



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

**FEB 18 2014**

Mr. Paul Nicklas  
Assistant City Solicitor  
City of Bangor  
73 Harlow Street  
Bangor, Maine 04401

Dear Mr. Nicklas:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated August 17, 2012, you requested an interpretation of the applicability of the Federal pipeline safety regulations at 49 CFR Part 195 to a jet fuel pipeline operated by the City of Bangor. Specifically, you asked whether the exemption in § 195.1(b)(3)(ii) for certain pipelines that serve terminal facilities excludes your hazardous liquid pipeline from Part 195 requirements.

You state that the City of Bangor owns and operates the Bangor International Airport. As part of this operation, the City uses a pipeline to transfer jet fuel from a tank facility located approximately one mile away to a hydrant system at the airport. Slightly less than one mile of the pipeline falls on land accessible to the general public. The pipeline does not cross an offshore area or a waterway used for commercial navigation. You also state that the line is not a low-stress pipeline, but could be converted into a low-stress pipeline by performing modifications to the line and its equipment. You believe that whether an airport can be considered a vessel terminal facility would determine if your pipeline is regulated under Part 195.

Based on the information provided in your request and information you provided to the PHMSA Eastern Region Office, this intrastate pipeline starts from the tank facility, where the tank receives the product by truck. The length of the pipeline beyond the last pressure controlling device inside the tank facility fence line to the first pressure controlling device inside the airport fence line is less than one mile long. The pipeline traverses public roads to supply the airport. The pipeline is located within the Bangor city limits. The pipeline operates at a stress level above 20 percent of the specified minimum yield strength (SMYS) of the line pipe.

Section 195.1(b)(3)(ii) states:

(b) Excepted. This Part does not apply to any of the following:

...

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

(3) Transportation of a hazardous liquid through any of the following low-stress pipelines:

...

(ii) A pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than one mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation;

Because the pipeline is not a low-stress pipeline and operates above 20 percent SMYS, this exemption does not apply to this pipeline. The pipeline in its current configuration operating above 20 percent SMYS is regulated by PHMSA. Therefore, the threshold condition in the exemption of being a low-stress pipeline has not been met.

I hope that this information is helpful to you. If we can be of further assistance, please contact Tewabe Asebe of my staff at 202-366-5523.

Sincerely,



For/ John A. Gale  
Director, Office of Standards  
and Rulemaking

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**AUG 23 2012**

August 17, 2012

John Gale  
Director, Standards and Rulemaking  
Pipeline and Hazardous Materials Safety Administration  
Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

**Re: Bangor International Airport Fuel Pipeline**

Mr. Gale:

The City of Bangor owns and operates the Bangor International Airport. As part of this operation, the City uses a fuel pipeline to transfer jet fuel from tanks to a hydrant system. Slightly less than one mile of the pipeline falls on land accessible to the general public.

After a significant period of investigation and discussion, the Eastern Region of PHMSA has determined that the pipeline falls under DOT jurisdiction. They have also indicated, however, that the City may seek a ruling from you on this subject.

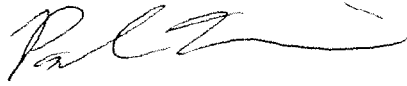
As you are no doubt aware, 49 C.F.R. § 195(b) lays out a number of exceptions to DOT jurisdiction of pipelines. One such exception applies to pipelines that 1) are low-stress, 2) serve refining, manufacturing, or truck, rail, or vessel terminal facilities, 3) are less than one mile long (measured outside facility grounds), and 4) do not cross an offshore area or a waterway currently used for commercial navigation. § 195(b)(3)(ii).

Less than one mile of the pipeline in question is outside facility grounds; it does not cross an offshore area or a waterway used for commercial navigation; and it could be made low-stress by the replacement of certain valves and other devices. The status of the pipeline appears to turn on whether an airport can be considered a vessel terminal facility.

According to the Collins English Dictionary, one meaning for the word "vessel" is "an aircraft, esp an airship." See [www.collinsdictionary.com/dictionary/english/vessel](http://www.collinsdictionary.com/dictionary/english/vessel), accessed on July 25, 2012. Additionally, there does not appear to be any practical reason to distinguish between aircraft terminal facilities and the other transportation terminal facilities mentioned for purposes of pipeline regulation. There is therefore support in both the letter and the spirit of the regulation for a finding that an airport is a vessel terminal facility.

The City would appreciate a ruling from you on this subject. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Nicklas", with a long horizontal flourish extending to the right.

Paul Nicklas  
Assistant City Solicitor  
City of Bangor

cc: Anthony Caruso, Director, BIA  
Byron Coy, Director, Eastern Region, PHMSA