

PI-76-0108

August 27, 1976

Honorable Lawrence Coughlin  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Coughlin:

This responds to your letter of August 12, 1976, requesting our views on the proposed removal of trees and shrubs by the Transcontinental Gas Pipeline, Inc., from its right-of-way crossing the property of Mr. Albert Dearolf in Norristown, Pennsylvania.

This agency regulates the safety of gas pipelines operated in or affecting interstate or foreign commerce. The pipelines on Mr. Dearolf's property are subject to the Federal safety standards contained in 49 CFR Part 192. While these standards require operators to periodically inspect their pipeline rights-of-way for leaks and other factors affecting safety, they do not prohibit the growth of trees and shrubs on a right-of-way. Also, even though Transcontinental may consider removal of the trees and shrubs as necessary to facilitate inspection, in complying with the safety standards the company is still obligated by common law to respect any property rights which Mr. Dearolf may have in the land within the right-of-way.

In most cases, an agreement between the landowner and the pipeline company governs the rights of the company in its use of the right-of-way. We suggest that Mr. Dearolf seek legal advice from an attorney on Transcontinental's right to remove the trees and shrubs.

If we may be of any further assistance, please let us know.

Sincerely,  
James T. Curtis, Jr.

524 Wellington Road  
Norristown, Pennsylvania

July 7, 1976

Mr. Cornelius McElwee  
Secretary of the Public Utility Commission  
109 North Office Building  
Harrisburg, Pennsylvania

Dear Mr. McElwee,

We have been residents of 524 Wellington Rd., East Norriton Township, Montgomery County since June of 1957. On this property there is a Transcontinental Gas Pipe Line right-of-way. They have three pipelines crossing our property, which is in a residential area. Our property is approximately 1/2 acre large in size. When there was only pipe, the previous owner made arrangements for and gave right-of-way to Transcontinental to install one additional line. We then gave them permission to install the third pipe with the understanding that this property would still be useable by us for recreation and planting of gardens and trees.

We received a notice in April of this year that Transcontinental is going to remove all trees and shrub from this right-of-way on our property with no reimbursement. We feel the reasons they have given to us to remove these trees is not concrete enough to have them destroy trees and shrubs (some of which are as old as 20 years - blue spruce, dogwood, white birch, japanese maple, ash, etc.) used to beautify our small property.

As far as we can see in our right-of-way agreement, they must permit us to cultivate the land and raise trees on our property. We have maintained this property and paid taxes for as many years as we have lived here and feel they have no right to remove our trees.

We have discussed our problem with a nursery man as to how deep the roots go on these trees and he has verified that they can not harm the pipe as they are shallow rooted trees - will not grow deep enough to get into this pipe, which is supposed to be buried at least 24" under the ground and at the street, wheremany [sic] of our trees are, \_\_ go under the road and is much

deeper. We know this pipe is buried much deeper than the 24" as we watched them put it in - but even if it is just 24" the roots of these trees will not harm said pipe.

I happen to work for a utility (P.E.Co.) and feel that these people are overstepping their bounds on the small homeowner.

Any help or advise you can give us would be warmly received.

Sincerely,

Albert Dearolf