

PI-71-0104

March 18, 1971

Mr. Lawrence E. Christenson  
City Attorney  
Office of the City Attorney  
200 E. 9<sup>th</sup> Avenue  
Winfield, Kansas 67516

Dear Mr. Christenson:

This is in reply to your letter of February 12, 1971, concerning building of housing units near a 175 pound, high pressure gas line in the city of Winfield, Kansas.

Our authority, under the Natural gas Pipeline Safety Act of 1968, extends only to transportation of gas, and does not extend to control of housing, zoning or local land use. The only exercise of Federal authority with regard to the proximity of housing to pipelines is related to the insuring of mortgages by the Federal Housing Administration in the Department of Housing and Urban Development. I suggest you write that agency if you wish further information on its regulations.

However, it should be noted that under the minimum Federal Safety Standards, a copy of which has been sent to you, the class location of a pipeline is determined by the number of buildings in the class location unit, after applying the criteria set forth in section 192.5. a change in class location may require certain additional safety measures. For example, section 192.705 requires that class location be considered in determining the frequency of patrolling a transmission pipeline to observe surface conditions on and adjacent to the right of way, of indications of leaks and other factors affecting safety and operation. Section 192.721 and 192.723 require that the frequency of patrolling mains and the type and scope of leakage control programs be determined by local conditions and consequent hazards to public safety.

Finally, in response to your inquiry as to whether section 192.625 of the minimum Federal Safety Standards, concerning odorization of gas, was in effect at the time of a gas explosion in Winfield on October 28, 1969, we call your attention to the fact that these regulations were not issued until August 11, 1970. However, Interim Minimum Federal Safety Standards for the Transportation of Gas for each State were issued on November 7, 1968, by adopting the state standards which were in effect on August 12, 1968, (49 CFR, part 190). By section 190.5(c) of the interim standards, the standards adopted for Kansas were section 1, 2, and 7 and so much of section 8 applies to section 7 of the Rules and Regulations Relating to Standards of Quality, Pressure, Accuracy of Measurement, Safety and Service of natural Gas in the state of Kansas, Docket 34, 856-U. Paragraph 703 of section 7 of those rules and regulations provided for odorization of any gas distributed to customers through gas mains or gas services, or used for domestic purposes in compressor plants.

If you need further assistance, please let us know.

Sincerely,  
Original signed by:  
Joseph C. Caldwell  
Director, Acting  
Office of Pipelines Safety

Office of the City attorney  
Castle 1-1120  
200 E 98<sup>th</sup> Avenue  
Winfield, Kansas 67156

February 12, 1971

Office of the Secretary of Transportation  
Regulations Division  
Office of Pipeline Safety  
Washington, D. C. 20590

Attention: Peter G. Kuh

Gentlemen:

I have your letter of February 4, 1971, indicating you had my letter addressed to the Kansas Corporation Commission of January 27, 1971.

I have also the publications you sent - particularly Volume 35, Number 161 of the Federal Register, which apparently was effective or published August 19, 1970. I have searched the information you sent and fail to find anything definite insofar as regulations are concerned, dealing with housing units being constructed near a 175 pound, high-pressure gas line.

I do not find anything particularly definite on the odorization, other than sections 192.625 and 192.751. The first referenced section would be sufficient if it made any difference whether it was for domestic or industrial use. Further, the City had a rather devastating gas explosion on October 28, 1969, and I am wondering if the referenced section was effective at that time.

Respectfully submitted,  
Lawrence E. Christenson  
CITY ATTORNEY