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March 14, 2014

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**VIA ELECTRONIC MAIL**  
***david.ferguson@rrc.state.tx.us***

Mr. David Ferguson  
Railroad Commission of Texas  
Pipeline Safety Division  
Damage Prevention Section  
Post Office Box 12967  
Austin, Texas 78711-2967

Re: *Draft Proposed Amendments to Rules in Chapter 18,  
Underground Pipeline Damage Prevention*

Dear Mr. Ferguson:

I represent the *Texas Society of Professional Surveyors (TSPS)*. The purpose of this correspondence is to submit written comments regarding the referenced draft proposed amendments which were considered at the public stakeholder meeting on February 10, 2014.

As you know, under the current rules Chapter 18 does not apply to the movement of earth by hand digging using non-mechanized tools or equipment that does not exceed a depth of 16 inches. However, the draft proposed amendments will decrease this depth from 16 inches to 12 inches.

In this regard, it is important to note that Registered Professional Land Surveyors must comply with certain monumentation requirements pursuant to Texas Board of Professional Land Surveying Rule §663.17, which in part is as follows:

***“Rule §663.127 Monumentation***

*(a) All monuments set by registered professional land surveyors shall be set at sufficient depth to retain a stable and distinctive location and be of sufficient size to withstand the deteriorating forces of nature and shall be of such material that in the land surveyor's judgment will best achieve this goal.*

*(b) When delineating a property or boundary line as an integral portion of a survey (survey being defined in the Act, §1071.002(6) or (8)), the land surveyor shall set, or leave as found, an adequate quantity of monuments of a stable and reasonably permanent nature to represent or reference the property or boundary corners. All survey markers shall be shown and described with sufficient evidence of the location of such markers on the land surveyors' drawing, written description or report.”*

Accordingly, Registered Professional Land Surveyors are required to set a “stable” monument. Based upon our experience, 16 inches barely qualifies in most conditions and 12 inches just will not be sufficient. Further, calling 811 every time a land surveyor sets a property or boundary corner would require the 811 system to expand their staff substantially and would impose an undue burden on the surveying profession.

It is our understanding that there has not been any testimony or data presented to the Commission that would justify or necessitate decreasing the 16 inches exemption to 12 inches. Therefore, TSPS respectfully requests that the Commission delete this revision from the draft proposed rules and instead leave

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the current 16 inches exemption in Chapter 18 for the movement of earth by hand digging using non-mechanized tools or equipment.

Leaving the maximum depth at 16 inches will allow the surveying profession to continue to use best practices when setting monuments in the field. Thank you for your consideration. Please let me know if you have questions or require additional information at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Hanna". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark J. Hanna  
TSPS Legal Counsel