§18.1. Scope, Applicability, and General Provisions.

(a) This chapter implements the authority of the Railroad Commission of Texas (Commission) under Texas Natural Resources Code, §117.012, and Texas Utilities Code, §121.201 [~~(as amended by House Bill 2161, Acts 2005, 79th Leg., R.S., ch. 267, §§6 and 13, eff. Sept. 1, 2005)~~], and under Texas Health and Safety Code, **§756.126** [~~§756.106 (as added by Senate Bill 9, Acts 2005, 79th Leg., R. S., ch. 1337, §19, and editorially renumbered as Health and Safety Code, §756.126)~~]. Except as provided in subsection (d) of this section, this chapter applies to **pipeline operators and to** all persons engaged in or preparing to engage in the movement of earth in the vicinity of an intrastate underground pipeline containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide.

(b) The requirements of this chapter are based on the presumption that an excavator will notify a notification center pursuant to **§18.3 of this title, relating to Excavator Notice to Notification Center**, and that a pipeline operator will respond in accordance with **§18.5 of this title, relating to Operator and Excavator Obligations with Respect to Positive Response**, [~~the provisions of Texas Utilities Code, Chapter 251,~~] and the requirements of the notification center. However, compliance with the provisions of Texas Utilities Code, Chapter 251, and the requirements of a notification center does not necessarily constitute compliance with the requirements of this chapter.

(c) Persons that are exempt from the provisions of Texas Utilities Code, Chapter 251, are required to comply with this chapter, unless the person is exempt under the subsection (d) of this section.

(d) This chapter does not apply to:

(1) **the movement of earth by tillage that does not exceed a depth of 16 inches** [~~the exemptions in Texas Utilities Code, §251.003~~];

(2) the movement of earth **by hand digging using non-mechanized tools or equipment** that does not exceed a depth of **12** [~~16~~] inches**, except for the positive response requirements in §18.5 of this title; the marking requirements in §18.8 of this title, relating to Operator Marking Requirements; and the reporting requirements in §18.11 of this title, relating to Reporting Requirements, for pipeline operators**;

(3) surface mining operations;

(4) the following activities when performed by an employee of TxDOT within TxDOT right-of-way:

(A) sampling and repair of pavement, base, and subgrade;

(B) repair of roadway embankment adjacent to pavement structure;

(C) reshaping of unpaved shoulders and drop-offs;

(D) installation and maintenance of guardrails, cable barriers, delineators, vehicle attenuators, sign posts, mailboxes, and cables for traffic signals and luminaries;

(E) cleaning of ditches; and

(F) removal of silt from culverts; or

(5) hand digging by an employee or contractor of TxDOT for TxDOT's archeological program.

(e) This chapter also applies to**:**

(1) the movement of earth by tillage that exceeds a depth of 16 inches**;**

(2) the positive response for underground pipelines at all depths as required in §18.5 of this title;

(3) the locating and marking of underground pipelines at all depths as required in §18.8 of this title; and

(4) the reporting of all excavation damage at all depths by pipeline operators as required in §18.11 of this title.

(f) Unless otherwise specified, all time periods used in this chapter shall be calculated from the time the original notification is given to the notification center.

(g) **Programs or procedures required for pipeline operators by this chapter must be reviewed and updated by the pipeline operator at intervals not exceeding 15 months, but at least once each calendar year** [~~Unless otherwise specified, all time periods that are stated in days shall mean working days~~].

(h) Unless an excavator and an operator otherwise expressly agree in accordance with the requirements set forth in §18.3 of this title[~~, relating to Excavator Notice to Notification Center~~], the life of a line locate ticket **is** [~~shall be~~] 14 **working** days.

(i) Unless otherwise expressly stated in this chapter, each excavator and each operator shall retain required records for at least four years. At a minimum, each operator and each excavator shall retain locate tickets and positive response notifications. Retention at a notification center is an acceptable method of retention for locate tickets. **Pipeline operators shall retain records of abandoned underground pipelines.**

(j) Each operator shall:

(1) prepare and follow written procedures that implement the requirements of this

chapter;

(2) develop and implement a comprehensive, written continuing public education and awareness program that incorporates and complies with the requirements of this chapter, is structured to the specific needs of particular target audiences, identifies the unique characteristics of the operator's operating area (*e.g.*, geographic region or neighborhood), effectively conveys information essential to the prevention of damage to underground pipelines, and includes one or more methodologies reviewed at least every two years for gauging the success of the program;

(3) prepare and follow written procedures that implement a program for making all underground pipeline facilities locatable. This program must address pipe systems or segments known to have non-locatable pipe; a continuing process for identifying new pipe system or segment locations that are non-locatable; and a requirement to take prompt remedial action when pipelines are exposed during excavation activities or when other inadequate or non-compliant conditions are found. Pipeline operators shall also have a written quality assurance program with procedures for monitoring the locating and marking of underground pipeline facilities. Each operator subject to the requirements of this chapter shall include and report non-locatable pipe system or segment locations as a part of their risk-based integrity program pursuant to §8.209 and §8.101 of this title, relating to Distribution Facilities Replacements, and Pipeline Integrity Assessment and Management Plans for Natural Gas and Hazardous Liquids Pipelines, respectively;

(4) prepare and follow written procedures that implement a program specifying that all plastic pipe must have an electrically conducting wire or other means of locating the pipe while it is underground. Tracer wire may not be wrapped around the plastic pipeline. The operator shall attempt to install the tracer wire directly above the center-line of the plastic pipeline, but may not install the tracer wire more than six inches away from the actual outside edge of the plastic pipeline. The operator shall install the tracer wire so that electrical continuity is maintained throughout the pipeline system. Tracer wire or other metallic components installed for pipe locating purposes must be resistant to corrosion damage;

(5) prepare and follow written procedures that implement a program for the prevention of cross bore type intersections through existing underground structures such as but not limited to sewer, drainage, water and other underground utilities during new pipeline construction installation or other pipeline system or segment replacements;

(6) prepare and follow written procedures that implement a program to minimize

the risks associated with directional drilling and other trenchless technology operations in proximity to underground pipelines. The program procedures shall include actions taken to recognize the dangers associated with these activities and to ensure underground pipelines are adequately located and protected from inadvertent damage. Operators shall ensure that both company and contractor personnel are following safe practices;

(7) cooperate with the Commission and its authorized representatives in the administration and enforcement of the provisions of this chapter; in the determination of compliance with the provisions of this chapter; and in the investigation of violations, alleged violations, accidents, or incidents involving underground pipeline facilities; and

(8) make readily available all company books, files, records, reports, supplemental data, other documents, and information, and shall make readily accessible all company plant, property, and facilities as the Commission or its authorized representative may reasonably require in the administration and enforcement of the provisions of this chapter; in the determination of compliance with the provisions of this chapter; and in the investigation of violations, alleged violations, accidents, or incidents involving underground pipeline facilities.

(k) Each operator subject to the requirements of Chapter 8 of this title (relating to Pipeline Safety Regulations) shall follow safety standards that include but are not limited to installation, operation, maintenance, inspection, and emergency response activities required by this chapter and Title 49 Code of Federal Regulations Parts 191, 192, 193, and 195, as applicable.

(l) Each excavator shall:

(1) cooperate with the Commission and its authorized representatives in the administration and enforcement of the provisions of this chapter; in the determination of compliance with the provisions of this chapter; and in the investigation of violations, alleged violations, accidents, or incidents involving excavation activities in the vicinity of an intrastate underground pipeline containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide; and

(2) make readily available all records, reports, supplemental data, other documents, and information as the Commission or its authorized representative may reasonably require in the administration and enforcement of the provisions of this chapter; in the determination of compliance with the provisions of this chapter; and in the investigation of violations, alleged violations, accidents, or incidents involving excavation activities in the vicinity of an intrastate

underground pipeline containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide.

§18.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Abandoned--A pipeline that is permanently removed from active service, physically disconnected from an operating pipeline system, purged of combustibles, and left in place underground.

(2) Calendar day--Any day of the week, including Saturday, Sunday, and legal holidays.

(3) [~~(1)~~] Damage--Includes but is not limited to:

(A) defacing, scraping, displacement, penetration, destruction, or partial or complete severance of an underground pipeline or of any protective coating, housing, or other protective device of an underground pipeline;

(B) weakening of structural or lateral support of an underground pipeline that affects the integrity of the pipeline; or

(C) failure to properly replace the backfill surrounding an underground pipeline.

(4) [~~(2)~~] Demolish or demolition--Any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives.

(5) Dig-up locate ticket--The record of the notice given by an excavator to a notification center that the excavator has damaged a pipeline.

(6) [~~(3)~~] Emergency--A situation that endangers life, health, or property or a situation in which the public need for uninterrupted service and immediate re-establishment of service if services are interrupted compels immediate action.

(7) [~~(4)~~] Excavate--Movement of earth by any means.

(8) Excavation damage by operator (first party damage)--Damage caused by excavation by an employee of the operator.

(9) Excavation damage by operator's contractor (second party damage)--Damage caused by excavation by an operator's contractor, agent, or other entity working for the operator.

(10) Excavation damage by third party (third party damage)--Damage caused by excavation by entities not working for or acting on behalf of the operator or its agent.

(11) Excavation tolerance zone--The nominal diameter of the underground pipeline plus a minimum of 18 inches from both sides of the locate marking of the underground pipeline on a horizontal plane. Once an underground pipeline is partially exposed or visible in the area of excavation with the approximate route and depth known, then the excavation tolerance zone is a minimum of 18 inches from each outside edge of the actual pipeline.

(12) [~~(5)~~] Excavator--A person that engages in or is preparing to engage in the movement of earth.

(13) Extraordinary circumstance--A tornado, hurricane, ice storm, severe flood, earthquake, or other natural disaster.

(14) [~~(6)~~] Hand digging--Any movement of earth using non-mechanized tools or equipment, soft digging, or vacuum excavation. [~~Hand digging includes but is not limited to digging with shovels, picks, and manual post hole diggers.~~]

(15) [~~(7)~~] Legal holiday--A holiday specified as a legal holiday by Subchapter B, Chapter 662, Texas Government Code. **National legal holidays are New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day. State legal holidays are Confederate Heroes Day, Texas Independence Day, San Jacinto Day, Lyndon Baines Johnson Day, and the Friday after Thanksgiving Day.**

(16) [~~(8)~~] Locate or marking--An operator's or its contract locator's physical demarcation of the location of an underground pipeline.

(17) [~~(9)~~] Locate ticket, line locate ticket, or ticket--The record of the notice of intent to excavate given by an excavator to a notification center in conformance with **§18.3 of this title, relating to Excavator Notice to Notification Center** [~~Texas Utilities Code, §§251.151 and 251.152~~].

(18) [~~(10)~~] Locator--A person **who determines and marks** [~~charged with determining and marking~~] the approximate horizontal location of underground pipeline that may exist within an area either specified by a notice **provided to** [~~served on~~] a notification center or designated by white-lining.

(19) [~~(11)~~] Movement of earth--Any operation in which earth, rock, or other material in the ground, any structure, or any mass of material is moved, removed, disturbed, or otherwise displaced by hand digging, mechanized equipment or tools of any kind, or explosives, and includes but is not limited to augering, backfilling, boring, cable or pipe plowing and driving, compressing, cutting,

demolition, digging, ditching, dragging, dredging, drilling, grading, plowing-in, **probing (other than in response to a line locate ticket, or by a pipeline operator to pinpoint the source of a leak on an underground pipeline),** pulling-in, razing, rendering, ripping, scraping, **sign post or survey device installation at a depth exceeding 12 inches,** tilling of earth at a depth exceeding 16 inches, trenching, tunneling, or wrecking.

(20) [~~(12)~~] Mechanized equipment or tool--A piece of equipment or a tool operated by mechanical power, including but not limited to a tractor, trencher, bulldozer, power shovel, auger, backhoe, scraper, drill, cable or pipe plow and/or driver, and other equipment used to plow in or pull in cable or pipe.

(21) [~~(13)~~] Notification center--A legal entity established and operated pursuant to Texas Utilities Code, Chapter 251, Subchapter C.

(22) [~~(14)~~] Notify, notice, or notification--The completed delivery of information to the person to be notified, and the receipt of that information by that person in accordance with this chapter. The delivery of information includes but is not limited to the use of any electronic or technological means of data transfer.

(23) [~~(15)~~] Operator--A person who operates on his or her own behalf, or as an agent designated by the owner, a pipeline containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide.

(24) [~~(16)~~] Person--Any individual, operator, firm, joint venture, partnership, corporation, association, municipality, or other political subdivision, governmental unit, department or agency, and includes any trustee, receiver, assignee, or personal representative thereof.

(25) [~~(17)~~] Positive response--Notification to an excavator by **either:**

(A) markings left at an excavation site **that allow an excavator to know prior to the beginning of excavation that underground pipelines have been located and marked;** or

(B) notification to an excavator by fax, phone, e-mail, [~~pager,~~]or written correspondence that allows an excavator to know prior to the beginning of excavation [~~that underground pipelines have been located and marked or~~] that there are no underground pipelines in the vicinity of the excavation **area**.

(26) [~~(18)~~] Soft digging--Any movement of earth using tools or equipment that use air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation.

(27) [~~(19)~~] Spot marking--Making **circular markings not to exceed a two-inch**

diameter along the route of a pipeline [~~a circle around the spot where excavation is to take place~~], typically used when standard marking techniques would be considered damaging to property or cannot be used because of limited space.

(28) [~~(22)~~] TDRF--The Texas Damage Reporting Form, the on-line reporting system of the Railroad Commission for use in reporting damage to underground pipelines or violations of this chapter.

(29) [~~(20)~~] Tillage--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.

