

PI-76-0101
January 22, 1976

Mr. L. D. Clapsaddle
Assistant Regional Administrator
for Housing Management
Department of Housing and
Urban Development
1100 Commerce Street
Dallas, Texas 75202

Dear Mr. Clapsaddle:

Your letter of November 4, 1975, requests clarification of the responsibility for compliance with certain Federal gas pipeline safety standards contained in 49 CFR Parts 191 and 192 by a housing project owner who owns gas pipelines in the project which are subject to those standards. The pipelines involved are operated by a local gas distribution company which sells gas to tenants through individual meters owned by the gas company. Specifically, you ask whether the project owner, the gas company, or both are required by law to comply with certain safety standards.

As your letter indicates, we advised Mr. Sterling Cockrill of your Little Rock office by letter of August 18, 1975, that in situations like the one you describe, if the project owner owns the gas pipelines involved, that owner would be responsible for compliance with applicable safety requirements as well as the gas distribution company who operates the pipelines. That opinion was based on Sec. 8 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1677) which requires that each person who owns or operates pipeline facilities must comply with applicable regulations.

We did not intend to imply that certain regulations are binding on the owner of facilities while others are binding on the person operating the facilities. Under Section 8 of the Act, we view the obligation to comply with applicable regulations as a single responsibility which must be met by either the owner of facilities or the person who operates them. Compliance by either person satisfies the entire obligation.

As a practical matter, however, because the regulations in Parts 191 and 192 are directed toward compliance by persons in the gas pipeline transportation business who operate pipeline facilities, the need to enforce compliance against an owner who does not operate facilities has never arisen.

We trust this satisfactorily responds to your inquiry.

Sincerely,
Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations