

PI-78-0102

April 25, 1978

Honorable Omar Burleson
House of Representatives
Washington, D.C. 20515

Dear Mr. Burleson:

The Secretary has asked me to answer your letter of March 29, 1978, concerning a Shell Oil Company pipeline which crosses land owned by one of your constituents.

As we understand the problem, the pipeline was originally installed about 50 years ago and buried below the line of cultivation. Since then, as a result of terracing, the line now is buried only nine or ten inches deep and could be punctured by plowing equipment.

If this pipeline is being operated in interstate commerce, it is subject to the Department's pipeline safety standards set forth in 49 CFR Part 195. While Part 195 included a standard which sets minimum burial depths for pipelines at the time of construction, that standard does not require that those precise depths be maintained for the life of the pipeline. However, under another provision of Part 195 governing the operation and maintenance of pipelines (§195.402(c)), a pipeline carrier who discovers any condition that could adversely affect the safe operation of the pipeline must correct it within a reasonable time and if the condition presents an immediate hazard, the carrier may not operate the pipeline until the condition is corrected.

From the information provided in your letter, it is not clear if the pipeline under your constituent's property is being operated in interstate commerce and thus subject to our regulations. I have asked the Houston Regional Office of the Office of Pipeline Safety Operations to investigate this matter and confirm whether the pipeline is subject to the Department's regulations, and if so, determine whether the farming activities are endangering the pipeline.

If the pipeline is subject to the regulations and a condition exists which could adversely affect its safe operation, the Houston Office will take steps to see that the Shell Oil Company corrects the unsafe condition as the regulation requires.

I hope that this information will be of assistance to your constituent.

Sincerely,
John J. Fearnside
Acting Director

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

March 29, 1978

The Honorable Brock Adams
Secretary of Transportation
Office of the Secretary
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

This is in reference to a problem presently being experienced by my constituent, Mr. Milton Christian, 403 North Avenue B, Haskell, Texas 79521. It has been brought to my attention, an old oil line or pipeline which is approximately fifty years old, under pressure and unmarked, crosses his land. This line is owned by the Shell Oil Company. It appears that as a result of terracing which has been done over the years, about four inches of topsoil have been removed and the line is now only nine or ten inches in the ground, Mr. Christian feels that this line could be punctured while his land is being plowed.

Upon contacting his Attorney in this regard, Mr. Christian was advised that should this line be punctured, he would be liable for damages to Shell. Contacts were then made with the Company but no arrangement has been made to rectify the situation. Deep concern of this situation stems from the belief that crude oil is being carried through the line; it has been cleared for carrying gas. Should it be punctured, while plowing, bodily harm could be inflicted. The original right-of-way fifty years ago stated that the line would be "below the line of cultivation."

Additional contacts have been made with both the U. S. Department of Transportation and the Texas State Railroad Commission, both of which advise they have no jurisdiction in the matter.

It would be helpful to me in pursuing this situation with the appropriate Congressional Committees, to have a complete report from you insofar as the Department is concerned. Your assistance will be deeply appreciated.

With many thanks and good wishes, I remain

Sincerely yours,
Omar Burleson