

Bond Case Briefs

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EMINENT DOMAIN - TENNESSEE

Tennessee Gas Pipeline Company, LLC v. Permanent Easement for 7.053 Acres

United States Court of Appeals, Third Circuit - July 23, 2019 - F.3d - 2019 WL 3296581

Natural gas company filed condemnation action under Natural Gas Act (NGA) against landowner to obtain easements over owner's land in order to construct natural gas pipelines.

The United States District Court granted gas company's motion for summary judgment as to compensation in part and certified its order for interlocutory appeal.

The Court of Appeals held that:

- NGA's reference to state "practice and procedure" that federal courts should conform to in conducting eminent domain proceedings under NGA requires conformity in procedural matters only;
- Gap existed in federal law with regard to compensation owed to landowners when their land was taken by a private entity under NGA;
- Nationally uniform rule regarding compensation owed to landowners when their land was taken by a private entity under NGA was not necessary;
- Incorporating state law on just compensation as the federal rule for determining compensation owed to landowners when their land was taken by a private entity under NGA would not have frustrated NGA's goals; and
- Fashioning a uniform federal common law to determine just compensation under NGA would have risked upsetting the parties' commercial expectations based upon the already well-developed state property regimes.