

PI-01-0106

The Honorable Arlen Specter  
United States Senator  
600 Arch Street, Suite 9400  
Philadelphia, PA 19106

Dear Senator Specter:

Thank you for your letter to David Marks, Deputy Assistant Secretary for Congressional Affairs, concerning negotiations between the East Goshen Conservancy Board and the Duke Energy Corporation over Duke Energy's plan to cut trees on its pipeline easement in East Goshen Township. Your letter has been referred to the Research and Special Programs Administration (RSPA) for response. RSPA is responsible for administering the Federal pipeline safety program.

As stated in the incoming correspondence, Duke Energy plans to cut down trees to facilitate routine inspection of its easement by aerial patrol. It also wants to remove trees to make it easier for large equipment to gain access to the easement for normal maintenance and emergency response.

Pipeline operated by Duke Energy are subject to the safety regulations of the Department of Transportation. These regulations require pipeline operators to patrol to patrol their easements for signs of leaks and construction activity. Although it is not a federal requirement to keep the right-of-way clear. However, federal regulations do not give operators a right to cut down trees on their pipeline easements. An operator's authority to cut down trees is subject to private agreements with landowners and to any local land use controls.

If we can be of further assistance, please contact me or Patricia Klinger, Director of External Communications, at (202) 366-4831.

Sincerely yours,

Elaine E. Joost  
Acting Deputy Administrator