

May 1, 1977

Mr. N. W. Coomes  
Assistant Director  
Utilities Section  
Division of Design  
Department of Transportation  
Frankfort, Kentucky 40601

Dear Mr. Coomes:

This is response to your letter of March 25, 1977, in which you describe a proposal to enlarge a highway right-of-way which is located over an existing gas pipeline. Your specific question is whether the Federal gas pipeline safety standards would require upgrading or encasing those portions of the existing pipeline which lie within the limits of the proposed new right-of-way.

Section 192.111 of the Federal standards sets forth design requirements applicable to upgrading or encasing a new pipeline which is constructed across a highway right-of-way. However, in accordance with Section 192.13, these requirements are not intended to apply conversely to an existing pipeline when a new right-of-way is established over the pipeline unless the pipeline is replaced, relocated, or otherwise changed in conjunction with establishment of the new right-of-way. Since your letter indicates that the pipeline in question would not be disturbed as a result of the new right-of-way, it appears that the operator of the pipeline, Midwestern Gas Transmission Co., would not be required to take any action under Section 192.111.

In addition to Section 192.111, Sections 192.613 and 192.703(b) may also apply to the situation of establishing a new highway right-of-way over an existing pipeline. These sections require that when the operator of a pipeline knows that an unsafe condition exists involving the pipeline, the operator must take appropriate remedial action. This action might include encasing or upgrading the pipeline or any other appropriate action. In the absence of information about the intended use or construction involving the new right-of-way, we do not have an opinion whether the right-of-way may result in an unsafe condition for the pipeline.

If you need additional information on this subject, we suggest that you contact the Kentucky Public Service Commission which acts as our agent in enforcing the Federal standards against operators of interstate gas transmission lines in Kentucky.

I trust this satisfactorily responds to your inquiry.

Sincerely,

Cesar DeLeon  
Acting Director  
Office of Pipeline

Safety Operations

March 25, 1977

Mr. Cesar DeLeon, Acting Director  
Material Transportation Bureau  
Office of Pipeline Safety  
2100 Second Street SW  
Washington, D.C. 20590

Dear Mr. DeLeon:

SUBJECT: Minimum Federal Safety  
Standards for Gas Pipelines

The Kentucky Department of Transportation and Midwestern Gas Transmission Company have a difference of opinion regarding the minimum federal safety standards for gas pipelines and both parties have agreed that I should request a written interpretation of the regulations as they apply to the situation which gives rise to our disagreement.

The Kentucky Bureau of Highways proposes to improve Ky. 144, a rural two-lane blacktop road, which is crossed by a 30" gas line belonging to Midwestern Gas. When the pipeline was installed in 1959, .500 wall thickness pipe was installed in a .375 wall thickness casing pipe. Both the casing and the .500 wall thickness pipe extended beyond the Department's right of way which existed in 1959. The Department's proposed highway improvement results in a realignment of the highway so that it will cross perpendicular to the pipeline where the old highway crossed on a skew of approximately 30°. The ditch lines on either side of the proposed new road will now coincide approximately with the location of vent pipes on the existing casing.

The Department has asked the gas company to extend the vent piping from the present encasement so that the vents will come out of the ground at the new right of way fence line. In our opinion, nothing else is required of the gas company. Midwestern Gas, however, contends that the pipeline safety regulations will require extending the encasement to the new right of way line on either side of the roadway.

As you can see from the enclosed correspondence and drawings, the new roadway will not adversely affect the existing pipeline in any way. The problem hinges solely on the location of the right of way line. Midwestern's position is such that extension of the encasement or replacement of .375 pipe with heavier pipe would be required if the Department were merely acquiring additional right of way with no new road construction contemplated.

Department personnel have reviewed the pertinent regulations and we do not believe that such a requirement is either written in the regulations or intended to be implied. We contend that extending the encasement is an unnecessary expense which would not increase the margin of safety. In fact, we believe the line is better protected from corrosion if it is left unencased.

In summary, we need an authoritative answer to the following question:

Is Midwestern Gas Co. required by Federal Regulation to upgrade or encase that portion of its .375 inch wall thickness pipe which lies within the limits of the Department's new right of way, for the reason that it is within the right of way? Or conversely, can Midwestern just extend the existing vent piping to the new right of way line without being in violation of the Federal Regulations pertaining to pipelines?

Your assistance in this and providing us with an early reply will be very much appreciated.

Very truly yours,

N.W. Coomes, Assistant Director  
Utilities Section  
Division of Design

February 10, 1977

Mr. C.A. Cassity, General Supt. (was for Ferguson, originally)  
Mid-Western Gas Corporation  
1613 Continental Illinois Bank Building  
P.O. Box 774  
Chicago, Illinois 60690

Dear Mr. Ferguson:

SUBJECT: Daviess County SP 30-37  
Owensboro-Knottsville Road (Ky.144)  
Item No. 2-237.2

Your Company's plans and estimate for extending the casing pipe on Line #2100-1 have been submitted to this office for review. The center line of the new highway crosses at the same location as the existing road and the proposed roadway construction does not appear to cause any conflict or potential interference with your pipeline as it now exists.

