



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Avenue SE
Washington DC 20590

NOV 27 2017

Mr. David Dupuy,
Safety Director
Automatic Propane Gas and Supply
1677 S US Highway. 69
Mineola, TX 75773

Dear Mr. Dupuy:

In a July 25, 2017, letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA), you requested an interpretation of 49 CFR Part 192. Specifically, you requested an interpretation whether the exclusion from Part 192 specified in § 192.1(b)(5)(i) applies to small liquefied petroleum gas systems that serve fewer than 10 customers and are not located in a public place. Also, you asked if the exclusion applies, whether the excluded small regulated liquefied petroleum gas operators would be exempt from the requirements of § 192.1015.

You described your pipeline system as follows:

The liquefied petroleum gas (propane) systems our company operates are only used to provide liquefied petroleum gas to residential homes located in small neighborhoods / subdivisions. The systems meet the requirement in 49 CFR 192.1(b)(5)(i) for fewer than 10 customers, in most cases only 6 or 7 homes. The LPG piping runs from a 1000 gallon or sometimes two 1000 gallon LPG tanks located in the front yard (both at the same location) of one residential property and transports LPG vapor across residential property within the neighborhood from one home to another. At no point does the piping cross under a road within the neighborhood. The question on our end is whether this would not be considered a **"public place"** and satisfy the rest of the exclusion listed in 49 CFR 192.1(b)(5)(i)? The term public place as taken from a PHMSA manual used to identify and clarify regulations which apply to jurisdictional LP gas operators defines public place as *"a place which is generally open to all persons in a community as opposed to being restricted to specific persons. Churches, schools, and commercial buildings as well as any publicly owned rights-of-way or property which if frequented by persons are public places)." It is our understanding that one's residential home / property is considered private being restricted to specific persons thus meeting the definition of not being considered a public place. This would satisfy the complete exclusion for all requirements provided in 49 CFR 192.1 as well as absolve the need for an integrity management plan found in 49 CFR 192.1015?*

It is not Automatic Propane Gas and Supply's intent to dodge or avoid regulatory compliance, but to ensure our company follows and correctly interprets the regulations

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.


provided by PHMSA to ensure the safety of the public. It is our interpretation that "public place" was listed within the regulation to omit small systems in locations such as these. Your assistance and guidance on this matter will be greatly appreciated.

Also, in an August 28, 2017, email, you provided a drawing and pictures of one of your propane tank and service line systems. You described the tanks as below ground and connected to the poly pipe lines that run to the tanks located at the houses.

The regulations in Part 192 prescribe minimum safety requirements for pipeline facilities and the transportation of gas, but do not apply to "Any pipeline system that transports only petroleum gas or petroleum gas/air mixtures to... few than 10 customers, if no portion of the system is located in a public place." 49 CFR § 192.1(b)(5)(i). Because your system is located solely within private property and serves fewer than 10 customers, your system is exempt from Part 192. Therefore, you are not required to comply with the provisions of § 192.1015.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', is written over the printed name and title.

John A. Gale
Director, Office of Standards
and Rulemaking



7-25-17

U.S. DOT
PHMSA Office of Hazardous Materials, phmsa.hm-infocenter@dot.gov
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

The following shall serve as a request for an interpretation and further clarification of 49 CFR 192.1, specifically 49 CFR 192.1 (b)(5)(i) and the reference to the term “**public place**” and whether the exclusion applies to the small liquefied petroleum gas systems our company, Automatic Propane Gas and Supply, operates. Also, if the exclusion applies to our systems does this absolve us from the requirements listed in 49 CFR 192.1015 for an integrity management plan even though the section states they are required for small lpg operators (an operator of a liquefied petroleum gas (LPG) distribution pipeline that serves fewer than 100 customers from a single source)?

The liquefied petroleum gas (propane) systems our company operates are only used to provide liquefied petroleum gas to residential homes located in small neighborhoods / subdivisions. The systems meet the requirement in 49 CFR 192.1 (b)(5)(i) for fewer than 10 customers, in most cases only 6 or 7 homes. The LPG piping runs from a 1000 gallon or sometimes two 1000 gallon LPG tanks located in the front yard (both at the same location) of one residential property and transports LPG vapor across residential property within the neighborhood from one home to another. At no point does the piping cross under a road within the neighborhood. The question on our end is whether this would not be considered a “**public place**” and satisfy the rest of the exclusion listed in 49 CFR 192.1 (b)(5)(i)? The term public place as taken from a PHMSA manual used to identify and clarify regulations which apply to jurisdictional LP gas operators defines public place as “*a place which is generally open to all persons in a community as opposed to being restricted to specific persons. Churches, schools, and commercial buildings as well as any publicly owned rights-of-way or property which if frequented by persons are public places*”. It is our understanding that one’s residential home / property is considered private being restricted to specific persons thus meeting the definition of not being considered a public place. This would satisfy the complete exclusion for all requirements provided in 49 CFR 192.1 as well as absolve the need for an integrity management plan found in 49 CFR 192.1015?

It is not Automatic Propane Gas and Supply’s intent to dodge or avoid regulatory compliance, but to ensure our company follows and correctly interprets the regulations provided by PHMSA to ensure the safety of the public. It is our interpretation that “public place” was listed within the regulation to omit small systems in locations such as these. Your assistance and guidance on this matter will be greatly appreciated.

David Dupuy - Safety Director
Automatic Propane Gas and Supply
1677 S US Hwy. 69, Mineola, TX. 75773
Phone: 504-220-1166, Email: dave.dupuy@raymondmartin.com

STATE OF TEXAS, COUNTY OF SMITH
 Survey made by the undersigned, Surveyor,
 on the 15th day of March, 2008, for the
 purpose of showing the location of the
 of the several tracts of land in Smith County, Texas.

