



KeyCite Yellow Flag - Negative Treatment

Declined to Extend by *City of New York v. Consolidated Edison Co. of New York, Inc.*, N.Y.A.D. 1 Dept., September 14, 2000

55 S.Ct. 563

Supreme Court of the United States.

PANHANDLE EASTERN PIPE LINE CO.

v.

STATE HIGHWAY

COMMISSION OF KANSAS.\*

No. 412.

Reargued March 13, 1935.

Decided April 1, 1935.

**Synopsis**

Appeal from Supreme Court of Kansas.

Original proceeding in the Supreme Court of Kansas by the Kansas Highway Commission for a writ of mandamus against the Panhandle Eastern Pipe Line Company, to compel the company to make specified changes in its transmission lines as ordered by the commission. A peremptory writ of mandamus was granted (139 Kan. 185, 29 P.(2d) 1104), and, a petition for rehearing having been denied (139 Kan. 849, 33 P. (2d) 151), the Company appeals.

Reversed and remanded.

West Headnotes (4)

**[1] Carriers**

Constitutional and Statutory

## Provisions

70 Carriers

70I Control and Regulation of Common Carriers

70I(A) In General

70k2 Constitutional and Statutory Provisions

Private right of way is “easement” and “land,” and hence state highway commission's order directing pipe line

company transporting natural gas in both interstate and intrastate commerce to remove, lower, or incase pipe and telephone lines where new highways would cross company's right of way would take the private property for public use, and state statute, construed as authorizing commission's order without compensation to company would be invalid. Laws Kan.1929, c. 255, § 16.

[45 Cases that cite this headnote](#)**[1] Constitutional Law**

Gas and Electricity

92 Constitutional Law

92XXVII Due Process

92XXVII(G) Particular Issues and Applications

92XXVII(G)17 Carriers and Public Utilities

92k4371 Gas and Electricity

(Formerly 92k297)

Private right of way is “easement” and “land,” and hence state highway commission's order directing pipe line company transporting natural gas in both interstate and intrastate commerce to remove, lower, or incase pipe and telephone lines where new highways would cross company's right of way would take private property for public use, and state statute, construed as authorizing commission's order without compensation to company, denies due process. Laws Kan.1929, c. 225, § 16; U.S.C.A. Const. Amend. 14.

[44 Cases that cite this headnote](#)**[2] States**

Police Power

360 States

360II Government and Officers

360k21 Government Powers

360k21(2) Police Power

(Formerly 92k1066, 92k81, 92k31)

Police power does not justify any act which violates prohibitions of state or federal Constitutions.

[8 Cases that cite this headnote](#)

[3] **States**

 **Police Power**

360 States

360II Government and Officers

360k21 Government Powers

360k21(2) Police Power

(Formerly 92k1066, 92k81)

“Police power” springs from state's obligation to protect citizens and provide for safety and good order of society, and is governmental power of self-protection, permitting reasonable regulation of rights and property in particulars essential to preservation of community from injury.

[32 Cases that cite this headnote](#)

**Attorneys and Law Firms**

**\*\*564 \*613** Messrs. G. J. Neuner, of Kansas City, Mo., and Chester J. Gerkin, of New York City, for appellant.

**\*614** Mr. Otho W. Lomax, of Topeka, Kan., for appellee.

**Opinion**

Mr. Justice McREYNOLDS delivered the opinion of the Court.

The Kansas highway commission, administrative agency of the state, without any proceeding in condemnation, ordered the appellant company to make specified changes in its transmission lines. It refused. By an original proceeding in the Supreme Court, the commission **\*615** obtained a peremptory writ of mandamus directing compliance. The company insists that to enforce the commission's order would deprive it of property without due process of law, contrary to the Fourteenth Amendment.

[1] Judgment went for the commission upon the pleadings; there is no dispute concerning the facts; the

validity of the statute said to authorize the order is challenged.

Appellant, a Delaware corporation with power to construct and maintain conduits for transporting natural gas, obtained authority to do business in Kansas, May 21, 1930, and during that year purchased from the owners rights of way for pipes, auxiliary telephone lines, etc. Thereafter these were constructed; the gas passes in both interstate and intrastate commerce.

The commission, created under chapter 225, Acts of 1929, is charged with the duty to lay out, open, relocate, alter, redesignate, and re-establish highways throughout the state. Section 16 of that statute (Supp. Rev. Stats. 1931, also 1933, 68-415)-copied in the margin<sup>1</sup>-undertakes to **\*616** grant power to require removal of abutments, wires, and pipe lines and other fixtures now upon state highways **\*\*565** from the present locations thereon to other designated parts of the right of way. Unless imposed by this section, there are no statutory obligations upon pipe line companies with respect to the construction, maintenance, or operation of their lines, whether located upon public highways or private lands.

After the pipes were in operation-1933-the commission adopted plans for new highways across the company's right of way at six widely separated places. Permission of the owners of the fee to use the necessary land was obtained; but appellant declined to permit the use of its right of way.

Plans for the new highways called for material changes in the pipe and telephone lines at the crossings-removals, lowerings, casements-estimated to cost above \$5,000. All parties admit that the commission could not make these with reasonable safety; appellant was willing to do the work if promised repayment of the necessary expense. Purporting to act under section 16 (December 1, 1933), the commission ordered it to proceed without compensation. That the proposed changes would be proper for new highways as planned is admitted; also that the estimated cost **\*617** is reasonable. But appellant denied the existence of power to impose this expense upon it; and for that reason refused to comply with the order until the commission should agree to refund the outlay.

In its opinion supporting the peremptory mandamus, the court below declared:

‘The pipe line company’s lines are all located on its own rights of way, procured from landowners, and none of the lines is located on, along, or across any previously existing highway. \* \* \*

‘The highway commission has acquired rights of way for the highway improvements from landowners, but has not obtained consent of the pipe line company to cross or occupy its rights of way. The highway improvements necessitate certain changes in the pipe line company’s lines. In some instances it is necessary the pipe line be lowered and encased. In other instances it is necessary the pipe line be encased. In other instances it is necessary the pipe line and telephone line be removed to the outer edge of right of way newly acquired by the highway commission for the purpose of widening existing highways. None of the changes will require the pipe line company to acquire any new or additional right of way. \* \* \*

‘The pipe line company contends that, because its rights of way were acquired and its structures were installed before the present highway rights of way had been obtained and the present improvements had been initiated, it is entitled to compensation for all necessary expenditures incurred in making an adjustment of its private use to the later public use of the same rights of way. \* \* \*

‘What the highway commission seeks to do is to execute the police power of the state to make public travel on the highways safe. Reasonable regulations to that end may be enforced without compensation to co-users of the highway whose structures make public travel \*618 unsafe; and, because the public use is paramount and public safety is the desideratum, it makes no difference whether the highway was established before or after the privately owned structures were established. \* \* \*

‘There is no contention that exercise of the state’s police power over the subject may not be committed to the state highway commission, and this was in fact done by chapter 225, Laws 1929. \* \* \*

‘Section 16 of the statute provides in effect that whenever a pipe line is constructed along, upon, or

across any highway, its location is subject to control by the highway commission. \* \* \* With route fixed, right of way procured, plans adopted, and the highway commission engaged in executing them, the new and widened highways are, for all purposes of the act, established and existing highways, upon which the pipe line company maintains its pipe lines, and location of the pipe lines is subject to regulation by the highway commission. \* \* \* The statute does not authorize, and the orders of the highway commission do not involve, a taking of private property without due process of law.’

If carried into effect, the challenged order of the commission would result in taking private property for public use. [State of Washington ex rel. Oregon R. & Nav. Co. v. Fairchild](#), 224 U.S. 510, 523, 524, 32 S.Ct. 535, 56 L.Ed. 863; [Southern Ry. Co. v. Virginia](#), 290 U.S. 190, 194, 54 S.Ct. 148, 78 L.Ed. 260. A private right of way is an easement and is land. [United States v. Welch](#), 217 U.S. 333, 339, 30 S.Ct. 527, 54 L.Ed. 787, 28 L.R.A.(N.S.) 385, 19 Ann.Cas. 680. No compensation was provided for; none was intended to be made. Ordinarily, at least, such taking is inhibited by the Fourteenth Amendment. \*\*566 [Chicago, B. & Q. Ry. Co. v. Chicago](#), 166 U.S. 226, 241, 17 S.Ct. 581, 41 L.Ed. 979; [Chicago, B. & Q. Ry. Co. v. People of State of Illinois, Drainage Com’rs](#), 200 U.S. 561, 593, 26 S.Ct. 341, 50 L.Ed. 596, 4 Ann.Cas. 1175; [McCoy v. Union Elevated Ry. Co.](#), 247 U.S. 354, 363, 38 S.Ct. 504, 62 L.Ed. 1156; [Chicago, B. & Q.R. Co. v. Pub. Util. Comm.](#), 69 Colo. 275, 279, 193 P. 726. See [Lewis, Eminent Domain](#), (3d Ed.) s 223.

\*619 [2] A claim that action is being taken under the police power of the state cannot justify disregard of constitutional inhibitions. [Schlesinger v. Wisconsin](#), 270 U.S. 230, 240, 46 S.Ct. 260, 70 L.Ed. 557, 43 A.L.R. 1224; [Georgia Power Co. v. Decatur](#), 281 U.S. 505, 508, 50 S.Ct. 369, 74 L.Ed. 999; [Southern Railway Co. v. Virginia](#), *supra*, page 196 of 290 U.S., 54 S.Ct. 148.

While the court below held that the commission exercised police power to make public travel safe, and to accomplish that end might require alteration of the lines without compensation, it repudiated the suggestion that the same reasoning would support an order to remove other lawful structures; e.g., compressor stations. ‘Transmission lines of all kinds’ it said, ‘are on the same footing, and are on the same

footing with railroads with respect to grade crossings.’  
[Erie R. Co. v. Board of Pub. Util. Commissioners](#), 254 U.S. 394, 41 S.Ct. 169, 65 L.Ed. 322 was cited and relied upon.

We cannot accept the view that under the Federal Constitution appellant's transmission lines are upon the same footing as railroads. The opinion below declared there was adequate distinction between the two to justify different classification and treatment under the act of 1929. And counsel for appellee very properly say: ‘A railroad grade crossing presents an entirely different problem for public regulation than does a pipeline buried beneath the highway. \* \* \* The twenty-four inch high pressure natural gas transmission line of appellant when buried beneath the surface of such highways certainly is not a constant hazard to vehicular traffic.’

The record fails to disclose that appellant's lines were the cause of serious danger to the public. Whatever of this, if any, would follow extensions of the highways across them, is not comparable to the hazard incident to the operation of railroad trains. Like any other lawful structure, these lines may have presented obstacles to construction of the proposed highways; but this might have been overcome by condemnation proceedings.

**\*620** We are advised by counsel for the commission that appellant's Delaware charter ‘contains no specific reference to any right to intersect or occupy any public highway, public land or waters.’ Also that in Kansas, ‘beyond the provisions of the statute, R.S. 1933 Supp. 68-415 (section 16, c. 225, Acts of 1929), the validity of which is challenged in this case, there are absolutely no statutory obligations or regulations imposed upon pipeline companies with respect to the manner of the construction, maintenance or operation of their lines, whether located upon, along or across public highways or private lands.’

Where the circumstances sufficed to show that the public would be subjected to serious danger from moving trains and supported the inference that the railroad company obtained permission to occupy the soil subject to reasonable legislation to prevent such danger, this Court has upheld orders, based upon the state's police power, to change tracks, eliminate grade crossings, etc.

‘The company must be deemed to have laid its tracks within the corporate limits of the city subject to the condition-not, it is true, expressed, but necessarily implied-that new streets of the city might be opened and extended from time to time across its tracks, as the public convenience required, and under such restrictions as might be prescribed by statute. \* \* \* The plaintiff in error took its charter subject to the power of the state to provide for the safety of the public, in so far as the safety of the lives and persons of the people were involved in the operation of the railroad. The company laid its tracks subject to the condition, necessarily implied, that their use could be so regulated by competent authority as to insure the public safety.’  
[Chicago, B. & Q. Ry. Co. v. Chicago](#), 166 U.S. 226, 250, 252, 17 S.Ct. 581, 590, 41 L.Ed. 979.

‘The railway company accepted its franchise from the state, subject necessarily to the condition that it would conform at its own expense to any regulations, not arbitrary **\*621** in their character, as to the opening or use of streets, which had for their object the safety of the public, or the promotion of the public convenience, and which might, from time to time, be established by the municipality, when proceeding under legislative authority, within whose limits the company's business was conducted.’ **\*\*567** [Cincinnati, I. & W.R. Co. v. Connersville](#), 218 U.S. 336, 343, 31 S.Ct. 93, 94, 54 L.Ed. 1060, 20 Ann.Cas. 1206. [Chicago, M. & St. P. Ry. Co. v. Minneapolis](#), 232 U.S. 430, 440, 34 S.Ct. 400, 58 L.Ed. 671.

[Erie Railroad Co. v. Board of Public Util. Commissioners](#), supra, opinion by Mr. Justice Holmes, goes upon the theory that it could be reasonably said that public safety required the changes, and that the order of the commission ‘should be regarded as stating a condition that must be complied with if the company continues to use’ the soil. Also ‘the authority of the railroads to project their moving masses across thoroughfares must be taken to be subject to the implied limitation that it may be cut down whenever and so far as the safety of the public requires.’

[Pennsylvania Coal Co. v. Mahon](#), 260 U.S. 393, 413, 415, 416, 43 S.Ct. 158, 159, 67 L.Ed. 322, 28 A.L.R. 1321, Mr. Justice Holmes again writing, elucidates the doctrine of the Erie's Case.

‘As long recognized some values are enjoyed under an implied limitation and must yield to the police power. But obviously the implied limitation must have its limits or the contract and due process clauses are gone. One fact for consideration in determining such limits is the extent of the diminution. When it reaches a certain magnitude, in most if not in all cases there must be an exercise of eminent domain and compensation to sustain the act.’

Accordingly, the court refused to sustain a Pennsylvania statute as an exercise of the police power which forbade the mining of anthracite coal under streets in such a way as to cause the subsidence of any structure used as a human habitation. ‘The rights of the public in a street \*622 purchased or laid out by eminent domain are those that it has paid for. If in any case its representatives have been so short sighted as to acquire only surface rights without the right of support we see no more authority for supplying the latter without compensation than there was for taking the right of way in the first place and refusing to pay for it because the public wanted it very much. \* \* \* We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.’

The rule in respect of railroad crossings applies when there is substantial risk of injury to the public from the operation of trains and ground to imply the company's consent to take such measures as may be necessary to prevent the hazard. This Court has not sanctioned extension of the rule to wholly dissimilar circumstances; it does not apply to structures which are unattended by serious danger to the public.

[3] The police power of a state, while not susceptible of definition with circumstantial precision, must be

exercised within a limited ambit and is subordinate to constitutional limitations. It springs from the obligation of the state to protect its citizens and provide for the safety and good order of society. Under it there is no unrestricted authority to accomplish whatever the public may presently desire. It is the governmental power of self-protection and permits reasonable regulation of rights and property in particulars essential to the preservation of the community from injury. [New York & N.E. Ry. Co. v. Town of Bristol](#), 151 U.S. 556, 14 S.Ct. 437, 38 L.Ed. 269.

[New Orleans Gas Light Co. v. Drainage Commission](#), 197 U.S. 453, 25 S.Ct. 471, 49 L.Ed. 831, and similar cases concerning pipes in public streets, are not controlling. In them the pipes were laid upon agreement, actual or implied, that the owner \*623 would make reasonable changes when directed by the municipality.

As construed below, the challenged statute authorizes an arbitrary and unreasonable order by the state highway commission, whose enforcement would deprive appellant of rights guaranteed by the Federal Constitution.

The questioned judgment must be reversed, and the cause remanded for further proceedings not inconsistent with this opinion.

Reversed.

Mr. Justice STONE and Mr. Justice CARDOZO concur in the result.

#### All Citations

294 U.S. 613, 55 S.Ct. 563, 79 L.Ed. 1090

#### Footnotes

\* Petition for rehearing denied [295 U.S. 768](#), 55 S.Ct. 652, 79 L.Ed. --.

1 Chapter 225, Session Laws of Kansas, 1929: ‘Sec. 16. Whenever any person, firm or any corporation created for the purpose of constructing and maintaining magnetic telegraph or telephone lines or for the purpose of constructing and maintaining lines for the transmission of electric current or for the purpose of transporting oil or gas or water by pipe lines, or municipal corporations, shall construct or maintain poles, piers, abutments, pipe lines or other fixtures along, upon or across any state highways, such poles, wires, piers, abutments, pipe lines and other fixtures shall be located upon that part of the right of way of said state highway designated by the state highway commission and the state highway commission is authorized and empowered to require the removal of such poles, piers,




abutments, wires and pipe lines and other fixtures now upon state highways from the present location on said state highways to such part of the right of way of said state highways as the state highway commission shall designate, and if said person, firm or corporation, upon receiving notice of the requirement of the state highway commission that said poles, piers, abutments, wires, pipe lines or other fixtures be moved as herein provided, fails to comply with such requirement of the state highway commission, the state highway commission may remove such poles, piers, abutments, wires, pipe lines and other fixtures to such place on the right of way of said state highways as may be designated by said state highway commission and the cost of such removal shall be paid to said state highway commission by said person, firm or corporation upon a statement of cost being furnished to said person, firm or corporation. If said person, firm or corporation refuses to pay said charges, the state highway commission shall notify the attorney-general, who shall bring suit against said person, firm or corporation in the name of the state highway commission to recover said amount, such amounts received from such persons, firms or corporations shall be placed in the fund from which the cost of such removal was paid.'

---

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

## Filings (4)

| Title  | PDF   | Court | Date          | Type  |
|--|---|-------|---------------|-------|
| <b>1. Reply Brief for Appellant</b><br>Panhandle Eastern Pipe Line Co. v. The State Highway<br>Com'n of Kansas<br>1935 WL 58287      | —   | U.S.  | Feb. 05, 1935 | Brief |
| <b>2. Brief of Appellee.</b><br>Panhandle Eastern Pipe Line Co. v. The State Highway<br>Com'n of Kansas<br>1934 WL 60296             |  | U.S.  | Dec. 26, 1934 | Brief |
| <b>3. Brief of Appellant</b><br>Panhandle Eastern Pipe Line Co. v. The State Highway<br>Com'n of Kansas<br>1934 WL 60295             |  | U.S.  | Dec. 03, 1934 | Brief |
| <b>4. Statement as to Jurisdiction.</b><br>Panhandle Eastern Pipe Line Co. v. The State Highway<br>Comm'n of Kansas<br>1934 WL 32126 |  | U.S.  | Sep. 25, 1934 | Brief |

**Negative Treatment****Negative Citing References (7)**

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

| Treatment             | Title   | Date          | Type | Depth | Headnote(s)  |
|-----------------------|---|---------------|------|-------|--|
| Declined to Extend by | 1. <a href="#">City of New York v. Consolidated Edison Co. of New York, Inc.</a> <b>MOST NEGATIVE</b><br><br>713 N.Y.S.2d 40 , N.Y.A.D. 1 Dept. GOVERNMENT - Highways and Roads. Common law rule requiring city to bear costs of interfering with utility easements was displaced.          | Sep. 14, 2000 | Case |       | <a href="#">1</a><br><a href="#">1</a><br><a href="#">3</a><br>S.Ct. |
| Distinguished by      | 2. <a href="#">Sinclair Pipe Line Co. v. Archer County, Tex.</a><br><br>245 F.2d 79 , 5th Cir.(Tex.) Action by pipeline company for declaratory judgment that it was entitled to recover from county, as compensation for property taken, cost involved in the relocation of pipeline to... | May 29, 1957  | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct.                      |
| Distinguished by      | 3. <a href="#">Atchison, Topeka and Santa Fe Ry. Co. v. State</a><br><br>683 P.2d 974 , Okla. Railroad appealed from an order of the Corporation Commission granting request of the Department of Transportation to designate two grade crossings and ordering the railroad to...           | May 22, 1984  | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct.                      |
| Distinguished by      | 4. <a href="#">St. Charles County v. Laclede Gas Co.</a><br><br>2011 WL 396404 , Mo.App. E.D. ENERGY AND UTILITIES - Utility Poles and Cables. County was not required to compensate gas company for relocation of utility lines, as easements did not predate public...                    | Feb. 08, 2011 | Case |       | <a href="#">1</a><br>S.Ct.   |
| Distinguished by      | 5. <a href="#">St. Charles County v. Laclede Gas Co.</a><br><br>356 S.W.3d 137 , Mo. ENERGY AND UTILITIES - Oil and Gas. Requiring utility to pay the costs of relocating gas lines due to road construction would have amounted to an unconstitutional taking.                             | Aug. 30, 2011 | Case |       | <a href="#">1</a><br>S.Ct.   |
| Distinguished by      | 6. <a href="#">Lee County Electric Co-op., Inc. v. City of Cape Coral</a><br><br>--- So.3d ---- , Fla.App. 2 Dist. GOVERNMENT - Municipalities. Utility was responsible for cost of moving electric lines from public utility easements required by road improvements.                      | Aug. 29, 2012 | Case |       | <a href="#">1</a><br>S.Ct.   |
| Distinguished by      | 7. <a href="#">Lee County Elec. Co-op., Inc. v. City of Cape Coral</a><br><br>159 So.3d 126 , Fla.App. 2 Dist. GOVERNMENT - Municipalities. Utility was responsible for cost of moving electric lines from public utility easements required by road improvements.                          | May 23, 2014  | Case |       | <a href="#">1</a><br>S.Ct.   |



## History (4)



### Direct History (4)

1. [State Highway Commission v. Panhandle Eastern Pipe Line Co.](#)  
139 Kan. 185 , Kan. , Mar. 10, 1934

*Rehearing Denied by*

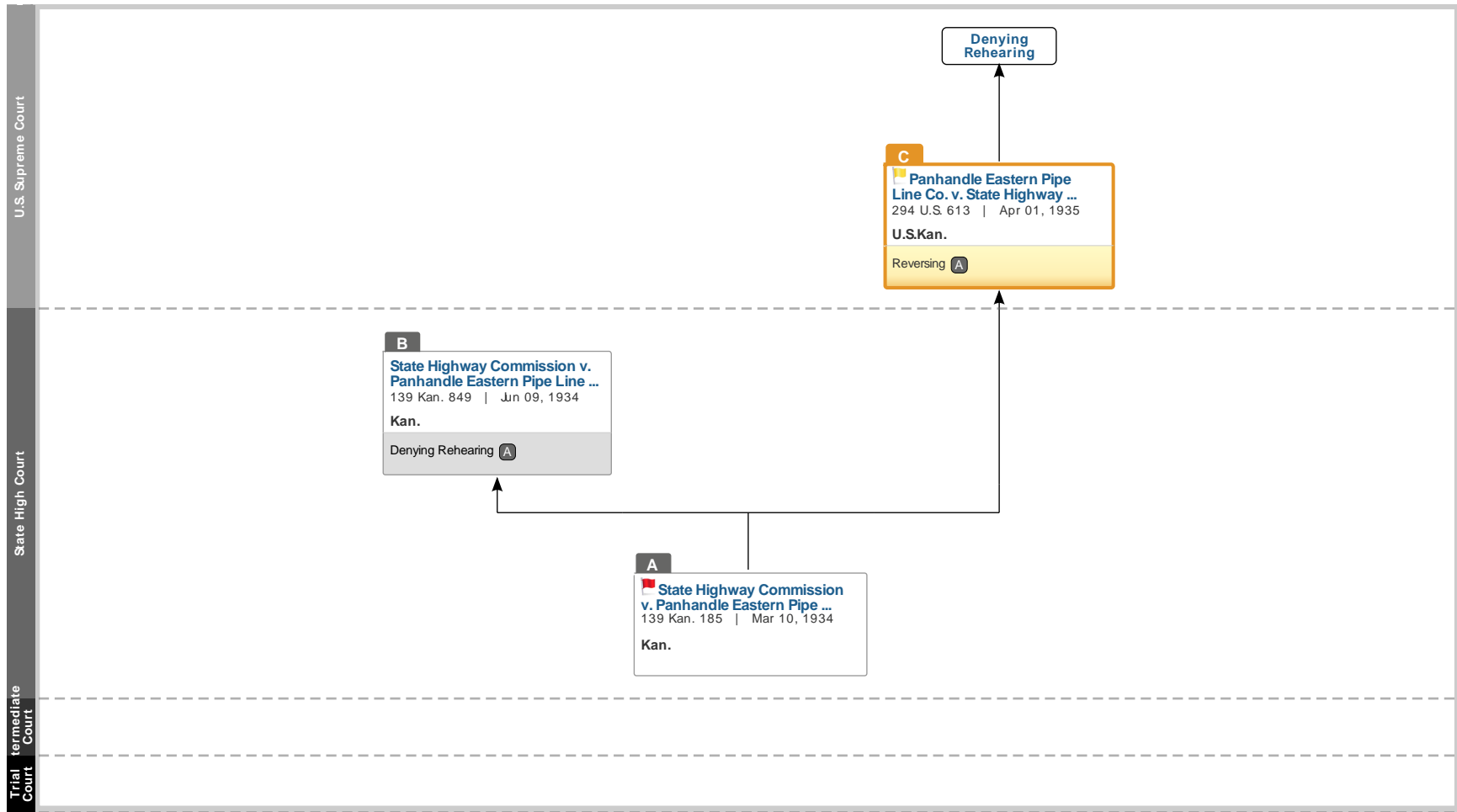
2. [State Highway Commission v. Panhandle Eastern Pipe Line Co.](#)  
139 Kan. 849 , Kan. , June 09, 1934

