

Mr. Pedro Aguirre, Jr. AIA
Aguirre & Dabney AIA Architects
2952 Stemmons
Dallas, Texas 75247

Dear Mr. Aguirre:

In my conversation with you, you indicated that a 10-inch high pressure ARCO products line crossed a parcel of land being developed, and you asked how close to that pipe a building may be constructed.

The Material Transportation Bureau, Department of Transportation, regulates the safety of petroleum pipelines operated by carriers engaged in interstate commerce under the Transportation of Explosives Act (18 USC 831-835). Regulations governing the design, construction, operation, and maintenance of petroleum pipelines are contained in 49 CFR Part 195 (copy enclosed). These regulations provide for public safety through requirements governing the structural integrity of pipelines. The Department's regulatory authority does not extend to the construction of buildings that are not part of a pipeline system.

A regulation relating to the proximity of a pipeline to buildings is 195.210. This section requires in the first instance, that pipelines be located away from areas containing buildings if practicable, and then that a minimum of 12 inches additional cover be provided if a pipeline is being installed within 50 feet of a building.

Since the situation you describe, the pipeline is already in place and the construction of a building is contemplated in close proximity to the pipeline, 195.210 does not apply, and the Department's safety standards do not govern the clearance between the building to be constructed and the pipeline. Such matters are usually addressed in the right-of-way agreement or pipeline easement.

I trust that this adequately responds to your inquiry.

Sincerely,

/signed/

Cesar De Leon
Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau