

Mr. Thomas T. Lentz
461 Etter Road
P.O. Box 203
Mogadore, OH 44260

Dear Mr. Lentz:

This is in reply to your letter dated February 24, 1976, to the Department of Transportation. Your inquiry concerned the distance that a new building must be kept from an existing pipeline.

The Office of Pipeline Safety Operations (OPSO) an operational element within the Materials Transportation Bureau, has safety regulatory authority for the design, construction, operation, and maintenance of petroleum pipelines.

A copy of 49 CFR 195, Transportation of Liquids by Pipeline, is enclosed for your information and file. Section 195.210(b) concerns the construction of a pipeline relative to private dwellings, or any industrial building, or place of public assembly. This ruling is in effect and it applies to the operator for the location of the pipeline at the time of construction.

The rights of a carrier respecting the subsequent use of land within 50 feet of its pipeline, the use of which is not subject to the carrier's control, are a matter of agreement between the parties concerned or local law and are not regulated by 49 CFR Part 195. The Part 195 regulations do not govern the activities of private builders.

OPSO appreciates your interest in pipeline safety.

Sincerely,

/signed/

Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations

February 24, 1976

THOMAS T LENTZ
461 ETTER ROAD
P.O. BOX 203
MOGADORE, OHIO 44260

DEPARTMENT OF TRANSPORTATION

ATTN.. PIPELINE OR PETROLEUM PIPELINE RULES & REGULATIONS
GOVERNING THEIR OPERATION

Dear Sir:

I OWN APPROXMATLY 60ACRES OF LAND IN PORTAGE COUNTY, SUFFIELD TOWNSHIP, MOGADORE, OHIO WHICH HAS A PETROLEUM HIGH PRESSURE PIPE LINE RUNNING THRU IT. THIS PIPE LINE, AND I UNDERSTAND THERE ARE A TOTAL OF THREE LAID SIDE BY SIDE IS OWNED BY THE INLAND CORP. WHICH IS PART OF THE STANDARD OIL COMPANY SOHIO.

WHAT I AM TRYING TO DETERMINE IS WHO GOVERNS THESE PIPE LINES? IT IS THE PUBLIC UTILITIES COMMISSION OF OHIO OR THE DEPARTMENT OF TRANSPORTATION OR THE INTERSTATE COMMERCE COMMISSION? THIS PARTICULAR PIPELINE IS DEFINATLY OPERATING BYOND THE BORDERS OF THE STATE OF OHIO SO IT IS MY FIRM BELIEF IT SHOULD BE BOTH THE ICC AND THE DOT. ICC FOR RATES ETC AND THE DOT FOR SAFETY.

I CALLED ON THE OFFICES OF THIS COMPANY IN AN EFFORT TO DETERMINE HOW FAR ONE MUST STAY AWAY FROM THIS PIPELINE TO CONSTRUCT A BUILDING OR STRUCTURE AND WAS INFORMED THAT A RECENT DOT RULING STATES ONE MUST STAY AT LEAST 50 FEET FROM THIS LINE. IS THIS RULING IN EFFECT AND IF NOT THERE SUCH A RULING THAT WILL BE IN EFFECT WITHIN A SHORT TIME?

ANY ASSISTANCE YOU CAN GIVE ME WITH THIS MATTER WILL BE GREATLY APPRECIATED.

THOMAS T. LENTZ