

Mrs. Agnes K. Bradley
411 East Garfield Road
Aurora, Ohio 44202

Dear Mrs. Bradley:

Your letter dated October 30, 1979, to Chairman Daniel O'Neil of the Interstate Commerce Commission, was forwarded to this office for reply.

You stated that Buckeye Pipe Line Company plans to remove some large trees on your property, and that Buckeye maintained that cutting the trees was necessary to comply with a Federal regulation so that the right-of-way can be better seen from the air.

The Federal safety regulations governing liquid pipelines are 49 CFR Part. Judging from your letter, the applicable section of Part 195 is section 195.412 "Inspection of right-of-way and crossings under navigable waters" which states in subsection (a) "Each carrier shall, at intervals not exceeding two weeks, inspect the surface conditions on or adjacent to each pipeline right-of-way." Please note that this regulation does not require that trees be removed or that the right-of-way be inspected from the air. Therefore, the growth of trees on pipeline rights-of-way is not covered by the Federal regulations. It normally is a matter subject to negotiation in the right-of-way agreement between the pipeline companies and any landowners involved.

We hope this information will help you manage an acceptable outcome for your concerns.

Sincerely,

/signed/

Cesar De Leon
Associate Director for
Pipeline Safety Regulation
Materials Transportation

November 26, 1979

Office of Pipeline Safety Regulation
Department of Transportation
6226 Transpoint Building
2100 2nd Street, S.W.
Washington, D.C. 20590
Attention: Mr. Cesar De Leon

Dear Mr. De Leon:

Enclosed is a letter from Mrs. Agnes K. Bradley, addressed to the Interstate Commerce Commission, protesting Buckeye Pipe Line Company's plans to cut trees on her property for aerial observation in maintaining their line. Her letter was subsequently forwarded to this office. However, I believe that this matter falls more properly under your agency's authority. Accordingly, I am forwarding her letter to you for reply.

Also enclosed is a copy of our acknowledgement to Mr. Bradley. Any assistance you can offer her will be appreciated.

Sincerely,

Dean R. Koth, Director
Program Planning & Administrative
Staff
Office of Pipeline & Producer
Regulation

Enclosures

November 28, 1979

Mrs. Agnes K. Bradley
411 East Garfield Road
Aurora, Ohio 44202

Dear Mrs. Bradley:

Your letter, addressed to the Interstate Commerce Commission, protesting the plans of Buckeye Pipe Line to cut trees on your property for maintenance of their line has been forwarded to my office for reply. Please accept my apologies for our delay in answering you.

The Federal Energy Regulatory Commission's authority over oil pipelines primarily extends to regulating transportation rates and charges and making valuations of pipeline facilities. The Office of Pipeline Safety Regulation in the Department of Transportation sets and administers safety requirements for the design, construction and maintenance of oil pipelines. Accordingly, your letter has been forwarded to that office for reply.

Sincerely,

Dean R. Koth, Director
Program Planning & Administrative
Staff
Office of Pipeline & Producer
Regulation

October 30, 1979

Chairman Daniel O'Neil
Interstate Commerce Commission
Washington, D. C.

Officials from the Buckeye Pipe Line, which I believe is under your jurisdiction, tell us they plan to comply with a government order by cutting trees on our property so that its line can be better seen from the air. Also under your jurisdiction, I believe, is the former Erie R. R. right of way on which this pipe line is located in our area, except for the small section which goes through our property and a couple adjoining parcels.

This section is a scenic wooded river valley. The river has been declared a scenic river for the purpose of preserving its beauty. Cutting a 20 to 60 ft. swarth of trees for the pipe line would not only destroy the scenic beauty, but would also cause river banks to erode.

Some of these huge trees form the setting of the historic home, which has been put in the National Register so that building and site can be protected from government funded or licensed projects. The National Historic Trust and the Scenic River people are trying to prevent the Buckeye Pipe Line from cutting these trees. The trees are also part of the Ohio Forestry program.

Will you please support the other groups in their effort at preservation? Please urge the Buckeye Pipe Line to use the R. R. right of way when it replaces this section of deteriorated pipe; soon, we are told. Far less maintenance would be required on the R. R. Trees would not have to be constantly trimmed. More important, the line would no longer be washed out where it crosses the river several times, as it is now.

Until the line can be relocated allow my husband and me to inspect the line in our property on foot, as it was effectively walked for many years before the aerial unsafety patrol. It was a person out for a walk a few years ago who discovered the leak which poured oil into the river and killed all life.

Using the R. R. would have another advantage for the company. Its lease through our property granted only a 5 foot width and made them responsible for all damages.

We shall greatly appreciate your cooperation, and reply.

Sincerely yours,

Agnes K. Bradley (Mrs. C. H.)