

Mr. Clint McClure
Williams Brothers Engineering Company
Resource Sciences Center
Tulsa, OK 64103

Dear Mr. McClure:

This responds to your letter of June 25, 1974, requesting an interpretation of the term "right-of-way" as it relates to the term "railroad" under §192.111(b)(2).

In this section:

"(b) A design factor of 0.60 or less must be used in the design formula in §192.105 for steel pipe in Class 1 locations that :

* * *

"(2) Crosses without a casing, or makes a parallel encroachment on, the right-of-way of either a hard surfaced road, a highway, a public street, or a railroad.

* * *

The term "right-of-way" is not defined in 49 CFR Part 192. Terms which are not defined are intended to have the ordinary dictionary meaning. The Random House College Dictionary defines "right-of-way" in relation to a railroad as "the strip of land acquired for use by a railroad for tracks. " We believe this definition is adequate for understanding §192.111(b)(2).

We trust our reply is helpful to you.

Sincerely,

/signed/ Edward F. Cygan

Joseph C. Caldwell
Director
Office of Pipeline Safety

U. S. Department of Transportation
Office of Pipeline Safety
Washington, D. C. 20590

Attention: Mr. Cesar DeLeon

Subject: Interpretation Sub-Section 192.111 CFR

Gentlemen:

Attached are two (2) copies each of our Sketches SK-1 and SK-2.

Sub-section 192.111(b)(2) deals with design factor when a pipeline crosses or makes a parallel encroachment on the right-of-way of either a hard-surfaced road, a highway, a public street, or a railroad.

In our particular case, the railroad company owns various parcels of land traversed by the railway without definition of the right-of-way within those parcels.

We are unable to find a definition of right-of-way in the regulations. We would like to have your interpretation of distance "X" in each sketch. As you know, many of these parcels amount to multiple standard sections of land and would create a hardship on the pipeline operators should a pipeline have to be designed with a .60 factor when it crossed railroad property that may or may not be related to a railroad.

Your prompt consideration of this matter is appreciated.

Very truly yours,

WILLIAMS BROTHERS ENGINEERING COMPANY

Clint McClure
Senior Engineer

NOTE: ATTACHMENTS