



# RAILROAD COMMISSION OF TEXAS

## OFFICE OF GENERAL COUNSEL

### MEMORANDUM

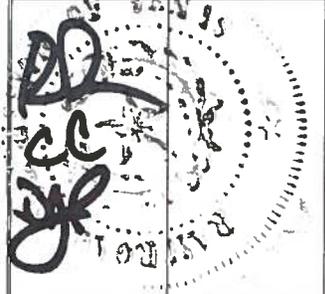
**TO:** Chairman David Porter  
Commissioner Christi Craddick  
Commissioner Ryan Sitton

**FROM:** Haley Cochran, Attorney— General Counsel Section  
Office of General Counsel 

**THROUGH:** Alexander C. Schoch, General Counsel 

**DATE:** November 29, 2016

**SUBJECT:** Proposed Amendment of 16 TAC §§2.1, 7.315,  
7.7101, 8.210, 8.301, and 18.11, to update the  
Commission's domain name.

December 6, 2016		
Approved	Denied	Abstain
		

Attached is Staff's recommendation to publish proposed amendments to 16 Tex. Admin. Code §§2.1, 7.315, 7.7101, 8.210, 8.301, and 18.11. The amendments are proposed to correct outdated references to Commission web pages and email addresses.

Staff requests the Commission's approval to publish the proposed amendments in the *Texas Register* for a 30-day comment period. If approved at conference on December 6th, the proposal should appear in the December 23, 2016 issue of the *Texas Register*. The proposal and an online comment form would also be made available on the Commission's website the day after conference, giving interested persons more than two additional weeks to review and submit comments to the Commission.

cc: Kimberly Corley, Executive Director  
Wei Wang, Chief Financial Officer

1           The Railroad Commission of Texas (Commission) proposes to amend §18.11, relating to  
2 Reporting Requirements, to correct a reference to the Commission's website.

3           Kari French, Director, Oversight and Safety Division, has determined that for each year of the  
4 first five years the proposed amendments will be in effect, there will be no fiscal effect on state or local  
5 government or persons required to comply as a result of the proposed amendments.

6           Ms. French has determined that for each year of the first five years that the amendments will be  
7 in effect the primary public benefit would be the correction in the rule of an outdated reference.

8           The Commission has determined that the proposed amendments will not have an adverse  
9 economic effect on small businesses or micro-businesses.

10           The Commission has also determined that the proposed amendments will not affect a local  
11 economy. Therefore, the Commission has not prepared a local employment impact statement pursuant to  
12 Texas Government Code, §2001.022.

13           The Commission has determined that the amendments do not meet the statutory definition of a  
14 major environmental rule as set forth in Texas Government Code, §2001.0225(a); therefore, a regulatory  
15 analysis conducted pursuant to that section is not required.

16           Comments on the proposal may be submitted to Rules Coordinator, Office of General Counsel,  
17 Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at  
18 [www.rrc.texas.gov/legal/rules/comment-form-for-proposed-rulemakings](http://www.rrc.texas.gov/legal/rules/comment-form-for-proposed-rulemakings); or by electronic mail to  
19 [rulescoordinator@rrc.texas.gov](mailto:rulescoordinator@rrc.texas.gov). The Commission will accept comments until noon (12:00 p.m.) on  
20 Monday, January 23, 2017, which is 31 days after publication in the *Texas Register*. The Commission  
21 finds that this comment period is reasonable because the proposal and an online comment form will be  
22 available on the Commission's web site more than two weeks prior to *Texas Register* publication of the  
23 proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The  
24 Commission encourages all interested persons to submit comments no later than the deadline. The

1 Commission cannot guarantee that comments submitted after the deadline will be considered. For further  
2 information, call Ms. French at (512) 463-8559. The status of Commission rulemakings in progress is  
3 available at [www.rrc.texas.gov/legal/rules/proposed-rules](http://www.rrc.texas.gov/legal/rules/proposed-rules).

4 The Commission proposes the amendments pursuant to Texas Natural Resources Code,  
5 §117.012, and Texas Utilities Code, §121.201, which authorize the Commission to adopt rules that  
6 include safety standards for and practices applicable to the intrastate transportation of hazardous liquids  
7 or carbon dioxide by pipeline and intrastate hazardous liquid or carbon dioxide pipeline facilities,  
8 including safety standards related to the prevention of damage to such a facility resulting from the  
9 movement of earth by a person in the vicinity of the facility, other than movement by tillage that does not  
10 exceed a depth of 16 inches. In addition, the Commission proposes the amendments pursuant to Texas  
11 Health and Safety Code, §756.106, which authorizes the Commission to adopt and enforce safety  
12 standards and best practices, including those described by 49 U.S.C. §6105 et seq., relating to the  
13 prevention of damage by a person to a facility under the jurisdiction of the Commission.

14 Texas Natural Resources Code §117.012, Texas Utilities Code §121.201, and Texas Health and  
15 Safety Code, §756.126, are affected by the proposed amendments.

16 Statutory authority: Texas Natural Resources Code §117.012, Texas Utilities Code §121.201,  
17 and Texas Health and Safety Code §756.126.

18 Cross-reference to statute: Texas Natural Resources Code §117.012; Texas Utilities Code  
19 §121.201, and Texas Health and Safety Code §756.126.

20  
21 §18.11. Reporting Requirements.

22 (a) Each operator of an underground pipeline shall report to the Commission all damage to its  
23 pipelines caused by an excavator. Within 10 days of the damage incident or of the operator's actual  
24 knowledge of the damage incident, an operator shall submit the information to the Commission through

1 TDRF, which may be accessed **through the Commission's online reporting system** [at  
2 <http://www.rrc.state.tx.us/formpr/index.html>] using its assigned operator identification code.

3 (b) Each excavator that damages an underground pipeline shall notify the operator of the damage  
4 through the notification center immediately but not later than two hours following the damage incident.  
5 The excavator shall also submit report of the damage incident to the Commission using TDRF, which  
6 may be accessed **through the Commission's online reporting system** [at  
7 <http://www.rrc.state.tx.us/formpr/index.html>] and the excavator sign-in, within 10 days of the incident.

8 (c) (No change.)

9 (d) An emergency response official, a member of the general public, or another person aware of  
10 damage to an underground pipeline is encouraged to submit an incident form using TDRF, which can be  
11 accessed **through the Commission's online reporting system** [at  
12 <http://www.rrc.state.tx.us/formpr/index.html>]. Entries can be made through the general public or  
13 emergency response official sign-in.

14  
15 This agency hereby certifies that the proposal has been reviewed by legal counsel and found to  
16 be within the agency's authority to adopt.

17 Issued in Austin, Texas on December 6, 2016.

18 Filed with the Office of the Secretary of State on December 6, 2016.

  
Haley Cochran  
Rules Attorney, Office of General Counsel  
Railroad Commission of Texas