[~~(21) Tolerance zone--Half the nominal diameter of the underground pipeline plus a minimum of 18 inches on either side of the outside edge of the underground pipeline on a horizontal plane.~~]

(30) [~~(23)~~] Underground pipeline--A pipeline **and all connected appurtenances, laterals, and service lines that are or were used to produce, store, convey, transport, or distribute** [~~containing~~] flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide that is located partially or totally underground.

(31) [~~(24)~~] White-lining--An excavator's designation on the ground of the area to be excavated using white paint, white flags, white stakes, or any combination of these.

(32) [~~(25)~~] Working day--Every day that is not a Saturday, a Sunday, or a legal holiday.

§18.3. Excavator Notice to Notification Center.

(a) An excavator shall request the location of underground pipelines at each excavation site by giving notice to the notification center [~~as required by Texas Utilities Code, Chapter 251~~].

(1) A person who intends to excavate shall notify a notification center not earlier than the 14th working day before the date the excavation is to begin or later than the 48th hour before the time the excavation is to begin, excluding Saturdays, Sundays, and legal holidays, except in an emergency as defined in §18.2 of this title, relating to Definitions.

(2) 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 §18.2 of this title.

(b) An excavator shall include in the notice the method or methods by which the excavator will receive a positive response.

(c) When an excavation site cannot be clearly identified and described on a line locate ticket, the excavator shall use white-lining to mark the excavation area prior to giving notice to the notification center and before the locator arrives on the excavation site.

(d) If an excavation project is too large to mark using white-lining or is so expansive that a full description cannot be provided on a line locate ticket, then the operator and the excavator shall conduct a face-to-face meeting to discuss the excavation activities and to establish protocols for:

(1) the interval between each notice to the notification center;

(2) the scope of each line locate ticket;

(3) the life of each line locate ticket; and

(4) the schedule of work on the excavation and the chronological order in which applicable locate tickets are to be marked.

(e) If an excavation project is not completed at the time a line locate ticket expires, **or when the markings are no longer visible,** the excavator shall refresh the ticket by giving the notice described in subsection (a) of this section. A request to refresh shall be limited to the area yet to be excavated.

(f) An excavator and an operator may agree that the life of a line locate ticket is more than 14 **working** days provided that:

(1) the agreement is in writing; and

(2) the agreement is signed and dated by both the excavator and the operator.

(g) Both the excavator and the operator shall retain a copy of any agreement made pursuant to subsection (f) of this section. **If either the operator or the excavator fails to follow a documented protocol agreement between the operator and the excavator, then the requirements of this chapter apply.**

(h) The excavator shall request one or more line locate tickets as follows:

(1) A locate ticket is limited to an area within a single county that does not exceed:

(A) 2,640 continuous linear feet;

(B) an area 2,640 feet by 2,640 feet; or

(C) an area having a circumference of 2,640 feet.

(2) If the planned excavation is larger than the stated size limitations or crosses one or more county lines, then the excavator shall request additional separate locate tickets.

(i) An excavator shall include in the excavation notice to the notification center:

(1) the name of the person serving the notice;

(2) the location of the proposed area of excavation, including:

(A) the street address, if available, and the location of the excavation at the street address; or

(B) if there is no street address, an accurate description of the excavation area using any available designations such as the closest street, road, or intersection;

(3) the name, address, and telephone number of the excavator or the excavator's company;

(4) the excavator's on-site telephone number, if one is available;

(5) a telephone facsimile number, e-mail address, or another electronic number or address to which an operator may send the notification required by §18.5 of this title, relating to Operator and Excavator Obligations with Respect to Positive Response;

(6) the starting date and time and the anticipated completion date of excavation; and

(7) a statement as to whether explosives will be used.

(j) An excavator shall provide accurate information to the notification center and shall provide contact information and an email address, including the excavator's on-site telephone number. If the excavation site is not accessible by telephone or mobile phone, then the excavator shall provide contact information for an excavator's authorized representative familiar with the excavation site who can respond within one hour of a request from the operator or the Commission.

(k) An excavator that requests the location of underground pipelines in an emergency as defined in §18.2 of this title through a notification center should attempt to provide notice at least two hours before beginning excavation, but shall provide notice before beginning excavation.

§18.4. Excavator Obligation to Avoid Damage to Underground Pipelines.

(a) An excavator shall:

(1) comply with the requirements of §18.3 of this title, relating to Excavator Notice to Notification Center:[~~. An excavator shall also~~]

(2) comply with the requirements of Texas Health & Safety Code, Subchapter H, relating

to Construction Affecting Pipeline Easements and Rights-of-Way**;**[~~, and shall~~]

(3) plan an excavation in such a manner as to avoid damage to and minimize interference with all underground pipelines in the vicinity of the excavation area**;** and [~~shall~~]

(4) take all reasonable steps to protect underground pipelines from damage.

(b) An excavator shall wait the time required by **§18.3 of this title** [~~Texas Utilities Code, Chapter 251~~], before beginning excavation.

(c) Prior to excavation, an excavator shall confirm that a copy of a valid locate ticket for the location is in the possession of the excavator's designated representative and can be obtained from the representative or can be provided within one hour of a request from the operator or the Commission. **The excavator's on-site representative shall have immediate access to the locate ticket either in paper form or through an on-site electronic device for review prior to and during the excavation event pursuant to §18.10 of this title, relating to Excavation Tolerance Zone.**

(d) Prior to excavation, an excavator shall verify that it is at the correct location as specified on the locate ticket; shall verify white-lining; and, to the best of the excavator's ability, shall make a visual check for any unmarked underground pipelines. Checking for unmarked underground pipelines includes, but is not limited to, looking for additional pipeline line markers, such as painted fence post-type markers, aboveground pipeline valves, meter sets, regulator stations, or rectifier units.

(e) An excavator shall not begin **or continue** excavating until a second notice is given to the notification center for the area if:

(1) the excavator has knowledge of the existence of an underground pipeline and has received an "all clear" or a "no conflict" response from an operator;

(2) the excavator observes clear evidence (such as a line marker or an above-ground fixture) of the presence of an unmarked underground pipeline in the area of the proposed excavation **or becomes aware of an unmarked pipeline during excavation activities**, and has received an "all clear" or a "no conflict" response from an operator;

(3) there is no positive response for the excavation area; [~~or~~]

(4) the positive response is unclear or obviously erroneous (for example, for a different location or for a different type of underground facility)**; or**

(5) the positive response by on-site locate markings has been destroyed or has become illegible.

(f) If an excavator has given a second notice in accordance with this section and there is no

positive response within four hours, the excavator may begin **or continue** excavating.

(g) An excavator shall protect and preserve locate markings from the time the excavator begins work until markings are no longer required for the proper and safe excavation in the vicinity of all underground pipelines.

(h) Each excavator that damages an underground pipeline shall notify the operator of the damage through the notification center **by calling 811, and by calling the pipeline operator directly if contact information is known,** immediately but not later than two hours following the damage incident. **First party excavators may report damages directly to the operator and are not required to call 811.** An excavator that damages an underground pipeline shall not cover the exposed pipeline without approval of the operator.

(i) An excavator that damages an underground pipeline shall not perform repairs, unless the repairs are authorized by the pipeline operator and performed in accordance with applicable safety standards.

§18.5. Operator and Excavator Obligations with Respect to Positive Response.

(a) Upon being contacted by the notification system, an operator shall provide a positive response **for all underground pipelines at all depths for all locate tickets** within the **specified** time frames [~~specified in Texas Utilities Code, Chapter 251~~], by either:

(1) marking the operator's underground pipelines in accordance with the requirements of [~~Texas Utilities Code, Chapter 251, and~~] this chapter **not later than:**

(A) the 48th hour after the time the excavator gives to the notification system notice of intent to excavate, excluding Saturdays, Sundays, and legal holidays;

(B) 11:59 a.m. on the Tuesday following a Saturday notification unless the intervening Monday is a holiday; or

(C) 11:59 a.m. on the Wednesday following a Saturday notification if the intervening Monday is a holiday; or

(2) notifying the excavator that the operator has no underground pipelines in the vicinity of the proposed excavation area. The operator shall provide this "all clear" or "no conflict" notice using the method or methods that the excavator specified in accordance with §18.3 of this title, relating to Excavator Notice to Notification Center.

(b) Both the excavator and the operator shall make a record of the positive response regarding

each line locate ticket received.

(c) An excavator that gives a second notice to the notification center pursuant to **§18.4** [~~§18.4(c)~~] of this title, relating to Excavator Obligation to Avoid Damage to Underground Pipelines, because an operator failed to provide a positive response to an excavator **is encouraged to** [~~shall~~] report that fact to the Commission through TDRF as set forth in §18.11 of this title, relating to Reporting Requirements. An excavator **is** [~~shall~~] also **encouraged to** report an operator's failure to provide a positive response to a second call to the Commission through TDRF as specified in §18.11 **of this title**.

(d) An operator that receives a notice of damage to its underground pipeline **directly or** through a notification center pursuant to **§18.11** [~~§18.11(b)~~] of this title[~~, relating to reporting requirements,~~] shall respond within four hours.

(e) An operator that receives a locate notice directly or through a notification center in an emergency as defined in §18.2 of this title, relating to Definitions, should attempt to respond within two hours, but shall respond within four hours.

