

September 19, 1974

Eugene F. Gervino, Esq.  
Getty Oil Company  
668 Madison Avenue  
New York, NY 10021

Dear Mr. Gervino:

This responds to your letter of September 13, 1974, asking whether the additional cover for a pipeline required by 49 CFR 195.210(b) must be provided when a private dwelling is constructed within 50 feet of an existing pipeline, but not on the pipeline's right-of-way. You also question the need for a carrier's "approval" of such construction.

In accordance with section 195.200, the additional cover required by section 195.210(b) must be provided for an existing pipeline whenever it is relocated, replaced, or otherwise changed. The construction of a private dwelling within 50 feet of an existing pipeline without action by the carrier concerned (e.g., sale of its right-of-way) to permit the construction would not result in relocating, replacing, or changing the pipeline and thus not bring the pipeline within the purview of section 195.210(b).

The statutes and regulations administered by this office do not require developers to obtain approval from a pipeline carrier before constructing a private dwelling within 50 feet of the carrier's pipeline. A carrier's right to authorize or restrict this construction is a matter of local law or for agreement between the parties concerned.

Thank you for your interest in pipeline safety.

Sincerely,

Joseph C. Caldwell  
Director  
Office of Pipeline Safety