

PI-02-0101

09-18-02

Mr. Edward M. Steele
Chief, Gas Pipeline Safety Section
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Dear Mr. Steele:

This is in response to your request of June 21, 2002, for an interpretation of the applicability of the operator qualification regulations at 49 CFR Part 192, Subpart N to individuals replacing customer-owned service lines.

In Ohio the operator of the system, usually the local gas distribution company (LDC), is responsible for replacement of failed customer-owned service lines. Usually, this replacement is performed is performed by a plumber hired by the customer.

The LDC is responsible for complying with the gas pipeline safety regulations, including ensuring that all individuals performing covered tasks are fully qualified. The gas pipeline safety regulations at 49 CFR §192.801(b) define a covered task for purposes of operator qualification as one that 1) is performed on a pipeline facility, 2) is an operations or maintenance task, 3) is performed as a requirement of this part, and 4) affects the operation or integrity of the pipeline.

Question: When a plumber makes a replacement of the entire length of the customer-owned portion of the service line, is that plumber performing an operations and maintenance task, or is this similar to new construction?

Answer: The replacement of a service line with new pipe, whether by insertion or direct burial, is an operations and maintenance (O&M) activity that meets the "four part test: in §192.801(b). It is not new construction because it is designed to maintain the serviceability of an existing service line. In addition, major parts of the service line, such as meters and risers, are not usually replaced. The LDC, as the operator of the service line, is responsible for ensuring that the individuals performing these tasks are qualified in accordance with the operator qualification program required by §192.805.

Question: Does it make a difference in the method of replacement is by insertion?

Answer: No.

Question: Are plumbers who make the replacement to the customer-owned portion of the service line, as addressed in the above paragraph, subject to drug and alcohol regulations at 49 CFR Part 199?

Answer: Yes. The drug and alcohol regulations at 49 CFR Part 199 require operators of pipeline facilities to test covered employees for the presence or prohibited drugs and alcohol. *Covered employee, employee, or individual to be tested* is defined at §199.2 as “a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors.” As noted above, in Ohio the operator of the system, usually the local gas distribution company (LDC) is responsible for operation and maintenance of all service lines, but the customer is responsible for replacement of failed customer-owned service lines. Therefore, a plumber hired by a gas customer to replace a customer-owned service line is performing a covered function on the LDC’s system and is subject to the drug and alcohol regulations.

If you have any further questions about the pipeline safety regulations, please contact me at (202) 366-4565.

Sincerely,

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