

	Comments Filed February 2013	Comments March 2014
Proposed Provision		18.1 (d)(2)
Proposed Change		Reduces the depth at which a one-call is required from 16 to 12 inches for excavation occurring by hand-digging. Adding the provision also creates a “zero” depth requirement for all excavation involving mechanized equipment.
Comment		<p>The proposed change is a departure from the initial Commission approach of requiring a call for all excavation activities. Establishing a clear requirement that is straightforward is important to reinforcing the importance of everyone calling before they dig. For this reason, the Coalition continues to support a “zero” depth tolerance. This allows everyone to convey a simple message- always call before you dig. Further, it will assist with simplifying several of the proposed provisions of this rule (we have highlighted these areas in the comments below). Moreover, it is consistent with PHMSA’s position of no blanket exemptions.</p> <p>It is important to point out that if the proposal would move forward as drafted, it would create an inconsistent and confusing policy difference between intra and interstate lines. Because the Texas RRC rules only apply to intrastate lines, any “special provision” would be incredibly difficult to differentiate between the requirements for anyone trying to determine whether they needed to call for a locate. This process should be as simple and straightforward as possible. The message is clear “Call Before you Dig.”</p>
Proposed Solution		The Coalition suggests that provision (d)(2) should be deleted.

		<p>An additional provision should be added that clearly states that everyone using mechanized equipment, and not covered by one of the exemptions in (d) is required to make a one-call regardless of the depth of the excavation. For example:</p> <p><i>18.1(e)(x) any Excavator defined by this Chapter is required to make a one-call prior to engaging in the Movement of Earth using mechanical equipment unless covered by an exemption under 18.1(d)(x-xx).</i></p>
Proposed Provision	18.1 (d)(1)-(2)	No provision currently included
Proposed Change	Seeks to limit certain production facilities being an underground facility for oil and gas production facilities to a field location that is secured or controlled.	Inclusion of flow lines in one-call system and coverage in Chapter 18
Comment	<p>The proposed change seeks to clarify the current exemption from having oil and gas production facilities register with an approved one-call notification center currently found in Chapter 18. The provision, as drafted, seeks to limit this registration exemption to those facilities in defined areas such as within a secured location.</p> <p>This provision creates additional ambiguity as to what facilities are or are not required to register. Those that are unfamiliar with the requirements may confuse an exemption of this nature with an overall exemption from calling the one-call center when engaging in excavation activities. Producers are not exempt from the requirement to make a one-call under any circumstances other than if the excavation is less than 16 inches.</p>	<p>Flow lines have historically been exempted from one-call laws for a number of reasons. However, with all of the current production activity underway, it may be appropriate to reconsider this policy. While it is not be plausible or cost effective to require existing production flow lines to be added to the system, those being built today could be included without great difficulty. For this reason, we ask the Commission to consider expanding the requirement to <u>include</u> flow-lines built after the adoption of the updated rule.</p>

	Further, excluding any type of underground facilities, especially those associated with the transportation of oil and natural gas, is inconsistent with the belief that all underground facilities should participate in the one-call notification process. To exclude such group, sends confusing and mixed signals as to who is required to register, make a one-call and follow the prescribed standards found in Chapter 18.	
Proposed Solution	Delete the exemption for oil and gas production facilities even if they are located in a secured facility on a lease.	Changed to address comments
Existing Provision	18.1(d)(3)	18.1(d)(3)
Comment	<p>The Coalition would respectfully suggest that additional clarity is provided for in existing 18.1(d)(3). Specifically, that the Commission provides and exemption from the Chapter for the following activities:</p> <ul style="list-style-type: none"> • Responding to emergencies • Conducting incident investigations • Probing activities conducted by the pipeline operator on their own pipeline <p>Requiring an additional notification to the one-call notification system for these activities will significantly slow the system down. Further, it will place an increased burden on the notification center as well as other operators in receiving multiple tickets for the same site and related excavation activity.</p>	<p>Provisions were added to reference requirements relating to:</p> <ul style="list-style-type: none"> • Positive response for pipelines at all depths • Locating and marking of pipelines at all depths • Reporting of excavation damage at all depths <p>It is unclear as to why these provisions are necessary. Each of these activities is included in various sections of the existing rule. Repeating them creates redundancy and is unnecessary and confusing.</p> <p>The Coalition also seeks additional clarification as to the ability to probe for facilities during the following circumstances:</p> <ul style="list-style-type: none"> • Response to emergencies or incident investigation activities conducted by a pipeline operator • Probing activities conducted by the operator on their own pipelines;

		<p>The Commission has addressed probing in response to a leak investigation, but not that of a locating exercise by an operator. The Coalition would offer that placing a one-call does not further protect the pipeline from damage resulting from a probe- even after the facility is marked. In the recent situations where probing caused damage to facility, a one-call had already been placed. Instead, the Coalition would offer that prohibiting the use of sharp probing tools would be more beneficial than prohibiting probing without a one-call.</p> <p>*See 18.2(19) Movement of Earth” relating to probing.</p>
Proposed Solution	<p>The Coalition would propose the following language to address this concern:</p> <p>(d) This chapter does not apply to:</p> <p>(1) the exemptions in Texas Utilities Code, §251.003 <u>(1), (2), (3), (4) and (6)</u>;</p> <p>(2) the movement of earth by tillage not to exceed a depth of 16 inches;</p> <p><u>(3) response to emergencies or incident investigation activities conducted by a pipeline operator, including probing;</u></p> <p><u>(4) Probing activities conducted by the operator on their own pipelines;</u></p> <p>5) surface mining operations;</p>	<p>The proposed additions (e)(2-4) should be deleted from the rule.</p> <p>Further, all reporting provisions found throughout the rule should be moved to the existing reporting Section 18.11.</p>
Proposed Provision	18.1(g)	
Proposed Change	Changes the time by which periods of time are measured from working to calendar days.	
Comment	The Coalition appreciates the Commissions attempt at better defining the manner in which the length of time is determined throughout the one-call notification and excavation process. As the Rule is currently drafted,	

	<p>operators and excavators are often confused as to how to calculate “working days”.</p> <p>While the Coalition is support of using the term “calendar day”, there is still concern as to how this terminology will work in conjunction with the requirements found in Texas Utilities Code 251. For example, under the proposed change, it appears that everyday would be counted as a day in the process. However, Saturdays, Sundays and state and federal holidays do not appear to be addressed in the proposed Rule. Not only will this cause confusion to all involved, but it could lead to dangerous situations where stakeholders either continue to dig on expired tickets, or that operators believe they have additional time to mark lines and/or make a positive response.</p>	
<p>Proposed Solution</p>	<p>The Rule needs to specifically address the way in which calendar days will be calculated when taking into account weekends and holidays. The Coalition would suggest the following be added to the formally proposed rule:</p> <p>Definition of Calendar Day Calendar Day- Any day of the week, including weekends and State holidays.</p> <p>Definition of Ticket Life (22) Ticket life- Except in the event of an emergency ticket, the life of ticket shall be 14 calendar days, including weekends and State holidays from the time the one-call notification center receives the request from the excavator. The life of an emergency ticket ends when the emergency ends.</p>	<p>Definition of Calendar Day was added. “Ticket Life” was not in the Definitions Section.</p>

Proposed Provision	18.1(h)	18.1(h)
Proposed Change	Changes the life of a ticket from 14 to 21 (calendar) days.	Changes the time by which the periods of time are measured from the initially proposed “calendar” days back to “working” days and extend length from 21 calendar days to 14 working days.
Comment	<p>The Coalition appreciates the Commission’s effort to better define the life of a ticket as the issue has been debated since Chapter 18 was first adopted. While changing the terminology from “working” to “calendar” day addresses this issue to some extent, lengthening the timeframe from 14 to 21 days actually results in the same problem operators face today.</p> <p>When taking into account the concern raised about weekends and holidays outlined above, 21 calendar days could result in a ticket lasting more than four weeks. This is too long and results in an operator having to remark an area more frequently to ensure that markings remain visible.</p>	<p>The updated proposal significantly extends the length of a ticket and adds additional complexity to the parameters of a one-call ticket by referencing a different “day” and incorporating all of the state and federal holidays.</p> <p>The one-call process and requirements should be kept extremely simple to encourage all stakeholders to actively embrace the system. As the Coalition stated in its previous comments, calculating a “working” day is not clear if an excavator is unclear or unfamiliar with certain holidays. While the initial wait time after a one-call does incorporate these dates, the excavator is also advised of the required wait time when the one-call is placed. Requiring an excavator to be familiar with 14 state and federal holidays places an unnecessary burden for all parties.</p> <p>Further to this is the actual length of the ticket “life” that is created by this proposed change. During certain times of the year that are particularly holiday intense, the life of a ticket will be extended to more than three weeks. This is not reasonable as it will likely created additional burdens on the excavator and pipeline operator to remark lines as the markings will not last that length of time.</p> <p>Lastly, no language has been added to the proposed rule to establish when the clock “starts” in calculating the number of days</p>

		that have passed in order to determine when a ticket expires. If left unchanged, this leaves significant ambiguity, and when taken in conjunction with provision 18.6(b) the life of markings actually exceed the life of the ticket, which should not be possible.
Proposed Solution	<p>The Coalition recommends that the life of a ticket be 14 days in length, which is addressed through the a new definition of “Ticket Life”, which would read:</p> <p><i>Ticket life- Except in the event of an emergency ticket, the life of ticket shall be 14 calendar days from the time the one-call notification center receives the request from the excavator. The life of an emergency ticket ends when the emergency ends.</i></p>	<p>The Coalition respectfully suggests the proposal be revised to the initial language and clarification made by adding the definitions of a “Calendar Day” and “Ticket Life” as initially proposed by the group as well as referring to all timeframes in the rule in terms of “calendar days”. This ensures that the life of a ticket coincides with the life of the markings. The Coalition can accept 21 Calendar days in defining the Life of a Ticket if these changes are made and a provision is included that clarifies that an excavator must make an additional request to mark facilities if the markings become illegible or damaged prior to the end of the Life of the Ticket. The provision would read:</p> <p><i>Ticket life- Except in the event of an emergency ticket, the life of ticket shall be 21 Calendar days from the time the one-call notification center receives the request from the excavator. The life of an emergency ticket ends when the emergency ends.</i></p> <p>It should be noted that these changes do not interfere or conflict with Texas Utility Code 251. There are no provisions or requirements within TUC 251 that limit or reference the life of a ticket or how the “life” should be calculated.</p>
Proposed Provision		18.1(i)
Proposed Change		Provision added to require pipelines to keep records of abandoned lines.

<p>Comment</p>		<p>The Coalition appreciates the Commission’s effort to address the issue of locating abandoned pipelines. However, the intent of the provision is unclear and creates significant unintended consequences and liabilities for operators.</p> <p>In many cases when an operator abandons a pipeline, all rights relating to the pipeline are conveyed back to the landowner pursuant to the easement agreement. At that point, the operator has no right or remaining obligation regarding the facility. Operators do retain operational records pertaining to these facilities for the required periods cited in 49 CFR 192 and 195, but anything beyond those requirements is not common or expected.</p> <p>Under the proposed provision, it is unclear whether the requirement would just require operators to maintain existing records permanently, or whether the proposed provision is broader in nature. Either way, the proposal creates a significant burden on operators. Requiring operators to retain records for pipelines they are no longer responsible for is costly. Further, if existing records do not exist, or acquisitions occur, the likelihood of complete files being transferred from operator to operator over the years is unlikely.</p> <p>More important, the latter of the proposals seem to imply that the records are to be kept so that an operator who has abandoned lines must continue to participate in the one-call system for those lines and respond to one-call ticket requests. This type of provision would result in a significant cost – both in terms of personnel resources and financial- to be born by industry for assets they no longer own or are responsible for. Once abandoned, an operator no longer has the right to access property to mark or locate</p>
----------------	--	--

		facilities.
Proposed Solution		<p>The Coalition respectfully requests the provision be deleted.</p> <p>As an alternative, the RRC could keep a data base of abandoned lines for excavators and other stakeholders to access. Information on abandoned lines would continue to be filed with the Commission when a pipe was decommissioned and transferred to the GIS / Mapping group to be incorporated with the on-line system already in place.</p>
Proposed Provision	18.1(j)(1)	18.1(g) and (j)(1)
Proposed Change	Requires operators to prepare written procedures to implement the requirements of Chapter 18	Creates a requirement for pipeline operators to maintain procedures necessary to implement this rule and update them annually, but not to exceed every 15 months.
Comment	<p>This provision of the proposed rulemaking seeks to require operators to develop procedures to implement the rule and review and update procedures no less frequently than every 15 months. The Coalition would respectfully suggest that creating a provision of this nature unnecessary and results in unintended consequences.</p> <p>This is for two reasons. First, not all pipelines are subject to the jurisdiction of the Commission. Second, requiring operators to have a state specific damage prevention procedure will result in inconsistencies in the manuals of operators. Operators want and need consistency in their operators. The jurisdictional boundaries of cities, counties and states do not impact the steps or the procedures</p>	This provision seems to be duplicative of 18.1(j)(1).

	relating to damage prevention. A perfect example of this is the Common Ground Alliance Damage Prevention Standards, which are should be adhered to regardless of the state in which an operator is located.	
Proposed Solution	The Coalition respectfully suggests the provision be deleted.	Reconcile this with provision 18.1(j)(1) to read: <i>(i) Each Operator shall: (1) Prepare and follow written procedures that implement the requirements of this chapter. Procedures must be reviewed annually, and updated if necessary, not to exceed every 15 months;</i>
Proposed Provision	18.1(j)(2)	18.1(j)(2)
Proposed Change	Requires operators to develop comprehensive public awareness program that incorporate the provisions and requirements of the chapter and to evaluate the effectiveness of the plan and update the program at least every 15 months.	Remains unchanged
Comment	<p>Pipeline operators are already required to conduct extensive damage prevention programs in accordance with 49 C.F.R 192.614 and 195.442. Significant additional outreach is required under the public awareness requirements found in 49 C.F.R 192.615 and 195.440. Adding, new, additional requirements are burdensome, costly and potentially conflicting with the existing requirements.</p> <p>As drafted, operators would have to develop separate public awareness programming that is not consistent with the requirements of the existing provisions. These inconsistencies include the:</p>	In addition to the comments submitted by the Coalition in February of 2013, it is also important to note this is a significant expansion of existing regulatory scope to operators that are not currently required to convey, or comply with, public awareness messages. As drafted, the provision extends the requirements of 49 CFR 192.616 and 195.440 to non-jurisdictional entities. Further, the provision, while similar to the existing federal public awareness requirements, is worded differently which implies the proposed requirements are new and/or different from the existing requirements. As a result of the expansion of scope and applicability, the cost of this is likely astronomical.

- Messaging to be conveyed, specifically the unique attributes of a particular neighborhood, which would be nearly impossible and incredibly expensive to even attempt
- The manner by which operators have to evaluate their plan and outcomes; and,
- The frequency by which an evaluation of the program must occur.

These deviations will require operators to significantly alter their programs in order to meet a state requirement that does nothing to further damage prevention education or promotion of the “call before you dig” message.

The public awareness program is still relatively new for pipeline operators. Most operators have conducted their first program evaluation, which sought to establish the benchmarks by which future programs will be evaluated. To add further complexities into the public awareness programs already being implemented only increases the cost and the burden to operators, with little, if any benefit to excavators or other stakeholders.

It should be further noted that the Coalition established the first state-wide 811 day effort on August 11th. That initiative has since grown from a state specific effort to the first national 811 effort- reaching more than 35 million people in 2012. Subjecting operators to efforts like those proposed has the potential to discourage voluntary collaborative efforts with those that are simply mandated by regulators.

Proposed Solution	This proposal should be deleted from the Rule draft.	This proposal should be deleted from the Rule draft.
Proposed Provision		New 18.1(j)(3)
Proposed Change		Requires operators to adopt a program for making all facilities locatable as well as a quality assurance program. Operators would also be required to take "prompt and remedial action" when pipelines are exposed in addition to report non-locatable systems as part of their distribution and transmission Integrity Management Programs.
Comment		<p>This provision, as drafted, melds four independent and non-related issues into a single provision. The Coalition would respectfully suggest that whether taken independently or as one, single requirement that the provision is extremely burdensome, unrealistic and cost prohibitive and extends existing regulatory requirements to historically non-jurisdictional assets. We have provided comments back for each of the provisions.</p> <p>Item 1: "Prepare and follow written procedures that implement a program for making all underground pipeline facilities locatable. This program must address pipe systems or segments known to have non-locatable pipe; a continuing process for identifying new pipe system or segment locations that are non-locatable..."</p> <p>The provision seeks to require operators to continually seek out and make all pipelines locatable, regardless of regulatory applicability, cost or the burden that it places on operators. Operators have every interest in protecting the integrity of their</p>

		<p>systems and the safety of the people who excavate. At the same time, the cost of requiring operators to locate and make-locatable all pipelines retroactively is simply not realistic. Two operators alone have estimated the cost of such a provision to be nearly \$150 million to their operations. While this would occur over years, if not decades, it is not the highest and best use of the funds for any operator, especially those most likely to be impacted by such requirements.</p> <p>Further, even if operators could realistically ensure that all pipelines are locatable, it does not address the important issue of “trouble locates” that the Coalition has long raised. For more information and the Coalition’s comments on this subject, please see comments relating to currently proposed 18.2(25). Nor does it provide relief for assets that were directionally drilled or placed in locations where it would be nearly impossible to make “locatable” for the purposes of this provision.</p> <p><u>Item 2: “Take prompt remedial action when pipelines are exposed during excavation activities or when other inadequate or noncompliant conditions are found.”</u></p> <p>Pipeline operators are already subject to requirements in 49 CFR 192 and 195 regarding remedial action necessary to address an exposed pipeline. These provisions are covered by procedures in an operator’s Operations and Maintenance Manual. Additional requirements are unnecessary and duplicative.</p> <p>This provision as drafted would also result in an expansion of regulatory requirements to currently non-jurisdictional</p>
--	--	---

		<p>facilities. The language includes terms and concepts that are not presently defined including “prompt” and “inadequate or noncompliant”. As a result, additional ambiguity will impact the ability of operators to comply with such a provision.</p> <p>Item 3: Pipeline operators shall also have a written quality assurance program with procedures for monitoring the locating and marking of underground pipeline facilities.</p> <p>The Coalition would respectfully suggest that, as with the previous provision, terms and phrases are included in the provision that are undefined, and specifically “quality assurance program”. It is unclear as to what this means as regulated operators already have inspection and operator qualification requirements that would cover “quality assurance” type issues.</p> <p>As with Issue 2, pipeline operators are already subject to requirements in 49 CFR 192.319 and 195.240 regarding remedial action necessary to address an exposed pipeline. These provisions are covered by procedures in an operator’s Operations and Maintenance Manual. Further, at least two other proposed provisions are included in the current draft that would already require the operator to develop procedures to implement this Chapter. For these reasons, additional requirements are unnecessary and duplicative.</p> <p>Issue 4: “Each operator subject to the requirements of this chapter shall include and report non-locatable pipe system or segment locations as a part of their risk-based integrity program pursuant to §8.209 and §8.101 of this title relating to Distribution Facilities Replacements, and Pipeline Integrity</p>
--	--	---

		<p>Assessment and Management Plans for Natural Gas and Hazardous Liquids Pipelines, respectively;”</p> <p>As with the previous proposed provisions included in this section, requirements are already in place for operators to implement integrity management provisions if certain criteria are met. For others, this type of requirement would be an expansion of regulatory requirements.</p> <p>The Coalition would also offer than any pipeline covered by an integrity management program is already identified and appropriately located. Further, no operator is likely to admit that a facility is not “locatable” and therefore this provision is fundamentally flawed.</p>
Proposed Solution		The Coalition would respectfully suggest that each of these provisions be deleted from the proposal.
Proposed Provision		New 18.1(j)(4)
Proposed Change		Require plastic pipelines to have “electrically conducting” wire or other means allowing the line to be locatable as well as specific placement requirements for the tracer-wire.
Comment		The Coalition is supportive of requiring underground facilities to be capable of being located. At the same time, the provision as drafted has significant unintended consequences in that it appears to require a retroactive application of such requirement and that the placement of such a wire is unachievable. The language requires the placement of a wire “directly above” and yet not to exceed six-inches from outside edge of plastic pipe is contradictory

		and will lead to operators facing non-compliance from the minute the rule is adopted.
Proposed Solution		<p>The Coalition respectfully suggests that any provision requiring the placement of a locating wire to ensure the locatability of a facility be applied to only newly constructed facilities or those facilities being replaced. Any requirement should also be clarified to address situations in which a tracer wire is found to be cut or damaged in a way that results in a pipeline not being locatable.</p> <p>The provision could read as follows: Pipeline made of plastic or composite material installed after June 1, 2014, should be locatable through the use of a tracer-wire or other acceptable method.</p>
Proposed Provision		New 18.1(j)(5)
Proposed Change		Requires operators to develop procedures relating to the prevention of cross-bore intersections.
Comment		<p>The new provision seeks to require an operator to develop a program addressing cross-bore issues when constructing new or replacement facilities. The issue of cross-boring is important. Recent incidents have provided for extensive case studies and industry practices to be improved. However, the issue is focused more on construction practices than that of “damage prevention”. The issues are admittedly related, but not appropriate for this Chapter of the RRC Rules.</p>
Proposed		The Coalition respectfully submits this provision should be

Solution		removed from the draft. If more formalized procedures are necessary to address this issue, it should be considered in a separate rulemaking relating to the construction of certain facilities.
Proposed Provision		New 18.1(j)(6)
Proposed Change		Requires procedures pertaining to directional drilling.
Comment		This provision is consistent in approach with that of 18.1(j)(5) in that it seeks to require an entity to adopt standards governing directional drilling and trenchless technology in order to prevent damage to underground pipelines. However, as drafted it is unclear what entities are subject to have such procedures. Is it the pipeline operator, another underground utility, the operator of the directional drilling company or potentially a combination of some or all three? While the rule states it is the “operator” – a pipeline entity – the operator cannot control the actual operations or activities of an entity that is not their contractor. At best, they can communicate with the entity doing the work and actively monitor the pipeline being crossed for damage.
Proposed Solution		As with the previous provision, such a provision relates to the construction of facilities. For this reason, and others stated above, any requirement of this is more appropriately placed in Chapter 8 of the existing rule and should be considered in a separate rulemaking where more extensive discussion can occur.
Proposed	18.1(j)(3)	Now 18.1(j)(7)

Provision		
Proposed Change	Investigation of all pipelines	Unchanged
Comment	The Coalition is supportive of providing documents and information pertaining to in damage resulting from 1 st , 2 nd or 3 rd party damage so that the RRC can properly investigate the incident as well as levy the appropriate fines and penalties. However, as drafted the provision is wordy and when taken in conjunction with the following provision in the chapter, is duplicative. The provisions should be simplified.	The Coalition resubmits its comments made in February of 2013.
Proposed Solution	The Coalition would respectfully suggest the following language could be used: (1) cooperate with the Commission and its authorized representatives throughout the administration, investigation and enforcement process relating to excavation, and damage resulting from, in the vicinity of a pipeline facility.	The Coalition respectfully requests the Commission utilize the language suggested during the initial informal comment period. (1) cooperate with the Commission and its authorized representatives throughout the administration, investigation and enforcement process relating to excavation, and damage resulting from, in the vicinity of a pipeline facility.
Proposed Provision	18.1(j)(4)	New 18.1(j)(8)
Proposed Change	Requires disclosure of all company books	Unchanged
Comment	The currently proposed 18.1(j)(4) provides an exhaustive list of potential records that an operator may be required to provide relating to the incident or a violation of the rule. As drafted, the provision appears to be more stringent than the requirement proposed for the excavators, yet unnecessarily lengthy. The provision should be condensed and aligned for ease of use and clarity.	The Coalition resubmits its comments made in February of 2013.

Proposed Solution	<p>The Coalition would respectfully propose that the following provision clarifies and shortens the proposed provision while still accomplishing the intent of the Commissions initial proposal.</p> <p>(3) provide all available documents, information and property to the Commission or its authorized representative may reasonably require in the administration, investigation, and enforcement of the provisions of this chapter.</p>	The Coalition respectfully requests the Commission utilize the language suggested during the initial informal comment period.
Proposed Provision	18.1(k)	Same
Proposed Change	Applies the requirements of 49 CFR 191, 192, 193 and 195 to all pipelines subject to Chapter 8	Applies the requirements of 49 CFR 191, 192, 193 and 195 to all pipelines subject to Chapter 8
Comment	<p>The proposed draft seeks to provide a reminder to operators that they are subject to other regulations found through Section 49 of the Federal Code. This provision is unnecessarily duplicative and potentially subjects non-regulated pipelines as well as interstate operators to the jurisdiction of the Railroad Commission and the Coalition does not believe that was the intent.</p> <p>Currently, the RRC only has the authority to regulate intrastate pipeline facilities. However, this provision as drafted would allow the RRC the ability to fine and penalize interstate operators for provisions found in Chapter 8 as well as provisions of the Federal Code. While the Commission has the ability to, and should be supported in, having oversight over interstate pipelines for the purposes of damage prevention, it does not have the authority to</p>	The Coalition resubmits its comments made in February of 2013.

	<p>enforce other regulations pertaining to pipeline safety for those facilities.</p> <p>While the new provision as drafted does include the words “as applicable” at the end of the added language, it is unclear why the entire provision is necessary at all especially when taking into consideration the unintended consequences of expanding its authority to previously unregulated or federally regulated entities.</p>	
Proposed Solution	<p>The Coalition respectfully suggests the proposed provision is deleted. If there is concern over the interpretation of what is applicable to the various and diverse pipeline operators, a specific provision could be added to Chapter 8 that reminds operators the Chapter 18 also applies.</p>	<p>The Coalition urges the Commission to delete this, and similar provisions, as it is an extensive expansion of regulatory requirements on operators.</p> <p>If the Commission feels there is any doubt the Commission has the ability to enforce any section of the Code at any time, the following language could be utilized as an alternative to the provisions found in 18.1(i)(2-6), 18.4(i) and others.</p> <p><i>The Commission may enforce the Texas Administrative Code, Title 16, Part 1 during an investigation of a Chapter 18 violation against an operator subject to the regulations found in Chapter 8.</i></p>
Proposed Provision		18.2(1)
Proposed Change		Added definition of “Abandoned Line”
Comment		<p>The Coalition would offer that the definition of an abandoned line is unnecessary. Abandoned lines are not the responsibility of a pipeline operator as through the abandonment process the former owner of the facility has terminated all rights to the underground</p>

		<p>facility.</p> <p>For more information and comments on this issue, see Section 18.1(i), 18.2(30) and 18.8(c).</p>
Proposed Solution		As drafted, the definition of abandoned line is not necessary and should be removed from the rule.
Proposed Provision		New 18.2(2)
Proposed Change		Inserts reference to Calendar Day.
Comment		The Coalition supports the addition of the definition of “Calendar Day” and respectfully submits all timeframes within the rule are measured in “Calendar Days” to ensure a simple, straightforward way of calculating important time-periods during the one-call notification and excavation process.
Proposed Provision	18.2(3)	Now 18.2(5)
Proposed Change	Defines “dig-up ticket”	No change
Comment	<p>The proposed rule seeks to add a new definition for a term used to describe the notice provided to a one-call notification center when a pipeline has been damaged. However, there is no official “dig-up” ticket used by the one-call notification centers. Notification centers do, however, use the term “Damaged Utility”.</p> <p>In reviewing the draft rule proposal, there is only one place</p>	The Coalition resubmits its comments made in February of 2013. Terminology should be consistent and “dig-up” ticket is not something that is recognized/ “Damage ticket” is the term used by industry consistently, not only in Texas, but also throughout the country.

	that refers to a “dig-up” ticket. It would appear that the term is not common or used enough to warrant such a definition to be created and that any reference to the situation could be explained in the actual Rule provision.	
Proposed Solution	The proposed term “dig-up” ticket should be changed to something more appropriate, such as “damage” ticket or it should be deleted altogether. Damage ticket- A notification received by a one-call center that documents a pipeline has be damaged by excavation activity.	The Coalition respectfully resubmits the revised language found to the left as a way of clarifying the provision.
Proposed Provision	18.2(7)-(9)	Now 18.2(8-10)
Proposed Change	Defines “First, Second, and Third party damage”	Defines “First, Second, and Third party damage”
Comment	The proposed rule seeks to define the three types of excavation damage- those caused by the operator, the operator’s contractor or an outside party. The Coalition has no objection to defining these terms as it will help better classify and track the causation and responsible party. However, as defined, each of the terms are needlessly long and appear to be defined just so the terms can be placed next to each other in the definitions section. First, Second and Third party damage are all common terms that are recognized and understood by stakeholders. The terms should be remain First, Second and Third party damage rather than the proposed “Excavation damage by operator/ operator’s contractor or third party”.	The Coalition resubmits its comments made in February of 2013.
Proposed	The Coalition suggests that the defined term is simplified to	The Coalition respectfully resubmits the revised language found to

Solution	<p>simply referent the specific type of party rather than using excavation damage prior to the elongated type of party. This can be accomplished using the following terms and definitions:</p> <p><i>First Party Damage- Damage caused by an employee of the operator.</i></p> <p><i>Second Party Damage- Damage caused by an employee of an operator’s contractor, agent, or other entity.</i></p> <p><i>Third Party Damage- Damage caused by a person not working for or acting on behalf of the operator or its agent.</i></p>	the left as a way of clarifying the related provisions.
Proposed Provision	18.2(10)	Now 18.2(13)
Proposed Change	Defines “Extraordinary Circumstance”	Defines “Extraordinary Circumstance”
Comment	As drafted, “Extraordinary Circumstance” limits the definition to those events associated with natural disasters and does not address all of the potential situations or events listed in TUC 251 or others that should be included in the definition.	The Coalition resubmits its comments made in February of 2013.
Proposed Solution	<p>The Coalition suggests the following definition of extraordinary circumstance be used:</p> <p><i>Extraordinary Circumstance—A situation including an act of God, a tornado, a hurricane, an ice storm, a severe flood, fire, a war, a riot, a work stoppage, a strike that limits personnel or resources needed to fulfill the operator’s obligations to locate lines, an earthquake, another natural disaster, a blackout, or a massive computer network failure.</i></p>	The Coalition respectfully resubmits the revised language found to the left as a way of clarifying the provision.

Proposed Provision	18.2(11)	Removed
Proposed Change	Defines “Grade”	
Comment	The proposed draft seeks in add the definition of “Grade” to the Rule. However, it is unclear why this definition is necessary or warranted when taking into consideration the proposed changes that make any excavation ¹ , regardless of grade, subject to the Rules of Chapter 18. Further, it is unclear where the definition is used in the rule and therefore unnecessary altogether.	
Proposed Solution	The Coalition requests the RRC provide additional information as to the need to define the term “Grade” so that operators can assist addressing the issue in the future formal rulemaking. If there is not a more compelling reason to define this term, the Coalition would request it be deleted as it is unnecessary and may result in greater confusion for all stakeholders required to meet the provisions of this chapter.	
Proposed Provision	Deletion of existing 18.2(7)	Now 18.2(15)
Proposed Change	Deletes the definition of “legal holiday”	Rule adds references to weekends and holidays – see definitions of “Calendar Day” and “Working Days” in addition to adding list of holidays under “Legal holiday”.
Comment	The proposed rule seeks to delete the definition of “Legal Holiday”. As noted in comments relating to 18.1(g) and (h)	The Coalition suggests this language can remain in the rule as it provides greater clarity when determining when marks must be

¹ Other than by tillage that is not greater than 16 inches.

