

Mr. John E. Good
John E. Good Associates
331 West Miner Street
West Chester, Pennsylvania 19380

Dear Mr. Good:

The Federal Energy Regulatory Commission has asked us to reply to your letter of April 6, 1979, concerning the legitimacy of proposed local zoning ordinances that would require new dwellings to be set back 300 feet from natural gas transmission lines.

The Materials Transportation Bureau regulates the safety of gas transmission lines by authority of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671 et seq.). Although this statute preempts the power of State and local jurisdictions to prescribe safety regulations for interstate gas transmission lines, neither the statute nor the Federal regulations affect the zoning powers of these jurisdictions over the construction of dwellings. Indeed, the regulations, which are found in 49 CFR Part 192, contemplate the proximity of dwellings along pipeline routes, and prescribe more stringent design, construction, operation, and maintenance requirements as population increases near the pipelines.

We trust that this information is helpful to you.

Sincerely,

/signed/

Cesar DeLeon
Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

The Federal Power Commission
United States Government
Washington, D. C. 20013

Ladies/Gentlemen:

I represent two local government units in Chester County, Pennsylvania, both of who are considering zoning ordinances which would create a setback limitation for the construction of a dwelling which limitation would require that the dwelling be setback three hundred feet from a natural gas transmission line.

I am unaware, despite fairly extensive research of any cases in Pennsylvania dealing with the legitimacy of such a requirement.

Since your agency administers certain regulations as they apply to natural gas pipeline companies I am wondering whether you have an information available that would assist me in determining the legitimacy of such regulations. If so, I would appreciate hearing from you.

Very sincerely,

John E. Good