*AND Reversed by*


3. [Panhandle Eastern Pipe Line Co. v. State Highway Commission of Kansas](#)    
294 U.S. 613 , U.S.Kan. , Apr. 01, 1935

*Rehearing Denied by*

4. [Panhandle Eastern Pipe Line Company v. State Highway Commission of Kansas.](#)  
295 U.S. 768 , U.S.Kan. , Apr. 29, 1935













## Citing References (157)


| Treatment                                | Title   | Date          | Type | Depth   | Headnote(s)  |
|--|---|---------------|------|---|--|
| Distinguished by<br><b>NEGATIVE</b>      |  <b>1. St. Charles County v. Laclede Gas Co. ”</b><br>2011 WL 396404, *5+ , Mo.App. E.D.<br><br>ENERGY AND UTILITIES - Utility Poles and Cables. County was not required to compensate gas company for relocation of utility lines, as easements did not predate public...                                   | Feb. 08, 2011 | Case |    | <a href="#">1</a><br>S.Ct.   |
| Examined by                              | <b>2. Panhandle Eastern Pipe Line Co. v. Madison County Drainage Bd.</b><br>898 F.Supp. 1302, 1310+ , S.D.Ind.<br><br>Interstate natural gas pipeline brought action against county drainage board and its members, and engineering firm and excavation company hired to provide services to board,...  | Sep. 18, 1995 | Case |    | <a href="#">1</a><br><a href="#">1</a><br><a href="#">3</a><br>S.Ct. |
| Declined to Extend by<br><b>NEGATIVE</b> | <b>3. City of New York v. Consolidated Edison Co. of New York, Inc.</b><br>713 N.Y.S.2d 40, 42+ , N.Y.A.D. 1 Dept.<br><br>GOVERNMENT - Highways and Roads. Common law rule requiring city to bear costs of interfering with utility easements was displaced.  | Sep. 14, 2000 | Case |    | <a href="#">1</a><br><a href="#">1</a><br><a href="#">3</a><br>S.Ct. |
| Distinguished by<br><b>NEGATIVE</b>      | <b>4. St. Charles County v. Laclede Gas Co.</b><br>356 S.W.3d 137, 139+ , Mo.<br><br>ENERGY AND UTILITIES - Oil and Gas. Requiring utility to pay the costs of relocating gas lines due to road construction would have amounted to an unconstitutional taking.   | Aug. 30, 2011 | Case |    | <a href="#">1</a><br>S.Ct.   |
| Discussed by                             |  <b>5. Southern California Gas Co. v. City of Los Angeles ”</b><br>329 P.2d 289, 291+ , Cal.<br><br>Action by gas company to recover cost incurred in relocating certain of its lines in a county as a result of sewer construction by the city in an unincorporated county area. The...                   | Aug. 29, 1958 | Case |  | <a href="#">1</a><br><a href="#">1</a><br><a href="#">3</a><br>S.Ct. |
| Discussed by                             | <b>6. City of Wichita v. Kansas Gas &amp; Elec. Co.</b><br>464 P.2d 196, 204+ , Kan.<br><br>Action by city for declaratory judgment that electric utility and not city must bear expense of relocating power line on city's drainage canal. The Sedgwick District Court,...   | Jan. 24, 1970 | Case |  | <a href="#">1</a><br>S.Ct.   |
| Discussed by                             |  <b>7. Arkansas Louisiana Gas Co. v. Louisiana Dept. of Highways</b><br>104 So.2d 204, 207+ , La.App. 2 Cir.<br><br>Action to recover expenditures resulting from relocation of pipeline in accordance with regulations and requirements of Department of Highways in connection with construction of a... | June 20, 1958 | Case |  | <a href="#">1</a><br><a href="#">1</a><br>S.Ct.                      |

| Treatment                           | Title  | Date          | Type                    | Depth | Headnote(s)                                     |
|-------------------------------------|--|---------------|-------------------------|-------|---|
| Discussed by                        | <b>8. Riverside-Quindaro Bend Levee Dist., Platte County, Missouri v. Missouri American Water Co.</b><br>117 S.W.3d 140, 156+ , Mo.App. W.D.<br>Water company sought review of levee district commissioners that it was not entitled to compensation as result of condemnation of property on which company had distribution lines.... | June 03, 2003 | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Discussed by                        | <b>9. WILLIAM BARR, ET AL. v. ATLANTIC COAST PIPELINE, LLC</b> ¶¶<br>--- A.3d ----+ , Vt.  | July 05, 2018 | Case                    |       | <a href="#">3</a><br>S.Ct.                      |
| Discussed by                        | <b>10. Re Pennsylvania Dept. of Transp.</b><br>63 Pa.P.U.C. 236, 236+ , Pa.P.U.C.<br>Before us for review are the Exceptions filed January 5, 1987, by the Pennsylvania Department of Transportation ("PennDOT") and UGI Corporation ("UGI") to the Recommended...   | Feb. 19, 1987 | Administrative Decision |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Distinguished by<br><b>NEGATIVE</b> | <b>11. Lee County Elec. Co-op., Inc. v. City of Cape Coral</b><br>159 So.3d 126, 129 , Fla.App. 2 Dist.<br>GOVERNMENT - Municipalities. Utility was responsible for cost of moving electric lines from public utility easements required by road improvements.   | May 23, 2014  | Case                    |       | <a href="#">1</a><br>S.Ct.                      |
| Distinguished by<br><b>NEGATIVE</b> | <b>12. Lee County Electric Co-op., Inc. v. City of Cape Coral</b><br>--- So.3d ---- , Fla.App. 2 Dist.<br>GOVERNMENT - Municipalities. Utility was responsible for cost of moving electric lines from public utility easements required by road improvements.  | Aug. 29, 2012 | Case                    |       | <a href="#">1</a><br>S.Ct.                      |
| Distinguished by<br><b>NEGATIVE</b> | <b>13. Atchison, Topeka and Santa Fe Ry. Co. v. State</b><br>683 P.2d 974, 978+ , Okla.<br>Railroad appealed from an order of the Corporation Commission granting request of the Department of Transportation to designate two grade crossings and ordering the railroad to...   | May 22, 1984  | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Distinguished by<br><b>NEGATIVE</b> | <b>14. Sinclair Pipe Line Co. v. Archer County, Tex.</b><br>245 F.2d 79, 81 , 5th Cir.(Tex.)<br>Action by pipeline company for declaratory judgment that it was entitled to recover from county, as compensation for property taken, cost involved in the relocation of pipeline to...   | May 29, 1957  | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by                            | <b>15. State of N.Y. v. Gebhardt</b><br>151 F.2d 802, 805 , C.C.A.2 (N.Y.)<br>Appeal from the District Court of the United States for the Southern District of New York. Proceeding in reorganization of New York, Ontario & Western Railway Company on petitions...   | Nov. 05, 1945 | Case                    |       | <a href="#">1</a><br>S.Ct.                      |

| Treatment | Title   | Date          | Type | Depth | Headnote(s)                                     |
|-----------|---|---------------|------|-------|---|
| Cited by  | <b>16. Tenneco, Inc. v. Greater Lafourche Port Commission</b><br>427 F.2d 1061, 1066 , 5th Cir.(La.)<br><br>Action by pipeline company seeking recovery from Port Commission for expenses incurred in lowering pipeline traversing navigable channel. The United States District Court for the...                     | June 01, 1970 | Case |       | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>17. E. B. Elliott Adv. Co. v. Metropolitan Dade County</b><br>425 F.2d 1141, 1155 , 5th Cir.(Fla.)<br><br>Consolidated class action was brought for declaratory judgment that county ordinance was unconstitutional. The United States District Court for the Southern District of Florida,...                     | Apr. 03, 1970 | Case |       | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>18. City of Grand Prairie v. American Tel. &amp; Tel. Co.</b><br>405 F.2d 1144, 1146+ , 5th Cir.(Tex.)<br><br>Telephone companies brought action against city to recover expense of relocating cables and facilities as required by city. The United States District Court for the Northern...                     | Jan. 02, 1969 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>19. Department of Highways, State of Louisiana v. United Gas Pipe Line Co.</b><br>258 F.2d 357, 358+ , 5th Cir.(La.)<br><br>This appeal presents the question whether the trial court correctly construed the contract between the parties as placing on the State Highway Department rather than the Pipe Line... | Mar. 05, 1958 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>20. Franklin v. U.S.</b><br>101 F.2d 459, 468 , C.C.A.6 (Tenn.)<br><br>HAMILTON, Circuit Judge, dissenting. Appeal from the District Court of the United States for the Western District of Tennessee; John D. Martin, Judge. Consolidated actions by Mabel...   | Jan. 20, 1939 | Case |       | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>21. Buckeye Pipe Line Co. v. Keating</b><br>229 F.2d 795, 798+ , 7th Cir.(Ind.)<br><br>An action against subdivider of land, trustee of subdivision and a municipality to quiet title to plaintiff's easement, to enjoin defendants from building any structure which would...                                     | Feb. 14, 1956 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>22. Bhan v. NME Hospitals, Inc.</b><br>1984 WL 21895, *4 , E.D.Cal.<br><br>Defendants California Society of Anesthesiologists, Inc., and California League of Anesthesiologists, Inc., have moved to dismiss the complaint in the above-captioned matter for...  | June 19, 1984 | Case |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by  | <b>23. First Nat. Ben. Soc. v. Garrison</b><br>58 F.Supp. 972, 993+ , S.D.Cal.<br><br>Action for an injunction and damages by the First National Benefit Society, an Arizona corporation, against Maynard Garrison, Insurance Commissioner of California, and others. ...   | Jan. 16, 1945 | Case |       | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |

| Treatment | Title  | Date          | Type | Depth   | Headnote(s)                                     |
|-----------|--|---------------|------|---|---|
| Cited by  |  <b>24. Art Neon Co. v. City and County of Denver</b><br>357 F.Supp. 466, 476 , D.Colo.<br><br>Suit challenging validity and constitutionality of sign code of city and county of Denver. The District Court, Winner, J., held that sign ordinance, which set up an amortization...   | Apr. 04, 1973 | Case |    | <a href="#">1</a><br>S.Ct.                      |
| Cited by  |  <b>25. Tenneco Inc. v. May</b><br>377 F.Supp. 941, 944 , E.D.Ky.<br><br>After servient holders commenced construction of a paved roadway over portions of easement for underground pipeline, easement holder initiated action for injunctive relief and...   | June 24, 1974 | Case |    | <a href="#">1</a><br>S.Ct.                      |
| Cited by  |  <b>26. Tennessee Gas Transmission Co. v. Greater Lafourche Port Commission</b><br>293 F.Supp. 1019, 1023 , E.D.La.<br><br>Diversity action wherein gas company sought money judgment against port commission on claim arising out of company's lowering of its pipeline traversing navigable channel. The...   | Nov. 20, 1968 | Case |    | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>27. Department of Highways, State of La. v. United Gas Pipe Line Co.</b><br>153 F.Supp. 698, 700 , W.D.La.<br><br>Action by State Department of Highways to compel gas company to bear expense of certain work upon a pipeline crossing a highway, necessitated by changes in the highway brought...  | Aug. 09, 1957 | Case |    | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>28. Laclede Gas Co. v. St. Charles County, Mo.</b><br>2012 WL 2565009, *3 , E.D.Mo.<br><br>This matter is before the Court on Plaintiff Laclede Gas Company's ("Laclede") Motion for Preliminary Injunction [ECF No. 21]. Defendant St. Charles County, Missouri ("County")...  | July 02, 2012 | Case |  | —   |
| Cited by  | <b>29. Remick Music Corp. v. Interstate Hotel Co. of Neb.</b><br>58 F.Supp. 523, 543 , D.Neb.<br><br>Separate actions by Remick Music Corporation against Interstate Hotel Company of Nebraska, by M. Witmark & Sons against Regis Hotel Company, by M. Witmark & Sons against Hill Hotel...   | Dec. 09, 1944 | Case |  | <a href="#">2</a><br>S.Ct.                      |
| Cited by  |  <b>30. Buck v. Swanson</b><br>33 F.Supp. 377, 388 , D.Neb.<br><br>In Equity. Action by Gene Buck, individually and as President of the American Society of Composers, Authors and Publishers against Harry R. Swanson, as Secretary of the State of...   | Dec. 28, 1939 | Case |  | —   |
| Cited by  |  <b>31. Transcontinental Gas Pipe Line Corp v. Borough of Milltown, Middlesex County</b> <br>93 F.Supp. 287, 294 , D.N.J.<br><br>The Transcontinental Gas Pipe Line Corporation brought action against the Borough of Milltown in the County of Middlesex, a municipal corporation of New Jersey, for an injunction... | Sep. 23, 1950 | Case |  | <a href="#">3</a><br>S.Ct.                      |

| Treatment | Title  | Date          | Type | Depth | Headnote(s)                                     |
|-----------|--|---------------|------|-------|---|
| Cited by  | <b>32. In re New York, O. &amp; W. Ry. Co.</b><br>59 F.Supp. 865, 870 , S.D.N.Y.<br><br>Proceeding in the matter of New York, Ontario & Western Railway Company, debtor. On motion by the trustee of the debtor as representing Bankers Trust Company, as trustee under...                                   | Feb. 19, 1943 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>33. American Energy Corp. v. Texas Eastern Transmission, LP</b><br>701 F.Supp.2d 921, 936 , S.D.Ohio<br><br>ENERGY AND UTILITIES - Oil and Gas. State law claims against natural gas pipeline operator were not preempted by federal Pipeline Safety Act.   | Mar. 23, 2010 | Case |       | —   |
| Cited by  | <b>34. AT&amp;T Corp. v. City of Toledo</b><br>351 F.Supp.2d 744, 748 , N.D.Ohio<br><br>ENERGY AND UTILITIES - Telecommunications. Requiring relocation of telecommunications cable to greater depth did not breach easement.  | Jan. 03, 2005 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>35. Sinclair Pipe Line Co. v. Archer County, Tex.</b><br>147 F.Supp. 650, 656 , N.D.Tex.<br><br>Action by a pipeline company against a county to recover reimbursement of its expenses incurred in adapting a pipeline to a public highway improvement wherein additional relief was...                   | Nov. 28, 1956 | Case |       | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>36. Consolidated Gas Utilities Corporation v. Thompson ¶¶</b><br>14 F.Supp. 318, 327+ , W.D.Tex.<br><br>In Equity. Suits by the Consolidated Gas Utilities Corporation and the Texoma Natural Gas Company against Ernest O. Thompson and others. Decree for complainants in accordance...                 | Mar. 30, 1936 | Case |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by  | <b>37. Columbia Gas Transmission, LLC v. Grove Avenue Developers, Inc.</b><br>357 F.Supp.3d 506, 518 , E.D.Va.<br><br>REAL PROPERTY — Easements. Servient estate owner's construction of road over easement for natural-gas pipelines would unreasonably interfere with dominant estate owner's rights.      | Jan. 08, 2019 | Case |       | —   |
| Cited by  | <b>38. Columbia Gas Transmission, LLC v. Grove Avenue Developers, Inc. ¶¶</b><br>2018 WL 3966989, *3 , E.D.Va.<br><br>This matter is before the Court on cross-motions for summary judgment. ECF Nos. 21, 25. The instant civil action involves an easement dispute arising from Grove Avenue Developers,... | Aug. 10, 2018 | Case |       | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>39. Town of Gurley v. M &amp; N Materials, Inc. ¶¶</b><br>--- So.3d ----+ , Ala.  | Sep. 27, 2013 | Case |       | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| Cited by  | <b>40. Town of Gurley v. M &amp; N Materials, Inc. ¶¶</b><br>143 So.3d 1, 31+ , Ala.<br><br>GOVERNMENT - Municipalities. Constitutional provision for compensation upon town's taking of property did not apply to administrative or regulatory taking.  | Dec. 21, 2012 | Case |       | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |

| Treatment | Title  | Date          | Type | Depth   | Headnote(s)  |
|-----------|--|---------------|------|---|--|
| Cited by  |  <b>41. Jefferson County v. Southern Natural Gas Co.</b> ¶¶<br>624 So.2d 1282, 1287+ , Ala.<br>Natural gas pipeline operator commenced action to recover damages from county for taking of, injury to, or destruction of its property for public use. The Jefferson Circuit...                      | June 04, 1993 | Case |    | <a href="#">3</a><br>S.Ct.   |
| Cited by  | <b>42. McCarthy v. City of Manhattan Beach</b><br>264 P.2d 932, 939 , Cal.<br>In suit for judgment declaring void ordinance permitting only recreational activities on beach land on which plaintiffs had intended to construct houses on pilings, the Superior...   | Dec. 30, 1953 | Case |    | <a href="#">1</a><br>S.Ct.   |
| Cited by  | <b>43. National City v. California Water &amp; Tel. Co.</b><br>22 Cal.Rptr. 560, 566 , Cal.App. 4 Dist.<br>Action to obtain a determination as to who should bear the cost of relocation of defendant's water facilities on improvement of a street wherein the defendant filed a...   | June 11, 1962 | Case |    | <a href="#">1</a><br>S.Ct.   |
| Cited by  |  <b>44. Lambert v. Municipal Court of Los Angeles County</b><br>343 P.2d 81, 88 , Cal.App. 2 Dist.<br>Prohibition proceeding was brought to prohibit retrial of plaintiff in Municipal Court for violation of felon registration ordinance after the United States Supreme Court had...             | July 28, 1959 | Case |    | <a href="#">3</a><br>S.Ct.   |
| Cited by  |  <b>45. Aetna Casualty &amp; Surety Co. v. Industrial Acc. Com'N</b> ¶¶<br>174 P.2d 41, 49 , Cal.App. 1 Dist.<br>Proceedings under the Labor Code by the Aetna Casualty & Surety Company, insurance carrier, and Frank E. Barrow and others, employers, for writs of review to annul awards of... | Nov. 07, 1946 | Case |  | <a href="#">3</a><br>S.Ct.   |
| Cited by  | <b>46. Roark v. City of Caldwell</b><br>394 P.2d 641, 646 , Idaho<br>Declaratory judgment action to determine validity of city ordinance imposing airport zoning restrictions. The Seventh Judicial District Court of Canyon County, Gilbert C. Norris,...   | July 30, 1964 | Case |  | <a href="#">1</a><br><a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>47. People ex rel. Illinois State Dental Soc. v. Sutker</b><br>395 N.E.2d 14, 18 , Ill.App. 1 Dist.<br>People brought action seeking to enjoin dental technician from engaging in certain business activities in violation of the Dental Practice Act. The Circuit Court, Cook County,...   | Aug. 24, 1979 | Case |  | <a href="#">3</a><br>S.Ct.   |
| Cited by  | <b>48. Interstate Power Co. v. Dubuque County</b> ¶¶<br>391 N.W.2d 227, 230+ , Iowa<br>Power company brought action against county, seeking declaratory judgment that power company was entitled to reimbursement for costs of raising electrical transmission lines over...   | July 23, 1986 | Case |  | <a href="#">1</a><br><a href="#">1</a><br><a href="#">3</a><br>S.Ct. |



| Treatment | Title   | Date          | Type | Depth   | Headnote(s)                                     |
|-----------|---|---------------|------|---|---|
| Cited by  |  <b>49. Hudson v. City of Shawnee</b><br>790 P.2d 933, 941 , Kan.<br>City filed eminent domain petition to acquire permanent easement to widen street and temporary construction easement encompassing entrances to landowners' service station. The...  | Apr. 13, 1990 | Case |    | <a href="#">3</a><br>S.Ct.                      |
| Cited by  |  <b>50. Lone Star Industries, Inc. v. Secretary of Kansas Dept. of Transp.</b><br>671 P.2d 511, 514 , Kan.<br>Landowners brought separate inverse condemnation actions, and the District Court, Wyandotte County, Dean J. Smith, J., consolidated the actions and dismissed them. Landowners...      | Oct. 21, 1983 | Case |    | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  |  <b>51. Ray v. State Highway Commission</b><br>410 P.2d 278, 285 , Kan.<br>Action by owners of land abutting controlled access facility for damages on implied contract for value of access rights allegedly appropriated without condemnation or just...  | Jan. 22, 1966 | Case |    | <a href="#">3</a><br>S.Ct.                      |
| Cited by  |  <b>52. Gilbert v. Mathews</b> ¶¶<br>352 P.2d 58, 63 , Kan.<br>Action for declaratory judgment to determine constitutional validity of act respecting sale of new goods at public auction. The District Court of Cowley County, Doyle E. White,...   | May 14, 1960  | Case |    | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| Cited by  | <b>53. Kansas City Terminal Ry. Co. v. Kansas City</b><br>249 P.2d 671, 678 , Kan.<br>Actions by railroads to enjoin enforcement of city ordinances ordering construction of viaduct and assessing cost against railroads. The Wyandotte District Court, Division No. 4,...   | Nov. 08, 1952 | Case |  | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>54. Com. v. R.J. Corman Railroad Co./Memphis Line</b> ¶¶<br>116 S.W.3d 488, 494 , Ky.<br>TRANSPORTATION - Railroads. In condemnation action, railroad was not entitled to compensation for maintenance of railway crossing.  | Sep. 18, 2003 | Case |  | <a href="#">1</a><br>S.Ct.                      |
| Cited by  | <b>55. Pennyryle Rural Elec. Co-op. Corp. v. Higgins</b><br>379 S.W.2d 467, 469 , Ky.<br>Action for declaratory judgment as to whether county might reimburse rural electric cooperative corporation for actual expense of relocating certain electric line facilities that...  | May 22, 1964  | Case |  | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  |  <b>56. State Through Dept. of Highways v. Illinois Cent. R. Co.</b><br>256 So.2d 819, 826 , La.App. 2 Cir.<br>In action for expropriation of property for highway purposes, the Fourth Judicial District Court, Parish of Ouachita, Robert T. Farr, J., rendered judgment rejecting demands of... | Jan. 04, 1972 | Case |  | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |


| Treatment | Title  | Date          | Type | Depth   | Headnote(s)  |
|-----------|--|---------------|------|---|--|
| Cited by  | <p> <b>57. Boston Elevated Ry. Co. v. Com.</b> ¶¶<br/>39 N.E.2d 87, 109+ , Mass.</p> <p>Case reserved from Supreme Judicial Court; Suffolk County. Original petition by the Boston Elevated Railway Company against the Commonwealth of Massachusetts and others for a...</p>                       | Jan. 08, 1942 | Case |    | —  |
| Cited by  | <p><b>58. Petition of Dreosch</b><br/>47 N.W.2d 106, 110+ , Minn.</p> <p>Proceeding in the matter of the petition of Andy Dreosch and others for establishment and construction of County Ditch No. 78, Blue Earth County, Minnesota. The District Court of...</p>   | Feb. 23, 1951 | Case |    | <p><a href="#">1</a></p> <p><a href="#">1</a></p> <p>S.Ct.</p> |
| Cited by  | <p> <b>59. Hoffmann v. Kinealy</b><br/>389 S.W.2d 745, 755 , Mo.</p> <p>Proceeding on application for certificate of occupancy of lots for a pre-existing lawful nonconforming use. From a judgment of the Circuit Court of the City of St. Louis, David J....</p>                                  | May 10, 1965  | Case |    | <p><a href="#">1</a></p> <p>S.Ct.</p>                          |
| Cited by  | <p><b>60. Farmers Drainage Dist. of Ray County v. Sinclair Refining Co.</b><br/>255 S.W.2d 745, 748 , Mo.</p> <p>Proceeding to determine whether easement owner was subject to drainage benefit assessment. The Circuit Court, Ray County, refused to strike assessment fixed by Commissioners of...</p>   | Mar. 09, 1953 | Case |    | <p><a href="#">1</a></p> <p><a href="#">1</a></p> <p>S.Ct.</p> |
| Cited by  | <p><b>61. Grand Forks-Traill Water Users, Inc. v. Hjelle</b><br/>413 N.W.2d 344, 347 , N.D.</p> <p>Utility pipe owner brought suit against State Highway Commissioner, for costs incurred in movement of owner's water line upon highway expansion. The District Court of Traill...</p>  | Sep. 29, 1987 | Case |  | —  |
| Cited by  | <p><b>62. Sussex Rural Elec. Co-op. v. Wantage Tp.</b><br/>526 A.2d 259, 261 , N.J.Super.A.D.</p> <p>Utility brought action against township to recover costs of relocating it transmission equipment in connection with township's road improvement project. The Superior Court, Law...</p>   | May 13, 1987  | Case |  | <p><a href="#">1</a></p> <p><a href="#">1</a></p> <p>S.Ct.</p> |
| Cited by  | <p> <b>63. East Rutherford Indus. Park, Inc. v. State</b><br/>291 A.2d 588, 594 , N.J.Super.L.</p> <p>Landowners brought action in lieu of prerogative writs challenging determinations of the Hackensack Meadowlands Development Commission denying subdivision applications and ordering...</p> | June 02, 1972 | Case |  | <p><a href="#">1</a></p> <p>S.Ct.</p>                          |
| Cited by  | <p><b>64. New York State Natural Gas Corp. v. Albany County</b><br/>262 N.Y.S.2d 661, 662 , N.Y.Sup.</p> <p>Natural gas company brought action against county for reimbursement for expenses incurred by company in encasing its pipeline at point where pipeline passed under new road in order...</p>  | Aug. 24, 1965 | Case |  | <p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p> |

| Treatment | Title   | Date          | Type | Depth | Headnote(s)                                     |
|-----------|---|---------------|------|-------|---|
| Cited by  | <b>65. Dublin v. State</b> ¶<br>909 N.E.2d 152, 157 , Ohio App. 10 Dist.<br><br>REAL PROPERTY - Building Codes. State residential building code applied to all builders and thus was a "general law" for purposes of home-rule challenge.   | Mar. 12, 2009 | Case |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by  | <b>66. Rueckel v. Texas Eastern Transmission Corp.</b><br>444 N.E.2d 77, 84 , Ohio App. 5 Dist.<br><br>Landowners brought action against holders of pipeline rights-of-way seeking damages for pine trees damaged or destroyed during course of pipeline maintenance operations and also...                     | Dec. 07, 1981 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>67. Hageman v. Board of Trustees of Wayne Tp.</b> ¶<br>259 N.E.2d 162, 165 , Ohio Com.Pl.<br><br>Residents of township brought action for declaratory judgment to test legality and constitutionality of airport zoning regulations. The Court of Common Pleas, McNeill, J., held...                         | Sep. 18, 1968 | Case |       | —   |
| Cited by  | <b>68. In re Appropriation of Easement for Highway Purposes</b><br>190 N.E.2d 65, 68 , Ohio Com.Pl.<br><br>Condemnation case. The owners of property adjoining that of condemnees filed a motion objecting to a journal entry which was signed and filed without approval of adjoining...                       | Feb. 19, 1963 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>69. City of Sand Springs v. Colliver</b><br>434 P.2d 186, 191 , Okla.<br><br>Proceeding before city commission on application for change to rezone property as commercial. The commission denied the application and the property owner appealed. The District...  | Sep. 26, 1967 | Case |       | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| Cited by  | <b>70. Appeal of Key Realty Co.</b> ¶<br>182 A.2d 187, 196 , Pa.<br><br>Proceeding on application for permit to erect apartment house on lot which was in area that had been upgraded to permit erection only of single-family detached dwellings. The...   | June 13, 1962 | Case |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by  | <b>71. Philadelphia Suburban Water Co. v. Pennsylvania Public Utility Commission</b><br>78 A.2d 46, 53+ , Pa.Super.<br><br>The Department of Highways applied for approval of abolition, construction, and alteration of certain railroad crossings and allocation of costs thereof. The Pennsylvania Public... | Jan. 12, 1951 | Case |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>72. Opinion to the Governor</b> ¶<br>69 A.2d 531, 548 , R.I.<br><br>Opinion to his Excellency John O. Pastore, Governor of the State of Rhode Island and Providence Plantations, in response to his inquiry as to constitutionality of Public Laws 1946,...  | Nov. 14, 1949 | Case |       | <a href="#">3</a><br>S.Ct.                      |

| Treatment | Title   | Date          | Type                    | Depth | Headnote(s)                                     |
|-----------|---|---------------|-------------------------|-------|---|
| Cited by  | <b>73. Opinion to the Governor</b><br>63 A.2d 724, 728 , R.I.<br><br>Opinion to the Governor in response to inquiry as to constitutionality of Public Laws 1946, chapter 1750, as amended, authorizing City of Providence to provide needed housing...  | Jan. 24, 1949 | Case                    |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by  | <b>74. Rollins v. Electric Power Bd. of Metropolitan Gov't. of Nashville and Davidson County</b><br>2004 WL 1268431, *6 , Tenn.Ct.App.<br><br>This appeal concerns a complaint of negligence filed by the appellants Raymond and Sharon Rollins against the Electric Power Board of Metropolitan Nashville and Davidson County... | June 08, 2004 | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>75. Ritchie v. State</b><br>1998 WL 855517, *9 , Tenn.Crim.App.<br><br>The petitioner, Barry Winfred Ritchie, appeals as of right from the denial of his petition for habeas corpus relief by the Bledsoe County Circuit Court without a hearing. The...   | Dec. 10, 1998 | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>76. Magnolia Pipe Line Co. v. City of Tyler</b><br>348 S.W.2d 537, 540+ , Tex.Civ.App.-Texarkana<br><br>Suit by city for declaratory judgment to determine whether city or defendant pipe line company should bear cost of lowering and encasing oil pipe line under city streets, wherein...                                  | July 11, 1961 | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>77. Sinclair Pipe Line Co. v. State</b><br>322 S.W.2d 58, 60+ , Tex.Civ.App.-Fort Worth<br><br>Suit by state to acquire highway rights of way for construction, improvement and maintenance of farm to market roads over private pipeline easement. The County Court, Montague...  | Mar. 06, 1959 | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by  | <b>78. Barr v. Atlantic Coast Pipeline, LLC</b><br>815 S.E.2d 783, 794 , Va.<br><br>ENERGY AND UTILITIES — Oil and Gas. Natural gas companies may enter properties either to satisfy a regulatory requirement or to select the most advantageous pipeline location or...  | July 05, 2018 | Case                    |       | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| Cited by  | <b>79. George v. People</b><br>2018 WL 3302858, *5 , V.I.<br><br>Chris George, proceeding pro se, appeals from an April 6, 2017 memorandum opinion and order of the Appellate Division of the Superior Court affirming his two convictions before the...  | July 05, 2018 | Case                    |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by  | <b>80. TO THE SECRETARY OF COMMERCE</b><br>1956 WL 1128, *3+ , Comp.Gen.<br><br>A TELEPHONE COMPANY WHICH HAS BEEN GRANTED AN EASEMENT BY THE UNITED STATES FOR THE CONSTRUCTION AND MAINTENANCE OF ITS FACILITIES ON UNRESERVED PUBLIC LANDS MAY NOT BE COMPELLED...   | July 11, 1956 | Administrative Decision |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |

| Treatment    | Title  | Date          | Type                    | Depth | Headnote(s)                                     |
|--------------|--|---------------|-------------------------|-------|---|
| Cited by     | <b>81. COMPTROLLER GENERAL WARREN TO THE FEDERAL WORKS ADMINISTRATOR</b><br>1941 WL 764, *2 , Comp.Gen.<br><br>WHERE THE LINES OF A TELEPHONE COMPANY ARE LOCATED ON UNRESERVED AND UNAPPROPRIATED PUBLIC LANDS AND THEIR RELOCATION IS REQUIRED IN CONNECTION WITH THE CONSTRUCTION OF A NEW...   | Jan. 18, 1941 | Administrative Decision |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by     | <b>82. Re State of California Department of Water Resources</b><br>2 FERC P 61,258, 61596 , F.E.R.C.<br><br>Opinion No. 9 †Opinion No. 9 Text‡ On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Public Law 95-91, 91 Stat. 565 (August 4,... | Mar. 22, 1978 | Administrative Decision |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by     | <b>83. The Honorable Wayne Stump</b><br>1987 Ariz. Op. Atty. Gen. 8<br><br>You have asked for an opinion whether the provision in H.B. 2145 that prohibits the registration of a vehicle manufactured after the 1974 model year until the vehicle has passed...                                    | Jan. 12, 1987 | Administrative Decision |       | <a href="#">3</a><br>S.Ct.                      |
| Cited by     | <b>84. Mr. F. R. White</b><br>1950 WL 83518 (Iowa A.G.), *1<br><br>HIGHWAYS: Removal of transmission, telephone or telegraph lines. Electric transmission lines and telephone or telegraph lines occupying a highway under a permit or franchise may be...   | June 29, 1950 | Administrative Decision |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Cited by     | <b>85. Re Texas Eastern Transmission Corp.</b><br>53 F.P.C. 1260, 1269 , F.P.C.<br><br>On February 18, 1975, Arkansas Missouri Power Company, Associated Natural Gas Company, Central Illinois Public Service Company, and Mississippi Valley Gas Company (Ark-Mo, et al.),...                     | Apr. 18, 1975 | Administrative Decision |       | <a href="#">1</a><br>S.Ct.                      |
| Cited by     | <b>86. Re California Dept. of Water Resources</b><br>51 F.P.C. 529, 626 , F.P.C.<br><br>NASSIKAS, Chairman This proceeding involves an application filed in December of 1965, by the Department of Water Resources of the State of California (DWR) for a license under Part...                    | Feb. 06, 1974 | Administrative Decision |       | <a href="#">1</a><br>S.Ct.                      |
| Mentioned by | <b>87. U.S. v. Virginia Elec. &amp; Power Co.</b><br>81 S.Ct. 784, 787 , U.S.Va.<br><br>Proceeding by the United States to condemn a private flowage easement. The United States District Court for the Western District of Virginia entered an award, and the government...                       | Apr. 03, 1961 | Case                    |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Mentioned by | <b>88. Foster v. Herley</b><br>330 F.2d 87, 90 , 6th Cir.(Mich.)<br><br>Action against city. The United States District Court for the Eastern District of Michigan, Southern Division, Frederick W. Kaess, J., 207 F.Supp. 71, dismissed the action, and...  | Apr. 10, 1964 | Case                    |       | <a href="#">1</a><br>S.Ct.                      |