	<p>above, changing the life of a ticket is a positive step toward aligning the various timelines found throughout the rule. However, simply disregarding weekends and holidays will result in greater confusion as well as disputes regarding the method by which deadlines will be determined. Whatever system, and the corresponding deadlines, must be easy to understand and take into account those issues outlined in state law.</p>	<p>placed in response to a one-call notification request. At the same time, if all deadlines (Life of a Ticket and Life of Markings) refer to “Calendar Days” and are set at 21 days, enough time is given to address any weekends or holidays included within that timeframe.</p>
Proposed Solution	Delete the definition of “Legal Holiday” but specifically reference whether the weekends and State holidays are included in the various timeframes established by the rule.	References to TUC 251 should be removed.
Existing Provision	Existing 18.2(8)	Now 18.2(16)
Comment	<p>The Coalition would suggest that the term “Locate or Marking” be clarified to reflect that a mark placed by a locator should mark the approximate centerline of the pipeline. This adds greater clarity as to the placement of the markings without interfering or complicating the manner in which the tolerance zone is calculated. Marking the centerline will provide a clear place from which the tolerance zone can be measured, and is more specific than that of the Commission’s proposal which could result in a marking being placed up to 21 or more inches from the centerline depending on the diameter of the pipeline being located.</p>	The Coalition resubmits its comments made in February of 2013.
Proposed Solution	<p>The definition of “Locate or Marking” should read:</p> <p><i>Locate or marking--An operator's or its contract locator's physical demarcation of the location of the approximate centerline of a pipeline.</i></p>	The Coalition respectfully resubmits the revised language found to the left as a way of clarifying the provision.

Proposed Provision	18.2(15)	Now 18.2(17)
Proposed Change	Clarifies the definition of “locator”	Clarifies the definition of “locator”
Comment	The proposed change seeks to clarify the definition of a “locator” by adding language that refers to a person that determines and marks the location of an underground pipeline. However, that simple change adds additional and unnecessarily into the ambiguity of the rule.	The Coalition resubmits its comments made in February of 2013.
Proposed Solution	The Coalition recommends that the provision be amended to read: Locator—In response to a notification, a person designated to determine and mark the location of the underground pipeline based on: <ul style="list-style-type: none"> • Information provided on a one-call notification ticket • Whitelining that has occurred at the excavation location 	The Coalition respectfully resubmits the revised language found to the left as a way of clarifying the provision.
Existing Provision	Currently undefined nor proposed- Pipeline	See proposed 18.1(30) – the definition of “Underground Pipeline”
Comment	The Coalition supports the current definition of “underground pipeline” be revised to delete the usage of “underground” so that the rule clearly applies to above or belowground pipeline facilities. At the same time, the definition can be updated to include the language the Commission suggested relating to laterals and service lines with one tweak. As discussed later in these comments, it is inappropriate for any operator to have to identify, mark, or address pipelines that have been abandon. The very	The Coalition respectfully resubmits the comments provided in February 2013.

	definition of abandon means the operator has abandon the pipeline in accordance with the applicable Railroad Commission standards.	
Proposed Solution	<p>The Coalition would suggest “Pipeline” be defined as follows:</p> <p>Pipeline--A pipeline and its related appurtenances, including laterals and service lines that are used to produce, store, convey, transport, or distribute flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide that is located partially or totally underground.</p>	The Coalition resubmits the language offered during the initial informal comment period.
Existing Provision	18.2 (22)	Now 18.2(25)
Proposed Change	Deletes the ability to use a pager to provide positive response as well as seeks to clarify the definition of in the vicinity of an excavation.	Deletes the ability to use a pager to provide positive response as well as seeks to clarify the definition of in the vicinity of an excavation.
Comment	<p>The Coalition has no objection to eliminating the use of pagers to provide a positive response. At the same time, the Coalition seeks to further clarify the definition of positive response by adding to the word “area”. Specifically, for additional clarity, the words “of the proposed excavation” should be added to the end of the sentence as well as clarifying that a positive response is required within two days, not including weekends and State holidays.</p> <p>Furthermore, the Coalition seeks to revise the overall structure, meaning and purpose of the positive response definition and requirement in the rule. As it is currently written, the process is not reflective of a true positive response system or reflective of how it can increase the</p>	The Coalition respectfully resubmits it comments and concerns relating to the existing positive response system.

communication with excavators when operators have difficulty marking or locating pipelines for various reasons.

The Common Ground Alliance defines “Positive Response” as “Communication with the excavator prior to excavation to ensure that all contacted (typically via the one call centers) owner/operators have located their underground facilities and have appropriately marked any potential conflicts with the areas of planned excavation. If that is the case, true positive response is not occurring in Texas. All underground facility operators are not responding to the excavator.

Furthermore, under the existing positive responsive response system pipeline operators only have two options when communicating back to excavators: “yes, we have marked facilities” or “we are all clear”. This puts operators and excavators in an incredibly difficult and sometimes dangerous situation. Pipeline operators can, and do, have legitimate difficulty in locating facilities. Examples of this can occur if areas of heavy rock or concrete, locations are locked or even additional information is necessary to identify to area of the location because the ticket is unclear. Operators must have a way to contact the excavator and communicate that a reasonable amount of additional time is necessary to locate a facility. Without this provision, operators will be forced into non-compliance and excavators may feel they are free to begin excavating even if there is a known underground facility in the vicinity of their excavation.

<p>Proposed Solution</p>	<p>The Coalition has developed the following process for conducting positive response activities with excavators. The process identifies clear circumstances that can be conveyed to an excavator. They five proposed messages are concise and reflect all potential situations that could face an operator when seeking to locate or mark facilities. Each of them can be easily documented by the operator so that any potential abuse can be investigated. Permitting an operator to convey more information to an operator will increase communication and interaction during the process with the hope that both parties can work cooperatively to address difficult and sometime ambiguous situations together rather than proceeding without all of the information available.</p> <p>The new definition of “Positive Response” would state the following:</p> <p>Positive response--Notification to an excavator by a pipeline operator within two working days, not including weekends or State holidays, that allows an excavator to know prior to the beginning of excavation that:</p> <ul style="list-style-type: none"> a) Pipeline(s) has/have been, or will be marked, b) There are no pipelines owned or operated by that operator in the vicinity of the proposed excavation area, c) More information is necessary, d) A troubled locate is involved, or e) An extraordinary circumstance prevents the operator from marking or clearing of notifications f) The operator and excavator have agreed to a specific time authorized by TUC 251.157 (a)(4) <p>Notification to an excavator can be made by:</p> <ul style="list-style-type: none"> a) fax, b) phone, c) e-mail, or d) markings left at an excavation site. 	<p>The Coalition urges the Commission to consider the comments initially submitted by the Coalition during the last informal comment period, which are found to the left. It should be noted that the Coalition tweaked the initial concept slightly in that it deleted the option of making a positive response “in writing” as letters are not an efficient or timely manner in which positive responses can occur.</p>
--------------------------	---	---

	<p>Additionally, three additional provisions should be adopted in the rule that address various aspects of Positive Response. These include the following provisions:</p> <p>An operator is considered to have satisfied the requirements of this subchapter if a positive response attempt has been made using the methods described in §18.2 (18) and the attempt has been documented.</p> <p>(c) If more information is necessary for an operator to accurately respond to the notification, an excavator must contact the operator directly within 48-hours following the positive response. The excavator shall not begin excavation after receiving a positive response that more information is necessary for an accurate response prior to receiving a subsequent positive response that facilities have been marked at the site or there are no facilities in the vicinity of the excavation.</p> <p>(d) An operator reporting an extraordinary circumstance to an excavator must identify the facts or situation that meets the definition of extraordinary circumstance.</p>	
Proposed Provision	18.2(25)	18.2(25)
Proposed Change	Defines and describes the proper use of “Stakes”	Deleted
Comment	Under the proposed draft rule, a new definition and requirement has been added relating to the activity of “staking”. No other method of marking an underground facility is defined other than “spot marking” which is a specific type of painting required when circumstances warrant additional care. It is unclear why this new definition is necessary and why a specific depth limitation has been	

	placed on the activity. Limiting a stake to be placed at a certain depth may result in the inability of the stake to remain in place or to be placed at all.	
Proposed Solution	The Coalition would propose to remove the new definition of “stake”. No other form of marking is defined in the rule and defining the term “stake” is unnecessary.	Removed
Existing Provision	Currently undefined nor proposed- “Ticket Life”	See New 18.1(h)
Comment	<p>The Coalition appreciates the Commission’s interest in defining the life of a ticket in the informal proposal 18.1(h). As stated earlier, the Coalition’s supposes the life of a ticket being defined as it is a clear term that is necessary for various aspects of the rule. Further, by clearly defining the term, it brings greater attention to the provision and the need for every stakeholder to be mindful of the length of time a ticket is valid and when it is necessary to either make an additional notification to the one-call center or to remark if necessary.</p> <p>Further, as proposed in the informal rule, the life of a ticket is too long. Twenty-one days, specifically if taking into account weekends and holidays, can extend nearly a month. Markings will not last in the field that long, thus operators will be forced to remark locations even if excavations have been completed. The Coalition respectfully requests the life of a ticket be shortened to 14 days.</p>	As stated previously, the manner by which time-periods within the rule should be extremely simple and straightforward. The Coalition can support a period of 21 Calendar Days for the Life of a Locate Ticket. However, it must be clear that length of time includes weekend and holidays and is calculated from the time a one-call locate request is made to the notification center.
Proposed Solution	<p>The Coalition would suggest that “Ticket Life” be defined as:</p> <p>Ticket life- Except in the event of an emergency ticket, the life of ticket</p>	The Coalition would suggest the following updated language to define “Ticket Life”:

	shall be 14 calendar days, including weekends and State holidays, from the time the one-call notification center receives the request from the excavator. The life of an emergency ticket ends when the emergency ends.	Ticket life- Except in the event of an emergency ticket, the life of ticket shall be 21 calendar days, including weekends and State holidays, from the time the one-call notification center receives the request from the excavator. The life of an emergency ticket ends when the emergency ends.
Existing Provision	Currently undefined "Ticket Size"	See 18.3(h)
Comment	<p>The draft proposal includes a limitation on ticket size, but it is found deep within the rule and is not prominent enough. The Coalition would suggest that "Ticket Size" be included in the definitions provisions and be written to limit the size of a ticket to 2,500 linear feet consistent with our comments found below.</p> <p>Two other related issues are excavation that is not scheduled, or will not begin, within the 14 days. Many large projects cannot be completed within the project life of the ticket. Requiring operators to mark projects that will not be started is burdensome and unnecessary. Further, this situation reinforces the need to establish a "Large or Planning Project Ticket" that provides advance notice to an operator that a project is being planned or is anticipated. This allows both the operator and excavator to adjust resources to ensure that the needs of both stakeholders are met. While Chapter 18 process calls for a meeting between operators and excavators, as currently required, the meeting occurs too late in the process to provide any relief to the operator.</p>	See comments under 18.3(b) on page 40.

Proposed Solution	The definition would read: Ticket size- The area covered shall not exceed 2,500 linear feet.	Changed to 2,640 feet- but also expanded to three provisions including 2,640 by 2,640 and an area with the circumference of 2,640.
Proposed Provision	18.2(27)	Now 18.2(11) "Excavation Tolerance Zone"
Proposed Change	Changes and clarifies the definition of tolerance zone	Changes and clarifies the definition of tolerance zone
Comment	<p>The Coalition appreciates the efforts of the RRC to provide greater clarity around the definition of, and the requirements pertaining to, excavation in a tolerance zone.</p> <p>The Coalition would like to make three points regarding this provision. First, the concept of tolerance zone can be confusing to many stakeholders. It is incredibly important that the concept be simple and easy to understand and requires some level of math proficiency. For this reason, the Coalition recommends that the Commission include a simple chart within the Rule that will act as a reference or cheat sheet for those needing to determine the exact tolerance zone. The Coalition also seeks an expanded tolerance zone, one that is based on 18 inches plus the diameter of the pipe from the outside edge of the pipeline, which is consistent with Common Ground Best Practices 5-19. The formula should be applied to all pipelines regardless of diameter. Requiring two different standards will cause unnecessary confusion for excavators.</p> <p>Second, there appears to be some confusion about the purpose of establishing the tolerance zone and the activities that are allowed within that zone. The purpose of</p>	<p>The Coalition appreciates the efforts of the RRC to provide greater clarity around the definition of, and the requirements pertaining to, excavation in a tolerance zone.</p> <p>The Coalition wishes to reiterate the comments it submitted in February 2013. In doing so, the group also seeks to offer additional comments regarding the updated language included in the draft pertaining to the accuracy of markings in 18.8(b)(1-2). As drafted, and in combination with the definition of "excavation tolerance zone" the provisions become unnecessarily complex and result in less protection for underground facilities.</p> <p>To address this, several changes should be made. First, the Coalition urges the Commission to keep the terminology consistent with the existing rule provisions. Changing the existing definition of "tolerance zone", a primary concept in the rule, seven years after its first adoption injects unnecessary confusion into an incredibly important provision.</p> <p>Second, the provision in 18.8(b)(1-2) should be deleted. The Coalition has provided more extensive comments on this issue in the section relating to the accuracy of markings.</p>

	<p>establishing a tolerance zone is to ensure that every excavator takes steps to ensure the safety of the pipeline until the exact location of the pipeline is determined. Excavators should be required to use soft digging techniques (unless there is concrete or a similar substance involved) until the underground facility is exposed. It is only then that the excavator should be allowed to proceed with care using mechanized equipment.</p> <p>Third, it is not necessary to prohibit or govern the activities within the tolerance zone as long as an operator has specific procedures to govern the activities occurring around their facilities. Operators establish work plans that determine the activities that can occur within their pipelines. These plans address the conditions and work related to a specific project and will be more tailored than a generic rule issued by the Commission. Prohibiting work from occurring within the tolerance zone after the pipeline has been excavated should be the decision, and at the discretion, of the operator.</p>	<p>Lastly, the Coalition supports additional revisions to the provision that will establish that the Tolerance Zone is established based on the markings left. Excavators cannot see the pipe, and therefore the distance should be established from this point. Language that would clarify this provision can be found below.</p>
<p>Proposed Solution</p>	<p>To implement the suggestions of the Coalition, the following definition and chart have been developed. The chart is based on a 18 inch plus the diameter formula established in 5-19, which states:</p> <p>The excavator observes a tolerance zone that is comprised of the width of the facility plus 18 in. on either side of the outside edge of the underground facility on a horizontal plane. This practice is not intended to preempt any existing state/provincial requirements that currently specify a tolerance zone of more than 18 inches.</p>	<p>The Coalition urges to change the proposed term “excavation tolerance zone” as it is now, “tolerance zone” in addition to adopting the chart and related language to the left.</p> <p>The excavator observes a tolerance zone that is comprised of the width of the facility (the nominal diameter) plus 18 in. on either side of the locate markings placed to designate the route of the underground facility on a horizontal plane. This practice is not intended to preempt any existing state/provincial requirements that currently specify a tolerance zone of more than 18 inches.</p>

The Coalition would respectfully ask that the sentence stating “Once an underground pipeline is exposed or visible in the area of excavation, then the tolerance zone is a minimum of 18 inches from each outside edge of the actual pipeline be deleted.

Tolerance zone—The area on a horizontal plane within the excavation site that is within the distance designated below on both sides of the center line mark for the size of pipeline involved at the excavation site:

Pipeline Size (diameter in inches)	Distance from the Outside Edge of the Pipeline	Total Tolerance Zone
2	20	42
4	22	48
6	24	54
8	26	60
10	28	66
12	30	72
18	36	90
20	38	96
24	42	108
30	48	126
36	54	144
42	60	162

For pipeline diameters not shown in the table above, the tolerance zone is equal to the distance from both sides of the center line mark is the diameter of the pipeline plus a minimum of 18 inches on a horizontal plane.

