

SUBJECT: INFORMATION: Section 192.707(c) Interpretations

FROM: Melvin A. Judah
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TO: Richard E. Sanders
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In your memorandum of February 27, 1981, you requested an interpretation of the term "accessible to the public" in section 192.707(c), and whether certain situations involving district regulator stations and other facilities would be subject to the rule.

Section 192.707(c) provides:

"Pipelines aboveground. Line markers must be placed and maintained along each section of a main and transmission line that is located aboveground in an area accessible to the public."

Under the definitions in section 192.3, a "regulator station" and the other facilities to which you referred are included within the meaning of "pipeline" and the terms "transmission line" and "main". Thus, these facilities must be marked if they are located aboveground in an area accessible to the public. By letter dated July 15, 1976, we issued an interpretation to Cities Service Gas Company which provides that an area is "accessible to the public" if entrance into the area is not physically controlled by the operator or if the area may be entered without difficulty.

With regard to your question about how the term "accessible to the public" would apply to the five situations given in your memorandum, the descriptions of the situations are insufficient for us to make a determination of the application of the regulation. The application of the regulation depends upon all factors relevant to whether an operator exercises physical control or whether an area is difficult to enter. These factors can only be ascertained by examination of the site. Two factors to consider are whether the area is adequately fenced and locked or guarded, and if not fenced, the remoteness of a facility from areas frequented by the public. These and other relevant factors should be considered by enforcement personnel in applying section 192.707(c) to given situations.

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