

The Honorable Jerry F. Costello
U.S. House of Representatives
1316 Niedringhaus Avenue

Dear Congressman Costello:

Thank you for your recent letter addressed to the office of Congressional Affairs on behalf of your constituent, Mr. Roy Farrow of Troy, Illinois. Your letter has been referred to the Research and Special Programs Administration (RSPA) for a reply. RSPA is the agency within the Department of Transportation responsible for regulating the safety of gas and hazardous liquid pipelines.

Mr. Farrow has concerns regarding the clearing of pipeline rights-of-way. The Department's Pipeline Safety Regulations (49 CFR - 192.705 and 195.412) require pipeline operators to inspect the surface condition of their rights-of-way for leaks and activities that could affect pipeline safety. Since the regulations do not specify the means by which inspections are to be carried out, operators may use either aerial or ground patrols.

The regulations do not require that trees be removed or that rights-of-way be inspected from the air. It is the position of the Department that, if visual aerial inspections are used by the operator to meet the requirements of the regulations, the rights-of-way must be kept clear of brush and trees. Normally, this is a matter subject to negotiation in the rights-of-way agreement between the pipeline companies and the landowners involved.

I hope this information is helpful to you. If Mr. Farrow has any questions, he may contact Mr. Bill Gute of my staff at 202/366-4595.

Sincerely

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Travis P. Dungan