Please also see the Coalition’s comments regarding the activities to be allowed within the tolerance zone listed under Section 18.4.

Suggested Provision	Currently undefined nor proposed- “Trouble Locate”	Provision not included in updated draft
Comment	<p>Proposed revisions to Chapter 18 do not address one of the top priorities and concerns of the Coalition. As discussed during the public meetings last summer, as well as general dialog with the Commission, locating pipelines is not always straightforward. In some cases, additional earth moving equipment is needed to determine the accurate location of the pipeline. However, there is no process or mechanism for operators to communicate this to excavators. More importantly, there is no process to allow an operator additional time to mobilize the equipment necessary for this work, and specifically the marking to occur.</p> <p>For this reason, the Coalition suggests that a provision be added to the definitions section that outlines the specific circumstances that would allow an operator additional time to locate a facility. The definition is very tailored so that it would avoid the potential for abuse. Further, it would work in conjunction with the Coalition’s proposed positive response system that allows a Trouble Locate to be one of the six positive responses provided to excavators.</p>	The Coalition urges the Commission to adopt a provision that addresses the issue of trouble locates.
Proposed Solution	<p>The definition of “Trouble Locate” would read as follows:</p> <p>Troubled Locate – A location at which the operator must use additional equipment or excavate the site in order to provide an accurate locate.</p>	<p>The Coalition submits the following language to be included in the rule:</p> <p>Troubled Locate – A location at which the operator must use additional equipment or excavate the site in order to provide an accurate locate.</p>

Proposed Provision-	18.2(29)	Renumbered 18.2(30)
Proposed Change		Revised definition of “underground facilities”
Comment		The revised definition seeks to extend the definition of “underground facilities” to those facilities that are “used to” produce, store, convey, transport or distribute commodities. This proposed change brings any and all lines previously owned or operators under the jurisdiction of the Commission, implying that abandon lines are covered. There are tremendous implications to this subtle change.
Proposed Solution		The Coalition urges the Commission to revise the provision to read as follows: <i>Underground pipeline—A permitted pipeline and all connected appurtenances, laterals, and service lines that are currently operated by an operator and located partially or totally underground.</i>
Proposed Provision	Old 18.2(25)	Renumbered 18.2(32)
Proposed Change	Deletes the definition of “working day”	Retained definition of working day
Comment	As outlined above, the Coalition has no object to the elimination of the definition “working day” as long as the issues relating to 18.1(g) and (h) and 18.2(6) are addressed in the applicable changes.	The Coalition supports the use of Calendar Day to determine all timeframes contained within the rule. Therefore, a definition of “working day” is not necessary.

Proposed Solution		The Coalition requests the definition of “working day” be deleted in order to ensure consistency throughout the rule.
Proposed Provision-		New 18.3(a)(1) and (2)
Proposed Change		Incorporated provisions of TUC 251 relating to the requirement to make a one-call ticket
Comment		<p>The expanded provision incorporates the statutory language found in Texas Utilities Code 251.151(a). In doing so, it has added the word “working” day to reference the time period. The change could lead to greater confusion.</p> <p>Further, additional language in 18.3(a)(2) also incorporates language for TUC 251 that has also been added to 18.5. The Coalition would suggest the insertion of this language at this place in the rule is unnecessary and duplicative.</p>
Proposed Solution		<p>The Coalition is supportive of deleting the word “working” and 18.3(a)(2) to simplify the provision and ensure consistency within the rule.</p> <p>The language should read as follows: (1) A person who intends to excavate shall notify a notification center not earlier than the 14th Calendar Day before the date the excavation is to begin or later than the 48th hour before the time the excavation is to begin, excluding Saturdays, Sundays, and legal holidays, except in an Emergency.</p>

Existing Provision	18.3(b)	18.3
Comment	<p>One of the top priorities of the Coalition remains that of enforcement against those excavators who abuse the “Emergency” provision to circumvent the provisions of TUC 251 and this Chapter. When Chapter 18 was first adopted, the Commission acknowledged their concern over this issue. However, because of the rule was drafted, the Commission was not able to enforce this important provision and it was too late in the process to correct the error.</p> <p>Despite this concern and the looming issues, no provision was included in the current draft rule to address the false reporting of an emergency. This is even despite recent legislation that implemented additional fines, and even criminal penalties.</p> <p>Commission staff has indicated this was due to the difficulty in enforcing such an issue and that it was too subjective. The Coalition respectfully disagrees. The Coalition would submit that there is a simple way to manage the enforcement of a provision of this nature. The provision would simply require the excavator to provide a reason for the emergency to the one-call notification center when the notification is made. The operator can then use the information to determine whether an emergency exists as well as to report the excavator to the Commission for further action.</p> <p>Too often excavators use the emergency provision for work relating to fence installation, landscaping and other</p>	Unchanged

	<p>activities that can be planned in advance and do not begin to constitute a true emergency that endangers the life, health or safety of the public. The Coalition understands and respects that there will be Emergencies reported to the one-call notifications. What the Coalition wants is a meaningful provision that will discourage excavators from abusing the system. Allowing this issue to continue to go unchecked and unenforced, will allow excavators to continue to circumvent the system and will place an undue burden on operators. Allowing this situation to continue forces operators to reprioritize the marking of legitimate tickets, hiring additional employees to handle this shift in work and impacts the time in which excavators who follow the rules, which unfairly punishes them.</p>	
Proposed Solution	<p>The Coalition respectfully submits the following suggested provision language that would require an excavator to provide “dangerous condition or situation” that meets the definition of emergency when making the declaration when notifying the one-call notification center.</p> <p><i>In the event of an Emergency that requires Excavation, an excavator must make a call to a notification center before commencing excavation and identify the dangerous condition or situation that meets the definition of emergency under §18.2 (4).</i></p>	<p>The Coalition urges the Commission to adopt a provision that addresses the issue of False Reporting of an Emergency. The Coalition has offered several ways this can be achieved through these and previous comments, both in writing and during public workshops.</p>
Proposed Provision-	18.3(b)	Renumbered and revised 18.3(h)
Proposed Change	Establishes ticket size	Establishes scope of ticket (ticket size)
Comment	Please see Coalition’s comments relating to “Ticket Size” in	The proposed ticket size was reduced to align with the Coalition’s

	<p>the Definitions Section.</p>	<p>initial suggested position of 2,500 feet, ultimately suggesting one-half mile, or 2,640 feet. The Commission also added to additional provisions that limit the area by which the scope of a ticket can be limited. The provisions, which create a square area or circumference around the area of excavation result in one of two issues.</p> <p>The first, relates to the size of the area allowed. This is a substantial area to be covered by any entity in a two-day timeframe. At the same time, the Coalition would offer that if this area is further decreased, it will lead to additional tickets, which increase costs for underground facility operators.</p> <p>The second relates to the proposal to allow a “circumference” distance to be permitted. Using a circumference of 2,640 would only permit a distance of 420 feet from the pipeline, a much smaller area than that proposed using the square footage provision offered in (b) of the same section.</p> <p>Lastly, technology is empowering more excavators to make direct requests for one-call notifications through online systems. This process allows the excavator to enter in large areas without realizing the impact to underground facility operators. For this reason alone, there needs to be some type of limit on the size of tickets going forward.</p> <p>Taking these considerations into account, the Coalition would also offer that provision (b) and (c) be deleted altogether. The use of a square area is inferred because of no ticket length being greater than 2,640 feet and the “circumference” concept is just too complicated. It will require the use of algebraic equations by</p>
--	---------------------------------	---

		whoever seeks to utilize this provision as proposed. No math should be required to request a one-call notification.
Proposed Solution	<p>The Coalition suggests this number be reduced to one mile. This may require excavators to have multiple tickets; however, this will result in a more manageable ticket size.</p> <p>The definition would read:</p> <p>Ticket size- The area covered shall not exceed 2,500 linear feet.</p>	The Coalition supports limiting the size of a ticket to no more than 2,640 feet and will not oppose a length that is shorter than what is currently proposed in addition to deleting the provisions that propose a square area or using the circumference of an area.
Existing Provision	18.3(c)	See 18.3(i) and (j)
Comment	<p>Communication between excavators and operators is absolutely critical during the excavation process. However, one of the greatest frustrations by operators is that many times contact information for an excavator is not accurate or is a person in an office away from the actual excavation activity. The Commission has proposed, and the Coalition strongly supports, clarifying language within the rule that requires the excavator to provide the contact information for someone at the scene of the excavation. The Coalition would further request that a secondary number is also provided. This will ensure that the operator has multiple ways to contact an excavator, if necessary.</p>	<p>The Coalition appreciates the effort of the Commission to require accurate information from the excavation community. This will ultimately lead to better communication and additional avenues to reach the excavator throughout the process. Since the initial draft, the Commission expanded the proposed information sections and split them into two separate requirements. As a result, the requirements are duplicative and confusing.</p> <p>The Coalition supports the simplification of the provision by combining the provisions and clarifying the information to be provided to the one call notification center.</p>
Proposed Solution	<p>The Coalition would suggest the following language could be used to accomplish this requirement.</p> <p>The information provided by the excavator to the notification center shall be accurate and include contact information for the excavator at</p>	<p>(i) An excavator shall provide accurate information to the notification center, Commission and pipeline operator during the excavation activity, including, but not limited to:</p> <p>(1) the name of the person serving the notice</p> <p>(2) the location of the proposed area of excavation, including:</p>

	the excavation site and an alternative number.	<p>(A) the street address, if available, and the location of the excavation at the street address; or</p> <p>(B) if there is no street address, an accurate description of the excavation area using any available designations such as the closest street, road, or intersection;</p> <p>(3) the name, address, telephone number and e-mail address of the excavator or the excavator's company</p> <p>(4) the excavator's on-site telephone number. If the excavation site is not accessible by telephone or mobile phone, then the excavator shall provide contact information for an excavator's authorized representative familiar with the excavation site who can respond, within one hour, of a request from the operator or the Commission.</p> <p>(5) a fax number, phone number, or e-mail address to which an operator may send the notification required by §18.5 of this title;</p> <p>(6) whether the area has been white-lined;</p> <p>(7) the starting date and time and the anticipated completion date of excavation; and,</p> <p>(8) a statement as to whether explosives will be used.</p>
Existing Provision	18.3(d)	See 18.3(b)
Comment	<p>It should also be noted that the existing process for handing a positive response in 18.3(d) is not accurate or reflective of the way the positive response system should, or does work. Under existing 18.3, excavators “shall include in the notice the method or methods by which the excavator will receive a positive response.” This has created two significant issues with regard to the way Positive Response actually works and the mechanism operators use to meet this requirement.</p> <p>The first issue relates to the excavator. Most excavators do not know to tell a one-call notification center as to what methodology they want to receive a Positive Response. This</p>	<p>The Coalition respectfully reinforces the comments submitted in 2013. The existing provision is not reflective of how positive response actually occurs each day as operators seek to confirm the location of a pipeline and provide notification to excavators. Providing a positive response is not always a yes or no answer. Operators sometimes experience difficulty in identifying the excavator's work area or in locating lines and need flexibility to work with an excavator to properly mark lines. Furthermore, Texas does not have a centralized “positive response system”. Many operators use automated systems that cannot identify the method that an excavator designates for receiving positive response and many excavators are not providing their desired method of</p>

	<p>creates an issue in that operators are then forced to physically review each ticket to determine whether a specific method has been declared. For operators that receive tens of thousands of tickets, this is nearly impossible to achieve, if at all. This leads to the second issue.</p> <p>The vast majority of operators depend on an automated system to make the appropriate response back to the excavator. The system uses phone calls, e-mail and fax to deliver a specific message to the excavator. Through this process, the automated system continues to try to reach the excavator until one of the methods is successful in delivering the message. This communication occurs when operators acknowledge specific actions taken during the ticket review and clearing process. Forcing operators to deviate from this automated system places a significant burden on the operator- both from personnel and financial perspectives. This must be addressed during the formal rulemaking process.</p>	<p>receiving positive response</p> <p>For these reasons, and the comments initially submitted by the Coalition, the rule needs to be amended to reflect the actual process and manner by which positive response is conducted.</p>
Proposed Solution	At this time, the Coalition respectfully suggests this requirement is deleted from the rule.	The Coalition urges the Commission to delete this requirement from the rule.
Proposed Provision	18.3(e)	Renumbered and revised 18.3(k)
Proposed Change	Notice by excavators during an emergency	Notice by excavators during an emergency
Comment	The Coalition appreciates the Commission attempting to address one of the top issues faced by operators relating to emergency tickets. As noted above, operators are	The Coalition reiterates its comments during the initial informal comment period in February 2013 and particularly those relating to adopting a provision that requires an excavator to be present at

<p>constantly acting to respond to the report of emergencies, whether legitimate or not. The proposed change seeks provide operators two hours to respond to the “emergency ticket” by suggesting that excavators “should attempt” to provide two hours notice. There are three primary issues with this proposal. First, operators have extensive experience with excavators beginning to dig immediately when an emergency is proclaimed. Providing an optional requirement <u>will not</u> provide further protection for underground facilities during an emergency situation. If anything, it creates more ambiguity in the Rule and a provision that is virtually unenforceable.</p> <p>Secondly, this requirement does not address the true issue relating to emergency situations. As discussed earlier, excavators falsely reporting an emergency is the true problem operators face. This allows excavators to circumvent the entire one-call process. True emergencies deserve the attention and focus of operators. However, false emergencies require resources to be diverted from legitimate emergencies and normal tickets. This problem can be easily address by requiring excavators to report the justification for their emergency when they contact the one-call notification center.</p> <p>Lastly, the one-call notification centers have two hours to provide a ticket notification to an operator. And, because there are two notification centers, it may take up to four (4) hours for an operator to receive the notice. This means in many cases an excavator will be permitted to dig prior to an operator even knowing, or becoming aware, of the</p>	<p>the scene of an emergency.</p>
--	-----------------------------------

	<p>emergency situation. Operators have a responsibility to respond to a true emergency. However, specific protections should still be established to require excavators to take the utmost care in the event an operator has not responded.</p>	
Proposed Solution	<p>The Coalition respectfully suggests that the provision relating to Emergencies should be objective rather than subjective. Further, any provision of this nature should align with the requirements imposed on operators as currently proposed in 18.5(c).</p> <p>The provision should read: An excavator the requests the location of pipelines in an Emergency through the notification center shall provide notice to the one call notification center by dialing 811 and providing an explanation of the emergency. Once the call has been made, the excavator shall remain at the scene of the emergency and proceed with caution and due care until the excavator has been contacted by the operator or the operator’s representative has arrived on scene.</p>	<p>The Coalition resubmits the suggested language included in its previous comments, and particularly the provision that requires an excavator to be at the scene of an emergency. This comment was supported by numerous stakeholders at the public workshop and helps to ensure the use of Emergency locate tickets are not abused.</p>
Proposed Provision	18.3(f)	Renumbered 18.3(c)
Proposed Change	Requirement to whitenline if certain criteria are met.	Requirement to whitenline if certain criteria are met.
Comment	<p>Under the newly proposed provision, excavators will be required to whitenline an area prior to making a one-call notification. This proposal creates a problem in that some excavators will not know that they are required to mark until after that notification is initially made. And, in many cases, operators want to be at the location when the whitenlining occurs. This allows greater communication to occur between the stakeholders.</p>	<p>The Coalition respectfully resubmits the comments it initially submitted to the Commission in February of 2013.</p>