JOHN L. DRY
 Surveyor
 My Comm. Expires 12/31/2011

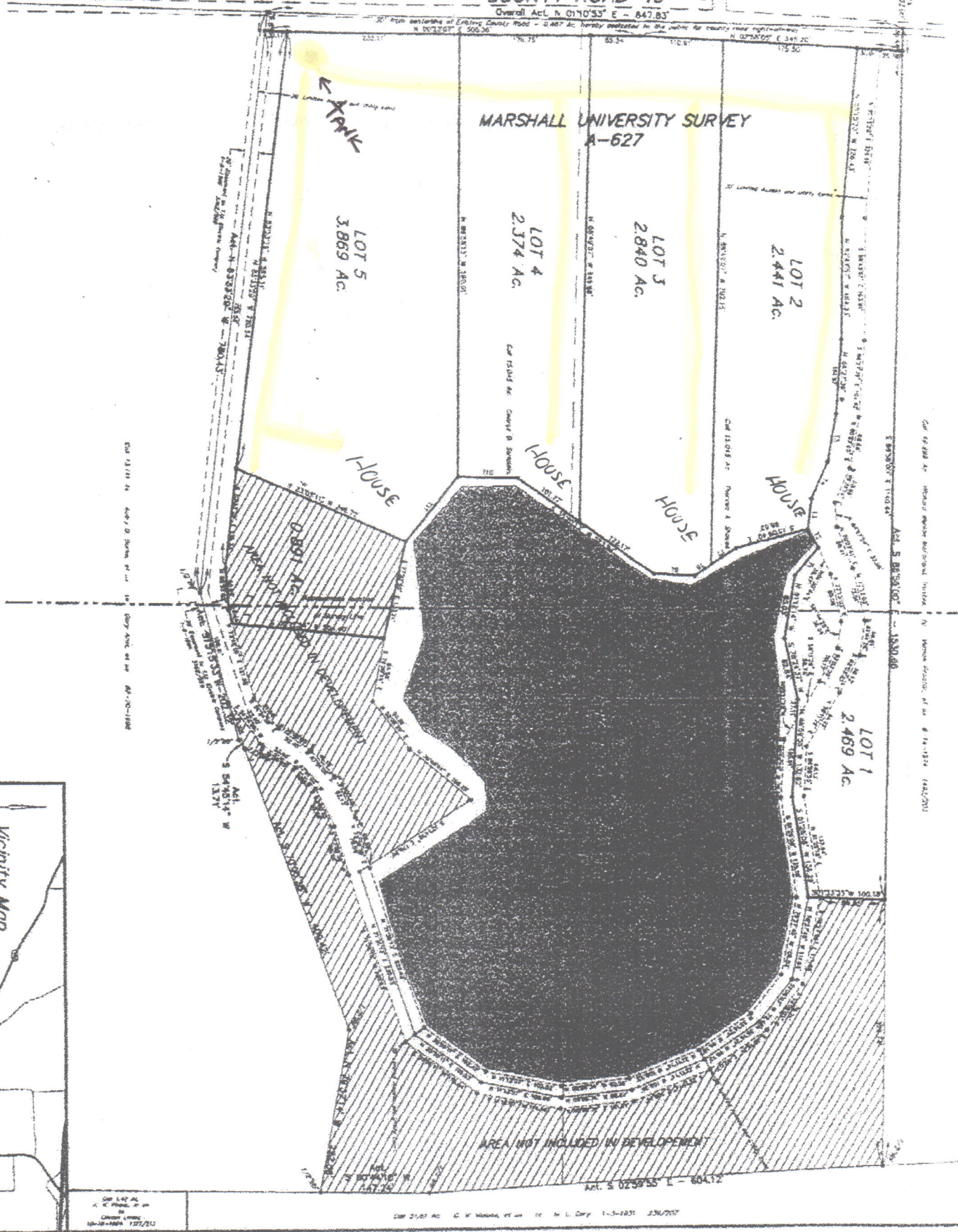
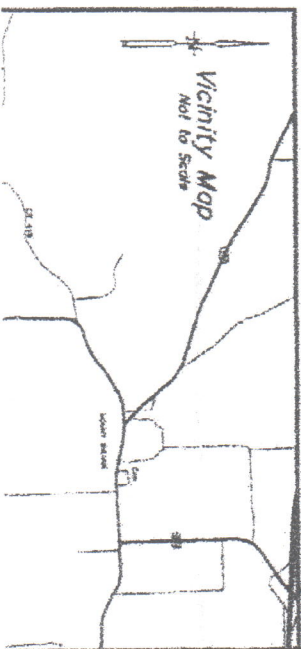
MAR 09 2008

JOHN L. DRY
 Surveyor
 My Comm. Expires 12/31/2011

Filed for Record at
 SMITH COUNTY, TEXAS
 on the 15th day of March, 2008
 by the undersigned, Surveyor,
 for the purpose of showing the location of the
 of the several tracts of land in Smith County, Texas.

JOHN L. DRY
 Surveyor
 My Comm. Expires 12/31/2011

SECTION	CORNER
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12



NO.	DATE	REMARKS
1		
2		
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8		
9		
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11		
12		

FINAL PLAT
SAVANNAH SHORES
SURVEYS AS SHOWN
SMITH COUNTY, TEXAS
SCALE: 1" = 100'



CHECKED BY: W.A.B.
DATE: 11/09/07 2:20 PM
SCALE: 1" = 100'

