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February 4, 2000

Mr. Scott Belcher
Managing Director
Environmental Affairs
Air Transport Association
1301 Pennsylvania Avenue, NW Suite 1100
Washington, DC 20004-1707

Dear Mr. Belcher:

Your letter of July 7, 1999, requested an interpretation as to the applicability of the Federal pipeline safety regulations to Sky Harbor Airport's on-airport jet fuel hydrant system. The on- airport system consists of the jet fuel storage facility and "extend[s] to the pipes, valves, filters, pumps, equipment and materials that comprise the system up to and including the individual hydrant pits at each gate at each terminal." In addition, you noted that ATA would prefer to have an OPS opinion "applicable to all jet fuel hydrant systems at major airports in the United States."

The fuel distribution facilities at Sky Harbor Airport are typical of arrangements at most major airports. Jet fuel arrives via one or more transportation pipelines for storage and distribution to aircraft via a jet fuel hydrant system or by tank truck. The on-airport jet fuel storage tanks are part of the terminal function, and are not usually part of the transportation pipeline system. An exception to this would be any tanks or valves on airport grounds that are required to safely operate the transportation pipeline system or that are used as pipeline "breakout tanks."

Fuel distribution systems on airport grounds are akin to in-plant piping systems that are excluded from Part 195 under § 195.1(b)(7) or terminal facilities that are excluded under § 195.1(b)(8). Because of the similarity, these systems are not generally subject to the Federal pipeline safety standards in 49 CFR Part 195. Of course, on-airport jet fuel hydrant systems may be subject to local and state safety and environmental regulations.

If you require any further information, please contact me at (202) 366-4565

Sincerely,
Richard D. Hurliaux, P.E.
Manager, Regulations
Office of Pipeline Safety

Air Transport Association of America
1301 Pennsylvania Ave., NW – Suite 1100
Washington, DC 20004-1707

July 7, 1999

VIA FACSIMILE AND REGULAR MAIL

Office of Pipeline Safety (DPS-10)
Research and Special Programs Administration
U.S. Department of Transportation
ATTN: Richard D. Huriaux, P.E.
400 7th Street SW
Washington, D.C. 20590-0001

**Re: Request for Written Regulatory Interpretation Concerning Pipeline Transportation Regulations
(Submitted Pursuant to 49 C.F.R. § 190.11(b)(1))**

Dear Richard:

The Air Transport Association ("ATA") is pleased to submit this written regulatory interpretation request relating to the applicability of the Federal Hazardous Liquid Pipeline Transportation Regulations (49 C.F.R. Part 195) to on-airport jet fuel hydrant systems.

The ATA is the primary trade organization for the principal passenger and all-cargo airlines operating in the United States¹. In that capacity, ATA has played a major role in all the significant governmental decisions regarding aviation since its founding in 1936. The purpose of the ATA is to support and assist its members by promoting the air transport industry and the safety, cost effectiveness and technological advancement of its operations as well as advocating common industry positions before state and local governments, conducting designated industry wide programs and assuring governmental and public understanding of all aspects of air transport. Membership in ATA is open to common carriers in air transportation of passengers or cargo that operate a minimum of 20 million revenue ton miles annually and have a valid operating certificate issued pursuant to § 604 of the Federal Aviation Act.

Historically, the 49 C.F.R. Part 195 regulations have not been interpreted as applying to on-airport jet fuel hydrant systems. Recently, however, threatened enforcement actions by some state regulatory authorities has resulted in heightened ATA concern over this issue.

Although ATA would prefer to have an OPS opinion applicable to all jet fuel hydrant systems at major airports in the United States, we realize that there are differences in the construction, operation, maintenance and configuration of the jet fuel hydrant systems at different airports. Accordingly, for purposes of this regulatory interpretation request, ATA asks that OPS provide its opinion with respect to a specific airport at which a state agency has indicated its intent to enforce the Part 195 regulations pursuant to state regulatory authorities. This airport is Sky Harbor International Airport ("Sky Harbor") located in Phoenix, Arizona. Listed below is a description of the on-airport jet fuel hydrant systems serving Sky Harbor. We ask that OPS review this regulatory interpretation request, contact us if additional information is needed, and provide a regulatory interpretation response letter as to whether or not the 49 C.F.R. Part 195 regulations are applicable to the on-airport jet fuel hydrant system at Sky Harbor.

