




U.S. Department
of Transportation
**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 25 2006

Mr. Donald S. Andrews


Dear Mr. Andrews:

Thank you for your August 27, 2005, letter to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding your interpretation and FOIA requests. You requested responses to questions regarding regulations governing pipeline rights-of-way, communications regarding any right-of-way complaints with Columbia Gas or its associated companies and enforcement actions where fines and penalties were levied in the last 10 years against Columbia Gas. Responses and documents are enclosed.

We also acknowledge receipt of Congressman Patrick J. Tiberi's letter of March 17, 2006, which reinforces your requests and asks for our resolution and a reply concerning this matter.

PHMSA responds to all interpretation and FOIA requests as quickly as possible. Our response to you also included coordinating the release of shared common documents and communications from other governmental agencies. We apologize for any inconvenience this process may have caused.

With regards to each of the right-of-way questions you posed in your August 27, 2005, letters to both the "Office of Pipeline Safety" and the "Office of Chief Counsel," we provide the following information for on-shore rights-of-way:

1. There are no existing applicable Federal pipeline safety statutes concerning the right to remove trees for large equipment in order to gain access for normal maintenance and emergency response. How operators meet pipeline safety maintenance and emergency response requirements is their responsibility to develop and implement. If there are any other Federal statutes regarding pipeline right-of-way issues, they are outside of PHMSA's knowledge or oversight responsibilities.
2. No provisions in the pipeline safety statutes give any operator the right to cut down trees within any alleged right-of-way.
3. There are no pipeline safety provisions regarding right-of-way encroachments, including structures or landscaping.