

City of Bryan's comments on the RRC proposed rule changes to Chapter 18

1. TxDOT is exempt from Chapter 18 and the City of Bryan requests that municipalities be exempt as well. This law creates an undue financial burden on municipalities performing routine maintenance on infrastructure. Municipalities provide essential services to their citizens that are not profit generating entities. Therefore, municipalities should have the same exemptions as TxDOT.
2. The new 12" rule is inconsistent to 49 CFR 192.361 Subpart H which requires all gas lines to have 18" of cover. Referring back to number 1, municipalities cannot soft dig, and/or hand dig, pot hole, street milling, or street repair operations. This is something that should also be exempt from the chapter as well. Stricter rules should be in place to ensure that gas pipeline do not interfere with existing public utilities such as water, electricity, and waste water collection lines. Most especially when the pipelines are using City right-of-way for their infrastructure. The new 12-inch rule will also involve more locate tickets for the operators to respond to which they currently have a problem fulfilling their responsibility now. More locates will be required for working on meter boxes which for a water utility is a large portion of their work requiring more locates and more staff to keep up with the additional paperwork.
3. Under 18.1(l)(4) the RRC provides a 6" variance in the location of a tracer wire for pipeline operators. There should be no variance as operators should know how to mark their lines accurately, within the centerline of the pipeline (As per American Public Works Association (APWA) and the Common Ground Practices (CGA) best practices), so that excavators may avoid these. There is no 6" variance for other utilities and this basically increases the tolerance zone to 24" on either side of a mark, in essence creating a 48" tolerance zone. A majority of public easements are only 48" wide so effectively the RRC is stating that no mechanized equipment can be used in a public easement. Again, there should be stricter guidelines for non-public utilities in easements so that there is minimal intrusion into public utility infrastructure (water, sewer, and electricity).
4. Under 18.2(19) it states the movement of earth now includes "probing". The City of Bryan utilizes hand probes to determine the location of underground utilities. In essence the RRC is creating a potential fine for utilizing soft digging techniques (hand shovel and hand probes) to determine the location of a pipeline. This contradicts what the RRC is trying to influence excavators to do.
5. 18.1(h) defines the life of a ticket to be 14 working days. The RRC has effectively created confusion regarding the old rule and extended the life of a ticket well beyond 14 days depending on how many legal holidays and weekends there are in this 14 day range. Most excavators are

not aware of holidays such as LBJ Day, Confederate Hero Day, San Jacinto Day and Veterans Day. The RRC should use 21 calendar days as the life of a ticket.

6. Rule 18.4(4)(e)(1) states the excavator may not continue work until the operator identifies and marks their pipeline. Municipalities and other governmental entities as well as contractors are generally under strict time constraints during excavation and construction. This creates an undue hardship on the excavator, so the rule should be that the excavator may continue but shall utilize soft digging techniques to excavate around the pipeline. The timeline is further extended by an operator says their line is a "trouble locate" and requests for more time. This additional time could be up to 10 days.

7. The RRC fines over the years have increased from \$50.00 to \$100.00 to \$500.00 to \$1,000.00 to \$1,250.00. There seems to be no limit as to where these are going and what purpose they are serving. While it was understood that Chapter 18 was initially created to enhance the safety of operators and excavators it now appears that is becoming a source of revenue for the State of Texas. If the RRC's true purpose is to enhance worker and pipeline safety, why not require safety training in lieu of fines?