

Robert L. Swartout, P.E.  
Chief of Gas & Petroleum Safety  
New York Public Service Commission  
44 Holland Avenue  
Albany, NY 12200

Dear Mr. Swartout:

This responds to your letter of October 21, 1974, asking our opinion whether under 49 CFR 192.1(b)(1) the term "town" includes the towns in New York State. The question arises because that section excepts the gathering of gas outside of an incorporated or unincorporated "town" from the jurisdiction of Part 192. You point out that the entire State is geographically divided into towns, or townships, and cities and that many towns are very rural but include populated areas such as villages, hamlets, subdivisions, and shopping centers.

Section 192.(b) restates the exception under the Natural Gas Pipeline Safety Act of 1968 from Federal safety standards for the gathering of gas in rural locations. As prescribed by the Act, Federal safety standards may not apply to "the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Secretary may define as a nonrural area."

In our opinion, the term "town" is used in the Act in its normal sense as a center of population to distinguish between rural and nonrural areas. The term does not refer to towns or townships with geographical or political significance other than population in New York and elsewhere in the Northeast. As you point out, to consider the townships in New York State within the meaning of town in the Act would subject all gathering lines in the State to Federal safety regulation. This result would appear contrary to the clear intention of Congress to exclude from Federal safety regulation the gathering of gas in rural areas. In New York State, it appears that rural areas are outside of villages and hamlets as well as other designated population areas such as shopping centers and subdivisions, rather than towns or townships.

We trust this opinion is helpful to you.

Sincerely  
/signed/

Joseph C. Caldwell  
Director  
Office of Pipeline Safety