Under these circumstances, we see no reason to do anything to this line except extend the vent pipes from the existing encasement to the new right of way line on either side of the road. We do not, however, have any objections to your encasement proposal if you feel it is required by company policy but we would expect your Company to bear the cost of extending the encasement.

We have had several projects in the past where major pipeline companies have upgraded or encased segments of pipeline as a matter of policy even though such work was not required by the Department. The Department has consistently declined to participate in the cost of such work where it is done solely as a matter of company policy.

Please let us know whether you still desire to provide this encasement extension or if you would be agreeable to merely extending the vent pipes. In either case, we would like to have an estimate of the cost involved in just relocating the vent pipes so that we can prepare an agreement for 100% reimbursement of this item or use the estimated cost as the basis for arriving

at a percentage of reimbursement on the total project if you desire to go ahead with the additional encasement.

We appreciate your consideration in this matter and we will be glad to discuss it further if you desire.

Very truly yours,

N. W. Coomes, Assistant Director  
Utilities Section  
Division of Design

P.O. Box 373  
Vincennes, Indiana  
February 17, 1977

Mr. N. W. Coomes, Assistant Director  
Department of Transportation  
Commonwealth of Kentucky  
Frankfort, Kentucky 40601

RE: Daviess County SP 30-37  
Owesnboro-Knottsville Road (Ky. 144)  
Item No. 2-237.n

Dear Mr. Coomes:

In reference to your letter dated 2/10/77, to Mr. Fletcher Ferguson, please note that our Midwestern Gas Transmission Company's office has moved from Chicago, Illinois, to P.O. Box 2511, Houston, Texas 77001, and Mr. Fletcher Ferguson has retired from our company and has been replaced by Mr. C.A. Cassity.

Our plans for the Split Casing Installation is not based on Company Policy, but rather our interpretation of the Federal Gas Pipeline Safety Regulations. If we do not install Split Casing, we would be required to take the line out of service and install approximately 36 feet of lower stress pipe in order to comply with the Federal Code. The gas loss for this operation alone would amount to more than our estimate for installing Split Casing.

We take the position that our original crossing met all Federal Code requirements, and not until the Kentucky Department of Transportation took additional right of way, did our pipeline crossing fail to meet the Federal requirements. I am attaching a copy of a part of the Federal Gas Pipeline Safety Regulations.

The only way relocating the vents would be feasible, the Kentucky Department of Transportation would have to reduce their proposed new right of way to approximately 40 feet each side of the proposed center line.

If that could be accomplished, the cost for extending the existing vents would probably be about \$200.00 to \$300.00, and our pipeline crossing would meet the Federal minimum standards.



If you think we need to discuss this matter further, I will be glad to meet with you in Frankfort, or any place that is convenient with you.

Yours truly,

MIDWESTERN GAS TRANSMISSION COMPANY

J. F. Chapman  
Area Civil Engineer

Enclosure

March 1, 1977

Mr. J. F. Chapman, Area Civil Engineer  
Midwestern Gas Transmission Co.  
A Tenneco Company  
P.O. Box 373  
Vincennes, Indiana

Dear Mr. Chapman:

SUBJECT: Daviess County SP 30-37  
Owensboro-Knottsville Road (Ky. 144)  
Item No. 2-237.2

I have prepared a draft agreement along the line suggested by you in our telephone conversation Monday. If this agreement is acceptable to your Company, your easement rights would be subordinate in favor of the Department only within the limits of the one-half inch carrier pipe but we would still ask that vent piping be extended to the Department's proposed new right of way line.

The \$500.00 estimated cost figure used in the agreement is based on your estimate of approximately \$300.00 to extend the vent pipe plus \$200.00 for preliminary engineering. You may wish to provide a further breakdown to support this estimate or if you do not feel that this figure is adequate, please feel free to increase it and attach a similar breakdown to show how the estimate is arrived at. We would also like to have a revised drawing from your office indicating the proposed vent pipe relocation so that we can reproduce it and attach it to each copy of the agreement.

If this agreement is acceptable, please have all four copies signed and return to this office for execution by the Department. We will furnish you with an original and as many conformed copies as you desire.

Should there be any questions regarding this agreement, I would appreciate your getting in touch with me as soon as possible.

Very truly yours,

N. W. Coomes, Assistant Director  
Utilities Section  
Division of Design

Enclosures

P.O. Box 373  
Vincennes, Indiana  
March 9, 1977

Mr. N. W. Coomes, Assistant Director  
Department of Transportation  
Commonwealth of Kentucky  
Frankfort, Kentucky 40601

RE: Daviess County SP 30-37  
Owensboro-Knottsville Road (Ky. 144)  
Item No. 2-237.2

Dear Mr. Coomes:

Regarding your letter dated March 1, 1977, evidently there was a misunderstanding on my part. I didn't mean that we would extend the casing vents past the 30" O.D. x .500" w.t. pipe. We still insist that for this to be accomplished, we will need to install split casing over the 30" O.D. x .375" w.t. pipe.

