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March 13, 2014

Mr. David Ferguson
Railroad Commission of Texas
Pipeline Safety Division
Damage Prevention Section

Re: USIC Formal Comments on Proposed Draft Amendments to Rules in Chapter 18,
Underground Pipeline Damage Prevention

Dear Mr. Ferguson:

Thank you for the opportunity to provide formal comments on the proposed draft amendments to rules in Chapter 18 relating to underground pipeline damage prevention. The client that we represent on this matter is USIC, the largest locating service provider in the nation. Over the last several years, USIC has been a leader in the excavator industry in Texas for the adoption of laws and regulations that provide best practices to enhance pipeline safety damage prevention. Their formal comments are as follows:

Page 3/Lines 21 to 24 – This section does not address the current plastic pipelines in the ground that had a tracer wire installed to one side or the other of the pipeline. The expense associated with relocating the tracer wire on existing pipelines would be more than \$500 million and take years of reconstruction. In addition, placing the tracer wire directly above the utility will lead to a greater risk of it being damaged, as excavators dig down to expose the pipeline they will encounter the tracer wire first. This will create a new problem making plastic pipelines unlocateable as the wires are damaged and not repaired. We recommend that this section be removed. Current construction practices of placing the wire to either side of the facility are effective.

Page 6/Lines 10 and 11 – We recommend adding wildfires and war to the definition.

Page 7/Line 4 – We recommend changing the definition to state 0 inches instead of 12 inches. Facilities may be at a depth less than 12 inches due to erosion of earth since the original construction.

Page 8/Line 28 to 31 – We recommend removing this section. This section is confusing and gives the operators/locators fewer than 48 hours to respond to requests made on Saturday.

Page 9/Line 15 – Either remove the new language or clearly define visible. The proposed language is vague and will lead to interpretation by the excavator.

Page 9/Lines 25 to 31 – We agree with the language as it is proposed.

Page 12/Lines 23 to 26 – Reducing the response time for a request called in on Saturday is unreasonable to the operator/locator. We recommend that the proposed language in the section be removed.

Page 13/Lines 14 to 20 – The proposed language is not practical and we recommend that it be removed. The proposed language would require that operators/locators meet with all excavators every time locates are delayed due to rain (the paint will not adhere to the ground when it is wet). We would spend more time trying to set up meetings than we would just locating the facilities. In addition, the real world application would result in the excavator just refusing to meet with the operator/locator and then the locate would not be completed in time requiring the excavator to call in a second request.

Page 14/Line 16 to 19 – The proposed language creates is an impossible requirement on all plastic lines that have been installed with the locate wire placed to the side of the pipeline. In addition, we do not believe this additional language is necessary as marking to proximity of the line is already covered in the section that addresses the proposed language be removed.

Page 15/Line 6 – Every other mark is unreasonable and will lead to complaints from property owners for excess paint. We recommend it be changed to the require size in inches be placed not more than twice.

Page 15/Lines 10 to 12 – We recommend that language be added to only require indicating material type if “known” by the operator/locator.

Once again, USIC appreciates your attention and actions in regards to this critically important matter. If you have any further questions or need additional information, please do not hesitate to contact me via phone at (512) 751-7883 or via e-mail mstewart@longbow-partners.com at any time.

Sincerely,

Michael K. Stewart
Partner
Longbow Partners