



## NATIONAL ASSOCIATION OF PIPELINE SAFETY REPRESENTATIVES RESOLUTION

**Central Region  
State of Kansas  
Resolution 2007-03-AC 1**

**Action Category 1**

**WHEREAS**, Amendment 102 to 49 CFR Part 192 promulgated regulations that established regulations for certain sections of natural gas gathering lines

**WHEREAS**, The newly established regulations for gas gathering lines have resulted in many miles of gathering lines in Class 1 and 2 locations becoming exempt from regulation under 49 CFR Part 192.

**WHEREAS**, In the preamble to Amendment 102, PHMSA stated, "PHMSA has authority under 49 U.S.C. 60102(a) to issue safety standards for gas pipeline transportation. In 1992, Congress granted DOT specific authority to define gas gathering for purposes of safety regulations. Congress also recognized that some rural gathering lines might present unacceptable risks and authorized DOT to regulate lines whose risk warranted regulation. In its report on H.R. 1489, a bill leading to the 1992 change in the law, the House Committee on Energy and Commerce said "DOT should find out whether any gathering lines present a risk to people or the environment, and if so how large a risk and what measures should be taken to mitigate the risk." (H.R. Report No. 102-247, Part 1, 102nd Cong., 1st Sess. 23 (1991))."

**WHEREAS**, In the preamble to Amendment 102, PHMSA further stated, "...as stated in the SNPRM, we are considering amending 49 CFR part 191 to collect reports of gathering line incidents in rural areas. If those reports indicate the risk of gathering lines in Class 1 locations is unacceptable, we will consider the need to expand our gathering line rules to include segments of or all lines in Class 1 locations."

**WHEREAS**, NAPSRS believes the collection of inventory and accident data will provide a means of evaluating the effectiveness of Amendment 102.

**NOW THEREFORE BE IT RESOLVED**, NAPSRS requests that PHMSA amend 49 Part 191.1 by deleting paragraph 191.1(b)(4)

(b) This part does not apply to-

- (1) Offshore of gas in State waters upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream;
- (2) Pipelines on the Outer Continental Shelf (OCS) that are producer-operated and cross into State waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS. Safety equipment protecting PHMSA -regulated pipeline segments is not excluded. Producing operators for those pipeline segments upstream of the last valve of the last production facility on the OCS may petition the Administrator, or designee, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance under 49 CFR 190.9.

(3) Pipelines on the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator; or

~~(4) Onshore gathering of gas outside of the following areas:~~

~~(i) An area within the limits of any incorporated or unincorporated city, town, or village.~~

~~(ii) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.~~