

PI-77-0109

December 14, 1977

Honorable John J. Duncan
House of Representatives
Suite 318 Federal Building
Knoxville, Tennessee 37901

Dear Congressman Duncan:

We have reviewed the Federal regulation for marking gas pipelines contained in 49. CFR 192.707 (Copy enclosed) in light of the problem expressed by your constituent, Joe P. Dickerson, in his letter to you dated November 9, 1977.

As shown by the photographs enclosed with Mr. Dickerson's letter, the line markers installed by the last Tennessee Natural Gas Company appear to be in compliance with the applicable requirements of Section 192.707. However, the markers that have been installed are not the only ones that might be used for compliance. The purpose of the marking regulation is to assist interested persons in identifying the location of underground gas pipelines. To the extent that this purpose is accomplished, markers may be installed in any manner that is consistent with the applicable requirements. For example, in a residential neighborhood such as Mr. Dickerson's, for aesthetic reasons markers could be installed in the curb or Street or in a horizontal position in the yard beside the curb.

Any one of these alternatives might alleviate Mr. Dickerson's concern that the existing markers detract from the appearance of his home. While the present regulation does not require that a particular alternative be adopted, an operator must use markers which are in keeping with the rights of property owners under any applicable common law or local ordinance that is compatible with section 192.707.

I have requested that the Office of Pipeline Safety Operations discuss this matter with the East Tennessee Natural Gas Company.

Sincerely,
Original Sign By
John J. Fearnside Acting Director

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 10, 1977

Mr. Philip H. Bolger
Director
Office of Safety Affairs
Department of Transportation
400 Seventh Street, S. W.
Washington, D. C. , 20590

Dear Mr. Bolger:

I am attaching hereto a letter I have received from a member of my constituency, Mr. Joe P. Dickerson, which is explanatory.

I am also attaching two photographs of the Dickerson property showing one of the signs complained of immediately in front of the entrance to the home and the other at the garage entrance. Mr. Dickerson states that his lot is 200 feet wide by 150 feet, and that these signs badly detract from the appearance of his home.

It would be appreciated if you would please investigate the allegation contained in his letter and furnish me with a reply suitable for forwarding to Mr. Dickerson.

Very truly yours,
John J. Duncan
Member of Congress

509 Nobscot Roda
Knoxville, Tennessee 37919

November 9, 1977

Honorable John J. Duncan, Congressman
Federal Building
Knoxville, Tennessee

Dear Congressman Duncan:

I am enclosing photographs of the warning signs East Tennessee Natural Gas Company has placed on my property and the property of Mr. Guinn Lockett, my neighbor who lives directly across from me. We are told by the gas company that the signs are required by the government. Could you please determine for us the requirements by the government, and if it is absolutely necessary to post these signs at such conspicuous locations?

My address is 509 Nobscot Road. The Locketts have lived across the street, 512 Nobscot Road, for 14 years. We have resided at our present residence for 13 years. Throughout this time the East Tennessee Natural Gas Company has held easement rights across these properties for their pipelines (they now have two lines). The easement runs diagonally across my property in an approximate northwest to southeast direction. Just recently, they placed these warning signs in our yards, at the curb, and claim that they must do this at each street where their pipelines cross. We property owners who have these signs placed in front of our homes are quite concerned over this for several reasons:

1. The signs create a safety hazard to not only the little children who may be playing in our yards but also to guests who park at the curb and walk to our front door.
2. The signs detract from the appearance of our homes and will most definitely reduce the market value substantially.
3. For the past 13 years the gas company has never needed signs and we wonder why such action must now be taken.

It seems to me that even if the Government requires such markings at street crossings, the utility company should be required to exercise reasonableness in protecting the property owners' equities. They have been kind enough to lower the signs from a height of 2 or 3 feet to their present position and we appreciate the consideration, but it is still not satisfactory. We certainly understand that they have a responsibility toward the safety of the community, etc., but why can't they nut their signs on the curb, letter the curbs or street rather than deface our properties. We speak with deference toward ETNGCo. for we recognize the problems they encounter dealing with the public.

We still maintain, however, that the markings need not be done in a way that deface our properties, devalue our financial interests, and create a safety hazard, especially for children.

Thank you for your help in resolving our problem.

Sincerely,
Joe P. Dickerson