

PI-00-0102

September 22, 2000

The Honorable Helen Merolla  
Mayor of the Township of Piscataway  
Municipal Complex  
Piscataway, NJ 08854

Dear Mayor Merolla:

Thank you for your letter to Secretary Slater concerning Duke Energy's plan to remove all street trees on its pipeline easement on Fountain Avenue. Your letter has been referred to the Research and Special Programs Administration's Office of Pipeline Safety for response.

Duke Energy may want to remove the trees to minimize the possibility that tree roots will damage the pipeline or pipeline coating. It may also want to remove the trees to facilitate routine patrolling of the easement.

Pipelines operated by Duke Energy are subject to the safety regulations of Title 49 CFR Parts 190-199 (enclosed). These regulations require operators to patrol their pipeline easements for signs of leaks and construction activity. However, the regulations do not require operators to keep their easements free of trees to make patrolling easier or to minimize the possibility of damage by tree roots, nor do the regulations give pipeline operators a right to remove trees on their pipeline easements. The authority of an operator to remove trees is subject to private agreements with landowners and to any local land use controls. Although, aerial surveillance is usually the most practical method of patrolling, in areas where an easement is concealed by trees or large bushes, a pipeline operator may observe conditions on the easement by walking or driving along the easement.

If we can be of further assistance, please contact me or Buck Furrow of my staff at (202) 366-4595.

Sincerely

Stacey L. Gerard  
Associate Administrator for Pipeline Safety