(f) An excavator and an operator may agree to extend the response time for a line locate ticket that requires excavation by the operator to locate and mark the underground pipeline.

(1) The agreement must be in writing and completed within the response time specified in subsection (a) of this section; must be signed and dated by both the excavator and the operator; and both the excavator and the operator must retain a copy of the agreement.

(2) If either the operator or the excavator fails to follow a documented protocol agreement between the operator and the excavator, then the requirements of this chapter apply.

§18.6. General Marking Requirements.

(a) At a minimum, all markings shall conform to the requirements of American Public Works Association (APWA) Uniform Color Code (ANSI Standard Z535.1, Safety Color Code).

(b) Markings **are** [~~shall be~~] valid for an excavation site [~~for 14 days~~] from the time a positive response is given **until the expiration date and time of the locate ticket**, unless the markings were placed in response to an emergency and the emergency condition has ceased to exist.

(c) If a line locate ticket has been refreshed pursuant to **§18.3** [~~§18.3(c)~~] of this title, relating to Excavator Notice to Notification Center, then the operator shall either ensure that **the** markings are still **accurate and** visible [~~and valid~~] or **provide new locate markings** [~~shall re-mark~~].

(d) [~~(c)~~] If the use of **a** line marking **method** may permanently damage property (driveways,

landscaping, historic locations to the extent boundaries are known), a locator shall use spot marking or another suitable marking method or methods.

§18.7. Excavator Marking Requirements.

(a) Prior to giving notice pursuant to §18.3 of this title, relating to Excavator Notice to Notification Center, an excavator shall mark, if applicable according to **§18.3** [~~§18.3(c)~~], the specific excavation area using white paint flags, or stakes, whichever is most visible for the terrain.

(b) An excavator shall mark the area of excavation using intervals that show the direction of the excavation.

§18.8. Operator Marking Requirements.

(a) A locator shall use all information necessary to mark **all** underground pipelines **at all depths for all locate tickets received by the operator from a notification center for excavation activities** [~~accurately~~].

(b) Locators shall mark the approximate center line of an underground pipeline **which shall be:**

(1) within the body of the pipe on a horizontal plane for pipelines greater than 12 inches in nominal diameter; or

(2) within 12 inches of the actual pipeline outside edge on a horizontal plane for pipelines 12 inches or less in nominal diameter.

(c) If, in the process of **locating and** marking an underground pipeline, a locator discovers**, becomes aware of, or has knowledge of** a customer-owned underground pipeline **supplied by the operator, or an abandoned underground pipeline that is currently or was previously owned or operated by the pipeline operator, or is in an easement or right-of-way owned by the pipeline operator**, the locator shall make a reasonable effort to advise the excavator of the presence of the customer-owned **or abandoned** underground pipeline.

(d) Where a proposed excavation crosses an underground pipeline, **a pipeline locator shall place** markings [~~shall be~~] at intervals that clearly define the route of the underground pipeline, to the extent possible.

(e) A locator shall mark underground pipelines by means of stakes, paint, flags, or a combination of two or more of these. The **locator shall consider the** terrain, site conditions, and type and extent of the proposed excavation [~~shall be considered~~] in determining the most suitable means for marking

underground pipelines.

(f) A locator shall mark at sufficient intervals to indicate clearly the approximate horizontal location and direction of the underground pipeline or pipelines. The distance between any two marks indicating the same line shall not exceed 20 feet; however, a shorter distance between marks may be necessary because of site conditions or directional changes of the underground pipeline.

(g) **A locator shall include the size in inches at every other mark** [~~Markings~~] of an underground pipeline [~~greater than six inches in nominal outside dimension shall include the size in inches at every other mark~~]. **For pipelines with a nominal diameter that falls between a full-inch size delineation, then the next highest full-inch size number shall be used. In addition to indicating pipe size, the locator shall also include pipe material at every other mark using "STL" for steel and "PLA" for plastic. For other pipe materials, refer to the marking guidelines in the Common Ground Alliance, Best Practices, Appendix B for infrastructure materials**.

(h) A locator shall extend all markings, if practical, at least one additional mark beyond the boundaries of the specific location of the proposed work as detailed on the line locate ticket.

(i) A locator shall make paint marks approximately eight to ten inches in length and one to two inches in width except when spot marking is necessary. A locator shall make a minimum of three separate marks for each underground pipeline marking.

(j) A locator shall not rely solely on the use of hand tools, maps, or an electronic device as the single method for determining the horizontal location of an underground pipeline in response to a line locate ticket.

(k) Each locator for a pipeline operator subject to the requirements of Chapter 8 of this title (relating to Pipeline Safety Regulations) shall be trained to the operator qualification program standards in Title 49, Code of Federal Regulations, Part 192 or 195.

