agents will be included in daily safety tailgate meetings and will be encouraged to be vigilant as they travel up and down the line in response to daily concerns. Most companies have a zero tolerance for unsafe activities and will often give anyone on the line (including the right of way agent) the ability to stop an unsafe act when witnessed. Personal protective equipment (PPE) is required to be worn by everyone regardless of your role. Hardhats, safety glasses, reflective vests, protective shoes and, in some cases, flame retardant clothing (FRC) are common requirements. Safety concerns include items



such as open ditches, ditch collapse hazards, crush injury hazards (pipe can weigh hundreds of pounds per foot), heavy equipment operations, overhead electrical hazards, etc. A project safety manager will be assigned but safety is the responsibility of every person on the line.

An Exciting Experience

While working construction right of way can mean long days, it can also be a rewarding experience. Seeing a pipeline go in the ground will make you approach your next acquisition assignment differently. It will boost your confidence in the facility and it will equip you to better communicate the process to future landowners as you continue your role as a right of way professional. ■

Did You Know?

The Rockies Express Pipeline - one of the largest natural gas pipelines ever built in North America - spans more than 1,679 miles, and crosses eight states! It has a capacity of .6 billion cubic feet per day.



Source: Tallgrass Energy

inspiring confidence in progress...