

PI-72-0113

September 20, 1972

DHM-217

Mr. Donald E. Martin  
City Attorney  
City of Kansas City  
Legal Department  
Kansas City, Kansas 66101

Dear Mr. Martin:

This refers to your letter of August 18 and our reply of September 12, 1972, concerning warning signs over pipelines in certain residential areas of Kansas City.

A Safety Inspector from our Kansas City office made an onsite inspection of the pipeline markers in the residential area from which the original complaints originated. It was determined that the markers were installed by the Williams Brothers Pipeline Company to mark the location of their multiple pipeline system at points where it passes under the several streets in the neighborhood. The Williams Brothers lines are engaged in interstate commerce and therefore are subject to pipeline regulations administered by the Federal Railroad Administration.

The pipeline markers in question do comply with the Federal safety regulations for the Transportation of Liquids by Pipeline, 49 CFR, Part 195, Section 195.410. This regulation became effective April 1, 1970. However, the Federal regulation on line markers is a regulation which affords necessary flexibility to the carrier in his method of compliance. Accordingly, the regulation does not set forth any requirement with regard to vertical positioning, overall size, or height of markers all of which may reasonably vary to meet a local situation. The carrier could utilize one style marker for open country and a completely different style for a residential area and still comply with the minimum Federal safety standard with respect to location, letter size and color.

The American Petroleum Institute, Division of Transportation, published a Recommended Practice for Marking Liquid Petroleum Pipeline Facilities, dated October, 1971. In that recommended practice API recognized that different type markers could be used and suggests some alternative for the operators' consideration. One of the suggested alternates may be a solution to the marking of pipelines that might be agreeable to the residents in the area concerned.

Over the past four years approximately 20% of all reported accidents on liquid pipeline systems have been caused by equipment such as bulldozers, back hoes, boring devices and graders rupturing buried pipe. Such equipment was operated by third party personnel. Damage of this type is more likely to occur in areas where streets, water mains, and storm sewers exist than would be the case in more sparsely settled regions. The requirement to mark the location of pipelines is considered as an essential part of our program to reduce the number of accidents on pipeline systems from this cause and thus improve public safety.

In this particular case, the available information indicated the carrier is in compliance with the Federal minimum standards, and therefore meets the safety objective. To the extent that the carrier is utilizing markers having physical characteristics which the property owner considers detrimental to a property right as recognized in that community, we believe the matter is one to be resolved between the property owner and the carrier.

This office will contact the operator to make sure he is aware that the Federal regulations do permit variations from the conventional industry style of the marker.

This is the first complaint of this nature we have had relative to the marking requirements. However, we will reevaluate the regulation and if it is indicated that a clarification is needed, the appropriate action will be taken. The Office of Pipeline Safety is presently evaluating the public comments received to a Notice of Proposed Rulemaking on the marking requirements for gas pipelines (49 CFR, Part 192). These proposed requirements are similar to the marking requirements of Part 195 and the comments could be useful in such an evaluation.

If this office can be of further assistance in this matter, please advise.

Sincerely,

Mac E. Rogers  
Associate Administrator  
Office of Safety