

Interpretation 192.13 15

June 20, 1979

Mr. John Parker
Attorney at Law
Clinton, North Carolina 28238

Dear Mr. Parker:

This responds to your letter of May 14, 1979, asking several questions with regard to 49 CFR Part 192.

Question 1. Are pipelines that were in existence before the effective date of this act subject to the maintenance, repair, and operations requirements of Section 192?

Answer 1. On November 12, 1970, the maintenance, repair, and operations requirements of Part 192 became effective with regard to all new and then existing gas pipelines in or affecting interstate commerce. (35 FR 13257)

Question 2. If so, are there any regulations or rules in reference to Section 192.707 entitled "Transmission lines: Markers" requiring an operator to maintain such markers by keeping shrubbery and grass cut away from such markers in order that they may be visible?

Answer 2. Section 192.707(a) provides that each pipeline marker that is required to be installed must be "maintained". Although specific criteria for maintenance are not set forth, under this general maintenance requirement, markers must be kept free of obscuring vegetation if they are to help identify the location of pipelines, which is the purpose of Section 192.707.

Question 3. In your opinion, would the term "other hazards" in Section 192.317(a) include the preparation for drainage of agricultural fields in which a gas line had been laid prior to the enactment of Section 192?

Answer 3. Section 192.317(a) is a construction requirement that, in accordance with Section 192.13, applies to new pipelines readied for service after March 12, 1971, or to existing pipelines that are replaced, relocated, or otherwise changed after November 12, 1970.

From your question, it appears that the field preparation took place near a pipeline that was laid prior to November 12, 1970, and that the pipeline has not subsequently been replaced, relocated, or otherwise changed. If so, Section 192.317(a) would not apply to the pipeline. If this section were applicable to the pipeline, the field preparation would come within the meaning of "other hazards" if at the time of construction of such an event and that the event could cause the pipeline to move or to sustain abnormal loads.

Sincerely,

Cesar De Leon

GTR0001801

Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

John R. Parker
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May 14, 1979

Department of Transportation
Hazardous Materials Regulations Board
Washington, D. C. 20000

To whom it may concern:

This letter is to request an advisory opinion as to the retroactive effect of Title 49 Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, concerning the following issues:

1. Are pipelines that were in existence before the effective date of this act subject to the maintenance, repair, and operations requirements of §192?
2. If so, are there any regulations or rules in reference to §192.707 entitled "Transmission lines: Markers" requiring an operator to maintain such markers by keeping shrubbery and grass cut away from such markers in order that they may be visible?
3. In your opinion would the term "other hazards" in §192.317(a) include the preparation for drainage of agricultural fields in which a gas line had been laid prior to the enactment of §192?

Your prompt reply to these important issues will be greatly appreciated. It is with the utmost urgency that we request this information.

Very truly yours,

John R. Parker