

July 30, 1974

Mr. Mark Nicholas, Manager
Portal Pipe Line Company
P. O. Drawer "L"
Minot, ND 58701

Dear Mr. Nicholas:

Thank you for your letter of June 4, 1974, asking what authority exists for a carrier to restrict construction near its pipeline which would cause the pipeline to be in noncompliance with section 195.210 or other requirements of 49 CFR Part 195.

The statutes and regulations administered by this office do not authorize a carrier to restrict construction near its pipeline. Any limitation on such construction is a matter for agreement between the parties concerned or local law.

Moreover, construction by a developer near a pipeline, where the carrier is not involved in the construction (e.g., by sale of its right-of-way), would not bring that pipeline within the purview of section 195.210.

We appreciate your interest in pipeline safety.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety