

Mr. Olin L. Greene, Director
Division of State Fire Marshal
State of Florida
Tallahassee, FL 32304

Dear Mr. Greene:

Thank you for your letter of November 15, 1974, asking whether in 49 CFR 192.11(a) the language "any portion of which is located in a public place (such as a highway)" refers only to publicly owned rights-of-way or property.

The term "public place" in Section 192.11(a) means a place which is generally open to all persons in a community as opposed to being restricted to specific persons. We consider churches, schools, and commercial buildings as well as any publicly owned right-of-way or property which is frequented by persons to be public places under Section 192.11.(a).

We appreciate your interest in pipeline safety.

Sincerely,

/signed/

Joseph C. Caldwell
Director
Office of Pipeline Safety

Joseph C. Caldwell, Director
Office of Pipeline Safety
Department of Transportation
Washington, D. C. 20590

Request for an Interpretation on
Title 49-192.11(a)

Dear Mr. Caldwell:

Title 49, Code of Federal Regulation 192.11(a), states that "no operator may transport petroleum gas in a system that serves ten or more customers, or in a system, any portion of which is located in a public place (such as a highway), unless that system meets the requirements of this part and NFPA Standards #58 and #59. In the event of a conflict, the requirements of this part prevail."

The phrase, "any portion of which is located in a public place (such as a highway)," is the portion of this section to which we request an interpretation.

If a public place is to be construed as a place where the public gathers or comes to do business, then approximately ten per cent of the LP gas tank systems in the State of Florida would be installed in such locations. Many of these systems are installed above ground but the lines leading to the customer meter or piping would be considered a service line by definition. These above ground lines are protected by location and are visible for periodic inspections. In most instances, the line heading from the tank to the customer meter or pipeline whether above ground or underground, would not exceed 15 feet.

These systems are installed in compliance with NFPA #58 and our office as well as local jurisdictions inspect the installations. We have no record of an accident having occurred due to these service lines being damaged by a third party or corroding to the extent of leaking gas, causing an accident.

If these gas systems, in most cases consisting of one or two tanks and approximately 15 feet of low pressure gas piping are construed to be jurisdictional, then this would place an

awesome burden on the gas dealers of this state, both in money and time required for record keeping.

We feel that the added expense, which must be borne by the customer, could not be offset by the questionable additional safety derived from complying with the Natural Gas Pipeline Safety Act instead of NFPA #58.

We would suggest that a public place be construed to be a publically owned right-of-way or property. If this were the ruling, then schools and public owned buildings would be covered.

If we can be helpful to you in any manner in the interest of life safety or fire prevention please let us know.

Sincerely,

Thomas D. O'Malley
State Treasurer
State Fire Marshall

Olin L. Greene, Director
Division of State Fire Marshal