

July 30, 1981

Mr. Stuart A. Bach
City Manager
City of Wichita Falls
1300 7th Street
P.O. Box 1431
Wichita Falls, Texas 76307

Dear Mr. Bach:

This responds to your letter of July 13, 1981, asking several questions about 49 CFR Part 192 and the Natural Gas Pipeline Safety Act of 1968.

Question 1: Does the Natural Gas Pipeline Safety Act and its implementing regulations give the utility/operator exclusive rights to install, maintain, repair and replace service lines?

Answer: The Act and regulations do not alter the right of operators under common or State laws to install, maintain, repair, or replace service lines except to establish minimum standards of safety that such activities must meet. Thus, the statute and regulations do not create a right to conduct these activities, but they impose a duty on pipeline operators to make sure they are conducted as prescribed.

Question 2: Not applicable.

Question 3: If the answer to question number one is "no," precisely what authorities and responsibilities does the utility/operator possess under the Act and the Code of Federal Regulations with regard to service lines? Please identify the applicable statutory and regulatory provisions.

Answer: As stated in answer to Question 1, the Act and regulations do not give pipeline operators any authority over service lines, but they impose a responsibility to comply with applicable safety standards. (49 U.S.C. 1677, 49 CFR Part 192)

Question 4: Under the Act and its implementing regulations and assuming adherence to the safety standards set forth therein, is it permissible for locally licensed plumbers to install new service lines and to repair and replace lines determined by the utility/operator to be leaky, corroded, potentially hazardous or otherwise unsafe?

Answer: The Act and regulations do not prohibit a plumber from repairing or replacing a service line, but they make the pipeline operator responsible for assuring that the work is completed in accordance with applicable standards. In this regard, there are standards that govern the

qualifications that any individual must have before working on gas pipelines. For example, a welder must be qualified as provided by §192.227 and a person joining plastic pipe must be qualified according to §192.285.

Question 5: If the answer to question number four is "yes," what is the role, if any, of the utility/operator relative to inspecting the work performed by licensed plumbers on service lines?

Answer: If a plumber performs work on a service line that is subject to Part 192, the operator would be responsible for meeting all inspection requirements in Part 192 applicable to that work, although the required inspections could actually be done for the operator by the plumber. This responsibility applies equally to service lines owned by the operator and to service lines that are owned by the customer. In the latter case, if a customer hires a plumber to work on a service line for which the operator is responsible under Part 192, the operator must take whatever steps are necessary to assure that applicable Part 192 requirements are met.

Question 6: Not applicable.

Sincerely,

Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau