



RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION
ADVISORY NOTICE

ADVISORY ID:
AD-AD-071

REVISION NO.:

EFFECTIVE DATE:
April 17, 1996

SUBJECT: Surface Mining Activities within 100 Feet of the Outside Right-Of-Way Line of a Public Road
Public Notice Requirements

APPROVAL

Melvin B. Hodgkins

TITLE: Director

I. PURPOSE

The Commission has delegated public notice requirements for road relocations and closures to appropriate responsible agencies (see Advisory Notice AD-AD-072). These agencies, however, do not have jurisdiction over activities outside the road right-of-way (ROW). Surface mining activities within 100 feet of the ROW are also subject to the requirements of a public notice. This Advisory Notice describes the content of such a public notice advertisement.

II. REGULATION REFERENCE

Coal Mining Regulations 761.071(d)(2), 761.072(d), 780.152 and 784.192

III. RELATED INFORMATION

Advisory Notice AD-AD-072

Subject: Designation of Responsible Agencies for Road Closures and Relocation - Public Notice Requirements

IV. COMMISSION'S RESPONSIBILITY

Surface mining activities conducted within 100 feet of the outside right-of-way line of a public road ("road buffer zone") are not within the jurisdiction of any public road authority. The Commission must assure that the public has been informed on the potential impacts of such mining activities, that the public has an opportunity to comment and request a hearing, and to determine whether the interests of the public and affected landowners will be protected.

V. PUBLIC NOTICE REQUIREMENT

The permittee is requested to prepare, and have published at least one once, a public notice advertisement in a local newspaper of general circulation in the affected locale. The public notice shall provide a 30-day public comment period.

The following are required elements of the public notice advertisement:

- A. the name of a permittee, business address, mine name and permit number,
- B. a concise statement describing the public road that will be subject to the "road buffer zone" mining activities with particular attention given to that portion of the road that may be directly affected,
- C. a description of the mining activities to be conducted within the "road buffer zone" including the beginning date and duration of such activities,
- D. a statement and citation of Commission's rules that require the public notice to be given,
- E. the locations where a copy of the detailed documents describing the proposed mining activity within the "road buffer zone" is available for public inspection;and,

- F. a statement that the public may file written comments, objections, requests for a public hearing or informal conference, with the Director, Surface Mining and Reclamation Division at the Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967.

After publication, the permittee must submit an original publisher's affidavit of publication and the public notice "tear sheet" to the Commission.