

November 18, 1998

Ms. Gweneyette Broussard
Shell Oil Products Company
PO Box 2463
Houston TX 77252

Dear Ms. Broussard:

This responds to your inquiry on our interpretation of the term, "in-plant piping system," as defined in 49 CFR 195.2. You asked us to expand the interpretation to include in-plant transfer piping that crosses railroad mainlines.

The request arises because some refinery or petrochemical plants are separated by a railroad mainline over which trains travel at a reduced speed through the plant. A typical plant is said to have 30-50 transfer lines up to 16 inches in diameter that cross a railroad. The crossings may be up to 500 feet long, with a 6 to 10-foot clearance between overhead crossings and trains. As with other in-plant piping, the railroad crossings are designed and inspected in accordance with ANSI B31.3 standards for chemical plants and refineries and are subject to the Process Safety Management regulations of the Occupational Safety and Health Administration (29 CFR 1910.119).

The safety standards in 49 CFR Part 195 do not apply to transportation through onshore production, refining, or manufacturing facilities, or storage or in-plant piping systems associated with such facilities (§195.1(b)(6)). To clarify the limits of Part 195 for in-plant piping systems, we defined the term and stated that it includes pipeline crossings of single public thoroughfares that divide plants (59 FR 33389; June 28, 1994). We further explained that by thoroughfare we meant a road but not a railroad. Although we considered road crossings to be comparable in most respects to other in-plant piping, we were apprehensive about the risk of train-related accidents at railroad crossings.

Your request has caused us to reconsider whether railroad crossings fall under the in-plant piping exception from Part 195. The information you provided about design, maintenance, and regulation demonstrates that in-plant railroad crossings are subject to the same safety standards as other in-plant piping. And our increased familiarity with in-plant railroad crossings confirms that the risk of train-related accidents does not justify distinguishing these crossings from road crossings. It follows that, like road crossings, in-plant railroad crossings are comparable in most respects to other in-plant piping.

Therefore, we will consider the thoroughfare interpretation of in-plant piping system to include in-plant railroad crossings.

Sincerely,

Richard B. Felder
Associate Administrator for Pipeline Safety