

PI-72-0119

March 31, 1972

Mr. Kenneth Kunkler
St Anthony, Indiana 47575

Dear Mr. Kunkler:

This is in further reply to your letter regarding the Michigan Wisconsin pipeline crossing your father's farm.

We have received a reply from this company regarding your complaint that their pipe was set too high to reconnect a tile they intersected. Their letter, which is enclosed, indicates that they have rerouted this tile line with the approval of the Soil Conservation Service. They also indicate that they did some other work on tile lines on your father's property in the vicinity of their pipeline that was installed 14 years ago. They state that they plan to seed the right-of-way and restore some survey markers this spring.

The company indicates that the pipeline has 50" of cover at the point in question. Fifty inches of cover complies with Section 192.327 of Title 49 of the Code of Federal Regulations.

As we set forth in our letter of January 31, 1972, the Department of Transportation has no legal basis for participating in the settlement of right-of-way problems resulting from pipeline construction. You will have to make a settlement with the company regarding this matter.

We trust that this has assisted you regarding your particular situation. If we can be of further assistance, please let us know.

Sincerely,

Original signed by:
Mr. Joseph C. Caldwell
Acting Director
Office of Pipeline Safety

Michigan Wisconsin Pipe Line Company
One Woodward Avenue
Detroit, Michigan 48226

February 24, 1972

Mr. Joseph C. Caldwell
Acting Director
Office of Pipeline Safety
Office of the Secretary of Transportation
Washington, D. C. 20590

Dear Mr. Caldwell:

Re: Kenneth B. Kunkler Complaint

We have thoroughly investigated the circumstances relating to the complaint of Mr. Kenneth B. Kunkler and herewith submit a report on our findings.

The pipe line in question is 36" in diameter and was constructed in 1970 under a certificate of Public Convenience and Necessity issued by the Federal Power Commission on May 19, 1970 in Docket CP 70-183.

The pipe line was placed in service in November, 1970, but because of very muddy conditions, the final clean-up, tile installation and fence restoration, was deferred until April - May, 1971. At that time it was discovered that the pipe line, which at that point has 50" of cover, was 6" to 10" higher than it should have been in order to permit reinstallation of the tile at its original location.

In order to solve this problem we consulted with the United States Soil Conservation Service in Jasper, Indiana and on May 3, 1971, Mr. Theron Seeman of that office submitted to us a plan for rerouting this tile line, which plan would solve the problem. The tile line was rerouted by our contractor and Mr. Seeman of the Soil Conservation Service approved the method and the finished work. It is our understanding that Mr. Seeman designed the original tile system in the subject field and he therefore was well qualified to recommend the method utilized.

During OUT discussions with Mr. Kunkler, he complained about other drainage problems he had in the vicinity of pipe lines that had been installed many years ago. Although there was no way to definitely determine the cause of the other drainage problems, we did relay some 800 feet of his tile lines in the vicinity of lines that were installed some 14 years ago. This work was done by a contractor at a cost to Michigan Wisconsin of \$1,703.48.

We recognize that there is still some clean-up work to do on the property, namely, seeding the right-of-way and restoring some survey markers. This work is planned for this spring and we have so advised Mr. Kunkler. He has indicated that he does not wish to discuss a final settlement for damages until he has received a response from your office. I have instructed our right-of-way people to again visit Mr. Kunkler as soon as possible with a view toward resolving the difference.

In summary, the tile line was reconnected in May, 1971 by rerouting and other minor clean-up will be completed as soon as spring weather permits. As earlier noted, our pipeline has 50" of cover at the point in question.

I trust that this information will assist you in responding to Mr. Kunkler's letter, but in the event you desire additional information, please advise. If you wish to send Mr. Kunkler a copy of this letter, we would have no objection.

Very truly yours,