Texas Supreme Court Rules Pipeline Can Take Land by Eminent Domain

The Texas Supreme Court ruled that a pipeline company could take private property by eminent domain, answering the question of whether or not the pipeline qualified as a "common carrier" under the Texas Natural Resource Code, **reports Snell & Wilmer L.L.P.** in its S&W Environmental & Natural Resources law blog.

In the article, **Rachel M. Lynn** explains that, typically, the power of eminent domain is granted to governmental entities rather than private institutions. Under Texas law, however, a common carrier has the right and power of eminent domain.

"The test utilized by the court to determine [the pipeline company's] common carrier status was whether or not the pipeline would serve the needs of the public, not only those of the builder," Lynn writes. "To pass this test, the court noted, the pipeline would need to provide reasonable proof of a future customer."

Read the article.

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