| Treatment    | Title   | Date          | Type | Depth   | Headnote(s)                                     |
|--------------|---|---------------|------|---|---|
| Mentioned by |  <b>89. Laclede Gas Co. v. St. Charles County, Mo.</b><br>713 F.3d 413, 420 , 8th Cir.(Mo.)<br><br>ENERGY AND UTILITIES - Injunction. Gas utility was likely to succeed on merits of its claim that it could not be made to pay for moving its gas lines.                | Apr. 25, 2013 | Case |    | —   |
| Mentioned by | <b>90. City of St. Paul v. Chicago, St. P., M. &amp; O. Ry. Co.</b><br>413 F.2d 762, 783 , 8th Cir.(Minn.)<br><br>Property owners brought suit asking that enforcement of ordinance imposing height restrictions on property be enjoined or in alternative money damages awarded. The United States...  | May 06, 1969  | Case |    | <a href="#">1</a><br>S.Ct.                      |
| Mentioned by |  <b>91. Wilderness Soc. v. Morton</b><br>479 F.2d 842, 853 , D.C.Cir.<br><br>Consolidated actions by environmental groups and unincorporated association of commercial fishermen against Secretary of the Interior, Secretary of Agriculture, pipeline...                | Feb. 09, 1973 | Case |    | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| Mentioned by | <b>92. Merced Dredging Co. v. Merced County</b><br>67 F.Supp. 598, 609 , S.D.Cal.<br><br>Action by Merced Dredging Company against County of Merced, Cal., and others, to enjoin the enforcement of a county ordinance. On plaintiff's motion for a preliminary injunction...   | June 29, 1946 | Case |    | <a href="#">1</a><br><a href="#">3</a><br>S.Ct. |
| Mentioned by | <b>93. Southern Bell Teleph &amp; Teleg. Co. V Gulf States Utilities Co.</b><br>1968 WL 169120, *4 , E.D.La.<br><br>HUNTER, J.: Southern Bell brought this diversity action against Gulf States Utilities Company and KAOK-CATV, Inc., for injunctive relief to prohibit Gulf States from permitting or...  | Apr. 15, 1968 | Case |  | <a href="#">3</a><br>S.Ct.                      |
| Mentioned by | <b>94. Laclede Gas Co. v. St. Charles County, Mo.</b><br>2014 WL 294411, *1 , E.D.Mo.<br><br>This matter is before the Court on Defendants' Motions to Dismiss for Lack of Jurisdiction and for Failure to State a Claim, [Doc. No.'s 88 and 90]. For the reasons set forth...  | Jan. 27, 2014 | Case |  | —   |
| Mentioned by |  <b>95. Shuttlesworth v. City of Birmingham</b><br>180 So.2d 114, 133 , Ala.App.<br><br>The defendant was convicted in the Circuit Court, Jefferson County, George Lewis Bailes, J., on trial de novo, of violating ordinance requiring permit for processions, and... | Nov. 02, 1965 | Case |  | <a href="#">1</a><br>S.Ct.                      |
| Mentioned by | <b>96. Blinder v. Division of Narcotic Enforcement</b><br>101 Cal.Rptr. 635, 638+ , Cal.App. 1 Dist.<br><br>Action by physicians and narcotic addicts to challenge constitutionality of statute providing for treatment of addicts. The Superior Court, City and County of San Francisco,...  | Apr. 26, 1972 | Case |  | <a href="#">3</a><br>S.Ct.                      |

| Treatment    | Title   | Date          | Type | Depth   | Headnote(s)                                     |
|--------------|---|---------------|------|---|---|
| Mentioned by |  <b>97. Southern Cal. Gas Co. v. City of Los Angeles</b><br>318 P.2d 735, 737 , Cal.App. 2 Dist.<br><br>Action by gas company against city for cost of relocating lines necessitated by construction of new sewer lines. The Superior Court of Los Angeles County, Philbrick McCoy, J.,...           | Dec. 09, 1957 | Case |    | —   |
| Mentioned by | <b>98. Hodes &amp; Nauser, MDs, P.A. v. Schmidt</b><br>440 P.3d 461, 544 , Kan.<br><br>FAMILY LAW — Abortion. Abortion providers were entitled to temporary injunction enjoining enforcement of Kansas Unborn Child Protection from Dismemberment Abortion Act.   | Apr. 26, 2019 | Case |    | <a href="#">3</a><br>S.Ct.                      |
| Mentioned by |  <b>99. Riddle v. State Highway Commission</b><br>339 P.2d 301, 309 , Kan.<br><br>Eminent domain proceedings by Highway Commission to acquire right of way for relocation of highway as a controlled access highway through portion of motel operators' land which...                                | May 16, 1959  | Case |    | —   |
| Mentioned by | <b>100. State v. Ernst</b><br>297 N.W. 24, 25 , Minn.<br><br>Appeal from District Court, Benton County; Byron R. Wilson, Judge. Ed Ernst was convicted of violating the statute requiring the filing of a surety company bond with the registrar...   | Mar. 21, 1941 | Case |    | <a href="#">3</a><br>S.Ct.                      |
| Mentioned by |  <b>101. Central Sav. Bank in City of New York v. City of New York</b><br>18 N.E.2d 151, 155 , N.Y.<br><br>Submission of controversy between the Central Savings Bank in the City of New York and others, plaintiff, and the City of New York and others, defendants, on an agreed statement of... | Dec. 06, 1938 | Case |  | <a href="#">1</a><br>S.Ct.                      |
| Mentioned by | <b>102. Findley Lake Property Owners, Inc. v. Town of Mina</b><br>154 N.Y.S.2d 775, 807 , N.Y.Sup.<br><br>Action by association of property owners to evict town board and permanently enjoin them from constructing and maintaining gates at the association's dam site. The Supreme Court,...   | June 26, 1956 | Case |  | <a href="#">1</a><br>S.Ct.                      |
| Mentioned by | <b>103. Sheneman v. Com.</b><br>1969 WL 7896, *6 , Pa.Com.Pl.<br><br>This is a proceeding in equity to have sections 2, 4, 5 and 6 of the Act of July 15, 1968, Act no. 162, which amended The Vehicle Code of April 29, 1959, P. L. 58, 75 PS §101, et...  | 1969          | Case |  | <a href="#">3</a><br>S.Ct.                      |
| Mentioned by | <b>104. McLennan County v. Sinclair Pipe Line Co.</b><br>323 S.W.2d 471, 473 , Tex.Civ.App.-Waco<br><br>Suit by pipeline company against county to recover cost of lowering pipeline at request of county commissioners in order that a new farm to market road might be constructed across...  | Apr. 02, 1959 | Case |  | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |

| Treatment    | Title  | Date          | Type                    | Depth | Headnote(s)                                     |
|--------------|--|---------------|-------------------------|-------|---|
| Mentioned by | <b>105. Lands' End, Inc. v. City of Dodgeville</b><br>881 N.W.2d 702, 725 , Wis.<br><br>LITIGATION - Interest. Plaintiff that did not receive judgment until after interest-rate statute was amended did not have vested right to pre-amendment rate.  | July 12, 2016 | Case                    |       | —   |
| Mentioned by | <b>106. Cottrell v. Nurnberger</b><br>47 S.E.2d 454, 457 , W.Va.<br><br>Certified from Circuit Court, Kanawha County. Suit for injunction by G. J. Cottrell, Jr., and others against J. S. Nurnberger and others. The defendants' demurrer to bill of...   | Mar. 30, 1948 | Case                    |       | <a href="#">1</a><br>S.Ct.                      |
| Mentioned by | <b>107. R. Neil Lewis, Esq.</b><br>Ky. OAG 78-186<br><br>This is in reply to your letter stating that the fourth class city which you represent is in the process of building a floodwall around the perimeter of the city. As part of the...  | Mar. 01, 1978 | Administrative Decision |       | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| —            | <b>108. Business and Commercial Litigation in Federal Courts s 143:55, § 143:55. Unconstitutional takings—Property issues</b><br><br>Regulations requiring a public utility to provide access to a physical system, such as where a state or local government seeks to take action that would require changes or result...   | 2018          | Other Secondary Source  | —     | <a href="#">1</a><br>S.Ct.                      |
| —            | <b>109. McQuillin The Law of Municipal Corporations s 24:10, § 24:10. Basis of power</b><br><br>The basis of the police power is implicit in any definition of it or statement of its nature. Explicitly this basis is the inherent right of people through organized government to...   | 2019          | Other Secondary Source  | —     | <a href="#">3</a><br>S.Ct.                      |
| —            | <b>110. Rathkopf's The Law of Zoning and Planning s 6:62, § 6:62. Survey of successful partial benefit-extraction taking claims—Burden imposed to subsidize distinct government function or enterprise</b><br><br>Partial taking claims have been sustained in cases involving land use restrictions that are clearly imposed to support or subsidize some distinct government function or enterprise... | 2019          | Other Secondary Source  | —     | <a href="#">1</a><br>S.Ct.                      |
| —            | <b>111. Rathkopf's The Law of Zoning and Planning s 75:2, § 75:2. Issues in regulatory taking cases</b><br><br>The topic of inverse condemnation with respect to regulatory taking claims is fully discussed elsewhere in this treatise. In regard to eminent domain proceedings, courts long have...  | 2019          | Other Secondary Source  | —     | —   |
| —            | <b>112. Rathkopf's The Law of Zoning and Planning s 38:17, § 38:17. Forms of spot zoning—Reverse spot zoning</b><br><br>The piecemeal downzoning of an individual or small track of land often may give rise to an owner's lawsuit wherein a "reverse spot zoning" claim is asserted. Such a claim, based on...  | 2019          | Other Secondary Source  | —     | <a href="#">1</a><br>S.Ct.                      |



| Treatment | Title  | Date | Type                   | Depth | Headnote(s)                                     |
|-----------|--|------|------------------------|-------|---|
| —         | <b>113. Rathkopf's The Law of Zoning and Planning s 60:31, § 60:31. Drainage problems</b><br>Reasonable zoning restrictions and conditions that are intended to address potential drainage problems related to a development project are likely to be upheld. However, conditions...   | 2019 | Other Secondary Source | —     | —   |
| —         | <b>114. Restatement (Third) of Property (Servitudes) s 4.12, § 4.12. Rights of Holders of Separate Servitudes in Same Property</b><br>Unless the terms of the servitudes determined under § 4.1 provide otherwise, holders of separate servitudes creating rights to use the same property must exercise their rights so...                                      | 2019 | Other Secondary Source | —     | —   |
| —         | <b>115. Restatement (Third) of Property (Servitudes) s 4.12 TD 4, § 4.12. Rights of Holders of Separate Easements or Profits in Same Property</b><br>Except where application of the rules stated in § 4.1 leads to a different result, holders of separate easements or profits creating rights to use the same land must exercise their...                     | 2019 | Other Secondary Source | —     | —   |
| —         | <b>116. Am. Jur. 2d Constitutional Law s 332, § 332. Source</b><br>Am. Jur. 2d Constitutional Law<br>"Police power" is a general term used to express the particular authority of a government to act, which belongs to every sovereign government. It is an inherent attribute of the...  | 2019 | Other Secondary Source | —     | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| —         | <b>117. Am. Jur. 2d Constitutional Law s 379, § 379. Applicability of constitutional provisions</b><br>Am. Jur. 2d Constitutional Law<br>The structure and limitations of federalism allow states great latitude under their police powers to legislate concerning the protection of the lives, limbs, health, comfort, and...                                   | 2019 | Other Secondary Source | —     | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| —         | <b>118. Am. Jur. 2d Constitutional Law s 395, § 395. Appropriation of private property</b><br>Am. Jur. 2d Constitutional Law<br>The fact that police power laws may prevent the enjoyment of certain individual rights in property without providing compensation does not necessarily render those laws...  | 2019 | Other Secondary Source | —     | —   |
| —         | <b>119. Am. Jur. 2d Eminent Domain s 7, § 7. Constitutional limitations; requirement of just compensation—Requirement of due process</b><br>Am. Jur. 2d Eminent Domain<br>The government's power of eminent domain is subject to several important constitutional limits, one of which is that no person shall be deprived of his or her property without due... | 2019 | Other Secondary Source | —     | <a href="#">1</a><br>S.Ct.                      |
| —         | <b>120. Am. Jur. 2d Eminent Domain s 128, § 128. Real property—Easements</b><br>Am. Jur. 2d Eminent Domain<br>Easement rights, generally, are compensable in eminent domain. A property owner is entitled to compensation even where an easement does not abrogate all of the owner's bundle of...   | 2019 | Other Secondary Source | —     | <a href="#">1</a><br>S.Ct.                      |

| Treatment | Title   | Date | Type                   | Depth | Headnote(s)                                     |
|-----------|---|------|------------------------|-------|---|
| —         | <b>121. Am. Jur. 2d Pipelines s 21, § 21. Generally</b><br>Am. Jur. 2d Pipelines<br><br>The right-of-way requirements of a pipeline operator are: the space under the surface in which the pipe may rest, the right to bury it, and the right of access for maintenance and...                                      | 2019 | Other Secondary Source | —     | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| —         | <b>122. CJS Constitutional Law s 701, § 701. Nature of power</b><br>CJS Constitutional Law<br><br>The police power is a governmental function, an inherent attribute of sovereignty, and the greatest and most powerful attribute of government. The police power is vested in the...                               | 2019 | Other Secondary Source | —     | <a href="#">3</a><br>S.Ct.                      |
| —         | <b>123. CJS Constitutional Law s 2280, § 2280. Pipelines</b><br>CJS Constitutional Law<br><br>The imposition of regulatory measures on a common pipeline carrier does not violate due process where such regulations are reasonable, necessary, and appropriate. Unreasonable or...                                 | 2019 | Other Secondary Source | —     | —   |
| —         | <b>124. CJS Property s 21, § 21. Land</b><br>CJS Property<br><br>Ordinarily, the word "land" is held to be synonymous with the terms "real estate" and "real property" and includes lands, tenements, and hereditaments. The word "land" has, in law,...  | 2019 | Other Secondary Source | —     | <a href="#">1</a><br>S.Ct.                      |
| —         | <b>125. PROPERTY'S CONSTITUTION</b><br>101 Calif. L. Rev. 277 , 326<br><br>Long-standing disagreements over the definition of property as a matter of legal theory present a special problem in constitutional law. The Due Process and Takings Clauses...  | 2013 | Law Review             | —     | <a href="#">1</a><br>S.Ct.                      |
| —         | <b>126. DUE PROCESS, CLASS ACTION OPT OUTS, AND THE RIGHT NOT TO SUE</b><br>115 Colum. L. Rev. 599 , 659<br><br>Over the past three decades, the Supreme Court has repeatedly insisted that due process requires that absent class members be given an opportunity to opt out of a class action...                  | 2015 | Law Review             | —     | —   |
| —         | <b>127. ZONING, AESTHETICS, AND THE FIRST AMENDMENT</b><br>64 Colum. L. Rev. 81 , 108<br><br>The rapid expansion of zoning legislation during the last half century has brought with it both the benefits of orderly community planning and the dilemma of accommodating this...                                    | 1964 | Law Review             | —     | <a href="#">3</a><br>S.Ct.                      |
| —         | <b>128. THE POLICE POWER, EMINENT DOMAIN, AND THE PRESERVATION OF HISTORIC PROPERTY</b><br>63 Colum. L. Rev. 708 , 732+<br><br>In 1941, the Historic American Buildings Survey of the National Park Service listed some 6,400 buildings as "historic," as having some special connection with the background and... | 1963 | Law Review             | —     | <a href="#">1</a><br>S.Ct.                      |

| Treatment | Title   | Date | Type       | Depth | Headnote(s)                |
|-----------|---|------|------------|-------|----------------------------|
| —         | <p><b>129. GOVERNMENT NOT REQUIRED TO COMPENSATE HOMEOWNERS WHEN DAMAGE FROM AIRPLANE OPERATIONS NOT DUE TO DIRECT OVERFLIGHTS</b><br/>63 Colum. L. Rev. 755 , 762</p> <p>Between 1949 and 1955, plaintiffs—ten married couples—acquired homes in a small residential subdivision, a corner of which bordered on an Army airfield abandoned prior to 1948 but...</p>  | 1963 | Law Review | —     | —                          |
| —         | <p><b>130. RELIGIOUS PREMISES, LEGISLATIVE JUDGMENTS, AND THE ESTABLISHMENT CLAUSE</b><br/>12 Cornell J.L. &amp; Pub. Pol'y 1 , 83</p> <p>INTRODUCTION. 2 I. DOCTRINAL STANDARDS OF CONSTITUTIONAL VALIDITY. 9 A. The Constraints on Legislative Purpose. 10 1. The Requirement of a Secular Purpose. 11 2. The...</p>  | 2002 | Law Review | —     | <a href="#">2</a><br>S.Ct. |
| —         | <p><b>131. THE PROGRESSIVENESS OF THE LOCHNER COURT</b><br/>75 Denv. U. L. Rev. 453 , 505</p> <p>In 1913, the legal historian Charles Warren published an article entitled "The Progressiveness of the United States Supreme Court." Contrary to charges that the Court was a...</p>  | 1998 | Law Review | —     | <a href="#">1</a><br>S.Ct. |
| —         | <p><b>132. A REQUIEM FOR REGULATORY TAKINGS: RECLAIMING EMINENT DOMAIN FOR CONSTITUTIONAL PROPERTY CLAIMS</b><br/>49 Env'tl. L. 307 , 377</p> <p>For the past forty years, the United States Supreme Court has embraced the doctrine of regulatory takings, despite being unable to provide any coherent and reliable guidance on...</p>  | 2019 | Law Review | —     | —                          |
| —         | <p><b>133. TREANOR'S MAHON</b><br/>86 Geo. L.J. 907 , 932</p> <p>Less than two years ago, I announced that I was "unveil[ing] the mystery" of Pennsylvania Coal Co. v. Mahon. Now Professor Treanor claims to show that "the conventional...</p>  | 1998 | Law Review | —     | <a href="#">2</a><br>S.Ct. |
| —         | <p><b>134. CONFISCATION: A RATIONALE OF THE LAW OF TAKINGS</b><br/>24 Hofstra L. Rev. 1 , 88</p> <p>I. Introduction. 3 II. The Objectives of Just Compensation. 4 A. The Alleviation of Insecurity. 5 B. The Promotion of Economic Development. 7 C. The Quest for Fiscal...</p>  | 1995 | Law Review | —     | <a href="#">1</a><br>S.Ct. |
| —         | <p><b>135. PARTIAL TAKING CLAIMS, OWNERSHIP RIGHTS IN LAND AND URBAN PLANNING PRACTICE: THE EMERGING DICHOTOMY BETWEEN UNCOMPENSATED REGULATION AND COMPENSABLE BENEFIT EXTRACTION UNDER THE FIFTH AMENDMENT TAKINGS CLAUSE</b><br/>22 J. Land Resources &amp; Env'tl. L. 1 , 18</p> <p>In the context of urban planning and zoning, partial regulatory taking claims may include all taking claims that are not "categorical" or "per se" regulatory taking claims....</p> | 2002 | Law Review | —     | <a href="#">1</a><br>S.Ct. |

| Treatment | Title  | Date | Type       | Depth | Headnote(s)                                     |
|-----------|--|------|------------|-------|---|
| —         | <b>136. EXPERT TESTIMONY NOT REQUIRED ON MATTERS WITHIN THE REALM OF COMMON EXPERIENCE, NOT INVOLVING TECHNICAL OR COMPLEX SCIENTIFIC MATTERS</b><br>67 J. Mo. B. 260 , 261+<br><br>Catherine Stone was a licensed practical nurse who worked at Maries Manor, a skilled nursing facility in Vienna, Missouri. K.S. was a patient who had mental disabilities and was...     | 2011 | Law Review | —     | <a href="#">1</a><br>S.Ct.                      |
| —         | <b>137. HOW MANY TIMES WAS LOCHNER-ERA SUBSTANTIVE DUE PROCESS EFFECTIVE?</b><br>48 Mercer L. Rev. 1049 , 1090<br><br>According to Justice David Souter, it is "most familiar history" that back when the Supreme Court took a restricted view of the commerce power, it also "routinely invalidated..."   | 1997 | Law Review | —     | <a href="#">1</a><br>S.Ct.                      |
| —         | <b>138. OVERFLIGHT DAMAGE: LIABILITY OF PRIVATE AND FEDERAL GOVERNMENT AIRCRAFT OPERATORS FOR FLIGHTS OVER LAND INTERFERING WITH USE AND ENJOYMENT</b><br>15 Mil. L. Rev. 69 , 101<br><br>The advent of jet aircraft and the continued growth of both civilian and military aviation have rendered more acute the existing conflict of interests between the operators of... | 1962 | Law Review | —     | <a href="#">1</a><br>S.Ct.                      |
| —         | <b>139. THE POLICE POWER REVISITED: PHANTOM INCORPORATION AND THE ROOTS OF THE TAKINGS "MUDDLE"</b><br>90 Minn. L. Rev. 826 , 913+<br><br>Introduction. 827 I. Property Federalism. 833 II. The Police Power in Substantive Due Process Jurisprudence. 838 A. The Police Power as "Background Principle" and "Inherent..."   | 2006 | Law Review | —     | <a href="#">2</a><br><a href="#">3</a><br>S.Ct. |
| —         | <b>140. PRESUMPTIVE AND PER SE TAKINGS: A DECISIONAL MODEL FOR THE TAKING ISSUE</b><br>58 N.Y.U. L. Rev. 465 , 551+<br><br>Professor Costonis presents a decisional model for the judicial management of compensation practice under the takings clause that comprehends both physical and regulatory...   | 1983 | Law Review | —     | <a href="#">1</a><br><a href="#">1</a><br>S.Ct. |
| —         | <b>141. NO TRESPASSING: THE STATES, THE SUPREMACY CLAUSE, AND THE USE OF CRIMINAL TRESPASS LAWS TO FIGHT ILLEGAL IMMIGRATION</b><br>111 Penn St. L. Rev. 481 , 503<br><br>There are approximately ten million illegal aliens living in the United States today. These immigrants come from all over the world, but the majority comes from Mexico. The...                    | 2006 | Law Review | —     | <a href="#">3</a><br>S.Ct.                      |
| —         | <b>142. STATUTORY MODIFICATION OF INVERSE CONDEMNATION: THE SCOPE OF LEGISLATIVE POWER</b><br>19 Stan. L. Rev. 727 , 785<br><br>The immunity of public entities from tort liability arising from their "governmental" activities, although judicially extirpated from the law of California in 1961, was partially...  | 1967 | Law Review | —     | <a href="#">1</a><br>S.Ct.                      |

