



City Manager's Office
City of College Station
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March 14, 2014

Texas Railroad Commission
Attn: Mr. David Ferguson
P. O. Box 12967
Austin, Texas 78711-2967

Dear Mr. Ferguson:

The City of College Station respectfully submits the following comments on proposed changes to 16 TAC Chapter 18, relating to Underground Pipeline Damage Prevention. Thank you for the opportunity to participate in the amendment process. The City attended the public stakeholder's meeting in Austin on Monday, February 10, 2014, and appreciates the Railroad Commission's efforts to keep all stakeholders informed and engaged in these discussions.

The City of College Station is committed to providing a safe and hazard-free environment for City employees and for the citizens of the Brazos Valley. To that end, the City collaborates with other Brazos Valley entities on the Lower Brazos Damage Prevention Council to improve safety related to excavation and underground pipeline damage prevention.

Municipalities perform basically the same routine maintenance and repair to infrastructure as the State of Texas Department of Transportation performs, including sampling and repair of pavement, base and subgrade; repair of roadway embankment adjacent to pavement structure; reshaping of unpaved shoulders; installation and maintenance of guardrails, sign posts, traffic signals, etc.; cleaning of ditches and removal of silt from culverts. These activities are performed in the City's rights-of-way for the safety and benefit of the citizens. For this reason, the City respectfully requests an exemption for municipalities as exists for TxDOT and TxDOT employees.

Chapter 18.1(d)(1) states: This chapter does not apply to: the movement of earth by tillage that does not exceed a depth of 16 inches. Likewise, Chapter 18.1(e) (1) states: This chapter also applies to: the movement of earth by tillage that exceeds a depth of 16 inches. In chapter 18.2(29) Tillage is defined as "the manipulation of soil in preparation for planting and the cultivation by loosening or breaking up of soil around growing plants by hand digging or by use of a moldboard, disk, rotary, chisel or subsoil plow, a cultivator, a harrow, or a tiller." This provision appears to exclude any movement of earth by tillage that is not in preparation for planting and cultivation. The City recommends clarification.

Chapter 18.1(l)(4) allows a 6" variance in the location of a tracer wire for pipeline operators. According to the American Public Works Association (APWA) and the Common Ground Alliance (CGA) best practices, lines should be marked accurately within the centerline of the pipeline. The 6" variance results in an increased tolerance zone of 24" on either side of the mark, creating a 48-inch tolerance zone. This effectively means motorized equipment could not be used in a public easement that is only 48" wide, which is a common easement dimension. The City recommends removing the 6" variance in the tracer wire location requirement.

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Chapter 18.1(h) defines the life of a ticket to be 14 working days, or 2 weeks and 4 days without accounting for weekends and holidays. Because of the differences in local, state and federal holidays, this creates uncertainty and likely will result in work delays and violations. If the objective is to extend the life of the ticket, 21 calendar days will accomplish that objective without having to calculate each ticket based on the various holidays and how weekend days fall within the ticket period.

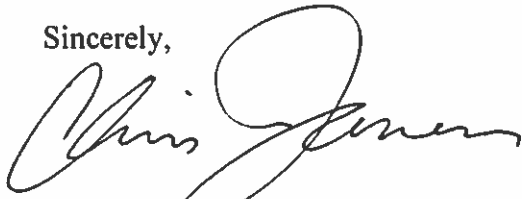
Chapter 18.2(19) states movement of earth will now include probing. This change effectively exposes the excavator to potential monetary fines for utilizing digging techniques including hand shovels and hand probes to determine the location of a pipeline. This change results in inconsistency with other RRC restrictions related to restrictions on the use of motorized equipment operation.

Chapter 18.3(a)(2) states "if an excavator makes a Saturday notification, the excavator may begin the excavation the following Tuesday at 11:59 a.m. unless the intervening Monday is a holiday. If the intervening Monday is a holiday, the excavator may begin the excavation the following Wednesday at 11:59 a.m., except in an emergency as defined in Section 18.2 of this title." With the "working day" definition, Tuesday at 11:59 a.m. would be 36 hours from Monday at 12:01 a.m. If the intervening Monday was a holiday, Wednesday at 11:59 a.m. would be 36 hours from Tuesday at 12:01 a.m. would the same time calculation apply if the ticket was submitted on Sunday? If the excavator must wait 48 hours before digging commences, and weekends and holidays are excluded, the digging could not begin until 11:59 p.m. on either Tuesday or Wednesday, depending on whether the intervening Monday is a holiday.

Additionally, the City would like to express concern over fines and penalties related to pipeline incidents. When Chapter 18 was implemented, fines started at \$50. The most recent changes in 2013 resulted in fines that in some cases exceed \$2,500 if the entity agrees to a settlement and twice that amount if a hearing is required. These fines, which resulted in more than \$2.2 million in RRC revenue in 2013, are excessive and do not accomplish the stated goal of increased pipeline safety.

Thank you for the opportunity to comment on the proposed changes.

Sincerely,



Chris Jarmon
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