

May 13, 1975

Mr. Walter J. Thomas  
General Superintendent  
Providence Gas Company  
100 Weybosset Street  
Providence, Rhode Island 02901

Dear Mr. Thomas:

This responds to your letter of April 25, 1975, asking whether the Occupational Safety and Health Administration (OSHA) regulation 1926.651(a) satisfies the requirements of 49 CFR 192.707(b)(1)(ii).

The purpose of Section 192.707(b)(1)(ii) is to exclude from the requirement of Section 192.707(a) that pipeline operators install line markers at certain locations, those areas where the operator and outsiders are participating in a coordinated effort under law to prevent interference with underground pipelines by persons likely to cause damage. The precise role and extent of participation of each party to this program, including appropriate officials where applicable, depends on the nature of the program established by law.

The requirements of Section 1926.651(a) does not satisfy this purpose for two reasons. First, the requirement is not binding on all persons likely to interfere with underground pipelines. Its scope is limited to persons engaged in construction under Federal or Federally assisted contracts. Secondly, the "program" contemplated by Section 1926.651(a) is one-sided in that it does not require pipeline operators to provide information or furnish assistance in response to notice by contractors.

As stated in the preamble to Amendment 192-20 (40 FR 13502, March 27, 1975), we anticipate that programs servicing as an alternative to line marking may be the subject of future rule making.

We trust this adequately responds to your inquiry.

Sincerely,

Joseph C. Caldwell  
Director  
Office of Pipeline Safety