McNees
Pipeline & Oil/Gas Infrastructure Group

McNees Wallace & Nurick's Pipeline and Oil/Gas Infrastructure Practice Group has in-depth knowledge and extensive experience handling the complex, unique, and ever-evolving legal issues that arise in connection with the development of new pipeline and related infrastructure projects, as well as the repurposing of existing pipelines.

Our lawyers have experience working on several significant pipeline and infrastructure projects which were developed to facilitate the transportation of the vast supplies of shale gas reserves from the Marcellus and Utica basins to the areas of greatest demand. Additionally, we apply a collaborative team-approach and offer complementary expertise across a broad spectrum of practice areas. This team-approach ensures efficiency and consistency across multiple service areas to fulfill all our clients' legal needs.

McNees understands that large infrastructure projects are multi-disciplinary and multi-jurisdictional. McNees has coordinated infrastructure projects that cross the entire geographic scope of the Commonwealth of Pennsylvania and generate issues that require work in nearly every legal discipline. Most recently, McNees has been at the forefront of the legal work for one of the largest projects in the history of the Commonwealth, having handled extensive litigation, transactional, real estate, land use, government relations, and environmental work for the $3 billion Mariner East Pipeline project. Prominently, we have handled simultaneous litigation of more than one hundred condemnation proceedings in numerous county courts in Pennsylvania, leading to 100% right of way acquisition on the project. McNees worked with the client's team of employees, in-house counsel, consultants, and experts to ensure a consistent presentation of materials and message across these multiple jurisdictions and, ultimately, to deliver consistent results.

As a value-added service, McNees offers clients the option of having a designated point person within the firm who serves as the legal project manager and primary point of contact for in-house counsel on the myriad of legal issues that arise with regard to a project. In addition, McNees has significant experience with alternative fee arrangements, which provide our clients greater predictability and standardization with regard to their legal costs. McNees' direct and relevant experience in infrastructure law for pipelines and other projects, its reputation and network of contacts in federal, state, and local government, combined with our Clients First approach, translate into an unparalleled ability to meet clients' overall business goals and objectives in the complex and challenging environment facing pipeline companies today.

Our Comprehensive Pipeline Law Legal Services Include:

Right of Way Acquisition and Protection

- Negotiate and draft general gas law documents for pipeline easements and amendments, surface use agreements, compressor site agreements, valve station site agreements, and agreements of sale for real property.
- Analyze and resolve complex title issues, including ownership disputes, access rights, private/public roads, estate and probate complexities, and common ownership communities.
- Review and analyze additional property rights within granting documents, including additional line rights, easement rights, and use rights within easement documents.
- Resolve realty transfer tax issues with local and state authorities.
- Analyze and review of engineering/surveying plats for compliance with easement agreements.
- Provide support for pipeline developers in utility infrastructure for pipeline projects, such as electric interconnection and service for pipeline work.
- Negotiate offtake agreements from intrastate and interstate pipelines.

Eminent Domain:

- Perform pre-condemnation negotiations with landowners.
- Coordinate consultants and experts, including real estate appraisers and engineers, in connection with the analysis and preparation of materials needed to commence a condemnation action.
- Litigate federal eminent domain proceedings in the United States District Courts, from preparation of initial filings through authority challenges, trial, and appeal.
- Litigate state eminent domain proceedings in the Courts of Common Pleas, from preparation of initial filings through authority challenges, hearing, and appeal.
- Represent clients in valuation proceedings.
- Oversee and manage related condemnation proceedings across multiple jurisdictions and venues.

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Permitting and Regulatory Compliance:

- Assist clients in obtaining all state and local approvals for zoning, subdivision, and land development.
- Represent clients in Pennsylvania Public Utility Commission (PUC) regulatory matters.
- Advise clients regarding Federal Energy Regulatory Commission (FERC) compliance and FERC enforcement issues involving interstate natural gas pipeline requirements.
- Represent petroleum products market participants in state-jurisdictional petroleum products pipelines proceedings before the Pennsylvania PUC.
- Represent petroleum products market participants in FERC proceedings on both jurisdictional and market-based rate authority issues.
- Advise clients on compliance with all aspects of federal, state, and local environmental regulations, including stormwater regulation, negotiation and preparation of recording instruments for long-term operation and maintenance of stormwater BMPs, and wetland and endangered/threatened species matters.
- Assist clients with environmental permitting, including NPDES stormwater, wetland and stream encroachments, and endangered and threatened species.
- Prepare and record stormwater management documents for pumping stations, block valves, and pipeline restoration.
- Assist clients with state and local transportation approvals for road crossings and use, including assistance in the state Highway Occupancy Permit process.
- Counsel clients regarding compliance with OSHA regulations, including drafting workplace safety policies, responding to accidents and injuries, and addressing OSHA citations.

Litigation:

- Litigate injunction matters to enforce rights in existing easements and/or prevent interference with easement rights acquired by condemnation.
- Prosecute and defend lawsuits concerning land ownership rights, including actions to quiet title, declaratory judgment lawsuits, and actions in ejectment.
- Defend landowner challenges, including challenges to the enforcement of easement provisions, claims over the right to place additional lines, challenges to the rights of temporary workspace, claims that easements are unenforceable and challenges regarding property access rights.
- Represent clients in infrastructure law and construction disputes, such as claims of liability for water contamination or damages to trees, crops, fencing, and roads.
- Litigate environmental permit and enforcement proceedings, including appeals to the Pennsylvania Environmental Hearing Board and EPA Environmental Appeals Board.
- Manage and direct sales and use tax controversy work, including transfer tax issues.
- Litigate appeals and enforcement notices related to zoning, subdivision and land development approvals for pipelines, pump stations, and related facilities.
- Represent clients in state and federal administrative adjudications involving utility rate regulation, jurisdictional issues, and certificates.

Government Relations and Advocacy:

- Communicate with state legislative and executive branch agencies to introduce elected officials and appropriate staff to the client's business teams so the client is a known entity during government review of the project.
- Develop relationships between clients and government so the client's business is considered during government policy and legislative initiatives.
- Provide education and information to government leaders and decision-makers who affect the project plan and timelines.
- Coordinate a network of contacts in federal, state, and local government to ensure that all levels of government are working in tandem and project deadlines are met.
- Outreach to clients on legislative efforts that support their business goals and timelines.
- Coordinate with relevant statewide associations regarding planned and ongoing projects.
- Outreach to the public and media outlets.

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