

PI-72-0112

September 15, 1972

Honorable Robert Dole
United States Senate
Washington, D.C. 20510

Dear Senator Dole:

Your inquiry of August 15, 1972, to Mr. Lawrence J. Burton, Director of Congressional Relations, Department of Transportation, has been referred to this office for reply.

That inquiry referred to a letter from Stephen P. and Evelyn V. Stimac concerning pipeline markers on the front lawn of their residence. These pipeline markers were installed by the Williams Brothers Pipeline Company to mark the location of their multiple pipeline system where it crossed a public road in front of the Stimac residence.

These markers do comply with the Federal minimum safety regulations for the Transportation of Liquids by Pipeline, 49 CFR, Part 195, Section 195.410 (copy enclosed). 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 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 alternatives for the operators' consideration. One of the suggested alternates may be an agreeable solution to the marking of the pipelines on the Stimac property.

Over the past four years approximately 20% of all reported accidents on liquid pipeline systems have been caused as a result of third party damage to the pipelines. This 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 the referenced 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 Rule Making 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 we may be of any further assistance to you in this matter, please advise.

Sincerely,
Original signed by:
Joseph C. Caldwell
Director
Office of Pipeline Safety

United States Senate

August 15, 1972

Respectfully referred to:

Mr. Laurence J. Burton
Director, Congressional relations
U.S. Department of Transportation
Washington, D.C. 20590

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

BOB DOLE

U.S.S.

2736 North 45th Street
Kansas City, Kansas 66104

August 7, 1972

Senator Robert Dole
United States Senate
Washington, D.C. 20010

RE: Marking Signs Being Placed by the Williams Pipeline Co.

Dear Senator Dole:

Monday, July 24th, the Williams Brothers Pipeline Company of Tulsa, Oklahoma came to our home and set up four 5-foot marking signs consisting of a bold 12-inch target with bright yellow, black, and red captions at 10-foot intervals across the entire frontage of our property.

We understand from city officials that this is in accordance with the National Safety Act requiring markers for all oil product lines at street and highway crossings. If, this is true, we are to look forward to three more hideous signs from the Phillips Petroleum Company.

We are sending a photo of our home, and enlisting your aide as well as that of Senator Edward Pearson and Representative Larry Winn. We ask that you check into this matter and seek to obtain a modification as to the size and number of these markers in a purely residential area.

We feel that our home has been depreciated by several thousand dollars by these signs and that the entire block suffers from their effect.

As private citizens we have always tried to maintain our home in beauty and it is quite a blow to accept a defacement of this nature.

Thank you for any time and consideration you can give us in this matter.

Very truly yours,
Stephen P. and Evelyn V. Stimac