(l) Each operator subject to the requirements of this chapter shall provide to its designated one-call notification center:

(1) all maps, grid locations, buffer zones, and other identifiers of the area of notification; and

(2) as they occur, but no later than 10 calendar days before initiation of active service, all updates to maps, grid locations, buffer zones, and other identifiers of the area of notification for new pipeline installations, additions to existing pipelines, or other changes to the existing location or route of underground pipelines.

§18.9. Options for Managing an Excavation Site in the Vicinity of an Underground Pipeline.

(a) After complying with the notice requirements of §18.3 of this title, relating to Excavator Notice to Notification Center, an excavator and an operator may jointly establish the protocols applicable to an excavation site in the vicinity of underground pipelines based on the particular characteristics of each job. The protocols applicable to an excavation site may:

(1) designate the contact person or persons for each entity working at an excavation site;

(2) establish the required mode or modes of communication among all entities working at an excavation site, e.g., telephone or other electronic means or face-to-face meetings at prescribed times or intervals;

(3) provide the method for coordinating work activities among all entities working at an excavation site;

(4) provide for the ownership and/or possession of the locate ticket or tickets;

(5) declare which entity or entities must have the locate ticket or locate ticket number before beginning work;

(6) state the life of a locate ticket and the circumstances that require refreshing the locate ticket;

(7) state the schedule of work on the excavation and, if applicable, the chronological order in which applicable locate tickets are to be located;

(8) designate the extent of the **excavation** tolerance zone, provided that it shall not be less than **that established in §18.2 of this title, relating to Definitions,** [~~half the nominal diameter of the underground pipeline plus a minimum of 18 inches on either side of the outside edge of the underground pipeline on a horizontal plane~~] and the type of excavation permitted within the **excavation** tolerance zone; and

(9) provide for any other agreement with respect to excavation activities and/or marking requirements that will or will tend to ensure the proper and safe excavation in the vicinity of an underground pipeline.

(b) If an excavator and an operator jointly establish protocols pursuant to this section, both the excavator and the operator shall make and retain a record of the agreement. **The record of a protocol agreement between an operator and an excavator shall be documented and shall be signed and dated by both the excavator and the operator. If either the operator or the excavator fails to follow a documented protocol agreement between the operator and the excavator, then the requirements**

of this chapter apply.

§18.10. Excavation [~~within~~] Tolerance Zone.

(a) An excavator shall comply with the requirements of Texas Health & Safety Code, Subchapter H, relating to Construction Affecting Pipeline Easements and Rights-of-Way.

(b) When excavation is to take place within the specified **excavation** tolerance zone, an excavator shall exercise such reasonable care as may be necessary **during the excavation event** to prevent damage to any underground pipeline in or near the excavation area. Methods to consider, based on certain climate or geographical conditions, include hand digging when practical, soft digging, vacuum excavation methods, **or** pneumatic hand tools **for consolidated rock or similar soil conditions**. Other mechanical methods or other technical methods that may be developed may be used with the approval of the underground pipeline operator. Hand digging and non-invasive methods are not required for pavement **or concrete** removal. **Once an excavator has determined by hand digging the location of the underground pipeline where the actual pipeline facility is partially exposed or visible in the area of excavation with the approximate route and depth known, then the excavator may continue excavation with caution using reasonable care and safe excavation practices.**

(c) An excavation event begins on the date and at the time that the movement of earth first begins and continues until the date and time that the movement of earth is completed. The excavation event includes the final backfilling of the excavation area and returning structural or lateral support of all underground pipelines in the excavation area to their original condition prior to the commencement of the movement of earth.

§18.11. Reporting Requirements.

(a) Each operator [~~of an underground pipeline~~] shall report to the Commission all damage to **the operator's** [~~its~~] pipelines caused by an excavator **at all depths, including first party damage, second party damage, and third party damage. In addition, each operator shall report to the Commission the number of all fatalities and all injuries resulting from excavation damage to the operator's pipelines occurring at the excavation site and on the date of the excavation damage, including those injuries not requiring in-patient hospitalization**. Within **30 calendar** [~~10~~] days of the damage incident or of the operator's actual knowledge of the damage incident, an operator shall submit the information to the Commission **using the** [~~through~~] TDRF, which may be accessed **through the online reporting**

system link on the Commission's website at http://www.rrc.state.tx.us/onlinefilings/tdr.php [~~at http://www.rrc.state.tx.us/formpr/index.html~~] using its assigned operator identification code.

(b) Each excavator that damages an underground pipeline shall notify the operator of the damage through the notification center **by calling 811 and by calling the pipeline operator directly if contact information is known,** immediately but not later than two hours following the damage incident. **First party excavators may report damages directly to the operator and are not required to call 811.** The excavator shall also submit report of the damage incident to the Commission using TDRF, which may be accessed **through the online reporting system link on the Commission's website at http://www.rrc.state.tx.us/onlinefilings/tdr.php** [~~at http://www.rrc.state.tx.us/formpr/index.html and the excavator sign-in~~], within **30 calendar** [~~10~~] days of the incident**, except for excavation damage by first party excavators**.

(c) Each excavator that makes an additional call to the notification center pursuant to **§18.4** [~~§18.4(c)~~] of this title, relating to Excavator Obligation to Avoid Damage to Underground Pipelines, because the excavator did not receive a positive response, **is encouraged to** [~~shall~~] report that fact to the Commission through **the** TDRF. An excavator **is** [~~shall~~] also **encouraged to** report an operator's failure to provide a positive response to a second call to the Commission through **the** TDRF.

(d) An emergency response official, a member of the general public, or another person aware of damage to an underground pipeline **may** [~~is encouraged to~~] submit an incident form using **the** TDRF, which can be accessed **through the online reporting system link on the Commission's website at http://www.rrc.state.tx.us/onlinefilings/tdr.php** [~~at http://www.rrc.state.tx.us/formpr/index.html~~]. Entries can be made through the **listed link to enter a new** general public **report** [~~or emergency response official sign-in~~].

(e) Each operator of an underground pipeline shall give written notice of the TDRF reporting requirements of this chapter to the excavator causing damage to its pipelines within 10 calendar days of the damage incident or of the operator's actual knowledge of the damage incident. The operator shall advise the excavator of the following specific information pertaining to the damage incident required to be reported to the Commission through the TDRF:

(1) the date and time of the incident;

(2) the physical street address or location of the incident;

(3) the city and county of the incident;

(4) the name of the pipeline operator;

(5) the name and telephone number of the operator's contact person;

(6) the name of the excavator;

(7) the name, telephone number, and mailing address of the excavator's contact person;

(8) the numbers of the original and dig-up locate tickets, if available;

(9) the GPS coordinates in decimal degrees NAD 83 format at the point of damage, if available;

(10) instructions on filing electronically with the Commission through the TDRF; and

(11) the Commission's pipeline damage prevention contact telephone number for further assistance and the Commission's internet website to locate the regulatory requirements of this chapter.

(f) If damage to a pipeline from excavation activity causes the release of any flammable, toxic, or corrosive gas or hazardous liquid from the pipeline that may endanger life or cause serious bodily harm or damage to property or the environment, the excavator shall immediately report the release to appropriate emergency response authorities by calling 911.

(g) Each operator of an underground pipeline that experiences an extraordinary circumstance, as that term is defined in §18.2 of this title, relating to Definitions, shall notify the Commission, each one-call notification center operating in Texas, and each excavator that has a pending locate request in the area where the extraordinary circumstance is being experienced. The notification shall include:

(1) the fact that the operator is experiencing an extraordinary circumstance;

(2) the nature and location of the extraordinary circumstance;

(3) the expected duration of the situation and the approximate time at which the operator will be able to resume excavation locate ticket processing;

(4) the name and telephone number of the individual that the notification system or excavator can contact if there is an emergency that requires the operator's immediate attention; and

(5) the approximate time at which the operator will locate and mark the excavator's pending locate tickets affected by the extraordinary circumstance.

(h) Each operator shall investigate excavation damages to an underground pipeline on-site

after repairs are completed but before the damage site is backfilled and covered. Each operator shall collect and verify all investigation information relating to the pipeline excavation damage incident required to be submitted using the TDRF. Investigation information includes but is not limited to:

(1) measurement of pipeline damage depth;

(2) measurement of distance to visible locate markings from pipeline location and dated pictures or sketches with distance from locate markings to fixed objects to document actual placement of locate markings can also be used for supplemental documentation;

(3) the original and dig-up locate ticket numbers;

(4) an explanation of any difference between the actual physical damage location address and the pipeline operator designated service location address of the damaged pipeline; and

(5) any other information related to the excavation damage incident that the Commission may request.

(i) Each excavator shall investigate excavation damages to an underground pipeline on-site after repairs are complete and the area has been made safe, either on the date of the excavation damage, or at a minimum the next day after the excavation damage incident. Each excavator shall collect and verify all investigation information relating to the pipeline excavation damage incident required to be submitted using the TDRF. Investigation information includes but is not limited to:

(1) measurement of pipeline damage depth;

(2) measurement of distance to visible locate markings from pipeline location and dated pictures or sketches with distance from locate markings to fixed objects to document actual placement of locate markings can also be used for supplemental documentation;

(3) the original and dig-up locate ticket numbers; and

(4) any other information related to the excavation damage incident that the Commission may request.