

August 13, 1980

SUBJECT: Interpretation of Section 195.436

FROM: Associate Director for
Pipeline Safety Regulation, DMT-30

TO: Edward J. Ondak
Chief, Central Region, DMT-14

Your memorandum dated May 9, 1980, requested an interpretation of the security requirements of Section 195.436.

Attached is the interpretation you requested.

/signed/

Melvin A. Judah

Attachment

No. 80-10
Date: August 13, 1980

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
MATERIALS TRANSPORTATION BUREAU

PIPELINE SAFETY REGULATORY INTERPRETATION

No
te: A pipeline safety regulatory interpretation applies a particular rule to a particular set of facts and circumstances, and, as such, may be relied upon only by those persons to whom the interpretation is specifically addressed.

SECTION: 195.436

SUBJECT: Interpretation of Section 195.436

FACTS: Your memorandum dated May 9, 1980, requested an interpretation concerning section 195.436. You gave a situation with a tank farm in a rural setting, with a hard surface road paralleling the front side of the tank farm, and with no surveillance or monitoring equipment installed to detect unauthorized entry.

Question: (1) Will either of the following fences meet the requirements of section 195.436?

(a) A four strand, barbed wire fence surrounding the perimeter.

(b) A four strand, barbed wire fence on three sides bounded by farm land with an eight-foot chain link fence on the front side of the tank farm.

(2) Will hourly inspections of the tank farm facilities meet the requirements of ?195.436?

Interpretations: The intent of section 195.436 is to provide security from vandalism and entry by unauthorized persons. Although fencing is not necessarily required, one of the ways to comply with this regulation would be to construct a fence adequate to protect the facility from vandalism and unauthorized

entry. A barbed wire fence is generally used to control livestock, but would not deter entry by unauthorized persons. Hence, neither of the fencing options you listed would meet the requirements of the regulation. Likewise, hourly inspections will not deter unauthorized entry or prevent vandalism and, therefore, will not meet the requirements of ?195.436.

signed

Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau