

PI-74-0122

July 2, 1974

Mr. R. L. Johnson
Director of Environmental Affairs
and Safety
Continental Pipe Line Company
P.O. Box 2197
Houston, TX 77001

Dear Mr. Johnson:

This refers to your request of June 10, 1974, for advice on guidelines issued by the Federal Aviation Administration which preclude the issuance of waivers from FAR 91.79(c) "Minimum safe altitudes over other than congested areas."

We appreciate your concern that the guidelines may reduce the effectiveness of aerial patrols of pipelines conducted in compliance with 49 CFR 195.412(a) if waivers are no longer issued to permit flights below 500 feet. We note, however, that FAR 91.79(c) exempts sparsely populated areas from the 500-foot requirements, except near any person, vessel, vehicle, or structure. This exemption should permit flights below an altitude of 500 feet in many areas where aerial patrols are conducted. Notwithstanding the exemption, we believe flights as high as 500 feet are low enough to satisfy the inspection requirements of §195.412(a). Where a closer inspection is necessary but may not be made by aircraft under FAR 91.79(c), an alternative means of inspection should be used.

We trust this adequately responds to your inquiry.

Sincerely,
Joseph C. Caldwell
Director
Office of Pipeline Safety

Continental Pipe Line Company
P.O. Box 2197
Houston, TX 77001

June 10, 1974

Mr. Joseph C. Caldwell Director
Office of Pipeline Safety
Department of Transportation
Washington, D.C. 20590

Dear Mr. Caldwell:

We have been advised by a district office of the Federal Aviation Administration that new guidelines issued by the F.A.A. preclude the issuance of waivers of FAR 91.79(c) "Minimum safe altitudes over other than congested areas" to firms performing aerial patrols on pipeline systems.

We are sure you can understand the affect such guidelines would have on pipe line companies such as ours in complying with the requirement to inspect our right-of-ways at two week intervals, (195.412(a)).

Attached is a copy of our letter to the F.A.A. in which we requested clarification of the guidelines as well as reconsideration of these guidelines. We are also including a copy of a letter from the Billings, Montana District Office of the F.A.A.

We would appreciate assistance and advice from your office in our efforts to resolve this matter.

Yours very truly,
R. L. Johnson

Department of Transportation
Federal Aviation Administration
General Aviation District Office
Room 216, Admn Bldg.
Billings Logan Internat'l Arpt.
Billings, MT 59101

June 3, 1974

Mr. R. L. Johnson
Continental Pipe Line Company
P.O. Box 2197
Houston, Texas 77001

Dear Mr. Johnson:

The current guidelines set forth for issuing waivers which prohibit flight closer than 500 feet to persons on the surface were established by our Washington office and all regions should be adhering to them.

Our Regional Office, FAA Rocky Mountain Region, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207, has advised us that any existing waivers that are not in accordance with this policy will be amended to comply with the current guidelines.

If we can give you any further information, we shall be happy to do so.

Sincerely,
Kenneth H. Goodsell
Chief