

Dec 2 1988

The Honorable Bill Archer
Member, U.S. House of Representatives
515 Rusk
Houston, Texas 77002

Dear Congressman Archer:

I am responding to your request for consideration of the pipeline right-of-way matter involving landowners, Byron L. Brown and Juanita M. Brown. While we are sympathetic to any disagreement concerning the rights of landowners in relation to those of easement owners, the solution is largely a matter of state and local law.

In regard to the landowners' specific concerns, the Department of Transportation's Office of Pipeline Safety (OPS) has looked into this matter and advised me that Exxon has three crude oil pipelines crossing the Browns' property and that the trees on the easement have been cut down, but not fully removed from the property. The federal pipeline safety standards require all operators, to "...inspect the surface conditions on or adjacent to each pipeline right-of-way." The purpose of these inspections is to locate any pipeline leaks and to detect excavation activity which could affect the safe operation of the pipeline. The federal standards allow operators to choose the manner of inspection. Exxon, as have most operators, has chosen air surveillance. Thus, it is necessary to observe the ground in the vicinity of the pipeline from the air. OPS doesnot require that the surveillance be by air or that any specific width be clear-cut, only that the method of surveillance chosen and its implementation allow the surface condition to be adequately surveyed. Exxon has advised OPS that, due to the number of miles of pipeline in their system, air patrol is the most economical method available to meet the federal requirement for inspection of rights-of-way.

In addition to the patrolling requirements, federal rules require that Exxon must maintain and repair its pipelines at all times to protect the public safety. Exxon advised OPS that the tree roots

here may threaten the integrity of its pipelines. They believe, and we agree, that tree roots can damage pipe coating and diminish the effectiveness of the corrosion control system, which is required for safety by federal law.

I hope this information is helpful to you.

Sincerely,

M. Cynthia Douglass