<p>Proposed Solution</p>	<p>To address these concerns, the Coalition suggests the provision be written in the following manner:</p> <p>When an excavation site cannot be clearly identified and described on a one-call notification locate ticket, the excavator shall use white-lining to mark the excavation area:</p> <ul style="list-style-type: none"> • prior to giving notice to the notification center, and • before the locator arrives on the excavation site. <p>An excavator shall mark the area of excavation using intervals that show the direction of the excavation.</p>	<p>The Coalition wishes to urge the Commission to adopt the language submitted last year.</p>
<p>Proposed Provision</p>	<p>18.3(g)</p>	<p>Renumbered 18.3(f)</p>
<p>Proposed Change</p>	<p>Requires parties meeting to discuss protocols to discuss “extending” the life of a ticket.</p>	<p>Requires parties meeting to discuss protocols to discuss “extending” the life of a ticket.</p>
<p>Comment</p>	<p>Provision 18.3(g) is one of four different provisions that discusses the protocols for meetings between excavators and operators or items that can be agreed to outside a traditional one-call ticket. Having four separate requirements (See 18.(g)(i), 18.5(f) and 18.9) is confusing, especially when the requirements for each are different and yet referred to using the same terminology “meetings”, “protocols”, etc.</p> <p>A meeting requirement could be incredibly useful and productive if written to provide an opportunity for all parties during a project. However, the current requirements are not clear, especially with regard to the expected outcomes of the meeting and what happens if:</p> <ul style="list-style-type: none"> • agreements are not made during the meeting • agreements are not signed 	<p>In addition to the previously submitted comments regarding the protocol provisions, the Coalition would respectfully request additional clarification that permits operators and excavators to enter into agreements using various methods of technology including electric signatures, on-lines agreements and other apps that capture the intent and authorized consent to enter into agreements of this nature.</p> <p>The Coalition also wishes to bring attention to a concept that is in the existing rule as well as the proposed. Under the current, and proposed, 18.3(d) an operator and excavator can agree to extend the life of a ticket. While this appears to provide greater flexibility when addressing large projects, it actually creates a hazard for other underground facility operators and potentially other pipeline operators. Just because one operator agrees to certain terms, it does not guarantee all operators will agree to the same terms. This is especially true for operators who are not afforded this provision</p>

	<ul style="list-style-type: none"> • certain parties do not attend the meetings • objections to the agreement are raised after it is signed <p>It should also be noted that as drafted, this requirement is not required to be codified in writing unlike those found in Sections 18.3(i) and 18.9.</p>	<p>through TUC 251. As a result, the excavator can be misled, or not fully realize, the need to continue one-call notifications throughout the process even if a “protocol” is in place. For this reason, the Coalition requests provisions that permit the extension of the Life of a Ticket be deleted throughout the rule in addition to adopting a single, streamlined provision that simplifies all protocol related provisions.</p>
<p>Proposed Solution</p>	<p>In an effort to simplify and consolidate all four provisions relating to the various “protocols” that operators and excavators can enter into, the Coalition has developed the following provision that addressed them all at once. The Coalition respectfully submits:</p> <p>(f)(1) An operator and the excavator shall conduct a face-to-face meeting at a mutually agreeable time if the project:</p> <ul style="list-style-type: none"> a) Exceeds the maximum ticket size, b) Is too large to mark using white-lining, c) Cannot be described on a line locate ticket, or d) Is considered complex or of high consequence by the operator or excavator. <p>(2) At the meeting, the operator and excavator shall discuss and attempt to agree upon procedures to be followed during the project, which may include the following:</p> <ul style="list-style-type: none"> (a) the contact person or persons for each entity working at an excavation site; (b) the required mode or modes of communication among all entities working at an excavation site, e.g., telephone or other electronic means or face-to-face meetings at prescribed times or intervals; (c) the method for coordinating work activities among all entities working at an excavation site; (d) the ownership and/or possession of the one-call notification ticket 	<p>The Coalition respectfully urges the Commission to reconsider its position regarding protocols and mandatory meetings. The proposed solution offered by the Coalition seeks to achieve the intent of the Commission through the simplification and clarification of numerous provisions. Additional language should also provide clarification that a “written” signature includes signatures provided in electronic format as well as clarifies that an excavator and operator may establish a time and place to conduct a face-to-face meeting using a phone, fax, text or e-mail.</p> <p>(f)(1) An operator and the excavator shall contact the other party, via phone, fax, text or e-mail, to establish a time and place to conduct a mandatory face-to-face meeting if the project:</p> <ul style="list-style-type: none"> a) Is too large to mark using white-lining, b) Cannot be described on a line locate ticket, or c) Is considered complex or of high consequence by the operator or excavator. <p>(2) At the meeting, the operator and excavator shall discuss and attempt to agree upon procedures to be followed during the project, which may include the following:</p> <ul style="list-style-type: none"> (a) the contact person or persons for each entity working at an excavation site; (b) the required mode or modes of communication among all entities working at an excavation site, e.g., telephone or other electronic means or face-to-face meetings at prescribed times or intervals;

	<p>(e) extending the life of the one-call notification ticket or tickets;</p> <p>(f) the schedule of work on the excavation and, if applicable, the chronological order in which applicable locate tickets are to be located;</p> <p>(g) the timeframe by which the proposed area of excavation must be marked by the locator</p> <p>(h) the extent of the tolerance zone, provided that it shall not be less than the width of the facility plus 18 in. on either side of the outside edge of the underground facility on a horizontal plane. and the type of excavation permitted within the tolerance zone; and</p> <p>(i) any other agreement with respect to excavation activities and/or marking, including the ability to determine a specific time by which the marks will be placed authorized by TUC 251.157 (a)(4).</p> <p>(3) If an excavator and operator are not able to agree on procedures, or one of the parties to the excavation does not participate in the face-to-face meeting, the requirements of this Chapter apply.</p> <p>(4) Both the excavator and the operator shall retain a copy or other documentation of any agreement made pursuant to subsection (f).</p> <p>(5) Unless otherwise agreed to by an excavator and operator, an operator must mark their lines within 48-hours of the adjournment of the face-to-face meeting required under this provision.</p>	<p>(c) the method for coordinating work activities among all entities working at an excavation site;</p> <p>(d) the ownership and/or possession of the one-call notification ticket;</p> <p>(e) extending the life of the one-call notification ticket or tickets;</p> <p>(f) the schedule of work on the excavation and, if applicable, the chronological order in which applicable locate tickets are to be located;</p> <p>(g) the extent of the tolerance zone, provided that it shall not be less than the width of the facility plus 18 in. on either side of the outside edge of the underground facility on a horizontal plane, and the type of excavation permitted within the tolerance zone; and</p> <p>(h) any other agreement with respect to excavation activities and/or marking, including the ability to determine a specific time by which the marks will be placed authorized by TUC 251.157 (a)(4).</p> <p>(3) If an excavator and operator are not able to agree on procedures, or one of the parties to the excavation does not participate in the face-to-face meeting, the requirements of this Chapter apply.</p> <p>(4) Both the excavator and the operator shall retain a copy or other documentation of any agreement made pursuant to subsection (f).</p> <p>(5) Unless otherwise agreed to by an excavator and operator, an operator must mark their lines within 48-hours of the adjournment of the face-to-face meeting required under this provision.</p>
Proposed Provision	18.3(i)	See 18.3(f)
Proposed Change	Permits an operator and excavator to extend a ticket beyond 21 days.	
Comment	As outlined above, this provision is the third of four provisions that allows excavators and operators to deviate from a one-call notification ticket, and specifically that an	

	operator and excavator can extend the life of a ticket beyond 21 days. As stated above, it is unclear why is it necessary to have four separate meeting or protocol provisions found throughout the Rule.	
Proposed Solution	Please see the Coalition’s suggested provision in 18.3(g) that will consolidate all four “protocol” provisions in to one, clear and concise provision.	
Proposed Provision	18.4(b)	18.4(b)
Proposed Change	Creates excavator obligation to provide or arrange access to locked areas.	Deleted
Comment	<p>The proposed provision will require an excavator to arrange access for an operator to a locked or gated area once a notification center is made. This proposal appears to be the suggested alternative to establishing a positive response system that accommodates a manner by which operators can contact an excavator and request additional information or assistance with a ticket.</p> <p>While a noble attempt, it is simply unrealistic to expect excavators to ensure that areas are unlocked or open so that locators may mark facilities. This provision would require all excavators to visit a site prior to making a one-call to determine whether a facility or location is secured and if so, then to find a way to contact a person who can open a facility. Even if they are successful in accomplishing this daunting task, the likelihood of actually convincing someone of opening a secured location is not good, especially when it isn’t someone the property owner or</p>	

	responsible party is familiar with.	
Proposed Solution	Delete the proposed provision.	
Proposed Provision	18.4(d)	18.4(d)
Proposed Change	Requires excavators to provide notice to landowners prior to excavation.	Provision deleted
Comment	Under this proposal, excavators would also be required to notify a landowner before conducting excavation on a property. This proposed provision is not unlike that of 18.4(b) in that it is unrealistic. While polite and maybe the right thing to do, it is not the responsibility of the Commission to require excavators to notify landowners. This proposal does nothing to further pipeline safety and if anything, misdirects the focus of the Commission from pipeline safety to policing the communication activities of excavators. The provision would be better directed if it supported or encouraged additional communication between excavators and operators.	
Proposed Solution	Delete the proposed provision.	
Existing Provision	18.4(c) currently renumbered to (e)	Renumbered 18.4(c)
Proposed Change		Adds provision relating to on-site representative's ability to provide one call ticket
Comment	Under current Chapter 18, an excavator is required to make	The Coalition is supportive of changes made to clarify the

	<p>available the one-call ticket to the Commission or operator if requested. The Coalition would like to suggest that excavators keep a copy of the one-call ticket at the site of the excavation. This provides for greater accountability and accuracy on the part of the excavator. By having the ticket at the site, excavators will be able to ensure:</p> <ul style="list-style-type: none"> • A one-call has indeed been made • The location provided on the one-call matches the location of the excavation 	<p>excavator’s responsibility of having the one call notification ticket readily available. At the same time, revised language also references an excavation event and excavation tolerance zone relating to provision 18.10. It is unclear why this additional language is necessary. Further, excavation activity as outlined in 18.10 is only mentioned in this provision. It is unclear why an event is defined after its initial use. If “excavation event” needs to be defined, it should be included in the Definitions section of the rule. If not, any definition should be removed from 18.10 and the complete concept should be included within the section it is referenced. A simpler, and more straightforward way of approaching this is to reference the life of a ticket, which has already been defined.</p>
Proposed Solution	<p>The Coalition would suggest this could be addressed through modifying the existing provision 18.4(c) to state:</p> <p>Prior to excavation, an excavator shall confirm that a copy of a valid one-call notification ticket for the location is in the possession of the excavator's designated representative at the excavation site and will be immediately provided by the representative if requested by the operator or the Commission.</p>	<p>The Coalition would offer the language be amended to read:</p> <p>(c) Prior to excavation, an excavator shall confirm that a copy of a valid locate ticket for the location is in the possession of the excavator's designated representative and can be obtained from the representative or can be provided within one hour of a request from the operator or the Commission. The excavator's on-site representative shall have immediate access to the locate ticket either in paper form or through an on-site electronic device for review at any time during the life of a ticket.</p>
Proposed Provision		18.4(e)(2)
Proposed Change		Requires a second notification if an excavator discovers an unmarked pipeline while excavating
Comment		The proposed provision has been revised to include a requirement for excavators who become aware of an unmarked pipeline during an excavation to make a second notification to a one call center

		<p>before continuing excavation.</p> <p>The Coalition supports the requirement for an excavator to make a second call to the notification center. However, the limitation on additional work should be limited to the area in which the unmarked facility is located. If an excavation crew is working in a extended area, and no other unmarked facilities have been discovered, the crew should be permitted to proceed as long as they use due care.</p>
Proposed Solution		
Proposed Provision	18.4(h)	Initially Proposed 14.4(h) relating to second notice has been deleted but provision added to revised 18.4(e)(2).
Proposed Change	Requires excavator to stop digging if unmarked pipeline is discovered during excavation.	
Comment	The proposed new provision will require excavators to stop excavation activities if an unmarked pipeline is discovered. The Coalition is unclear as to why this provision is necessary. Current Chapter 18 provision 18.4(g) (1) and (2) already requires an excavator to make a second call to a notification center if an “excavator experiences clear evidence of the presence of an unmarked underground pipeline in the area of the proposed excavation...”. Further, once an excavator has located a facility of this nature, there is really nothing more than can be done other than to follow the requirements of the Rule in place.	
Proposed Solution	The Coalition suggests that the provision be deleted as it is duplicative with existing provision 18.4(g)(1) and(2).	

Existing Provision	18.10 should be moved to this section	Unchanged
Comment	<p>The concept of tolerance zone is already included in Chapter 18. The concept first appears in the definitions section and then is further outlined very late in 18.10. In an effort to simplify and streamline the current rule, the Coalition suggests the provision is moved to the section on excavator responsibilities.</p> <p>As outlined above, the Coalition also suggests that the existing rule be clarified as to what can occur within the tolerance zone once a pipeline has been exposed. Operators have policies as to what mechanical equipment can be used. In some circumstances it will be impossible to prohibit the use of mechanical equipment within the tolerance zone. For example, if a new pipeline is being constructed parallel to an existing facility, sometimes just feet away, and for tens if not hundreds of miles, there is no way that area can be excavated using non-mechanical means. It is unreasonable to expect or require activities that are not possible to achieve. Therefore, a provision should be added that permit an operator to allow mechanical equipment to be used within the tolerance zone as long as the operator has written procedures to govern that type of activity.</p>	The Coalition urges the Commission to move the provision relating to Tolerance Zone to this section in order to streamline and simplify the existing rule.
Proposed Solution	The Coalition would suggest the provision is moved to 18.4 and amended to reflect the suggested language of the Commission that further clarifies that excavators seeking to excavate consolidated rock or similar soil conditions. The	The Coalition respectfully submits the provision is moved to 18.4 and amended to reflect the suggested language of the Commission that further clarifies that excavators seeking to excavate consolidated rock or similar soil conditions. The provision would

	<p>provision would state:</p> <p>When excavation is to take place within the specified tolerance zone, an excavator shall not use mechanical equipment until the pipeline is exposed and the route confirmed and shall exercise such reasonable care as may be necessary to prevent damage to any pipeline in or near the excavation area. Methods to consider, based on certain climate or geographical conditions, include hand digging when practical, soft digging, vacuum excavation methods, or pneumatic hand tools for consolidated rock or similar soil conditions. Mechanical equipment, other methods may be used with the approval of the pipeline operator once the pipeline has been exposed. Hand digging and non-invasive methods are not required for pavement removal.</p> <p>Operators may permit the use of mechanical equipment within the tolerance zone once a pipeline has been exposed as long as the operator has specific written procedures to ensure the safety and protection of the pipeline by the excavator.</p>	read as outlined to the left.
Proposed Provision	18.4(k)	Renumbered and revised 18.4(h)
Proposed Change	Requires excavators who damage a pipeline to notify 811	Requires excavators who damage a pipeline to notify 811
Comment	Proposed changes to 18.4(k) seek to clarify the manner that a notification center is clarified to reference the use of 811. Excavators should make every attempt to contact the operator directly first. If an excavator does not know who the operator is, or cannot reach them, the excavator should then make the notification to the one-call center.	<p>The initially proposed provision requiring the reporting of damage to a one call notification center has been expanded significantly creating additional confusion and complexity. Under the revised provision, all excavators types- first, second and third party- are required to notify the operator of any damage. Yet, it provides a specific exemption from reporting the damage to the notification center, but still providing an option of reporting it to themselves.</p> <p>The Coalition would also offer that a first party excavator does not</p>

		have to report the incident to itself or the one call notification center. Operators have reporting mechanisms in place and this additional reporting requirement could cause confusion and over-reporting to occur.
Proposed Solution	<p>The Coalition would suggest an excavator notify an operator and the appropriate 911 dispatch center, if appropriate, using the process outlined below.</p> <p>Each excavator that damages a pipeline shall take the following steps:</p> <ol style="list-style-type: none"> 1. If the damage results in the release of gaseous or liquid material shall contact 911 immediately 2. Contact the one-call notification center by dialing 811 and report a "Damaged Utility" 3. Attempt to contact the pipeline operator by information located on a: <ol style="list-style-type: none"> a. one-call notification ticket b. pipeline marker <p>The notification to the operator or notification center shall occur as soon as possible, but not later than two hours following the damage incident.</p>	<p>The Coalition respectfully resubmits the language that it initially proposed in February of 2013 as it provides clarity for all excavators.</p> <p>Each excavator, other than an operator, that damages a pipeline shall take the following steps:</p> <ol style="list-style-type: none"> 1. If the damage results in the release of gaseous or liquid material, shall contact 911 immediately 2. Contact the one-call notification center by dialing 811 and report a "Damaged Utility" 3. Attempt to contact the pipeline operator by information located on a: <ol style="list-style-type: none"> a. one-call notification ticket b. pipeline marker <p>An operator is exempted from reporting the damage to the one-call notification center and itself, but must notify 911 in the event the damage results in the release of natural gas or hazardous liquid. The notification to the operator or notification center shall occur as soon as possible, but not later than two hours following the damage incident.</p>
Proposed Provision	18.4(k) (Note, this is a duplicative provision and should be (l))	Renumbered 18.4(i)
Proposed Change	Establishes that an excavator shall not repair a pipeline without the operators consent and in accordance with Operator Qualification requirements.	Establishes that an excavator shall not repair a pipeline without the operators consent and in accordance with Operator Qualification requirements.
Comment	The proposed provision seeks to clarify that any repairs	The Coalition urges the Commission to remove the provision

