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EMINENT DOMAIN - TEXAS

Crawford Family Farm Partnership v. TransCanada Keystone Pipeline, L.P.

Court of Appeals of Texas, Texarkana - August 27, 2013 - S.W.3d - 2013 WL 4519769

The Crawford Family Farm Partnership (Crawford) contended that that the pipeline planned by TransCanada Keystone Pipeline, L.P. (TransCanada) failed to sufficiently fall within the specifications made by the Legislature to authorize TransCanada to exercise the power of eminent domain to compel the grant of a pipeline right-of-way over Crawford lands.

Crawford responded to TransCanada's motion for summary judgment by raising a new argument—that because TransCanada is an interstate pipeline which contemplates the transmission of crude oil, it is not a common carrier under Section 111.002(1) and (6) of the Texas Natural Resources Code.

The Court of Appeals concluded that TransCanada was a common carrier with the power of eminent domain.