



# ONEOK PARTNERS

March 14, 2014

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

VIA electronic mail: david.ferguson@rrc.state.tx.us

Re: Informal Comments of ONEOK Partners, L.P.; Proposed Amendments to Chapter 18

Dear Mr. Ferguson:

Through its various subsidiaries, ONEOK Partners, L.P. (“ONEOK”) owns and/or operates natural gas and natural gas liquids pipelines and storage facilities in the state of Texas. ONEOK is committed to pipeline safety and considers the prevention of damage to underground pipelines to be a priority. We therefore appreciate the opportunity to provide informal comments to the Railroad Commission of Texas (“Commission”) regarding the recently proposed amendments to the rules in Chapter 18, Underground Pipeline Damage Prevention. ONEOK also appreciates the opportunity to participate in the workshops the Commission has held to discuss these important industry issues.

ONEOK generally supports many of the revisions proposed by the Commission in the February 2014 draft. ONEOK notes, however, that there were certain provisions in the draft of November 2012 that generated comments from several interested parties, such as the requirement to implement certain programs that appear duplicative of the federal regulations, but those provisions remain largely unchanged in the most recent draft. ONEOK urges the Commission to reconsider such provisions.

Set forth below are ONEOK’s initial comments to the draft rules. ONEOK reserves the right to submit additional comments as necessary.

## Comments

- **Section 18.1 – Scope, Applicability, and General Provisions**

Subsection (h) - ONEOK suggests that the life of the line locate ticket should be 21 calendar days, instead of the proposed 14 working days. The complexity of using working days is demonstrated in Section 18.2(15), which includes an extensive list of state and federal

holidays that have to be taken into account in determining the life of the ticket. Using calendar days is far simpler.

Subsection (j) and (k) - These subsection would require operators to implement comprehensive programs to implement the requirements of Chapter 18, as well as public education and awareness programs, and requires operators to follow the safety standards set forth in Title 49 of the Code of Federal Regulations. ONEOK submits that these proposed new requirements are duplicative of federal pipeline safety requirements and are therefore unnecessary and should be deleted.

Subsection (j) - ONEOK supports this new subsection, which would require excavators to cooperate with the Commission regarding compliance with the Chapter 18 rules and in investigation of incidents involving excavation activities.

- **Section 18.2 – Definitions**

(8), (9), and (10) - The terms “first party damage,” “second party damage,” and “third party damage” should be the terms listed in the definitions section, as opposed to the current listings, such as “excavation damage by operator (first party damage).” Someone looking for the definition of “first party damage” will look for that term, not the way the terms are currently listed.

(11) Excavation tolerance zone – ONEOK supports this new definition

(13) Extraordinary circumstance – This definition should be revised to mirror the definition used in Section 251.158: “An act of God, including a tornado, a hurricane, an ice storm, or a severe flood, or a war, riot, work stoppage, or strike that limits personnel or resources needed to fulfill the operator’s obligations under this Chapter.”

- **Section 18.3 Excavator Notice to Notification Center**

Subsection (a)(1) - Replace 14 calendar days with 21 working days.

Subsection (j) - Subsection (j) seems somewhat duplicative of subsection (i). ONEOK suggests combining the two subsections for simplicity and continuity.

- **Section 18.4 Excavator Obligation to Avoid Damage to Underground Pipelines**

Subsection (c) - ONEOK supports the new requirement that the excavator’s on-site representative shall have immediate access to the locate ticker prior to and during the excavation event.

Subsection (e)(5) – ONEOK supports the new requirement that an excavator may not begin or continue excavating if the on-site locate markings have been destroyed or have become illegible.

Subsection (h) – The addition to subsection (h) is confusing. It provides that “first party excavators” may report damage directly to the operator and are not required to call 811. However, there is no definition of “first party excavator.” ONEOK assumes that the term is intended to be similar to the definition of “first party damage,” which refers to damage caused by an employee of the operator. If that is the case, however, the new sentence would essentially mean that an excavator that is an employee of the operator (i.e, a first party excavator) may report the damage to itself. ONEOK suggests this sentence be deleted.

Subsection (i) – ONEOK supports the new provision that an excavator that damages a pipeline shall not perform repairs unless authorized by the pipeline operator.

- **Section 18.8 – Operator Marking Requirements**

Subsection (g) – This subsection was revised to include the requirement that, in addition to indicating pipe size, the locator shall also include pipe material at every other mark. Pursuant to the immediately preceding Subsection (f), the distance between any two marks shall not exceed 20 feet. ONEOK operates primarily long line transmission pipelines. While such a requirement may be of benefit in certain areas, ONEOK questions the value gained by marking every 40 feet along a long transmission pipeline to identify the type of pipe material.

- **Section 18.11 Reporting Requirements**

Subsection (a) – The proposed new reporting provision requires each operator to report to the Commission the number of fatalities and “all injuries” resulting from excavation damage occurring at the excavation site and on the date of the excavation damage, including those injuries not requiring in-patient hospitalization. ONEOK submits that “all injuries,” without some limitation on reporting based upon the severity of the injury, is too broad and creates compliance challenges. It appears that a similar reporting requirement was included in the November 2012 version of the draft rules, which generated comments from several interested parties. ONEOK agrees with those comments and suggests that any reporting of injuries should be limited to, or consistent with, the requirements for PHMSA reports, as set forth in 49 CFR 191.3.

Subsection (b) – Similar to the requirement of Section 18.4(h), this subsection provides that first party excavators may report damage directly to the operator and are not required to call 811. As noted in the above comments, there is no definition of first party excavator, but ONEOK assumes this means an employee of the operator. If that is the case, this subsection would require the operator to report to itself.

There also appears to be a conflict between Subsection (b) and Subsection (a). Subsection (a) requires that all damage, including first party damage, be reported to the Commission. In contrast, Subsection (b) appears to exempt first party damage from the Texas Damage

Reporting Form (TDRF) reporting requirement. The two subsections should be conformed to resolve this apparent conflict.

Subsection (e) – This new subsection places the burden on the operators to inform excavators of the TDRF reporting requirements within 10 days of the damage incident. ONEOK respectfully submits that this should not be the responsibility of the operator, as excavators should be familiar with the Commission’s underground damage prevention regulations, which now include several provisions directed at excavators.

Subsection (g) – Subsection (g) requires an operator that is experiencing an extraordinary circumstance to notify and provide certain specified information to the Commission, each one-call notification center in Texas, and each excavator that has a pending locate ticket in the affected area. ONEOK appreciates the importance of such notifications, but is unclear how that is to be accomplished. Moreover, an operator may be heavily involved in responding to the extraordinary circumstance. Therefore, it may be more efficient if the one-call notification center rather than the operator sends the notice to each excavator that has a pending ticket.

Subsection (h) and (i) – These new subsections set forth the investigation information an operator and excavator are to collect and verify relating to the pipeline excavation damage incident “required to be submitted using the TDRF.” The referenced clause is somewhat confusing, as it is unclear whether it is this particular information that is to be submitted using the TDRF (which conflicts with the list of information set forth in 18.11(e)), or if the reference to the TDRF is only intended to refer to incidents that would be reportable using the TDRF. ONEOK assumes it is the latter.

ONEOK appreciates the opportunity to provide these informal comments and looks forward to working with Commission and other stakeholders to develop rules that help further the effort to prevent pipeline excavation damage in Texas.

Sincerely,



Pat Vaughan  
Manager, Regulatory Compliance