	<p>conducted on a pipeline will be authorized by the pipeline operator and done in accordance with operator qualification standards. This poses several significant concerns for operators. Specifically, the provision infers that pipeline operators will authorize excavators to conduct work on a pipeline facility. In no way will an excavator ever be authorized to make repairs on regulated pipeline facility. Additionally, the requirement that all repairs be conducted by qualified personnel reinforces the Coalition’s concerns raised in 18.1(j)(2). Not all pipelines are subject to Operator Qualification requirements. Requiring this type of qualifications for pipelines that are not currently regulated is a significant expansion of RRC authority and will result in a significant new cost to many operators.</p>	<p>consistent with the group’s comments submitted in February of 2013. As our comments previously state, pipeline operators do not permit excavators to make repairs on their lines. To reference this as an option is misleading and erroneous. Further, the Coalition reinforces comments made throughout this document that highlight the significant expansion of current regulatory requirements to non-jurisdictional pipelines that are not currently required to adopt operator qualification programs. For operators of this nature, any requirement related to operator qualifications has significant impacts to operators in terms of cost and resources.</p>
Proposed Solution	The Coalition respectfully requests this provision is deleted.	The Coalition respectfully resubmits this provision is deleted.
Proposed Provision-		New 18.5 (a)
Proposed Change		Incorporates the actual language of Texas Utilities Code 251 relating to the time a positive response must occur
Comment		The proposed language seeks to adopt the statutory provisions found in 251 of the Texas Utilities Code. The Coalition has no objection to including the actual language in the Rule. At the same time, it needs to include the complete provision relating to timeframes. As drafted, it leaves a fourth, and very important option, out. Provision 251.157(a)(4) permits “a time agreed to by the operator and the excavator.” This should also be codified in the rules.

		<p>Additionally, new language was added to this provision that an operator must provide a positive response “for all pipelines at all depths for all locate tickets”. This language creates unnecessary confusion and results in an overly complex provision. The provision can now be read to cause a pipeline operator to respond and mark not only their pipelines, but the pipelines of other operators. Further, the Coalition would offer that if the Commission adopted a zero depth tolerance requiring all excavators to make a one call, any discussion or requirements regarding depth would become unnecessary.</p>
Proposed Solution		<p>The Coalition suggests the provision to be amended to read as follows:</p> <p>(a) Upon being contacted by the notification system, an operator shall provide a positive response for all underground pipelines operated by that operator located within the scope of the Locate Ticket within the specified timeframes by either:</p> <p>(1) marking the operator's underground pipelines in accordance with the requirements of this chapter not later than:</p> <p>(A) the 48th hour after the time the excavator gives to the notification system notice of intent to excavate, excluding Saturdays, Sundays, and legal holidays;</p> <p>(B) 11:59 a.m. on the Tuesday following a Saturday notification unless the intervening Monday is a holiday; or</p> <p>(C) 11:59 a.m. on the Wednesday following a Saturday notification if the intervening Monday is a holiday;</p> <p>(4) a time agreed to by the operator and the excavator; or,</p>
Proposed Provision	18.5 (c) (And 18.11(d))	Revised 18.5(c) and 18.11(c)
Proposed Change	Seeks to make certain reporting of violations optional	Seeks to make certain reporting of violations optional by “encouraging” the reporting of such activities.

<p>Comment</p>	<p>Chapter 18 currently requires excavators to report to the TDRF when a operator fails to make an initial positive response or to respond after a 2nd notification is made to the one-call center. The requirement is outlined in 18.5 (c) (And 18.11(d)). The proposed rule seeks to change the reporting requirement from a mandated report to an optional action by the excavators. The Coalition does not object to the proposed change. However, the Coalition would then ask if the change is made, and the requirement is truly optional, why is it necessary for the provision to be included in the rule. Anyone can report a violation of a Chapter 18 provision at any time through the TDRF. Failing to make an initial positive response or responding to a follow up notification is still a violation of the rule. Continuing to include the provision once it becomes option seems to be unnecessary, taking focus away from the critical provisions of the rule.</p>	<p>A change was made to the proposed provisions in that the provisions were initially drafted with the word “may” and has been amended to use the word “encourage”.</p> <p>The Coalition appreciates the Commissions attempt at addressing the comments initially submitted. However, the change made adds additional ambiguity to the provision.</p>
<p>Proposed Solution</p>	<p>The Coalition suggests this provision be deleted.</p>	<p>The Coalition urges the Commission to delete the provision or revise it to its original language using the word “may” as it clearly states the provision is optional.</p> <p>If the Commission opts to retain the provision, the Coalition would suggest that provision 18.5(c) be moved to 18.11 so that all reporting requirements can be found in the same section of the rule. Placing related provisions throughout the rule creates additional confusion for all stakeholders.</p>
<p>Proposed Provision</p>	<p>18.5(e)</p>	<p>18.5(e)</p>

Proposed Change	Encourages operators to respond to an emergency within two (2) hours of notification, but requires response in four (4) hours.	Encourages operators to respond to an emergency within two (2) hours of notification, but requires response in four (4) hours.
Comment	<p>New Section 18.5(e) proposes to establish a timeframe by which operators must respond to a notification of an emergency. The provision as drafted creates ambiguity and can be interpreted several ways. The provision requires operators to “respond”. However, there is no definition as to what it means to “respond”. Does respond mean call the excavator? Physically be present at the site? Or, some other response? Further, when does the time begin to be calculated? Is it from the time the notification is made to the one-call center or when the notification is actually made to the operator? Under the current one-call law, notification centers have up to two hours to notify an operator. Because the notification must be communicated from one-call center to another, this can take up to four hours. In the event this occurs, it will be impossible for an operator to respond in accordance with this provision in some cases.</p> <p>Depending on how these two issues are clarified, it may or not be realistic for an operator to respond. The State of Texas is vast, even when the most prompt notification occurs, it may take time for an operator to get to the scene of an emergency. While operators will take steps to respond to an emergency, those located in more rural areas make take longer to respond to.</p>	<p>The Coalition respectfully urges the Commission to consider the comments submitted in February of 2013 regarding this issue. The proposed solution provides greater flexibility and overall a quicker deadline for pipelines to respond to an emergency notification.</p> <p>The Coalition would also support comments made at the recent workshop made by several stakeholders that would require an excavator that makes an Emergency Notification be at the scene of the emergency excavation or face fines and penalties. One of the top priorities of the Coalition has been the false reporting of an Emergency. Pipeline operators or locators often respond to emergency ticket notifications only to find no one there and no “Emergency” occurring. Making an excavator be present at the scene of a reported Emergency would place greater accountability for those who submit such a ticket. Pipeline operators acknowledge that legitimate Emergencies do occur and need attention, at the same time, the current system allows for abuse and results in a substantial cost and burden to pipeline operators and locators.</p>
Proposed Solution	The Coalition would suggest the following language adds clarity to the provision as well as providing additional communication to the process:	In addition to the language initially suggested by the Coalition (found to the left), a new provision should be added to either this section or 18.3(k) that states:

	An operator that receives an Emergency one-call notification ticket notice through a notification center, should contact the excavator using the information on the ticket as soon as practical, but within two hours of receiving the notice from the one-call center.	An excavator who makes an Emergency locate notification pursuant to 18.3(k) shall remain at the scene of an emergency until the pipeline operator(s) indicates its/their facility is not in the vicinity of the emergency or until locate markings are placed in the area(s) of the excavation required to address the Emergency situation.
Proposed Provision	18.5(f)	18.5(f)
Proposed Change	Permits an operator and excavator to agree to an extended response time if certain criteria are met.	Permits an operator and excavator to agree to an extended response time if certain criteria are met.
Comment	<p>The proposed provision seeks to add another provision that allows operators and excavators to agree to extend the amount of time allowed to locate and mark an underground pipeline if certain criteria are met. As stated in Section 18.3(g), 18.(g)(i), 18.5(f) and as well as 18.9, adding provisions of this nature should be consolidated in to one provision that clearly outlines the types of agreements that can be entered into between and operator and excavator and what occurs in the event they cannot agree.</p> <p>Further, this provision establishes several criteria that must be met prior to an agreement. Provision 18.5(f)(1) states “the agreement is in writing and complete within the response time specified in Texas Utilities Code, Chapter 251”. As written, the provision seems to invalidate the overall ability of an operator and excavator to enter into an agreement that extends the deadline for marking beyond the two days established in TUC 251. If the Commission is seeking to require the agreement to be codified within the</p>	The Coalition respectfully resubmits the comments submitted during the initial informal comment period.

	two day time period, the provision should be rewritten as it is unclear and potentially defeating the purpose of the overall provision.	
Proposed Solution	The Coalition believes that any and all provisions creating the ability for an operator and excavator to enter into an agreement outside the provisions of Chapter 18 should be outlined in a single, clear and concise provision. The Coalition has proposed a provision in 18.3(g) that seeks to consolidate the four independent provisions currently found in the draft rule.	The Coalition respectfully resubmits the language in Section 18.3(g) submitted during the initial informal comment period to address these issues.
Proposed Provision	18.6(b)	18.6(b)
Proposed Change	Attempts to clarify when markings become invalid	Attempts to clarify when markings become invalid
Comment	The proposed language seeks to clarify the expiration date for markings and build off of an existing provision in Chapter 18. As drafted, the provision is confusing and could be misinterpreted by excavators focusing on the time by which the positive response was made rather than the time the ticket was made to the one-call center. For clarity, the reference to positive response should be removed from the provision.	The Coalition seeks to reiterate the previous comments submitted in February of 2013. If left unchanged, markings placed in the area would actually expire after the one call ticket had expired. We are hopeful that the Commission did not intend for this to be the case. For clarification purposes, and to ensure consistency among terminology and concepts, the life of the markings should be calculated from the time the one call notification is made and not exceed the life of the ticket. To achieve this, the reference to “positive response” must be removed from the provision.
Proposed Solution	The Coalition respectfully suggest the following language is used to clarify when an excavator is required to request the	The Coalition urges the Commission to clarify the definition of “ticket life” in 18.1(h) to ensure that all stakeholders establish the

	<p>markings are refreshed:</p> <p>Markings are valid for the Ticket Life. If a line locate ticket has been refreshed pursuant to §18.3(d) of this title, the operator and the excavator shall verify the pipeline location and either ensure that their markings are still accurate and visible and valid or shall remark.</p>	<p>life a ticket beginning at the time the call is first made to the one call notification center. Further, the Coalition continues to support the removal of the language referencing “positive response” as it further creates confusion as to the life of a ticket.</p>
Proposed Provision	18.8(a)	Revised 18.8(a)
Proposed Change	Requires and operator to all locate lines accurately for all tickets received	Requires operators to mark all pipelines at all depths.
Comment	<p>As proposed, the new language added to 18.8 is unclear. The new language seems to add a requirement for pipeline operators to mark or acknowledge all one-call notifications via markings regardless of whether the excavation is near an underground facility. The addition of the words “all locate tickets” poses a significant problem in that it significantly expands the scope of the provision. If that is the intention of the provision, the result would be a significant burden for operators to visit every proposed excavation site and place marking at the scene when the majority of tickets received by a operators are clear of the area near their facilities. This would result in the need for extensive new resources in personnel to even attempt to mark all sites and is not an appropriate or beneficial use of operators’ time or efforts. On average, an operator marks 10 of every 100 one-call notifications received. If this ratio is applied to determine the level of new resources needed to accomplish this requirement going forward, operators would have to 10 times the number of existing personnel.</p>	<p>The revised provision further expands an already broad and burdensome provision by not leaving the language requiring all pipelines to be marked, but all pipelines regardless of depth for all locate tickets.</p> <p>As discussed in the Coalition’s previous comments, the proposed changes result in a provision that is so ambiguous the cost and potential impacts to the pipeline and locating community cannot be adequately conveyed.</p> <p>Further to the previous comments, the Coalition would respectfully suggest that adding a depth requirement would not be necessary if there is a zero depth requirement for making a one call.</p> <p>Please see additional Coalition comments relating to the ability to locate some facilities, particularly at significant depths in 18.1(j)(3).</p>

	Further, it should be noted that the proposed provision is very similar to that of 18.8(k) that references the tools to be used in locating of underground facilities. It is unclear why both provisions are necessary.	
Proposed Solution	To address the concerns of operators, the Coalition would suggested the initially proposed language is deleted so that provision 18.8(k) (when amended to address the Coalitions suggestions) defines the requirements for a locator when placing markings.	The Coalition respectfully suggests that this section be deleted as suggested and Section 18.8(k) amended as outlines below.
Proposed Provision	18.8(b)(1)-(2)	18.8(b)(1)-(2)
Proposed Change	Relates to the accuracy and placement of marks for pipeline smaller than and greater than six inches	Updated
Comment	<p>This proposed provision seeks to clarify what it means to place accurate marks when locating a pipeline. As drafted the proposal creates additional ambiguity and is generally flawed. More concerning is that the provision will defeat the purpose of a tolerance zone, resulting in a potentially hazardous situation for both operators and excavators.</p> <p>Take for example a 42-inch pipeline. Under the proposal, a locator would place a marking within the body of a pipeline. For the purposes of this example, the mark is place at or very near the outside edge of the pipe. The current tolerance zone in Chapter 18 is established by the distance from the placement of that centerline marking, and in this case would be 39 inches (18 inches plus half the diameter). However, if an excavator can dig 39 inches from that</p>	<p>The updated provision seeks to establish an “accuracy of marking” provision that works in conjunction with the tolerance zone requirements. It is unclear why a provision of this nature is being proposed or why it is necessary. There is no such concept within the Common Ground Practices. And, the result is a highly complex provision that was difficult even for us to figure out. Under the proposal, and after taking into account the accuracy provision discussed here, the clearance for a pipeline 12 inches or smaller could be as little as six inches and just 18 inches for any pipeline greater than 12 inches in diameter.</p> <p>References to “accuracy of markings” should be deleted from the rule. The current, and proposed, tolerance zone provisions address accuracy by providing for an area around a pipeline where additional caution must be taken before the location of the</p>

	<p>centerline, without taking additional precautions, the result will be a pipeline strike to a high pressure, large diameter pipe, which is potentially catastrophic.</p> <p>Excavators should always take care when digging. Establishing a standard that pipelines will be perfectly marked establishes false sense of security, and in this case can lead to pipeline strikes even if both the pipeline operator and excavator are following the law to the fullest. If markings result in damage to a pipeline, it is only then when the Commission should seek a violation of the rules. However, as written, it will only cause greater confusion.</p>	<p>pipeline is confirmed. If a pipeline is struck during excavation due to the markings, clearly the markings were inaccurate and the locator should be penalized.</p> <p>Combining two provisions that both provide “buffers” for markings and related activities results in an even larger area in which the pipeline could be located. To do this, it requires excavators to manually calculate the potential accuracy of the marks and then further calculate the tolerance zone based on the “accuracy buffer”. This is too complex and requires too much of an excavator. Like many comments already offered, provisions in the rule need to be simple and straightforward. The existing Tolerance zone is sufficient in providing the additional protection during the excavation process. If there is concern that the tolerance zone does not provide enough protection, for whatever reason, the tolerance zone should be made larger.</p>
Proposed Solution	<p>The Coalition respectfully suggests that this provision is deleted and instead the definition of “Locate or Marking” is clarified to require that the approximate centerline of the pipeline is designated. The following language could be used:</p> <p>Locate or marking--An operator's or its contract locator's physical demarcation of the location of the approximate centerline of a pipeline.</p>	<p>The Coalition requests that Section 18.8(b)(1-2) should be deleted from the proposal.</p>
Proposed Provision	18.8(d)	Renumbered and revised 18.8 (c)
Proposed Change	Notification of abandon line	Notification of abandoned line
Comment	A new provision seeks to require a locator who is locating	The initial proposal offered by the Commission in December of

and marking lines to notify an excavator of the presence of an abandon line. While, in theory, this type of requirement is a nice courtesy to an excavator, there is no possible way a locator, or anyone else, can establish whether a facility is abandon or not. It is unrealistic to expect a locator to know this information or especially be required to make such notification. Furthermore, it is important to point out that there may be connotations with the use of the word “abandon”. In theory, pipelines can be active, idle or abandon. Idle lines could be mistaken for abandon lines and vice versa.

Common Ground Alliance Best Practice 4-11 outlines the steps that should be taken in the event an abandon line is **known**. It states:

“When the presence of an abandoned facility within an excavation site is known, an attempt is made to locate and mark the abandoned facility. When located or exposed, all abandoned facilities are treated as live facilities. Information regarding the presence or location of an abandoned facility may not be available because of updating or deletion of records. In addition, abandonment of an existing facility, damage to an abandoned facility, or limited or non-existing access points may render an abandoned line non-locatable. It should be emphasized that recommendation of this practice is not an endorsement of the maintenance of records for abandoned facilities.”

While providing information on the location of any underground facility is in theory a good thing, a locator should not make any assumptions relating to lines that they are unfamiliar. Their only responsibility to locate and mark the lines they are responsible for. If each operator is responsible for their own marks, then the lines will be

2012 provided for notification to the excavator if an operator became aware of the presence of an unmarked or abandoned pipeline. The updated version adds additional language that becomes even more problematic for an operator.

New Issue 1: Notification when knowledge of customer-owned underground pipeline “supplied” by the operator.

Customer owned lines are exactly that- owned by the owner of the facility it serves. Pipeline operators have no knowledge or responsibility for pipelines downstream of their facilities. Obligating an operator or their locator to identify excavators of a facility that they are not responsible for- whether it is a customer-owned facility or abandon line establishes an incredible liability for that entity. Further, and consistent with the Coalition’s previous comments, an operator or locator has no ability to determine whether a line is abandoned or whether it “supplies” such a facility.

New Issue 2: Notification when the pipeline was previously owned or operated by the operator, or is in the easement or right-of-way owned by the pipeline operator.

The new provision established an unreasonable standard as many operators do not track the lines they have abandoned or other lines previously abandoned by companies that have been acquired, or divested. The act of abandonment taken literally is the release of responsibility for anything related to those facilities or assets- the company has no right, obligation or responsibility for those assets going forward. While operational records are required if the pipeline was subject to the requirements of 192 or 195, no pipeline

	<p>marked appropriately. However, if one locator begins to question whether other pipelines or underground facilities have been, or will be, located, great confusion could result. Take for example a locator who is the first person at the site to locate and mark facilities. There may be six other facilities that have yet to be marked when he or she arrives. Under the proposal, that locator will know about the facilities and may error on the side of caution and call the excavator. The locator will not know if they are abandon, they just know the facilities are there. These types of calls will continue to the excavator as each locator comes to the site until the last operator arrives to mark. In some areas, this could result in an excavator receiving tens if not hundreds of calls to report unmarked facilities as they will not know if they are abandon or not. This results in an incredible burden on the excavators who will not want these calls, but also overall confusion as to whether underground facilities have or have not been marked.</p> <p>As drafted, this provision creates another provision that is difficult, if not impossible, to comply. As a result, RRC staff will have to dedicate time and resources that results in no benefit to any stakeholder in the process. The provision could also result in fines or penalties even though there is no realistic manner to comply. The Coalition would respectfully ask why a standard is being implemented that cannot be achieved and, even if it could, does not necessarily improve the safety of the process.</p>	<p>operator who has abandoned pipelines keeps those facilities in the one call program, as they are not required to. Even more importantly, locators, especially contract locators, will have no knowledge of what other facilities are located in a right-of-way. Such a requirement would require a highly accurate mapping system that discloses the accurate and up-to-date location and ownership of all pipelines in the state. This system does not exist and frankly would be cost prohibitive to develop to the level of accuracy required by the proposed provisions. At best, the Commission could utilize there existing pipeline mapping system to serve as a repository for information relating to abandoned lines that are easily identified by operators or abandoned going forward.</p>
Proposed Solution	Existing Chapter 18.8(c) requires an operator who discovers an unmarked customer owned facility to notify the	The Coalition urges the Commission to adopt the suggested language offered during the initial comment period. The newly

	<p>excavator. This provision can be easily amended to address the issue without creating an impossible standard for operators to meet. Specifically, the existing provision can be amended and require a locator who has knowledge of another pipeline, of any kind, that is unmarked, to notify the excavator. The provision would read:</p> <p>If, in the process of locating and marking a pipeline, a locator discovers, becomes aware of, or has knowledge of any unmarked pipeline, the locator shall make a reasonable effort to advise the excavator of the presence of the pipeline.</p>	<p>proposed language is overly complex and unattainable in terms of the ability for operators to comply.</p>
Proposed Provision	18.8(h)	Expanded 18.8(g)
Proposed Change	Placement of diameter of pipeline at certain markings	Placement of diameter of pipeline at certain markings as well as the material
Comment	<p>Current Chapter 18.8(g) requires a locator to place the size of the pipeline for pipelines of greater than 6 inches at every other mark. The proposal changes just seeks clarify the existing provision. The Coalition supports placing the diameter of a pipeline for all pipelines, not just those greater than six inches. This proposed change would result in greater consistency and provide more information to the excavators.</p>	<p>Changes we made to address the initial concerns raised by the Coalition. At the same time, additional language was added that clarifies an operator must round up the size of the diameter if the size falls between a full-inch delineation. Further, under the revised proposal, the operator will be required to identify the type of material used to construct the pipeline- steel, plastic or others identified in the Common Ground Alliance Best Practice document.</p> <p>The additional changes, and specifically those regarding the identification of the pipeline material, inject unnecessary confusion into the locating process for several reasons. Additional, or unnecessary marks at the location of an excavation can cause congestion of the marking area, but more importantly they can create a false sense of security for those engaging in excavation</p>

		around those facilities. Those digging around steel may assume that additional force or less caution needs to be taken due to the strength of the material identified.
Proposed Solution	The Coalition would suggest the following language be adopted: Markings of a pipeline shall include the size of the nominal diameter in inches at every other mark regardless of the size of the pipeline.	The Coalition would respectfully submit the changes requiring the identification of the pipeline material, especially at every-other mark, be deleted from the proposed language and the language initially proposed be adopted.
Proposed Provision	18.8(k)	Renumbered 18.8(i)
Proposed Change	Requirements of locator to use certain methods to mark facilities	Requirements of locator to use certain methods to mark facilities
Comment	Proposed new section 18.8(k) requires operators to not base their placement of markings on a single source of information. While the Coalition does not object to a proposal of this nature, it would suggest that the proposal be drafted in positive not negative perspective. As drafted uses the terminology “shall not”. The Coalition would prefer that a provision of this nature is written in a manner that illustrates that an operator or other stakeholder “shall” take an affirmative action.	The Coalition submits the same comments provided in February of 2013.
Proposed Solution	The Coalition would suggest the following language to address the concerns outlined above: (k) A locator shall use more than one method to determine the horizontal location of a pipeline such as hand tools, maps, or an electronic device.	The Coalition resubmits the Coalition’s initially proposed language.

Proposed Provision	18.8(l)	Renumbered 18.8(k)
Proposed Change	Requirement for locators to be qualified through an operators OQ program	Requirement for locators to be qualified through an operators OQ program
Comment	New provision 18.8(l) is similar to other new provisions in that it references and requires all operators subject to Chapter 18 to meet the requirements of various provisions of the federal pipeline safety standards. As previously outlined in provisions 18.1. (J)(2), 18.1(k), 18.4(k), not all pipeline operators are subject to the requirements of OQ. Requiring all pipeline operators to meet this requirement is a substantial expansion of the existing pipeline safety regulations and is costly and burdensome to operators that are not otherwise obligated to this standard.	The Coalition resubmits the same comments submitted to the Commission in February of 2013. As with numerous other provisions, this proposed significantly expands regulatory requirements to pipelines that are not currently subject to them.
Proposed Solution	This provision should be deleted from the provision.	The Coalition respectfully resubmits the provision should be deleted.
Proposed Provision	18.8(m)(2)	Renumbered 18.8(l)
Proposed Change	Operators responsibility to provide certain information to one-call centers	Operators responsibility to provide certain information to one-call centers
Comment	Under the TUC 251, operators are required to the location of underground facilities to the appropriate notification centers and update information at least quarterly, but sooner if possible when changes occur. Proposed 18.8(m)(2) seeks to tighten those registration requirements by requiring that operators provide the information at least 30 days prior to the in-service date of the facilities. While operators agree that providing this information is important	The provision remains relatively unchanged since first proposed with the exception that the reporting requirement has been reduced from 30 to 10 days. While the Coalition appreciates this change, it does not address the concerns of the Coalition and will create a situation in that operators cannot comply with and will overwhelm the notification centers with operator changes and system updates.

to ensure the integrity of the one-call notification system, they cannot provide accurate mapping data this far in advance of the system becoming operational. In many cases, pipeline operators don't finalize the mapping information until after a system is built. Operators do indeed file a preconstruction report 30 days out. However, just because an operator knows that they will be constructing a line does not necessarily guarantee they know the route of the system no less the exact placement of the pipeline. Furthermore, many operators do not have accurate mapping at the time a construction project is closed, which can be just days before it becomes active. It takes time to verify the placement of the pipe and create accurate maps that can be conveyed to the notification centers. Because of these situations, this provision, as drafted, could delay service to customers.

Further, there is concern that requiring an operator to update the notification center every time anything is changed with a system, the level of work and overall communication with the one-call notification center could be overwhelming. As drafted the proposed provision requires an operator to "as they occur, but no later than 30 days be for initiation of active service.....for new pipelines, additions to existing pipelines or other changes to underground pipelines." "Other changes to underground pipelines" could be virtually anything. It would be more appropriate to state that when an operator changes something with an underground facility that changes the route or placement of that line that additional notifications must be provided to the one-call notification center.

Under the proposal, operators will have to submit changes to the one call notification centers on a daily basis. As it now stands, it takes notification centers at least a week to process system changes. Creating a requirement to force a daily update, especially for local distribution operators is unachievable and sets up system for failure by all involved.

Operators and one call centers are dedicated to appropriately maintaining and updating lines as they are built. However, establishing a standard that cannot be met is unrealistic. The current provision in statute requires quarterly updates, which is a far departure from what is being proposed. The Coalition continues to support the language developed last February, which ensures that an operator provides the information to the one-call center prior to the line becoming active and then providing more accurate information as it becomes available, but no longer than 90 days after the in-service date.

Proposed Solution	The Coalition would recommend the new provision, if included in the final proposed draft, be written as follows: §18.1 (f)(4) Provide to its designated one-call notification center: (1) All maps, grid locations, buffer zones and other identifiers of the area of notification on an annual basis; and (2) When a pipeline is built or altered in a way that changes the existing route of the facility, the operator shall provide the notification center preliminary information to comply with provision (1) no later than the initial service date. The operator shall provide final location information to the one-call center within 90 days of the in service date.	The Coalition urges the Commission to adopt the proposed language offered during the first informal comment period and found at the left.
Current Provision		18.9(a)(8)
Proposed Change		Clarifies that a protocol agreement must include a provision to designate the extent of an excavation tolerance zone.
Comment		This issue relates to several others all dealing with different aspects of the protocol agreements. The Coalition requests the Commission consider the Coalition’s comments found in 18.3(f) relating to the simplification and streamlining of these agreements and includes a provision that allows for a modification to the tolerance zone of the pipeline.
Proposed Solution		Please see 18.3(f)
Proposed Provision	18.9(8)	18.9(b)
Proposed Change	Clarification to requirements to alternative agreement protocols, specifically relating to tolerance zone	Clarification to requirements to alternative agreement protocols, specifically relating to tolerance zone
Comment	Section 18.9 is one of four provisions that seek to establish	The Coalition respectfully urges the Commission to adopt a

	<p>or provide a mechanism by which operators and excavators can enter into “protocols” that allow the parties involved in the excavator to go outside the boundaries the required provisions of this Chapter. (Also see 18.3(g), 18.(g)(i), 18.5(f)). Providing, now four, separate provisions that all seek to address various aspects of different agreements in completely different sections of the rule is overly confusing, unnecessarily complicated and potentially contradictory.</p> <p>Allowing operators and excavators to enter into agreements to address various aspects of the Chapter is a good option that should be afforded to those who seek to exercise such an arrangement. Certain situations and conditions are not always straightforward. The option of entering into an agreement provides greater flexibility. However, as currently drafted, the provisions are not conducive to being useful for operators. All of these provisions should be combined into one provision that is straightforward and easy to understand.</p>	<p>provision proposed by the Coalition under 18.3(g).</p>
Proposed Solution	<p>Please see the Coalition’s suggested provision in 18.3(g) that will consolidate all four “protocol” provisions in to one, clear and concise provision.</p>	<p>The Coalition respectfully submits the same suggestion found in renumbered Section 18.3(f).</p>
Current Provision	<p>Current 18.10(a)</p>	<p>Current 18.10(a)</p>
Comment	<p>Current Chapter 18.10(a) requires excavators to comply with Texas HSE Code as does 18.4(a). Therefore, the provision is duplicative and should be deleted.</p>	<p>The Coalition respectfully requests the duplicative provision be removed from the rule by either deleting newly renumbered Section 18.4(b) or Section 18.10(a).</p>

Proposed Solution	Delete the reference to Texas Health and Safety Code in 18.4 or delete the duplicative provision in 18.10(a).	In an effort to streamline and simplify Chapter 18, the Coalition requests the duplicative provision found in 18.10(a) is deleted.
Current Provision		Revised 18.10(b)
Proposed Change		Clarification was added to outline what activities were permitted within the prescribed tolerance zone.
Comment		Language was added by the Commission that requires a pipeline to be at least partially exposed and the route and depth known before an excavator can use mechanized equipment within the tolerance zone. As drafted the proposed language should be further tweaked to permit the use of other excavation methods when determining the location of the pipeline, in addition to hand-digging, when the operator approves.
Proposed Solution		The Coalition would propose the following language be used to clarify the proposed provision: Once an excavator has determined by hand digging, or other methods approved by the operator, the location of the underground pipeline where the actual pipeline facility is partially exposed or visible in the area of excavation with the approximate route and depth known, then the excavator may continue excavation with caution using reasonable care and safe excavation practices, including following the policies and procedures of the operator.
Current Provision		New 18.10(c)

Proposed Change		Creates a provision relating to a “excavation event”
Comment		<p>A new section that refers to the definition of an “excavation event” that begins at the time that the movement of earth first occurs to the time the pipeline is covered and the area returned to the original condition prior to the commencement of excavation.</p> <p>It is unclear why this provision has been added to the draft rule. No other references to “excavation event” are included in the rule. Further, as drafted, the provision appears to compete, if not conflict with proposed provision 18.1(h) that establishes the “life of a ticket”. Under 18.1(h) the life of a ticket begins at the time the one call request is made to a one call notification center. Under the proposed 18.10(c) excavation does not begin until the “movement of earth occurs” which is confusing at best.</p>
Proposed Solution		While the Coalition has concerns with proposed 18.1(h) that have already been addressed in these comments, it would further suggest that 18.10(c) be deleted as it is unnecessary and may cause confusion when read in conjunction with other provisions of the Chapter.
Current Provision		Expanded 18.11(a)
Proposed Change		Expands the reporting requirements for all excavator types
Comment		Under the initially proposed provision the Commission required all damage to pipelines at any depths by all types of excavators- first, second and third party- as well as any injuries, regardless of

		<p>severity or hospitalization.</p> <p>It is unclear why the language was changed from the initial rule proposal to this draft as it accomplishes the same outcome. If anything, the changes now proposed complicate the reporting requirement.</p>
Proposed Solution		<p>The Coalition respectfully request the provision be rewritten to track the language proposed in the informal from 2013, while also requiring it of the excavation community.</p> <p>(a) Each excavator and operator shall report to the Commission all damage to the operator’s pipelines, including first party damage, second party damage, and third party damage. In addition, each excavator and operator shall report to the Commission all deaths and injuries, regardless of whether the injuries caused hospitalization, resulting from excavation damage to a pipeline.</p>
Proposed Provision	18.11(b)	See 18.11(e)
Proposed Change	Operators obligation to notify excavator of TDRF report	Operators obligation to notify excavator of TDRF report within 10 calendar days
Comment	<p>Under new proposed 18.11(b), operators will be required to provide written notification to excavators of the damage and related information pertaining to the incident. The Coalition would respectfully inquire as to why this should be the responsibility of the operator.</p> <p>Operators are already required to report this information in the TDRF, which is available to anyone, including the public</p>	<p>Minor tweaks have been made to the provision since the initial draft. These changes include:</p> <ol style="list-style-type: none"> 1. Clarifying that the pipeline operator must provide this information within 10 Calendar Days 2. Providing information pertaining to the Commission’s damage prevention telephone number and website without providing specific references to those items

	<p>and excavators, who seeks to search it. The information required in provisions (1) through (11) in the proposed provision are available on the Commission website, for free. The administrative costs in conducting this exercise could be substantial depending on the size of the operator and the volume of information that would be required to be conveyed. Further, if an operator discovers damage after the excavator has left, the operator will not necessarily know who to contact or provide the information to.</p> <p>Providing a reminder to an excavator that a report is necessary is not a bad thing. However, it is not the job of an operator, or frankly the Commission to do so. Excavators must be responsible for their own actions.</p>	<p>These changes do not address the overly burdensome requirements proposed or the questionable benefits gained from those actions.</p> <p>In addition to the concerns previously raised, the Commission would respectfully ask why operators should be required to provide the excavator information pertaining to itself, specifically, the “name of the excavator” and the “name, telephone number, and mailing address of the excavator’s contact person” under provisions (6) and (7). An operator will not always have this information or be able to provide such given the circumstances of the incident.</p>
Proposed Solution	The Coalition believes this provision is burdensome, costly and unnecessary and therefore it should be deleted.	<p>The Coalition respectfully resubmits its initial comments that this provision be removed from the rule proposal.</p> <p>As an alternative, and in light of the technology modernization project currently underway at the Commission, the Coalition would offer that a mechanism be put in place that allows for the automatic issuance of letters by the Commission when a TDRF is filed by an operator. This could be easily achieved and would carry more weight coming from a regulatory agency rather than an operator.</p>
Proposed Provision	18.11(c)	Revised 18.11(b)
Proposed Change	Excavators obligation to provide operator notification of damage	Excavators obligation to provide operator notification of damage

<p>Comment</p>	<p>Current Chapter 18.11(c) requires an excavator to contact a notification center if a pipeline is damaged. The proposed change seeks to clarify that the notification center can be contacted by dialing 811, which is the national one-call number. The change, while positive, does not address the true concern of operators. Excavators should be contacting the operator directly when damage occurs. They will have the operator's information through either the one-call notification ticket or by reviewing the information on nearby pipeline markers. Excavators should be instructed to notify the operator directly first and 811 only if the operator cannot be contacted directly or located.</p>	<p>The Coalition appreciates the Commission's proposed revisions to the reporting requirement. At the same time, the changes made result in an unnecessary and potentially duplicative reporting requirement on operators. As now drafted, damage caused by an operator is required to be reported to the same operator. It is unclear why such a provision is necessary.</p>
<p>Proposed Solution</p>	<p>To address these concerns, the Coalition proposed the following provisions to address 18.4(k). Those suggestions remain appropriate.</p> <p>Each excavator, other than an operator, that damages a pipeline shall take the following steps:</p> <ol style="list-style-type: none"> 4. If the damage results in the release of gaseous or liquid material shall contact 911 immediately 5. Contact the one-call notification center by dialing 811 and report a "Damaged Utility" 6. Attempt to contact the pipeline operator by information located on a: <ol style="list-style-type: none"> a. one-call notification ticket b. pipeline marker <p>An operator is exempted from reporting the damage to the one-call notification center and itself, but must notify 911 in the event the damage results in the release of natural gas or hazardous liquid. The notification to the operator or notification center shall occur as soon as possible, but not later than two hours following the damage incident.</p>	<p>The Coalition would respectfully suggest the Commission adopt the previously submitted provision that addresses the process by which an excavator should report damages to a pipeline while also clarifying that a pipeline operator does not have to report the damages to itself. The updated language can be found to the left.</p>

Proposed Provision	18.11(f)	Revised 18.11(f)
Proposed Change	Excavator notification to 911	Excavator notification to 911
Comment	<p>Proposed provision 18.11(f) seeks to require an excavator to notify 911 if a release “may endanger life or cause serious bodily harm or damage to property or the environment...”. This standard is incredibly subjective and discretion of this nature should not be granted. Any release of gaseous or liquid material from a pipeline should be immediately reported to 911 and the operator.</p> <p>The provision continued by providing the excavator “discretion” as to whether to request emergency response personnel are dispatched. The Coalition would respectfully suggest that only 911 dispatch centers, or public safety access points, can determine whether emergency responders should be dispatched.</p>	<p>The Commission has revised the proposed provision to address some of the concerns raised by the Coalition. However, concerns remain. The Coalition encourages the Commission to reconsider the proposed language offered regarding the reporting of damage to a pipeline or the release of natural gas or hazardous liquids offered below. This seeks to clarify what an excavator must do based on the factors of the situation, which ultimately aligns the reporting requirement with that of federal pipeline safety law adopted via the PIPES Act of 2006.</p>
Proposed Solution	<p>The Coalition has developed a protocol that addressed the process by which certain stakeholders should be contacted in the event of an emergency. That protocol can be found in comments relating to 18.4(k) and just prior to this provision in 18.11(c).</p>	<p>The Coalition respectfully offers the following language to address its continuing concerns:</p> <p>Each excavator that damages a pipeline shall take the following steps:</p> <ol style="list-style-type: none"> 1. If the damage results in the release of gaseous or liquid material shall contact 911 immediately 2. Contact the one-call notification center by dialing 811 and report a “Damaged Utility” 3. Attempt to contact the pipeline operator by information located on a: <ol style="list-style-type: none"> a. one-call notification ticket b. pipeline marker <p>An operator is exempted from reporting the damage to the one-call notification center and itself, but must notify 911 in the event the damage results in the</p>

		release of natural gas or hazardous liquid. The notification to the operator or notification center shall occur as soon as possible, but not later than two hours following the damage incident.
Proposed Provision	18.11(g)	18.11(g)
Proposed Change	Operators requirement to make notifications during Extraordinary Circumstance	Operators requirement to make notifications during Extraordinary Circumstance
Comment	<p>The new provision requires operators to notify the one call notification centers, One Call Board and the Railroad Commission. It is unclear why all of these notifications are required, especially the One Call Board and RRC as these organizations have no control over the situation and will not be required to take any action other than to document the information, which seems to just create and unnecessary and burdensome reporting requirement with little actual benefit.</p> <p>Furthermore, Extraordinary Circumstances typically impact multiple operators at the same time. For example, a hurricane that hits the Gulf Coast will potentially impact hundreds of operators. Having all of the operators call these organizations at the same time seems to be unnecessary, especially when the issue causing the incident will be highly publicized.</p>	The proposed language is consistent with existing TUC 251. While the Coalition’s position is still consistent with the comments submitted in February of 2013, the Coalition understands the Commissions effort to include the provision in the updated Rule.
Proposed Solution	<p>The Coalition would suggest the following:</p> <p>Each operator of a pipeline that experiences Extraordinary Circumstance, shall notify the:</p> <ol style="list-style-type: none"> 1) one-call notification center affiliated with the operator; and, 	

	<p>2) An excavator that has a pending locate request in the area where the Extraordinary Circumstance is being experienced and where the pipeline operator has pipeline facilities that would be impacted by the proposed excavation.</p> <p>The operator shall provide the one-call notification center the following information:</p> <ul style="list-style-type: none"> (1) the nature and location of the extraordinary circumstance; (2) the expected duration of the situation and the approximate time at which the operator will be able to resume location request activities; and (3) the name and telephone number of the individual that the notification system can contact if there is an emergency that requires the operator's immediate attention. <p>The operator shall contact any excavator that has a pending locate request in the area where the Extraordinary Circumstance is being experienced and where the pipeline operator has pipeline facilities that would be impacted by the proposed excavation and provide the following:</p> <ul style="list-style-type: none"> (1) the fact that the operator is experiencing an extraordinary circumstance; and (2) the approximate time at which the operator will mark the requested location. 	
Proposed Provision	18.11(i)	Revised 18.11(h)
Proposed Change	Operator and Excavators duty to investigate damage	Operator requirement to investigate damage.
Comment	As drafted, the proposed new provision will require operators and excavators to complete an investigation of any damage to the pipeline prior to the area being backfilled. Operators do not oppose having to investigate the circumstances and causation of an incident. This is typically a standard operating procedure for operators and	The Coalition would reiterate comments submitted earlier in that operators do not oppose having to investigate the circumstances and causation of an incident. At the same time, clarifications to the proposal are necessary as one of the proposed provisions relates to the Commission requesting information at the time of the incident. In most cases, the Commission does not get involved until a

	<p>assists with addressing trends in excavation safety.</p> <p>While in concept it is appropriate to provide an excavator an opportunity to investigate the scene of any incident involving their work, it is unrealistic for an operator to keep their pipeline exposed until an excavator conducts an investigation. Pipeline operators cannot force an excavator to investigate an incident. Nor can they wait indefinitely for them to do so.</p> <p>Lastly, in some circumstances, the operator may not want an excavator near the scene or part of the investigation.</p>	<p>significant period of time has elapsed. Therefore, it is appropriate to clarify that information should be provided that permits the Commission to complete its investigation.</p>
Proposed Solution	<p>The Coalition would suggest the following language be used as an alternative:</p> <p>Each operator shall investigate excavation damages to a pipeline but before the damage site is backfilled and covered. The operator shall collect and verify information relating to the pipeline excavation damage incident required to be submitted using the TDRF. Investigation information includes, but is not limited to:</p> <ul style="list-style-type: none"> • A measurement of the pipeline depth at the location of the damage • Distance to visible locate markings from the actual pipeline location • The original locate and resulting damage ticket numbers • An explanation or description of the difference between the actual location of the damage and the address on the one-call notification ticket. • Any other information the Commission reasonably requests at that time of the incident. 	<p>The Coalition would suggest the following language be used as an alternative:</p> <p>Each operator shall investigate excavation damages to a pipeline but before the damage site is backfilled and covered. The operator shall collect and verify information relating to the pipeline excavation damage incident required to be submitted using the TDRF. Investigation information includes, but is not limited to:</p> <ul style="list-style-type: none"> • A measurement of the pipeline depth at the location of the damage • Distance to visible locate markings from the actual pipeline location • The original locate and resulting damage ticket numbers • An explanation or description of the difference between the actual location of the damage and the address on the one-call notification ticket. • Any other information the Commission reasonably requests needed to complete its investigation.
New Provision		New 18.11(i)
Proposed		Reporting requirement for excavators if damage occurs.

Change		
Comment		<p>A new provision was added to separate the investigative and reporting requirements for operators and excavations. The new provision requires the excavator to investigate after the pipeline has been safe, but within the day the excavation and damage occurred.</p> <p>The Coalition would respectfully submit that if a catastrophic incident were to occur, a pipeline would likely not be made safe within the day of the incident. This would depend on the product involved, the volume of the material found between two valves, whether there was a fire, explosion or release of liquids. An operator is already required to protect the pipeline and rebury the facility as required by 49 C.F.R. 192.319 or 195.240. Applying a requirement for an excavator to actually access the area and measure the depth of such damage could interfere with this provision.</p> <p>An important analogy can be drawn between this situation and a criminal complaint. If a crime of any nature is committed, a neutral third party investigates. Information, evidence and related information are collected to determine the potential fault of the parties. Once this occurs, charges are filed appropriately. Investigating the damage to a pipeline incident, particularly one that has caused significant damage, is no different.</p> <p>The Coalition would offer that requiring an excavator to investigate damage to a pipeline, and particularly information that would require them access to the actual pipeline is inappropriate.</p> <p>The excavator should be required to provide certain information,</p>

		<p>and specifically the original and damage locate ticket and even the sketch of the markings (temporary of permanent) with the report to the TDRF.</p> <p>The Coalition would also offer that if the Commission adopted a zero depth tolerance, resulting in all excavators to make one calls (with a few exceptions) the proposed requirement to determine the depth of the damage is moot as it would no longer be a factor in whether a violation of the Chapter occurred.</p>
Proposed Solution		<p>The Coalition would propose that provision 18.11(i) be amended to</p> <p>(i) Each excavator shall provide information regarding any excavation damages to an underground pipeline. Each excavator shall collect and verify investigation information relating to the pipeline excavation damage incident required to be submitted using the TDRF. Investigation information includes but is not limited to:</p> <p>(1) measurement of distance to visible locate markings from pipeline location and dated pictures or sketches with distance from locate markings to fixed objects to document actual placement of locate markings can also be used for supplemental documentation;</p> <p>(2) the original and damage locate ticket numbers; and</p> <p>(3) any other information related to the excavation damage incident that the Commission may request.</p>
New Provision	Penalties for False Reporting of an Emergency	Penalties for False Reporting of an Emergency
Comment	In response to the concerns outlined above about the use of Emergencies by some excavators to generate an expedited response by operators to identify and mark pipelines, an appropriate penalty should be formally established.	Please see the Coalitions comments to Section 18.3(k).
Proposed	The Coalition would suggest a line item is added to the	The Coalition seeks to reiterate its earlier comments regarding the

Solution	penalties chart found in Table 1 of the rule that specifically identifies a penalty for the false reporting of an Emergency by an excavator.	importance of addressing the false reporting of emergencies and its request to require excavators to be present at the scene of an emergency.
----------	--	---