1 ATA member carriers include the following: Aeromexico, Air Canada, Airborne Express, Alaska Airlines, Aloha Airlines, American West Airlines, Amerian Airlines, American Trans Air, Atlas Air, Inc., Canadian Airlines International, Continental Airlines, Delta Air Lines, Inc., DHL Airways, Emery Worldwide, Evergreen International Airlines, Federal Express Corporation, Hawaiian Airlines, KLM-Royal Dutch Airlines, Mexicana, Midwest Express Airlines, Northwest Airlines, Polar Air Cargo, Reeve Aleutian Airways, Southwest Airlines Co., Trans World Airlines, United Airlines, United Parcel Service, and US Airways.

Jet fuel at Sky Harbor arrives via a single 10 inch transportation pipeline that begins at the West Van Buren tank farm in Phoenix, Arizona and travels approximately 11.4 miles to an on- airport jet fuel storage facility at Sky Harbor. The on-airport jet fuel storage facility includes four above ground storage tanks (nominal 30,000 barrels each), a maintenance and office facility, filters, pumps and associated pipes and other equipment. This on-airport storage facility and the on-airport jet fuel hydrant system are owned by Arizona Fueling Facilities Corporation ("AFFC"), an Arizona corporation, the shareholders of which are the major airlines operating at Sky Harbor. These shareholders include American Airlines, America West Airlines, Alaska Airlines, British Airways, Burlington Express, Continental Airlines, Delta Air Lines, Northwest Airlines, Southwest Airlines, Trans World Airlines, United Airlines and US Airways, Inc.

The on-airport jet fuel storage facility and the on-airport jet fuel hydrant system are situated on land owned by the City of Phoenix and managed by the City of Phoenix airport authority. AFFC has authority to operate *the jet fuel* storage facility and the on-airport jet fuel hydrant system pursuant to a lease agreement with the City of Phoenix. **The jet fuel in the hydrant system is not owned by AFFC;** each member airline purchases its own fuel for its account and arranges for the fuel to be transported to the on-airport jet fuel storage facility.

After arriving at the on-airport jet fuel storage facility, the fuel is filtered and is then available for use by each individual member airline and non-member airlines that have entered into non-contracting user agreements with AFFC. From the on-airport jet fuel storage facility, the fuel is delivered via an underground distribution system to three *passenger* terminals at Sky Harbor Airport -- Terminal 2, Terminal 3 and Terminal 4 -- and an on-airport truck rack facility. Each of these passenger terminals has two or more concourses. In most situations, a smaller diameter pipeline feeds off of the pipeline distributing the fuel from the on-airport storage facility and loops around each concourse at each terminal. From each of these so-called "loop lines," smaller diameter pipes are attached to distribute the fuel from the "loop line" to each individual gate at each concourse at each terminal. The jet fuel is ultimately distributed to a pressurized hydrant pit at each passenger gate. This hydrant pit *is* then accessed by a fueling vehicle which filters and meters the fuel as it is delivered to the aircraft. The fueling vehicle attaches a flexible hose to the hydrant pit at the passenger gate and the other end of the flexible hose is attached to the wing of the aircraft for fueling the aircraft. At many gates, there are more than one hydrant pit, in order to service different types and sizes of aircraft.

Throughout the airport, there are also many valves, including isolation valves, high point valves and low point valves that are disbursed throughout the various distribution lines serving the passenger terminals and the individual concourses. Attached are sample diagrams depicting the distribution lines at Sky Harbor. Also attached is a list of the major components and equipment and materials comprising the on-airport jet fuel hydrant system at Sky Harbor Airport.

This request for written regulatory interpretation is a request only for the on-airport jet fuel hydrant system, commencing with the on-airport jet fuel storage facility and extending to the pipes, valves, filters, pumps, equipment and materials that comprise the system up to and including the individual hydrant pits at each gate at each terminal. With this letter, ATA does not request an interpretation as to whether the 49 C.F.R. Part 195 regulations apply to the 10 inch transportation pipeline that delivers the jet fuel to the on-airport storage facility.

We trust the description contained herein and in the enclosed documents are sufficient to allow you to respond to this request for a written regulatory interpretation. Please contact me at 202-626-4155 if you have any additional questions or desire additional information.

Sincerely,
Scott Belcher
Managing Director
Environmental Affairs