

April 15, 1977

Mr. John W. Jewell
P.O. Box 156
New Roads, Louisiana 70760

Dear Mr. Jewell:

Congressman Long has requested that I respond to your letter of March 5, 1977, asking if there is a Federal regulation requiring that an existing pipeline be encased when a public road is constructed over the pipeline.

The Materials Transportation Bureau administers safety regulations applicable to gas and hazardous liquid pipelines under Title 49 of the Code of Federal Regulations, Parts 192 and 195, respectively. These regulations do not require that an existing pipeline be encased when a road is constructed over the pipeline. However, in the case of gas pipelines, Sections 192.613 and 192.703(b), and in the case of liquid pipelines, Section 195.402, require that when the operator of a pipeline, the operator must take appropriate remedial action. Applying this rule to the situation of road construction over an existing pipeline, an operator would be obligated to correct any unsafe condition which occurs during construction of the road. The corrective action, if necessary, might include encasement or any other appropriate safety measure such as deeper burial of the line.

Copies of Parts 192 and 195 are enclosed for your reference in this matter.

If I can be of any further assistance, please let me know.

Sincerely,

James T. Curtis, Jr.

Enclosures

April 4, 1977

Honorable Gillis W. Long
House of Representatives
Washington, D.C. 20515

Dear Mr. Long:

This is in response to your inquiry on behalf of John W. Jewell of New Roads, Louisiana.

I have referred your correspondence to the Materials transportation Bureau, Office of Pipeline Safety Operations, Department of Transportation, 2100 2nd Street, S.W., Washington, D.C. 20590, for reply. I am sure you will be hearing from them shortly.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Frieda K. Jackson
Assistant for
Legislative Affairs

March 5, 1977

Honorable Gillis Long
Member of Congress
Washington, D.C.

Dear Gillis:

I have a client who resides in Pointe Coupee Parish who is contemplating the development of a subdivision on lands owned by him here. Two pipelines traverse his property. Our question is whether, when a subdivision street dedicated to public use is constructed on his land over a pipeline, the pipeline beneath the street must be encased. The pipeline company (Colonial) tells us there is no regulation requiring this regarding subdivision streets--only state highways. I would appreciate it if you could contact the appropriate federal agency, specifically the department of transportation and possibly the department of interior, and have them forward to me any regulations on the subject. Possibly the interstate commerce commission or the national transportation safety board may be the appropriate place to go for this. Since I'm not sure and know that you will be better equipped to seek this information out I am turning to you.

In the event there are no general requirements in this regard there may exist special requirements such as with the VA, FHA or Farmers Home Administration concerning same in subdivisions which they must approve prior to loaning moneys to construct homes therein. If you would also check with these agencies I would greatly appreciate it.

Looking forward to hearing from you and thanking you for your help, I remain

Yours very truly,

John W. Jewell