

PI-78-0103

MAY 12, 1978

Interpretation of §195.410

Chief, Technical Division

Acting Director, Office of Pipeline Safety Operations

Section 195.410 requires line markers in . . . sufficient number . . . that its (pipeline) location is accurately known. From the remaining requirements of §195.410, the standard practices of the industry, and other actions of this office, it is apparent that the intent of §195.410 is to require line markers at crossings of navigable waterways.

I have attached copies of two previous interpretations of §195.410 that appear to be in conflict. I agree with the 1974 interpretation to Mr. Collins. I do not agree with the 1976 interpretation to Mr. Merriman even though it had Technical Division concurrence.

Original signed by  
Frank E. Fulton

April 2, 1974

Mr. Fred J. Collins  
Manager, Right of Way Department  
Colonial Pipeline Company  
3390 Peachtree Road, N.E.  
Lenox Towers  
Atlanta, GA 30326

Dear Mr. Collins:

This refers to your letter of March 6, 1974, concerning Section 195.410, placement of line markers. Specifically you requested our review and advice concerning five water crossings, and possible consideration for waiver.

Section 195.410 requires each carrier to place and maintain line markers over each buried line in sufficient number so that its location is accurately known. Also, line markers placed on each side of a navigable waterway crossing must have the additional words, "Do Not Anchor or Dredge." If the water crossing is not a navigable waterway crossing, then a normal line marker placed on each side of the crossing will satisfy Section 195.410.

The Office of Pipeline Safety does not give preliminary opinions as to whether particular circumstances present sufficient grounds for a waiver. Therefore, we are returning your plats covering the Elizabeth and Raritan River, Rancocas and Raccoon Creeks, all in New Jersey, and the Nansemond River located in Virginia.

To determine if a waiver should be granted in accordance with 49 CFR, Part 5, the carrier should show why Section 195.410 is not appropriate, why the public interest would be served, and a discussion of the basis upon which the proposal would not be inconsistent with liquid pipeline safety.

The requirement to mark the location of pipelines is considered an essential part of our program to reduce the number of accidents on pipeline systems and thus improve public safety.

If we may be of any further assistance to you in this matter, please advise.

Sincerely,  
Joseph C. Caldwell  
Director  
Office of Pipeline Safety

OCT 5 1976

Mr. Donald R. Merriman  
Buckeye Pipe Line Company  
P.O. Box 368  
Emmaus, Pennsylvania 18049

Dear Mr. Merriman:

This refers to your letter of September 15, 1976, requesting an exemption from the line marking requirements of 49 CFR 195.410(a)(2) with regard to two 10-inch pipelines installed within a 24-inch concrete coated steel casing beneath The Narrows crossing between Staten Island and Brooklyn, New York.

Section 195.410(a)(2) requires that line markers which are installed at navigable waterway crossings must bear a prescribed legend written in letters of a certain size on a background of sharply contrasting color. It is not clear from your exemption request whether Buckeye would prefer to meet some alternative marking requirements at The Narrows crossing or not to install any markers at the crossing. If the former is the case, you have not proposed what alternative marking requirements would be appropriate. If the latter is the case, since Section 195.410 does not require that carriers install line markers at navigable waterway crossings, an exemption is unnecessary. Therefore, we have not accepted your letter as a petition for exemption.

Should Buckeye wish to install markers at The Narrows crossing in a manner contrary to that required by Section 195.410(a) we would, of course, consider the matter upon a showing of what alternative requirements are proposed to be met.

Sincerely,  
Cesar DeLeon  
Acting Director Office of Pipeline Safety Operations

10/27/77

Possible Violations of 49 CFR Part 195 on TAPS

Buck Furrow

Cesar DeLeon

This memorandum states my views on Lloyd's recommendations regarding the TAPS.

Recommendation #1:

Sections 195.254(a)(5) and 195.410(d) are not inconsistent inasmuch as other provisions of Section 195.254 permit aboveground installations in areas which may be "accessible" to the public (such as "spans over ditches"). In addition, as a maintenance requirement, Section 195.410(d) applies to all lines not just new ones subject to section 195.254(a)(5).

The phrase "inaccessible to the public" should be interpreted in light of the purpose of the rule — to permit aboveground installations in areas where the opportunity for interference by the public (other than sabotage) is minimal. This description fits areas where access is controlled by the carrier (§195.254(a)(4), areas that are not generally open for use by the public (e.g., private noncommercial property, farm land), and areas which, although open to the public, are remotely located and very difficult to reach (e.g., portions of a national forest).

The proximity of a pipeline to existing public roads is a factor to consider in determining "accessibility." The same would not be true for haul roads used solely by the carrier for construction and maintenance. A more relevant consideration is whether the immediate area of the pipeline is legally open or closed to the public, and if open, how easy would it be for someone to get to the pipeline. A decision on whether Section 192.254(a) (5) is violated should be made on the basis of all circumstances pertaining to the location of the line and the opportunity for public access. Lloyd's memo does not provide sufficient information upon which to base a sound decision on whether the pipeline is "accessible to the public."

Recommendation #2:

Section 195.116(e) does not specifically require that a valve's position be indicated at the valve. Thus, an electrical means for remote indication would satisfy the requirement, particularly since it is written in performance language.

The NPRM was more specific. It proposed that a valve be "equipped with a device that clearly indicates... valve position." If the language of this proposal had been adopted as final, the rule would require that valve position be shown at the valve. While there is no discussion of the language change in the final rule, we can presume it was to relax the proposed requirement to permit valve readings at remote locations as well as at the valve.

L M. Furrow