



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

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

**FEB - 5 2007**

Mr. Scott Vickers  
Compliance Manager  
CPN Pipeline Company  
60 River Road  
Rio Vista, CA 94571

Dear Mr. Vickers:

This is in response to your letter of April 15, 2004, renewing your earlier request for an interpretation of 49 CFR 192.1 and 192.3. Your letter concerned the jurisdictional end-point of a lateral pipeline running from a transmission pipeline to an electrical power plant.

In your letter you ask, *"Where would the jurisdiction end at the power plant side of the lateral? Would the jurisdiction end at the property line, fence line, first valve on the property, at the power equipment or other?"*

Assuming the lateral pipeline in question is a transmission line as defined in § 192.3, pipeline safety authority extends to the point where transportation ends, even if this point is on plant property. In many cases, the end-point is where the lateral pipeline enters the plant grounds, usually at a security fence line. If, however, a measurement meter (or other component necessary to control the pressure or safety of the pipeline) is on the plant grounds, the end-point would be the meter (or other component, if the component is downstream of the meter).

You also ask, *"If the power plant is on BLM lands or Indian lands does it change where the jurisdiction would end?"*

The answer to your question depends on who is operating the pipeline, not on where the pipeline is located. That is, the pipeline safety regulations in Part 192 apply to a "person" who operates pipeline facilities. The regulations define a person to mean *"any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof."*

The definition of a "person" in Part 192 does not include Indian tribes or the BLM (Federal Government). Therefore, the regulations do not apply to Indian tribes or to the BLM, regardless of whether the pipeline facilities are located on or off the Indian or BLM lands. If, however, an independent contractor (or other person) were to operate Indian or BLM pipeline facilities, the contractor would have to meet all the applicable requirements of Part 192 for the regulated segments of the pipeline.

Finally, you asked, "*Where can I find statutes, regulations, or interpretation letters to support the answer to question number one and number two?*"

PHMSA has a public web site (<http://www.phmsa.dot.gov>) with links to the Federal pipeline safety laws, regulations and interpretations.

If I can further assist you with this, or any other pipeline regulatory matter, please contact me at (202) 366-4595.

Sincerely,



Florence L. Hamn  
Director, Office of Regulations