The draft agreement that you prepared has been sent to Mr. L.L. Howard, Right of Way Manager, for Midwestern Gas Transmission Company. He will be contacting you in the next few days.

Yours truly,

MIDWESTERN GAS TRANSMISSION

COMPANY

J. F. Chapman

Area Civil Engineer

Reply to: P.O. Box 197  
Channahon, Illinois 60410  
March 16, 1977

Mr. N. W. Coomes, Assistant Director  
Department of Transportation  
Commonwealth of Kentucky  
Frankfort, Kentucky 40601

Re: Daviess County SP 30-37  
Owensboro-Knottsville Road (Ky. 144)  
Item No. 2-237.2

Dear Mr. Coomes:

Your letter, together with the agreements, dated March 1, 1977 addressed to J.F. Chapman of Midwestern Gas Transmission Company at Vincennes, Indiana, has been referred to my office for further handling.

I believe we were authorized to start preliminary survey work on this project in 1975. In 1976, we presented two estimates to your office, one with a contractor performing the work, the estimate amounted to approximately \$23,000. We also proposed to your department, after a field inspection was made with your personnel on July 14, 1976, a figure of approximately \$6,500., if we did the work with our own forces. Both of these proposals were in accordance with the Federal Gas Pipeline Safety Regulations, which call for installing split casing to your right-of-way limits, and relocating vent pipes at those limits or fence limit.

To maintain our standards within the Federal Gas Pipeline Safety Regulations we proposed an alternative to the above; that we would extend our vent pipes from the present road right-of-way to the end of our heavy wall pipe, if you would pull in your own right-of-way limits to the same station. If this could be agreed upon, the company stated that they could do this work from somewhere between \$500. to \$800.

Midwestern Gas Transmission Co., and its parent company Tennessee Gas Transmission Co., has adhered to the Federal Gas Pipeline Safety Regulations, and its codes, regarding high pressure piping. In 1959 this line was built at this location to meet the design factor for Class One Location. According to the code, if there is any change in design factor, such as going from a .500 wall thickness to a .375 wall thickness, this will not meet the design factor of Class One but will fall into Class Two, which will put our facilities out of code. Thus our company will not concur to do.

We have dealt with the Department of Transportation in Kentucky before on limited access highways, and also on state highways. For an example, in 1967 we changed out our facilities to meet federal regulations, doing a change in highway location, of which Midwestern Gas Transmission Company and the State of Kentucky agreed. There was a Reimbursement Agreement signed in the amount of \$64,700. More recently, we have dealt with Daviess County Highway Department, whereby, to maintain the code for high pressure piping, we installed split casing to accommodate a new highway crossing, and agreed on a figure of \$6,100, with the county, doing the work with our own forces.

We have no fault with the Federal Gas Pipeline Safety Code, and have not been cited by them regarding our facilities. Therefore, it is suggested that if you desire (reassurance) further interpretation of the code, you contact the Office of Pipeline Safety in Washington, D.C. Should they give us relief in this regard, we will then have settled our differences.

I would like to inquire regarding the new highway limits of Highway 144 in this area. In 1959, according to our permit secured from the State of Kentucky, the highway width was 49 feet. According to the new proposal, you have extended your highway limits to the total distance of 136 feet, and stated you had purchased this additional land in fee. I would like to call to your attention that our company had never been contacted, as we certainly have legal rights in new lands acquired, and no contact has been made by your office to compensate our company for subordination of said rights.

At any rate, as in previous occasions, we will try to cooperate with your department and your personnel in every regard.

Yours truly,

L. L. Howard  
Right of Way Manager

Reply to: P.O. Box 197  
Channahon, Illinois 60410  
March 18, 1977

Mr. N. W. Coomes, Assistant Director  
Department of Transportation  
Commonwealth of Kentucky  
Frankfort, Kentucky 40601

Re: Daviess County SP 30-37  
Owensboro-Knottsville Road (KY 144)  
Item No. 2-237.2

Dear Mr. Coomes:

This is a follow up letter of the one addressed to you dated March 16, covering the above subject, which is to correct a misstatement in paragraph 4 on page 1.

In 1959, this line was built at this location designed to meet all existing State and Federal Safety Codes. Even with the implementation of more stringent Federal Codes in the late 1960's and early 1970's, this location still met all pipeline safety requirements. If there is a change in the design at this location, such as going from pipe with a .500" wall thickness to pipe with .375" thickness, without encasement, it would not meet the design factor of a Class One Location.

Yours truly,

L. L. Howard  
Right of Way Manager