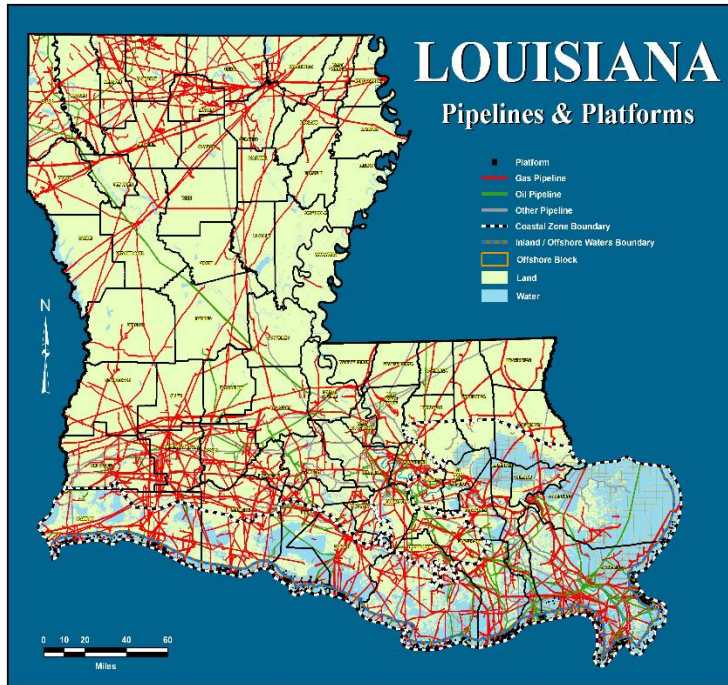


WHO'S PROTECTING YOUR LAND?



Louisiana is home to great food, music and culture – it's also well known for oil and gas exploration. In fact, Louisiana has more pipelines than almost any other state. The question is, who regulates them? With so many different kinds of pipelines, from interstate to intrastate, to oil or gas, as well as a whole host of regulations from water and air permits to safety inspections, it can be easy to lose sight of which agency is overseeing what. Unfortunately, this can lead to gaps in the regulatory approval process which savvy oil executives are all too familiar with. Under our constitution, the Louisiana Public Service Commission (LPSC) has authority

over intrastate common carriers, including busses, trucking and towing companies, and oil pipelines.¹ Yet, the LPSC may be missing an opportunity to fully exercise its regulatory authority when it comes to intrastate oil pipelines.

ONLY IN LOUISIANA

This lack of clarity regarding the approval of oil pipelines has given oil companies almost limitless authority over “expropriation,” which means they can take private land – such as your hunting or fishing camp – and forcibly construct their pipelines. Also known as “eminent domain”, corporations only have to show that the property was taken in the public interest. The law requires companies that take private property to justly compensate the owners of that land, but since there are no regulations on how this power is used by oil companies, landowners often get pennies compared to the actual value of their property.²

Oil companies are increasingly abusive of this power, boldly taking private land and getting away with it. Recently, landowners sued over the issue of expropriation when the Bayou Bridge Pipeline began construction before expropriation claims were even filed in court. A court held that the company violated the law by trespassing on and damaging private property; the court also held that the taking of private land was valid. In exchange, each landowner was awarded just \$150 total and had their land taken anyway.³ Without specific regulations protecting property owners, we are losing Louisiana. No other state allows these abuses of power.

¹ La. Const. art. 4, § 21

² La. Rev. Stat. § 19:2

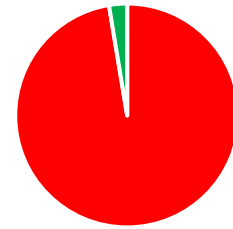
³ KATC News, *Judge rules Bayou Bridge Pipeline company trespassed, can take private property*, (Dec. 6, 2018), <https://katc.com/news/around-acadiana/st-martin-parish/2018/12/06/judge-rules-bayou-bridge-pipeline-company-trespassed-can-take-private-property/>

Even more problematic - these corporations often target communities they think are unable to fight these land grabs - seniors, people of color, and those living in low-income areas.⁴ This inherent inequality is a primary reason the LPSC needs to take a stand and regulate the industry.

WE'RE ALL IN THIS TOGETHER

Although oil corporations thus far have preferred to target more vulnerable populations, this does not mean that others are not at risk of losing land. These companies can and will take camps, farms and homes that have been in families for generations and start construction with no permission needed. And if you try to protect your land - you may be arrested for felony trespassing on the worksite – despite it being your own property!⁵

Expropriation Cases in Louisiana 1943-2011 (115 Total)



- Cases Won by Corporations (112)
- Cases Won by Landowners (3)



Photo Credits: Louisiana Public Service Commission

WHAT CAN WE DO?

The LPSC has exclusive control over the regulations of common carriers.⁶ As such, LPSC can prevent abuse of expropriation power for private gains.

The LPSC should use the same regulations they currently apply to semi-trucks and other common carriers to oil pipelines. The LPSC is divided into five Districts; you can find the contact information for the Commissioner of your district on their website, here: <http://www.lpsc.louisiana.gov/DistrictMapPage.aspx>. Contact your Commissioner and let them know your concerns about losing Louisiana.

The LPSC should use the same regulations they currently apply to semi-trucks and other

⁴ Tristan Baurick, 'Without just compensation': Louisiana gives pipeline owners broad authority to seize land, (Nov. 26, 2019), https://www.nola.com/news/environment/article_75b4ff32-0d87-11ea-bd8f-1f9e52f23b31.html

⁵ Sue Lincoln, *Eminent Domain – or Imminent Domination?*, (Nov. 26, 2018) <https://www.bayoubrief.com/2018/11/26/eminent-domain-or-imminent-domination/>

⁶ La. Rev. Stat. § 45:252