

Mr. Chas. H. Kent
Supervising Engineer
Panhandle Eastern Pipe Line Company
P. O. Box 1348
Kansas City, MO 64141

Dear Mr. Kent:

This is in reply to your letter of September 4, 1973, concerning the casing of gas pipelines.

Your interpretation of Section 192.111 is correct; however, it implies that the Federal regulations require casings under certain conditions. The Federal regulations do not require a pipeline be encased under roadbeds, railroad crossings, or highway crossings. They do require a lower design factor for the pipe where a crossing is made of a public road without a casing as is indicated in your interpretation of Section 192.111

The Natural Gas Pipeline Safety Act of 1968 (NGPSA) provides for Federal safety standards for facilities utilized in the transportation of natural and other gases by pipeline in or affecting interstate or foreign commerce. It created exclusive Federal safety authority over gas systems, generally described as interstate systems, which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act. The Department also has an overall intrastate gas systems covered by the NGPSA. A State may assume responsibility for enforcing safety standards with respect to intrastate facilities through the filing of a certification under Section 5(a), or may enter into an agreement with the Department to assist in the enforcement of the Federal safety standards. Under Section 3(b) of the NGPSA, a certifying State agency may adopt additional, or more stringent, standards applicable to intrastate pipeline facilities, which are not incompatible with the Federal standards. Now where a State agency or local government requires the installation of casing as a condition to obtaining a road crossing permit or a right-of-way, this would not be considered incompatible with the Federal standards even though interstate pipeline facilities are involved. This appears to be the case with the proposed legislation by the Ohio Department of transportation concerning highway crossings. Since these regulations are not within the context of the State gas regulations, there is not a conflict of jurisdiction with the Federal regulations, nor would there be a violation of Section 3(b) of the NGPSA.

We can appreciate your concern as to the effects of the proposed legislation. Your contention that this legislation is more stringent than Section 192.111 is correct to the extent that the Federal regulations do not require the casing of pipelines under roadbeds, but this does not mean that there are not situations where the use of casings would not be the best of alternative methods of

achieving the desired degree of safety. It is for this reason that the Federal regulations are performance type requirements that clearly state the objective to be achieved and leave the means to the person regulated.

I trust that this information clarifies this matter.

Sincerely,

/signed/

Joseph C. Caldwell
Director
Office of Pipeline Safety