| Treatment | Title   | Date | Type       | Depth | Headnote(s)  |
|-----------|---|------|------------|-------|--|
| —         | <p><b>143. THE CONSTITUTIONALITY OF THE PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954 CONCERNING TITLE TO SPECIAL NUCLEAR MATERIAL AND PAYMENT FOR PRODUCTION OF SUCH MATERIAL</b><br/>41 Tex. L. Rev. 199 , 228</p> <p>Among the most significant provisions in the Atomic Energy Act of 1954 (hereinafter referred to as the "act") are those dealing with "special nuclear material," which is a fuel...</p> | 1962 | Law Review | —     | —  |
| —         | <p><b>144. CONSTITUTIONALITY OF A ZONING REGULATION REQUIRING LANDOWNERS ABUTTING ON AN AIRPORT NOT TO BUILD BEYOND A CERTAIN HEIGHT WITHOUT COMPENSATION</b><br/>23 Tex. L. Rev. 57 , 66</p> <p>Zoning, defined generally, is the division of a city into districts and the prescription of different land-use regulations in each district. Effective zoning usually includes...</p>                        | 1944 | Law Review | —     | <p><a href="#">1</a><br/><a href="#">1</a><br/>S.Ct.</p> |
| —         | <p><b>145. MANDATED HUMAN PAPILOMAVIRUS VACCINATION: AN OVEREXTENSION OF JACOBSON V. MASSACHUSETTS</b><br/>10 T.M. Cooley J. Prac. &amp; Clinical L. 253 , 283+</p> <p>Amy is twelve-years old and lives in a state where the human papillomavirus vaccine (HPV vaccine) is mandated for females entering the sixth grade. Sitting in a doctor's office,...</p>   | 2008 | Law Review | —     | <p><a href="#">3</a><br/>S.Ct.</p>                       |
| —         | <p><b>146. JURISDICTION TO ADJUDICATE: A REVISED ANALYSIS</b><br/>73 U. Chi. L. Rev. 617 , 672+</p> <p>Personal jurisdiction doctrine as articulated by the Supreme Court is in disarray. As a constitutional doctrine whose contours remain imprecise, the law of personal jurisdiction...</p>   | 2006 | Law Review | —     | <p><a href="#">3</a><br/>S.Ct.</p>                       |
| —         | <p><b>147. THE TRANSFERABILITY OF DEVELOPMENT RIGHTS</b><br/>53 U. Colo. L. Rev. 165 , 177</p> <p>Colorado's current growth "boom" has resulted in a dramatic increase in land development throughout the state. Such increased development can have adverse effects if it results...</p>   | 1981 | Law Review | —     | <p><a href="#">3</a><br/>S.Ct.</p>                       |
| —         | <p><b>148. STATE STANDING TO CHALLENGE ULTRA VIRES FEDERAL ACTION: THE HEALTH CARE CASES AND BEYOND</b><br/>23 U. Fla. J.L. &amp; Pub. Pol'y 311 , 344+</p> <p>Introduction. 311 I. Virginia's Challenge to the Individual Mandate. 314 A. The VHCFA and the District Court Case. 314 B. The Fourth Circuit Vacates for Lack of Standing. 315...</p>  | 2012 | Law Review | —     | <p><a href="#">3</a><br/>S.Ct.</p>                       |
| —         | <p><b>149. GOVERNING SCIENCE: PUBLIC RISKS AND PRIVATE REMEDIES</b><br/>131 U. Pa. L. Rev. 1403 , 1467+</p> <p>Scientific progress has brought innumerable benefits: new sources of energy, more effective medical care, and most important, a greater understanding of ourselves and our physical...</p>   | 1983 | Law Review | —     | —  |















| Treatment | Title   | Date | Type                   | Depth | Headnote(s)  |
|-----------|---|------|------------------------|-------|--|
| —         | <p><b>150. THE FUNCTION OF THE DUE PROCESS CLAUSE</b><br/>116 U. Pa. L. Rev. 1048 , 1117+</p> <p>One function of the American Constitution is to provide written evidence of the limitations upon official authority and majority control. Whether written or unwritten, restraints...</p>  | 1968 | Law Review             | —     | <p><a href="#">1</a><br/><a href="#">1</a><br/>S.Ct.</p> |
| —         | <p><b>151. MOVING THE LINES: THE COMMON LAW OF UTILITY RELOCATION</b><br/>45 Val. U. L. Rev. 457 , 504+</p> <p>The system of streets and roads serving the United States is over four million miles long and occupies about one percent of the country's total land mass—an area roughly the size...</p>  | 2011 | Law Review             | —     | <p><a href="#">1</a><br/><a href="#">1</a><br/>S.Ct.</p> |
| —         | <p><b>152. OIL AND GAS LAW: STATE PRODUCTION REGULATION UNDER THE NATURAL GAS ACT REVISITED NORTHWEST CENTRAL PIPELINE CORP. v. STATE CORPORATION COMMISSION, 109 S.CT. 1262 (1989)</b><br/>29 Washburn L.J. 123 , 140</p> <p>State regulatory authority under the Natural Gas Act is limited to natural gas production and intrastate marketing, while Congress retains exclusive jurisdiction over interstate...</p>                | 1989 | Law Review             | —     | —  |
| —         | <p><b>153. "THE FOUNDATION OF OUR 'REGULATORY TAKINGS' JURISPRUDENCE": THE MYTH AND MEANING OF JUSTICE HOLMES'S OPINION IN PENNSYLVANIA COAL CO. v. MAHON</b><br/>106 Yale L.J. 613 , 702+</p> <p>C1-3Contents I. The Jurisprudence of the Holmes Opinion in Mahon. 619 A. A Noncategorical Historical Framework for Constitutional Property Rights: Framing the Question Presented....</p>   | 1996 | Law Review             | —     | <p><a href="#">1</a><br/>S.Ct.</p>                       |
| —         | <p><b>154. CONSTITUTIONALITY OF ASSESSMENT UPON RAILROAD FOR UNDERPASS ON INTERSTATE, FEDERAL-AID HIGHWAY</b><br/>44 Yale L.J. 1259 , 1263</p> <p>The highway commission of Tennessee, acting under statute, ordered the complainant railroad to construct an underpass where a proposed federal-aid highway was to cross its tracks...</p>   | 1935 | Law Review             | —     | <p><a href="#">1</a><br/>S.Ct.</p>                       |
| —         | <p><b>155. FUTURE CREDITORS AND FRAUDULENT TRANSFERS: WHEN A CLAIMANT DOESN'T HAVE A CLAIM, WHEN A TRANSFER ISN'T A TRANSFER, WHEN FRAUD DOESN'T STAY FRAUDULENT, AND OTHER IMPORTANT LIMITS TO FRAUDULENT TRANSFERS LAW FOR THE ASSET</b></p> <p>I. Introduction. 956 II. BACKGROUND ON UFTA AND SCOPE OF ARTICLE. 959 A. General Background. 960 B. Two Types of Fraud, Two Types of Creditors, and Topics Addressed. 962 C....</p> | 1997 | Other Secondary Source | —     | <p><a href="#">3</a><br/>S.Ct.</p>                       |

| Treatment | Title  | Date | Type                   | Depth | Headnote(s)                        |
|-----------|--|------|------------------------|-------|------------------------------------|
| —         | <p><b>156. 2 FERC P 61,258, DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA AND CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, PROJECT NO. 2426</b></p> <p>Federal Energy Regulatory Commission Reporter</p> <p>2 FERC ¶ 61,258, Department of Water Resources of the State of California and City of Los Angeles Department of Water and Power, Project No. 2426 Department of Water Resources of...</p> | 1978 | Other Secondary Source | —     | —                                  |
| —         | <p><b>157. P 66,500 VINOD G. BHAN, C.R.N.A. V. NME HOSPITALS, INC., ET AL.</b></p> <p>Trade Regulation Reporter (Trade Cases)</p> <p>Vinod G. Bhan, C.R.N.A. v. NME Hospitals, Inc., et al. 1985-1 Trade Cases ¶ 66,500. U.S. District Court, E.D. California, Civil No. S-83-295 LKK, Filed June 19, 1984. For parties:...</p>  | 1984 | Other Secondary Source | —     | <p><a href="#">3</a><br/>S.Ct.</p> |

## Table of Authorities (15)

| Treatment | Referenced Title  | Type | Depth   | Quoted | Page Number |
|-----------|---|------|---|--------|-------------|
| Mentioned | <p> <b>1. Chicago, B. &amp; Q. Ry. Co. v. People of State of Illinois</b></p> <p>26 S.Ct. 341, U.S.Ill., 1906</p> <p>IN ERROR to the Supreme Court of the State of Illinois to review a judgment affirming a judgment of the Circuit Court of Kendall County, in that state, awarding mandamus in...</p> | Case |    |        | 566         |
| Cited     | <p> <b>2. Chicago, B. &amp; Q.R. Co. v. City of Chicago</b></p> <p>17 S.Ct. 581, U.S.Ill., 1897</p> <p>In error to the Supreme Court of the State of Illinois.</p>   | Case |    | ”      | 565+        |
| Mentioned | <p><b>3. Chicago, B. &amp; Q.R. Co. v. Public Utilities Com'n</b></p> <p>193 P. 726, Colo., 1920</p> <p>En Banc. Writ of Review to the Public Utilities Commission. Writ of review by the Chicago, Burlington &amp; Quincy Railroad Company against the Public Utilities Commission and others...</p>   | Case |    |        | 566         |
| Mentioned | <p> <b>4. Chicago, M. &amp; St. P.R. Co. v. City of Minneapolis</b></p> <p>34 S.Ct. 400, U.S.Minn., 1914</p> <p>IN ERROR to the Supreme Court of the State of Minnesota to review a judgment which affirmed a judgment of the District Court for Hennepin County, in that state, in a controversy...</p> | Case |    |        | 567         |
| Cited     | <p><b>5. Cincinnati, I. &amp; W. Ry. Co. v. City of Connersville</b></p> <p>31 S.Ct. 93, U.S.Ind., 1910</p> <p>IN ERROR to the Supreme Court of the State of Indiana to review a judgment which affirmed a judgment of the Circuit Court of Henry County, in that state, assessing the damages of a...</p>  | Case |  | ”      | 566         |
| Discussed | <p> <b>6. Erie R. Co. v. Board of Public Utility Com's</b></p> <p>41 S.Ct. 169, U.S.N.J., 1921</p> <p>In Error to the Court of Errors and Appeals of the State of New Jersey. Certiorari proceedings by the Erie Railroad Company, by the Passaic Water Company, by the Western Union...</p>           | Case |  | ”      | 566+        |
| Mentioned | <p><b>7. Georgia Power Co. v. City of Decatur</b></p> <p>50 S.Ct. 369, U.S.Ga., 1930</p> <p>On Writ of Certiorari to the Supreme Court of the State of Georgia. Suit by the City of Decatur against the Georgia Railway &amp; Electric Company and another, in which the Georgia...</p>   | Case |  |        | 566         |



| Treatment     | Referenced Title   | Type  | Depth   | Quoted | Page Number |
|---------------|--|-------|---|--------|-------------|
| Mentioned     | <p> <b>8. McCoy v. Union Elevated R. Co.</b></p> <p>38 S.Ct. 504, U.S.Ill., 1918</p> <p>In error to the Supreme Court of the State of Illinois. Action by William A. McCoy against the Union Elevated Railroad Company and others. A judgment for defendants was affirmed by...</p>                                 | Case  |    |        | 566         |
| Distinguished | <p> <b>9. New Orleans Gaslight Co. v. Drainage Commission of New Orleans</b></p> <p>25 S.Ct. 471, U.S.La., 1905</p> <p>IN ERROR to the Supreme Court of the State of Louisiana to review a judgment which on rehearing affirmed the judgment of the Civil District Court of the Parish of Orleans in that...</p>    | Case  |    |        | 567         |
| Cited         | <p><b>10. New York &amp; N. E. R. Co. v. Town of Bristol</b></p> <p>14 S.Ct. 437, U.S.Conn., 1894</p> <p>In error to the supreme court of errors of the state of Connecticut. Affirmed.</p>  | Case  |    |        | 567         |
| Cited         | <p> <b>11. Pennsylvania Coal Co. v. Mahon</b></p> <p>43 S.Ct. 158, U.S.Pa., 1922</p>  | Other |    | ”      | 567         |
| Cited         | <p> <b>12. Schlesinger v. State of Wisconsin</b></p> <p>46 S.Ct. 260, U.S.Wis., 1926</p> <p>Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone dissenting. In Error to the Supreme Court of the State of Wisconsin. Proceeding by the State of Wisconsin and the...</p>                                | Case  |    |        | 566         |
| Mentioned     | <p> <b>13. Southern Ry. Co. v. Commonwealth of Virginia ex rel. Shirley</b></p> <p>54 S.Ct. 148, U.S.Va., 1933</p> <p>Proceeding by the Commonwealth of Virginia, at the relation of H. G. Shirley, State Highway Commissioner, against the Southern Railway Company, to force defendant to build an...</p>       | Case  |  |        | 565+        |
| Cited         | <p> <b>14. State of Washington ex rel. Oregon R. &amp; Nav. Co. v. Fairchild</b></p> <p>32 S.Ct. 535, U.S.Wash., 1912</p> <p>IN ERROR to the Supreme Court of the State of Washington to review a judgment which affirmed a judgment of the Superior Court of Thurston County, in that state, dismissing a...</p> | Case  |  |        | 565         |
| Cited         | <p> <b>15. U.S. v. Welch</b></p> <p>30 S.Ct. 527, U.S.Ky., 1910</p> <p>IN ERROR to the Circuit Court of the United States for the Eastern District of Kentucky to review a judgment awarding damages to the owner of property permanently flooded by a...</p>   | Case  |  |        | 565         |