

PI-80-0102

Department of Transportation  
Research and Special Programs Administration  
Washington, D.C. 20590

June 16, 1980

Mr. Gary L. Hammons  
556 Main Avenue  
Durango, Colorado 81301

Dear Mr. Hammons:

Thank you for your letter of April 10, 1980, in which you requested answers to two questions regarding rights-of-way for pipelines.

In answer to your first question regarding any laws or regulations that specify minimum distances between pipelines, 49 CFR 192.325 and 195.250 contain the Department of Transportation's requirements for clearance of underground gas and liquid pipelines, respectively. Copies of sections 192.325 and 195.250 are enclosed for your information. These clearance requirements would not, under most conceivable circumstances, restrict the use of a single right-of-way for multiple pipelines.

To answer your second question, the Department's regulations do not prevent pipeline operators from using multiple parallel rights-of-way. The selection of a pipeline's right-of-way is made by the owner of the pipeline, subject to any State or local controls or approval by the Federal Energy Regulatory Commission in the case of an interstate gas transmission pipeline. It would appear that a definitive answer to your second question would involve legal counseling regarding individual rights of condemnation under State law. An attorney versed in these matters could best answer your question.

I hope this information is a benefit to you. If I can be of further assistance, please let me know.

Sincerely,  
SIGNED  
Melvin A. Judah  
Acting Associate Director  
for Pipeline Safety Regulation  
Materials Transportation Bureau

Southwest Exchange, Inc.  
Real Estate Business Opportunities  
556 Main Ave.  
Durango, Colorado 81301

April 10, 1980

Mr. Ceasar DeLeon, Associate Director  
Pipeline Safety Regulations  
M.T.B.  
Department of Transportation  
400 7th St. S. W.  
Washington, D. C. 20590

Dear Mr. DeLeon:

After having been referred to several offices, I have been given your name as the person who can answer my questions.

I live on 36.5 acres seven miles west of Durango, Colorado. There is a 75 foot Northwest Pipeline right-of-way across my property that contains a 26 inch, high pressure natural gas line.

I am now being approached by agents of Mapco who wish to purchase an additional 50 foot right-of-way paralleling the Northwest right-of-way. There is also probably going to be a carbon dioxide pipe line in the near future following this same general route. Obviously, if pipeline companies are allowed to take 50 - 75 foot parallel easements it could cause severe hardship and loss of real estate value to me and all of the other private landowners along the way. These lines will also be traversing the Ute Indian Reservation and the San Juan National Forest.

With this background, I would appreciate the answers to the following questions:

1. Are there any laws or regulations specifying minimum distances between the actual pipelines that could make it impossible for all of these pipelines to be constructed within the 75 foot Northwest Pipeline right-of-way?
2. Under these circumstances, could Mapco and then future contractors be permitted to condemn additional parallel right-of-ways ad infinitum?

My neighbors and I have no desire to obstruct any pipeline, particularly now with our current energy situation. However, we would hope that they could all be constructed within the existing right-of-way in order to limit financial losses to the landowners involved and to limit environmental damage to this beautiful mountain and forest country in southwest Colorado.

Yours truly,  
Gary L. Hammons