

July 2, 1974

Mr. R. L. Johnson
Director of Environmental Affairs
and Safety
Continental Pipe Line Company
P.O. Box 2197
Houston, TX 77001

Dear Mr. Johnson:

This refers to your request of June 10, 1974, for advice on guidelines issued by the Federal Aviation Administration which preclude the issuance of waivers from FAR 91.79(c) "Minimum safe altitudes over other than congested areas."

We appreciate your concern that the guidelines may reduce the effectiveness of aerial patrols of pipelines conducted in compliance with 49 CFR 195.412(a) if waivers are no longer issued to permit flights below 500 feet. We note, however, that FAR 91.79(c) exempts sparsely populated areas from the 500-foot requirements, except near any person, vessel, vehicle, or structure. This exemption should permit flights below an altitude of 500 feet in many areas where aerial patrols are conducted. Notwithstanding the exemption, we believe flights as high as 500 feet are low enough to satisfy the inspection requirements of 195.412(a). Where a closer inspection is necessary but may not be made by aircraft under FAR 91.79(c), an alternative means of inspection should be used.

We trust this adequately responds to your inquiry.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety